

ATTACHMENT A – Appeal Forms



County of San Diego, Planning & Development Services
APPEAL APPLICATION
ZONING DIVISION

ATTACHMENT A
RECEIVED
JUL 21 2025
Planning and
Development Services

APPEAL TO:

- ☒ Board of Supervisors
☐ Planning Commission
☐ Administrative Appeal
(Requires Deposit & [PDS-346](#))

FOR OFFICIAL USE ONLY		
Thomas Guide Map	Code _____ Fee _____	Record ID <u>PDS 2025-AA-25-002</u>
Community Plan Area <u>Valle De Oro</u>		
General Plan Designation _____		Zone _____

APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE

Site Address	Number	Street	City	Zip	Assessor's Parcel Number
Cottonwood Cajon ES LLC	3121	Willow Glen Drive	El Cajon	92019	See attached list
Appellant's Name	Last	First	Middle	Owner's Name	
	9663	Santa Monica Blvd, Ste 974			
Mailing Address	Number	Street	Mailing Address		
	Beverly Hills	90210			
	City	Zip			
310-275-4425	310-275-4425				
Telephone	Telephone				

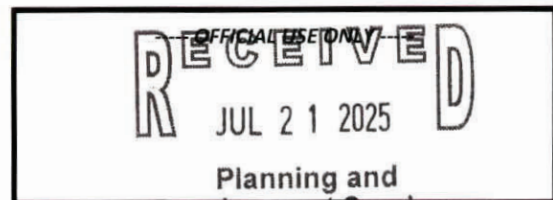
REQUEST: Clearly define all items requested in the appeal. Submit plans if necessary, to illustrate request.

Take the actions set forth in the Applicant's Alternative Hearing Report: (1) Find and determine Project complies with CEQA, RPO and WPO; (2) Certify Project EIR and adopt CEQA Findings of Fact and Statement of Overriding Considerations; (3) Adopt Project MMRP; and (4) Grant MUP PDS2018-MUP-18-023 and Reclamation Plan PDS2018-RP-001, make required findings, and adopt Conditions of Approval.

JUSTIFICATION: Attach additional sheets if necessary. See attached.

Michael Schlesinger
Signature of Appellant

Officer, Cottonwood Cajon ES LLC
If Company Officer – indicate Company Name and function
(Please print)



5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 694-8985 • (888) 267-8770

[HTTP://WWW.SDCPS.ORG](http://www.sdcps.org)



COTTONWOOD SAND MINE PROJECT APPEAL
PROJECT SITE ASSESSOR'S PARCEL NUMBERS

506-020-52
506-021-19
518-012-13
518-012-14
518-030-05
518-030-06
518-030-07
518-030-08
518-030-10
518-030-12
518-030-13
518-030-15
518-030-21
518-030-22
519-010-15
519-010-17
519-010-20
519-010-21
519-010-33
519-010-34
519-010-37
519-011-03

COTTONWOOD SAND MINE PROJECT APPEAL
APPEAL JUSTIFICATION

Cottonwood Cajon ES LLC, (“Applicant”), the Applicant for the Cottonwood Sand Mine Project (“Project”) appeals the July 9, 2025 disapproval (by way of a split 3-3 vote) of Commissioner Edwards’ motion to approve and adopt the actions and findings requested in the Applicant’s Alternative Planning Commission Hearing Report.¹

The Applicant’s Alternative Planning Commission Hearing Report was submitted to County Staff for distribution to the Planning Commission on June 9, 2025, and is already part of the record on appeal to the Board of Supervisors. Nonetheless, the Applicant’s Alternative Planning Commission Hearing Report is attached hereto and incorporated herein by reference, as it provides additional details justifying this appeal.

On appeal, the Applicant is asking the County Board of Supervisors to overturn the Planning Commission’s split 3-3 disapproval and take the following actions:

1. Find and determine that the Cottonwood Sand Mine Project complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*) (“CEQA”) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*), the County of San Diego Resource Protection Ordinance and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance;
2. Certify the Cottonwood Sand Mine Project Final EIR and adopt the CEQA Findings of Fact, including the Statement of Overriding Considerations incorporated therein;
3. Adopt the Project’s Mitigation Monitoring and Reporting Program;
4. Grant MUP PDS2018-MUP-18-023 and Reclamation Plan PDS2018-RP-001, make the findings, and impose the requirements and conditions as set forth in the Form of Decision prepared by the Applicant.

The following describes the grounds and justifications for the Applicant’s appeal.

¹ No majority consensus on the merits of the Project was reached by the Planning Commission. Under County Policy PC-2, the Planning Commission can only act by a vote of at least four of its members on any application over which the Commission has original jurisdiction. Where four votes are not secured, the application is “deemed disapproved.”

JUSTIFICATION #1:**PLANNING COMMISSION COULD NOT COME TO A MAJORITY DECISION.**

The Board of Supervisors should grant the appeal and approve the Project because a majority of the Planning Commission was unable to come to a consensus.

At the July 9, 2025, hearing on the Project, the Planning Commission failed to reach a majority decision on whether to approve or deny the Cottonwood Sand Mine Project, resulting in a 3-3 split vote on both a motion to deny the Project and a separate motion to approve the Project. This procedural deadlock does not constitute a definitive denial of the Project on its merits, but rather reflects the six-member Commission's inability to form a consensus on the Project. Where no majority decision is rendered, the Board of Supervisors retains full discretion to independently evaluate the record and determine whether the required findings for the Project's approval can be made. As discussed in detail within the Applicant's Alternative Planning Commission Hearing Report, as well in the additional justifications provided below, the Board of Supervisors should grant the appeal and approve the Project. Doing so would not only fulfill the County's mineral resource and infrastructure needs, but also advance the County's long-term environmental and open space goals in a manner consistent with CEQA, the County's General Plan, and the County Code.

JUSTIFICATION #2:**SAN DIEGO COUNTY HAS A CRITICAL NEED FOR THIS PROJECT.**

The Board of Supervisors should grant the appeal and approve the Project because this Project proposes to provide reliable, high-quality construction aggregate product in the amount of 570,000 tons per year. Aggregate material extracted from the site would consist primarily of washed sand suitable for Portland cement concrete ("PCC"), a resource that is foundational to the construction of roads, homes, schools, hospitals, and other critical infrastructure that support San Diego County's population. ***For this reason, the Project is supported by the Association of General Contractors, the Carpenters Union Local 619, and various builders and local business owners.***

The extraction of PCC-grade sand is a declared public necessity in San Diego County. As codified in County Code, section 87.701, the County Board of Supervisors has formally recognized that mineral extraction "is essential to the continued economic well-being of the County of San Diego." This policy is reinforced by the County's General Plan Update EIR, which identifies construction aggregates (particularly sand, gravel, and crushed rock) as the most economically important mineral resources in the region, declaring that

“[e]nsuring that mineral resources production can keep pace with rapid population expansion has been a planning issue in the County for many years.” And further, “locally permitted construction aggregate supply has not kept up with demand, resulting in San Diego now having the highest prices for aggregate in any region in the State.”

PCC-grade sand is both scarce and indispensable. Due to strict specifications set by agencies such as Caltrans and the U.S. Army Corps of Engineers, only certain high-quality sand deposits are suitable for use in PCC. The County’s General Plan EIR confirms that PCC-grade sand is the scarcest and most valuable form of aggregate in the County, and that environmental and regulatory constraints have made it increasingly difficult to permit new extraction sites, due in significant part to the fact that these materials are located in in-stream and floodplain areas.

The mineral resources available for extraction within the County have dwindled, even though continued development, including housing development, within the County requires more resources. While there were 25 active sand mine sites in San Diego County in 1980, that number reduced to 8 active sand mines in 1995, and reduced to two active sand mines by 2015. In 2025, there is now only one active sand mine within the County. As a result, locally permitted construction aggregate supply has not kept up with demand, which has increased over that same 45-year horizon. ***As a result, San Diego County has the highest aggregate prices in California, driven in part by a shortage of local supply and the need to import sand from distant sources, including Mexico.***

San Diego County’s reliance on imported aggregate is not sustainable. The County’s dependence on imported aggregates:

- Imperils the region’s construction jobs;
- Works directly against housing affordability;
- Increases regional greenhouse gas emissions from the miles traveled importing sand from far afield;
- Leaves the region vulnerable to supply chain disruptions, including those from tariffs, given our dependence on aggregate from Mexico.

Transporting sand over long distances increases construction costs, especially for housing and infrastructure projects that are already strained by high prices. It also contributes significantly to regional greenhouse gas emissions at a time when both the County and the state are working to reduce emissions and meet climate goals. Importing sand, especially over an international border exposes the County to supply chain disruptions, including those resulting from tariffs. Continuing to rely on distant imports works directly against regional affordability and environmental targets.

This Project offers a rare opportunity to secure a long-term, local source of PCC-grade sand that can meet approximately 25% of the County’s annual demand. By doing so, it will stabilize prices, reduce environmental impacts from transportation, and ensure that the County can continue to meet its infrastructure and housing needs in a cost-effective and environmentally responsible manner.

The California Geological Survey has classified the Project site as Mineral Resource Zone 2 (“MRZ-2”), a classification that identifies areas where significant and valuable mineral deposits are known to exist or are highly likely to be present. MRZ-2 is the highest designation in the state’s Mineral Land Classification system under the Surface Mining and Reclamation Act (“SMARA”). It signals to local agencies that these areas are important for long-term mineral supply. By identifying and protecting MRZ-2 areas, California aims to ensure a sustainable supply of these critical resources. SMARA requires local agencies, such as San Diego County, to consider these zones and the valuable mineral resources within them in their land use planning processes. Local agencies must recognize and evaluate the importance of MRZ-2 areas when making zoning and development decisions. The Board of Supervisors must do so when it considers this appeal.

JUSTIFICATION #3:

THE GROUNDS CITED FOR VOTING AGAINST THE PROJECT ARE INCONSISTENT WITH THE PROJECT DESCRIPTION AND THE COUNTY CODE.

The Board of Supervisors should grant the appeal and approve the Project because the only stated justifications for denying the Project given by Planning Commissioners on July 9, 2025, are directly contradicted by the Project description and the County’s own Zoning Code.

Again, no majority vote was reached at the July 9, 2025 Planning Commission hearing. Three Commissioners (Weber, Calvo, Pallinger) voted in favor of County Staff’s recommendation to deny the Project and against the Applicant’s requested actions. However, these Commissioners did not point to or seem to rely on any substantial evidence supporting the conclusion that the Project’s Major Use Permit (“MUP”) findings could not be made.

The Project cannot be denied on grounds it proposes a “heavy industrial” use, given the Zoning Code does not permit industrial at this site, and the Project does not propose an industrial use per the definitions in the County Code.

In support of her motion to approve County Staff’s recommendation to disapprove the Project, Commissioner Weber stated that she opposed the Project because it proposed a

“heavy industrial use” near a residential neighborhood. Specifically, Commissioner Weber said: “[W]e are talking about going from a recreation use to a **heavy industrial use** which is why we are seeing a Staff recommendation that is to deny an MUP which is not normal here for Planning Commission staff. . . It’s an industrial use next to a suburban neighborhood.” (Emphasis added.) In support of her decision to second Commissioner Weber’s motion, Commission Calvo similarly stated, “In this case you’re **putting an industrial use** in the middle of a residential area and I wouldn’t be able to support that.” (Emphasis added.) However, these statements are not true. The Project does not propose an industrial use at this site. Industrial uses are not permitted on this site. The County Zoning Code distinguishes between industrial uses and extractive uses, which is what is proposed as part of this Project. Extractive uses are clearly permitted and planned for at this site.

Specifically, the County Zoning Code identifies five categories of industrial uses: Basic Industrial (M50), Limited Impact Industrial (M52), General Impact Industrial (M54), Mixed Industrial (M56+), and High Impact Industrial (M58). The County Zoning Code describes “industrial use types” as including manufacturing plants, rail and trucking facilities, fabrication of materials and products, and similar. (See, e.g., County Zoning Ordinance, §§ 2500, 2520, 2540, 2560, 2580.) ***None of these uses are proposed as part of this Project.***

The Project, instead, proposes ***extractive uses***, which are defined, described, and regulated in the Zoning Code ***wholly separate from industrial uses***. “Extractive uses” include mining and processing and site preparation. (See e.g., County Zoning Ordinance, § 2820 [“Extractive Use Regulations”].) The Zoning Code controls extractive uses in wholly separate sections of the code from industrial uses. There is no support for denying the Project on grounds “heavy industrial” uses are incompatible with residential. The Project does not propose “heavy industrial” uses, nor could it, without a Zoning Code Amendment.

The Project does not postpone site restoration for “a decade.”

Commissioner Weber’s second stated ground for voting against the Project was that the Project would not restore the site until “a decade after neighborhood impacts.” But this is not true. As described in detail within the Final EIR, the Applicant’s Alternative Planning Commission Hearing Report, the County’s own Planning Commission Staff Report, and in presentations given on July 9, 2025 by both the Applicant and County Staff, ***restoration of the Project site would occur on an ongoing basis***, not “a decade after neighborhood impacts.” This stated ground for voting to disapprove the Project is not consistent with the Project description or the whole of the administrative record.

Given the Project was disapproved due to the type of use proposed, despite that use being expressly permitted by the Zoning Code, the Project's merits were not fairly considered.

Given that at least two commissioners stated they were denying the Project on the basis they did not believe mining should be permitted on this site, despite the fact that mining is expressly permitted in the Zoning Code on this site, indicates that the Project was doomed at the outset. In other words, despite being consistent with the County's Zoning Code, the Commissioners' statements that this "heavy industrial use" should not occur in the vicinity of existing residential indicate that there was no chance of this Project *ever* being approved, no matter how responsibly designed and no matter how it was conditioned. Commissioner Weber specifically noted County Staff's recommendation to deny an MUP for a use that is expressly permitted "is not normal," further reiterating that this Applicant and this Project were not provided a fair chance at Project approval.

For all of these reasons, the justifications given for denying the Project were not based on substantial evidence. The Board of Supervisors should therefore grant the appeal and approve the Project.

JUSTIFICATION #4:

SUBSTANTIAL EVIDENCE IN THE RECORD SUPPORTS PROJECT APPROVAL.

The Board of Supervisors should grant the appeal and approve the Project because ample substantial evidence in the record supports each and every MUP, Reclamation Plan, and CEQA finding required by law.

As laid out in detail within the Applicant's Alternative Planning Commission Hearing Report, and in the Applicant's presentation on July 9, 2025, substantial evidence in the administrative record supported the required findings for approval of the Project's MUP and Reclamation Plan. The Final Environmental Impact Report ("Final EIR"), prepared under the supervision of County staff and based on more than 25 technical studies, concluded that all environmental impacts—except for aesthetics—can be mitigated to a level of less than significant. The Final EIR's conclusions are supported by enforceable mitigation measures, including those addressing noise, air quality, traffic, and biological resources. The only significant and unavoidable impact identified relates to non-permanent visual changes during phased mining. This was addressed to the extent feasible through screening, minimized mining areas, progressive reclamation and ongoing restoration.

The Planning Commission's split 3-3 vote does not negate the fact that the Project is consistent with the County's General Plan and Zoning Ordinance. The site is zoned S80, S88, and S90, *all of which allow extractive uses with a Major Use Permit*. The Project

also aligns with General Plan policies promoting the conservation and development of mineral resources, particularly PCC-grade sand, which is both scarce and essential for infrastructure and housing development in the region. The California Geological Survey has designated the site as MRZ-2, indicating the presence of significant mineral deposits. Under SMARA, *the County is required to consider and protect such resources in its land use decisions*. There is no evidence the Planning Commission did so on July 9, 2025.

The Applicant's Alternative Planning Commission Hearing Report also described how substantial evidence in the record indicates that the Project will result in long-term environmental and public benefits. Upon completion, approximately 148 acres of the site will be restored and offered to the County as permanent open space at no cost. This restored land will include high-quality riparian, wetland, and upland habitats, enhancing regional biodiversity and ecological connectivity. The Project's phased reclamation plan ensures that habitat restoration occurs continuously throughout the life of the mine, rather than being deferred until the end of operations. This approach not only minimizes disruption but also accelerates the delivery of public benefits.

Finally, the Applicant has demonstrated that the Project is uniquely suited to meet the County's urgent need for local aggregate supply. With only one active sand mine currently operating in San Diego County, the Cottonwood Sand Mine Project would provide approximately 25% of the County's annual demand for PCC-grade sand. This would reduce reliance on imported materials, lower construction costs, and decrease greenhouse gas emissions associated with long-distance transport. These benefits, combined with the Project's environmental enhancements and legal consistency with County policies, provide ample justification for the Board of Supervisors to grant the appeal and approve the Project.

JUSTIFICATION #5:

NO SUBSTANTIAL EVIDENCE IN THE RECORD SUPPORTS PROJECT DENIAL.

Like Commissioner Edwards' motion to approve the Project (by taking the actions requested in the Applicant's Alternative Planning Commission Hearing Report), Commissioner Weber's motion to adopt the County Planning Commission Staff Report's recommendation to deny the Project also failed with a split 3-3 vote.

As explained in the Applicant's Alternative Planning Commission Hearing Report, the County Planning Commission Staff Report's recommendation to deny the Cottonwood Sand Mine Project was based solely on the assertion that two of the six required MUP findings could not be made—specifically, Finding 3 (regarding harmful effect on neighborhood character) and Finding 5 (regarding site suitability). These conclusions are

not supported by, and are in fact disproved by, substantial evidence in the administrative record. The Final EIR provides ample evidence that both findings can be made.

With respect to Finding 3, the County Planning Commission Staff Report claims the Project would create a nuisance from dust and noise, and would harm neighborhood character. Yet, the Final EIR determined that impacts associated with dust, noise, and traffic would all be less than significant, based on modeling and mitigation measures that meet or exceed County thresholds. Neither the County Planning Commission Staff Report, nor any Planning Commissioner at the July 9, 2025 hearing, cited any contrary evidence nor explained why the Final EIR's conclusions—developed through expert analysis and peer-reviewed studies—on these points should be disregarded. While County Staff stated at the July 9, 2025 hearing that letters submitted to the County in opposition to the Project constituted the “evidence” that MUP Findings could not be made, case law is clear this does not constitute “substantial evidence” under the law.

Similarly, a conclusion that the site is unsuitable for the proposed use under Finding 5 ignores the Project's consistency with the site's zoning and General Plan designations, as well as the site's classification as a MRZ-2 by the California Geological Survey. This designation identifies the site as containing significant mineral deposits suitable for PCC-grade sand—resources that are both scarce and essential to the County's infrastructure and housing needs. An assertion that the site is unsuitable because it is located in a suburban setting is not a legally relevant standard and disregards the Project's design features, phased reclamation plan, and long-term environmental benefits. Commissioner Weber and Commissioner Calvo stated at the July 9, 2025 hearing that this finding could not be made because of the site's location near residential homes—but, again, given that this use is expressly permitted by the site's zoning designations, and given the findings of the Final EIR, the presence of residential use alone does not indicate that Finding 5 cannot be made.

To the extent that Planning Commissioners failed to approve the Project on the basis that this MUP finding could not be made, there was no substantial evidence cited to support this conclusion—no citations to evidence in the County Planning Commission Staff Report, in public testimony, in Planning Commissioner deliberations, or elsewhere in the record. Further, any conclusion that Finding 3 or Finding 5 cannot be made fails to engage with the Project's unique phasing plan, which limits active mining to subphases of no more than 30 acres at a time and ensures that reclamation and revegetation occur continuously throughout the life of the mine. This approach minimizes disruption and accelerates the delivery of restored open space, yet this key aspect of the Project description seems to have been entirely overlooked by the Commissioners voting to deny the Project. The Board of

Supervisors should grant the appeal and approve the Project because there is no evidence in the record supporting denial.

JUSTIFICATION #6:

THE PROJECT’S BENEFITS SIGNIFICANTLY OUTWEIGH ITS IMPACT.

The Board of Supervisors should grant the appeal and approve the Project because, despite the Project’s significant and unavoidable aesthetics impact, the Project’s myriad benefits outweigh this impact and provide substantial regional benefits that will be felt across the County.

Specifically:

- 1. The Project will provide a reliable, local, and high-quality source of construction aggregate product in the amount of 570,000 tons per year.** The extraction of PCC-grade sand is a declared public necessity in San Diego County. As codified in County Code, section 87.701, the County Board of Supervisors has formally recognized that mineral extraction “is essential to the continued economic well-being of the County of San Diego.” These materials are foundational to the construction of roads, homes, schools, hospitals, and other critical infrastructure that support San Diego County’s population. The County’s General Plan EIR confirms that PCC-grade sand is the scarcest and most valuable form of aggregate in the County, and that environmental and regulatory constraints have made it increasingly difficult to permit new extraction sites. The mineral resources available for extraction within the County have reduced from 25 active sand mine sites in San Diego County in 1980, to 8 by 1995, to two by 2015, to just one currently in 2025. As a result, locally permitted construction aggregate supply has not kept up with demand and San Diego County has the highest aggregate prices in California, driven in part by a shortage of local supply and the need to import sand from distant sources, including Mexico.

The Cottonwood Sand Mine Project offers a rare opportunity to secure a long-term, local source of PCC-grade sand that can meet approximately 25% of the County’s annual demand. By doing so, it will stabilize prices, reduce environmental impacts from transportation, and ensure that the County can continue to meet its infrastructure and housing needs in a cost-effective and environmentally responsible manner.

- 2. The Project will create approximately 148 acres of new permanent open space, preserved in perpetuity through recordation of an biological open space**

easement. While the majority of the Project site is currently zoned as Open Space, the site is presently developed as two private golf courses, and not natural open space. Currently, significant portions of the Project site are vegetated with a mixture of native and non-native species, and the site presents a choke point for water flowing through the Sweetwater River. The Project would progressively reclaim the Project site and restore it to an end use of natural and permanent open space. The revegetation and restoration would include approximately 11 acres of coastal sage scrub and approximately 107 acres of wetland- and riparian-associated habitat, with an additional approximately 7 acres of wetland- and riparian-associated habitat that would be rehabilitated. The project also would preserve approximately 23 acres of existing on-site habitat. The newly created open space would be preserved via recordation of a biological open space easement to be held by the County. The biological open space easement would apply to the land in perpetuity and restrict future uses to protect the biological value of the site. The land would be managed by a long-term resource manager, in conformance with the final Resource Management Plan, and ultimately result in a significant net environmental benefit to the region, connecting existing open space and preserve areas to the north and south of the Project site.

3. **The Project improves and protects in perpetuity a ecologically functional open space corridor.** Upon completion of mining and implementation of the Resource Management Plan, the Project will transform a degraded, intensively managed golf course into a biologically rich and ecologically functional open space corridor. This transformation will result in a net environmental benefit by restoring native habitats, improving hydrological function, and enhancing regional wildlife connectivity.
4. **The Project is conditioned to offer the County the 148 acres of newly created, and permanently protected, open space area, for a purchase price of \$0, and for inclusion in the County's open space network.** The Applicant has agreed to offer a significant portion of the Project site to the County for use as County open space. Specifically, upon approval, the Applicant will commit to offering at least 148 acres of the Project site to the County for a purchase price of \$0, and the County may choose to accept or reject the offer when it is made. The terms of this offer are detailed in the Project's conditions of approval, specifically MUP Condition of Approval GEN#4-LAND DEDICATION OFFER and MUP Condition of Approval GEN#7-COUNTY RIGHT OF FIRST OFFER.

The Applicant's commitment to donate nearly 150 acres of restored open space to the County presents a rare and valuable opportunity to expand the County's open space network at no cost to County taxpayers. The property, once it is fully reclaimed and revegetated under the Project's Resource Management Plan, will consist of high-quality riparian, wetland, and upland habitats that support regional biodiversity and enhance ecological connectivity. Strategically located along the Sweetwater River corridor, the site will serve as a critical linkage between existing open space areas, including the San Diego National Wildlife Refuge, and will facilitate wildlife movement and trail connectivity consistent with the County Trails Master Plan. The perpetual biological open space easement will ensure long-term conservation of these restored habitats, while the land's integration into the County park system will provide new recreational opportunities for the public, including multi-use trails and nature viewing areas. This donation represents a lasting environmental legacy and a significant public benefit aligned with the County's conservation and recreation goals. As noted above, the Applicant has engaged the San Diego Habitat Conservancy as its long-term resource manager for the reclaimed areas. The Applicant is also currently seeking an additional nonprofit partner with specialization in water quality, monitoring, and Clean Water Act compliance, to further support its long-term management of the restored property.

5. **The Project will restore and enhance the Sweetwater River flood channel to a more natural condition, improving water flow, flood protection, and wildlife connectivity.** The Project will widen and restore the Sweetwater River floodplain, which does not currently mimic natural conditions as a result of the prior development of the two private golf courses on the Project site. Restoring the Sweetwater River channel will provide myriad benefits, including improving the channel's ability to accommodate natural water flow, improving the channel's ability to handle and dissipate energy from large storm events, and improving habitat and wildlife connectivity in the area.

Because of the prior development of the two private golf courses, the Sweetwater River channel, which is artificially narrow and vegetated with a mix of native and non-native vegetation, currently presents a choke point for water flowing through the channel. This Project will remove this choke point and restore the channel to its natural condition: a low-flow channel within a relatively flat plain that is revegetated to support wetland/riparian habitat. This widened flood channel, more similar to conditions occurring before the two private golf courses were developed, would improve the channel's ability to accommodate natural flows and would better dissipate water energy during large storm events.

Further, post-reclamation, the Project site will provide a biologically superior condition for the Sweetwater River, when compared to the site's current developed condition. As a result of the Project, the Sweetwater River floodplain will be substantially widened and revegetated with native wetland and riparian habitat along the channel's bottom and with coastal sage scrub along the constructed channel slopes. These revegetated and restored riparian areas would then be placed within a permanent biological open space easement. This easement area will be contiguous to existing native habitat located to the east and west, including preserved areas within the San Diego National Wildlife Refuge ("SDNWR"). The revegetated channel will re-establish connectivity between upstream and downstream riparian areas by providing increased native vegetative cover. This improved connectivity will improve wildlife access to higher quality resources and promote and facilitate wildlife use and movement in the local area and surrounding region—movement that is currently constrained by the existing golf courses.

6. **The Project is projected to provide the County with \$2,500,000 in additional sales tax revenue.** Based on an annual extraction rate of 570,000 tons per year, an anticipated and conservative sales price of \$25 per ton, and applying the County sales tax rate of 1.75%, County sales tax revenue from the Project will be approximately \$249,375 per year during the extraction phase of the Project. This will result in a total of \$2,500,000 in additional tax revenue over the life of the Project.
7. **The Project will significantly reduce water demand and consumption on the Project site.** The Project would significantly reduce water demand at the Project site, which is currently necessary to maintain the two developed private golf courses. The water demand during the Project's mining period would reduce water consumption by approximately 83% when compared against the historic water consumption rates for the two courses. While one golf course is currently closed, in the absence of the Project, the course could be reopened at any time. After mining ceases and the restoration of the mining areas is completed, no ongoing water consumption would be required, meaning that the water consumption of the Project site would be reduced 100%. This would result in a substantial improvement in the amount of groundwater storage, and benefit regional water supplies.
8. **The Project will be restored on a rolling basis, ensuring continuous environmental enhancement, as opposed to requiring the community to wait**

until the end of the 10-year extraction phase to see any open space benefit. As explained in the Final EIR, “[a]reas disturbed by mining activities would be progressively reclaimed and revegetated as mining proceeds across the Project site. Mining activities are planned to occur in smaller subphase areas to limit disturbance and implement phased reclamation and revegetation. Mining activities in each subphase area would occur over an approximate duration of one year each, so that the entire Project site or phase areas would not be disturbed at one time.” (EIR, p. 2.1-27.) Because the Project will be required to reclaim, restore, and enhance the site on a continuous basis, the community will not be required to wait until the end of the 10-year mining period to benefit from the open space restoration. The Applicant will be required to offer the reclaimed lands to County Parks as a donation, free of charge to the County. This donation could occur on a rolling basis, providing open space benefits to the community in the relative near term.

- 9. The Project will reduce overall greenhouse gas emissions and vehicle miles traveled within the County.** The Project will reduce regional and statewide mobile source greenhouse gas emissions by reducing the truck miles associated with importing construction aggregate into San Diego County from Mexico and other states. As described in the Final EIR, replacing 570,000 tons of imported sand with locally sourced sand from the Project site has the potential to *reduce vehicle miles traveled associated with meeting San Diego County’s near-term sand demand by 35.8 percent*. Such a reduction in vehicle miles traveled would result in an overall reduction of greenhouse gas emissions from those vehicle miles.

- 10. The Project will construct a new pedestrian pathway and regional multi-use trail.** The Project includes the construction of a new pedestrian pathway along the northern frontage of the Project site, to improve pedestrian access within the vicinity of the Project, where there are currently no sidewalks. The public pathway would range from five to eight feet in width, and it would connect to a new publicly accessible community trail within the Project site. The multi-use community trail would be completed in segments, across the Project site as the site is reclaimed in phases.

- 11. The Project will improve Willow Glen Drive.** The Project will provide several improvements to Willow Glen Drive, including restriping the roadway to provide Class II buffered bicycle lanes on both sides of the roadway, the installation of a dedicated right-turn lane, and the installation of a two-way left turn lane. These improvements will be installed before mining activities are permitted to begin. The

Project will also provide an Irrevocable Offer of Dedication along the Project frontage to accommodate the ultimate roadway width of Willow Glen Drive.

12. The Project will implement myriad County General Plan Goals and Policies.

As a mining project that provides a local source of high-quality and in-demand construction aggregate, the Project implements several mineral and aggregate-related goals and policies of the San Diego County General Plan. For example:

- Goal COS-10, Protection of Mineral Resources, requires the County to ensure long-term production of mineral materials adequate to meet local annual demand. Currently in San Diego County, local demand for sand aggregate far outpaces local supply, an imbalance that this Project would directly address.
- Policy COS-10.1, Protection of State-Classified or Designated Lands, discourages the development or incompatible development of lands classified or designated as having important mineral resources, and requires that the County consider the potential for substantial resource extraction in making land use decisions. This Project site is State-designated as Mineral Resource Zone (“MRZ”) 2, which is defined as an area where “significant mineral deposits are present” or likely to be present.
- Policy COS-10.6, Conservation of Construction Aggregate, requires the County to “[e]ncourage the continued operation of existing mining facilities *and streamline the permitting of new mining facilities consistent with the goal to establish permitted aggregate resources that are sufficient to satisfy 50 years of County demand.*” This Project will provide a newly permitted mining facility producing local aggregate resources.
- Policy COS-10.8, New Mining Facilities, recognizes the “public necessity for available mineral resources adequate to meet local demand.” The primary purpose of this Project is to meet local demand for sand aggregate.

Because the Project will improve and restore the Sweetwater River channel, the Project also implements General Plan policies relating to floodplain protection. For example:

- Policy S-9.2, Development in Floodplains, discourages development in floodplains, and discourages the artificial channelization of river beds. This

Project will remove existing development within the floodplain (structures associated with the existing private golf courses) and return the Sweetwater River channel to a more natural and widened state, revegetated with natural wetland and riparian habitat.

Finally, by providing approximately 180 acres of optimally located open space and parkland to the County Parks system, free of charge, the Project implements the General Plan's open space and network connectivity goals and policies. For example:

- Policy LU-6.7, Open Space Network, requires that projects design contiguous open space areas that protect wildlife habitat and corridors, and connect with existing or planned recreational opportunities.

13. The Project will eliminate long-term potential for intensive development on the Project site. The Project will reclaim the site on a rolling basis, with each subphase of 30-acres or less reclaimed, revegetated, and converted to high-quality, natural open space as mining progresses across the site. At the close of the extraction and reclamation phases, approximately 148 acres of the Project site will have been converted to improved and enhanced natural open space, protected in perpetuity through the recordation of an open space easement and the offer to donate the land to County Parks, free of charge, for use as publicly accessible open space and parkland. This end use will eliminate any potential for development of housing, affordable housing, commercial or mixed use, or intensive recreational uses within the 148-acre biological easement area.

APPLICANT'S ALTERNATIVE PLANNING COMMISSION HEARING REPORT

PROJECT DETAILS

Project: Cottonwood Sand Mine Project

Case/File No: Major Use Permit PDS2018-MUP-18-023, Reclamation Plan PDS2018-RP-001

APPLICANT'S OVERVIEW

The purpose of this Applicant's Alternative Planning Commission Hearing Report (**Applicant's Report**) is to provide the Planning Commission with the information necessary to approve the proposed Major Use Permit (**MUP**) (**PDS2018-MUP-18-023**) and Reclamation Plan (**PDS2018-RP-001**) for the Cottonwood Sand Mine Project (**Project**). As noted in the County Staff's Planning Commission Hearing Report (**County Staff Report**), this Applicant's Report provides "separate materials supporting that the required [Project] findings can be made."¹ Also as noted in the County Staff Report, "[t]he Planning Commission may approve the Major Use Permit and the Reclamation Plan based on the Applicant's materials."²

The County Staff Report recommends that the Planning Commission deny the MUP and deny the Reclamation Plan. The sole ground upon which the County Staff Report recommends denial is staff's statement that two out of the six required MUP findings cannot be made.³ However, as addressed herein, there is ample evidence in the record upon which to base these two MUP findings. Staff's review of these two MUP findings does not reference evidence in the record supporting its determination, and overlooks the supporting evidence.

Because the County Staff Report recommends denial, the County Staff Report does not present conditions of approval, a Mitigation Monitoring and Reporting Program, or Environmental Findings of Fact to the Planning Commission for approval. However, the conditions of approval contained herein have been drafted in part and reviewed in full by County staff. The Mitigation Monitoring and Reporting Program, as well as the Cottonwood Sand Mine Project Final Environmental Impact Report (**Final EIR**) upon

¹ County Staff Report, p. 2.

² County Staff Report, p. 2.

³ County Staff Report, p. 2.

which the Environmental Findings of Fact have been based, were similarly prepared under the supervision and review of staff.

Finally, this Applicant's Report includes a commitment to offer to the County approximately 148 acres of the Project site's private property as restored, improved, and permanently protected open space—a condition not required by the Project's Final EIR, the County Code, or any other statutory or regulatory scheme. This presents the County with a rare and valuable opportunity to expand the County's parkland network at no cost to County taxpayers. The property, once it is fully reclaimed and revegetated under the Project's Resource Management Plan, will consist of high-quality riparian, wetland, and upland habitats that support regional biodiversity and enhance ecological connectivity.

APPLICANT'S REQUESTED ACTIONS

The Applicant requests for the Planning Commission to, upon the substantial evidence within the entirety of the record before the County, make the required findings and take the following actions:

1. Find and determine that the Cottonwood Sand Mine Project complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*) (**CEQA**) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*), the County of San Diego Resource Protection Ordinance and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance;
2. Certify the Cottonwood Sand Mine Project Final EIR and adopt the CEQA Findings of Fact presented in **Attachment C** of the Applicant's Alternative Planning Commission Report, including the Statement of Overriding Considerations incorporated therein;
3. Adopt the Mitigation Monitoring and Reporting Program presented in **Attachment D** of the Applicant's Alternative Planning Commission Report;
4. Grant MUP PDS2018-MUP-18-023 and Reclamation Plan PDS2018-RP-001, make the findings, and impose the requirements and conditions as set forth in the Form of Decision presented in **Attachment B** of the Applicant's Alternative Planning Commission Report.

APPLICANT'S DEVELOPMENT PROPOSAL

The County Staff Report provides an overview of the Applicant's Development Proposal; however, several components of the Project warrant additional explanation.

The Need for Local Source of Aggregate and PCC-grade Sand

The Project proposes to provide reliable, high-quality construction aggregate product in the amount of 570,000 tons per year. Aggregate material extracted from the site would consist primarily of washed sand suitable for Portland cement concrete (PCC).

The extraction of PCC-grade sand is a declared public necessity in San Diego County. As codified in County Code, section 87.701, the County Board of Supervisors has formally recognized that mineral extraction “is essential to the continued economic well-being of the County of San Diego.” This policy is reinforced by the County’s General Plan Update EIR, which identifies construction aggregates (particularly sand, gravel, and crushed rock) as the most economically important mineral resources in the region.⁴ These materials are foundational to the construction of roads, homes, schools, hospitals, and other critical infrastructure that support San Diego County’s population.

PCC-grade sand, in particular, is both scarce and indispensable. Due to strict specifications set by agencies such as Caltrans and the U.S. Army Corps of Engineers, only certain high-quality sand deposits are suitable for use in PCC.⁵ The County’s General Plan EIR confirms that PCC-grade sand is the scarcest and most valuable form of aggregate in the County, and that environmental and regulatory constraints have made it increasingly difficult to permit new extraction sites, due in significant part to the fact that these materials are located in in-stream and floodplain areas.⁶

The mineral resources available for extraction within the County have dwindled, even though continued development, including housing development, within the County requires more resources. As depicted in **Attachment A**, Figures Depicting Loss of Local Aggregate Resources, while there were 25 active sand mine sites in San Diego County in 1980, that number reduced to 8 active sand mines in 1995, and reduced to two active sand mines by 2015. In 2025, there is now only one active sand mine within the County.⁷ As a result, locally permitted construction aggregate supply has not kept up with demand, which has increased over that same 45-year horizon.⁸ As a result, San Diego County has the

⁴ County of San Diego, General Plan Update EIR, pp. 2.10-1, -2.

⁵ County of San Diego, General Plan Update EIR, p. 2.10-4.

⁶ County of San Diego, General Plan Update EIR, p. 2.10-4.

⁷ Attachment A, Figures Depicting Loss of Local Aggregate Resources, pp. 1-4.

⁸ Attachment A, Figures Depicting Loss of Local Aggregate Resources, p. 5.

highest aggregate prices in California, driven in part by a shortage of local supply and the need to import sand from distant sources, including Mexico.⁹

This reliance on imported aggregate is not sustainable. Transporting sand over long distances increases construction costs, especially for housing and infrastructure projects that are already strained by high prices. It also contributes significantly to regional greenhouse gas emissions at a time when both the County and the state are working to reduce emissions and meet climate goals. Importing sand, especially over an international border exposes the County to supply chain disruptions, including those resulting from tariffs. Continuing to rely on distant imports works directly against regional affordability and environmental targets.

The Cottonwood Sand Mine Project offers a rare opportunity to secure a long-term, local source of PCC-grade sand that can meet approximately 25% of the County’s annual demand. By doing so, it will stabilize prices, reduce environmental impacts from transportation, and ensure that the County can continue to meet its infrastructure and housing needs in a cost-effective and environmentally responsible manner.

The California Geological Survey has classified the Project site as “Mineral Resource Zone 2” (**MRZ-2**).¹⁰ This classification identifies areas where significant and valuable mineral deposits are known to exist or are highly likely to be present. MRZ-2 is the highest designation in the state’s Mineral Land Classification system under the Surface Mining and Reclamation Act (**SMARA**) of 1975. It signals to local agencies that these areas are important for long-term mineral supply. By identifying and protecting MRZ-2 areas, California aims to ensure a sustainable supply of these critical resources. SMARA requires local agencies, such as San Diego County, to consider these zones and the valuable mineral resources within them in their land use planning processes. Local agencies must recognize and evaluate the importance of MRZ-2 areas when making zoning and development decisions. Specifically, state law requires that local agencies develop and adopt mineral resource management policies to be included within its general plan that emphasize the conservation and development of the identified mineral deposits.¹¹

This Project site was designated MRZ-2 because aggregate resource evaluation reports indicate that aggregate resources at this site meet engineering specifications for PCC-grade aggregate.

⁹ Attachment A, Figures Depicting Loss of Local Aggregate Resources, p. 6; County of San Diego, General Plan Update EIR, pp. 2.10-3, -5.

¹⁰ Final EIR, p. 3.2-2, -3.

¹¹ Cal. Geological Survey, Update of Mineral Land Classification: Portland Cement Concrete-Grade Aggregate in the Western San Diego County Production-Consumption Region, California, 2017.

The Project Significantly Improves and Preserves In Perpetuity the Project Site's Biological Value

The Project is designed not only to meet regional construction needs, but also to deliver substantial long-term environmental benefits through habitat restoration and enhancement. Upon completion of mining and implementation of the Resource Management Plan, the Project will transform a degraded, intensively managed golf course into a biologically rich and ecologically functional open space corridor. This transformation will result in a net environmental benefit by restoring native habitats, improving hydrological function, and enhancing regional wildlife connectivity.

At the heart of the Project's environmental benefit is the restoration of the Sweetwater River floodplain. The Project will remove artificial constraints created by the golf course, return the river channel to a more natural topography, and re-establish a more natural floodplain with native riparian and wetland vegetation. Approximately 107 acres of wetland- and riparian-associated habitat will be created, with an additional seven acres rehabilitated and 11 acres of coastal sage scrub restored. These restored habitats will support a diverse array of native species, including special-status birds, reptiles, amphibians, and bats. The restored river corridor will also improve water flow, reduce flood risk, and enhance the ecological integrity of the Sweetwater River system.

The Project's phased approach to reclamation (addressed in detail, below), ensures that habitat restoration occurs ***continuously*** throughout the life of the mine. As each subphase of mining is completed, that subphase area will be backfilled, graded, and revegetated using native plant palettes tailored to riparian, upland, and erosion control needs. Revegetation will be monitored for at least five years to ensure successful establishment, with performance standards for species richness, vegetative cover, and density. Ultimately, approximately 148 acres of the site will be placed under a permanent biological open space easement. As discussed in further detail, below, the Applicant will commit to offering this significantly improved and permanently protected private property to the County for a purchase price of \$0 and for incorporation into the County's open space system. This will not only preserve the restored habitat in perpetuity but also provide critical linkages between existing conserved lands, including the San Diego National Wildlife Refuge, thereby enhancing regional habitat connectivity and wildlife movement.

The Applicant has engaged the San Diego Habitat Conservancy as its long-term resource manager for the reclaimed areas. The Applicant is also currently seeking an additional nonprofit partner with specialization in water quality, monitoring, and Clean Water Act compliance, to further support its long-term management of the restored property.

The Project's Unique Phasing Plan

The Cottonwood Sand Mine Project is not proposing a traditional mine, wherein the entire site is mined and disrupted for the entire life of the extraction permit, and a community is required to wait until the end of the extraction phase to see any community benefit. Instead, and for the express purpose of reducing the level of disruption experienced in the immediate vicinity, the Project proposes an **incremental** extraction scheme, with disruption limited to single phases, and within the phases, smaller subphases, at a time. This proposed phasing adds significant expense and complexity to the Project.

Specifically, over a 10-year period, PCC-grade sand extraction would occur incrementally over approximately 214 acres of the Project site in three major phases. Each phase is further divided into multiple subphases. ***Each mining subphase contains no more than 30 acres each. Excavation in each subphase is expected to take only approximately one year.*** Reclamation of each subphase would begin upon the completion of mining in the subphase. This allows the Project site to not only be incrementally mined, but also incrementally revegetated and reclaimed. This unique approach limits mining impacts in any individual area to a short duration, with restoration of the site (to a natural habitat with significantly greater biological value than the current golf course development) occurring continuously as operations move across the site. Additional details for each phase are provided below.

- **Phase 1** includes approximately 79 acres of the closed 18-hole Lakes golf course at the western portion of the Project. Phase 1 would include three subphases: 1A (22.10 acres), 1B (26.46 acres), and 1C (30.42 acres). Upon completion of mining activities in Phase 1, materials and equipment would be moved from the Phase 1 area via the access point at Muirfield Drive, trucked to the access point at Ivanhoe Ranch Road (existing maintenance entrance for golf course), and mobilized to the Phase 2, subphase 2A area.
- **Phase 2** would occur within approximately 48 acres in the center of the site, east of Steele Canyon Road, on the currently operating Ivanhoe golf course. Extraction would occur in a west-to-east direction within three subphases: 2A (15.26 acres), 2B (19.08 acres), and 2C (13.74 acres). The existing golf clubhouse would be demolished near the end of Phase 2 mining. Upon conclusion of Phase 2, the conveyor line would be relocated to run from the processing plant to the eastern end of the Project site in preparation for Phase 3.
- **Phase 3** mining operations would encompass the remaining approximately 79 acres located to the east of Phase 2. Phase 3 would occur four subphases: 3A (29.42 acres), 3B (16.15 acres), 3C (14.13 acres), and 3D (18.87 acres). Subphase 3A

- would be located at the northeast edge of the property and excavation of each subphase would proceed westward until all four subphases are complete.
- **Phase 4** would consist of removal of the processing plant, grading to final contours, final reclamation and revegetation efforts, cleanup, and equipment removal on 8.65 acres. The final landform is proposed to be a relatively flat plain that gently slopes downward from east to west, with a widened river channel bisecting the length of the site. Revegetation monitoring will continue after this final phase for five years or until revegetation standards are met after this final phase.

The Processing Plant Location Minimizes Disruption and Impacts

While mining is able to progress across the site incrementally in subphases no greater than 30 acres, the Project's processing plant will remain in place throughout the duration of the mining period. However, to reduce disruption to the extent feasible, the processing plant is proposed in the middle of the site, where there are no adjacent existing homes. View of the plant would be screened by existing and proposed fencing with green screening mesh, existing vegetation, and additional screening vegetation (to be installed prior to the commencement of mining). Notably, no crushing of rock is necessary to process the materials extracted from the site. Instead the processing plant's purpose will be to screen and wash sand and gravel materials.

Commitment to Offer County Parks the Improved and Protected Open Space Created by this Project

The Project site is private property. In 2023, the County of San Diego Department of Parks and Recreation contacted the Applicant stating its interest in performing an appraisal of the Project site and noting that, subject to the County's funding availability, it may be interested in offering to purchase the site. The Applicant is also aware that members of the public have expressed interest in having the Project site purchased by a public agency or nonprofit for open space use. However, no specific or economically feasible offer to purchase the Property has been made to the Applicant by any entity.

Nonetheless, should the Project be approved, the Applicant will commit, through an enforceable condition of approval, to offer a significant portion of the Project site to the County for use as County open space. Specifically, upon approval, the Applicant will commit to offering at least 148 acres of the Project site to the County for a purchase price of \$0, and the County may choose to accept or reject the offer when it is made. The terms of this offer are detailed in the Project's conditions of approval, specifically MUP

Condition of Approval GEN#4-LAND DEDICATION OFFER and MUP Condition of Approval GEN#7-COUNTY RIGHT OF FIRST OFFER.¹²

The Applicant's commitment to donate nearly 150 acres of restored open space to the County presents a rare and valuable opportunity to expand the County's open space network at no cost to County taxpayers. The property, once it is fully reclaimed and revegetated under the Project's Resource Management Plan, will consist of high-quality riparian, wetland, and upland habitats that support regional biodiversity and enhance ecological connectivity. Strategically located along the Sweetwater River corridor, the site will serve as a critical linkage between existing open space areas, including the San Diego National Wildlife Refuge, and will facilitate wildlife movement and trail connectivity consistent with the County Trails Master Plan. The perpetual biological open space easement will ensure long-term conservation of these restored habitats, while the land's integration into the County park system will provide new recreational opportunities for the public, including multi-use trails and nature viewing areas. This donation represents a lasting environmental legacy and a significant public benefit aligned with the County's conservation and recreation goals. As noted above, the Applicant has engaged the San Diego Habitat Conservancy as its long-term resource manager for the reclaimed areas. The Applicant is also currently seeking an additional nonprofit partner with specialization in water quality, monitoring, and Clean Water Act compliance, to further support its long-term management of the restored property.

Willow Glen Drive, Muirfield Drive, and Steele Canyon Road Improvements

The Project proposes several improvements along Willow Glen Drive, including restriping Willow Glen Drive between Steele Canyon Road and the Project ingress driveway to provide Class II buffered bike lanes on both sides of the roadway. In addition, the Project proposes to provide an Irrevocable Offer of Dedication along the project frontage as needed to accommodate the ultimate roadway classification of Willow Glen Drive.

To clarify, decorative lodgepole fencing is *proposed* (not existing, as stated in the County Staff Report) along Willow Glen Drive to delineate the pathway and landscaping proposed in the Project's Conceptual Landscape Screening and Entrances Plan that was included in the EIR.

Design Exception Request – Willow Glen Drive Half-Width

The Project seeks two Design Exception Requests. The first relates to half-width improvements along Willow Glen Drive. The Public Road Standards require a half-width minimum improvement of 39 feet. The Department of Public Works approved this Design

¹² See Attachment B, Form of Decision, for all MUP and Reclamation Plan Conditions of Approval.

Exception Request to allow a reduction in half-width improvements to vary from 21 to 35 feet along the project frontage, east of Steel Canyon Road.

Design Exception Request - Undergrounding

The second Design Exception Request relates to Board Policy I-92 and the undergrounding of utilities. Since the inception of the Project, the Project has included the removal of five AT&T utility poles located near the Project's entrance. The removal of these poles is necessary to accommodate the Project's improvements to the entrance. The Applicant requested a Design Exception Request waiving the requirement to underground the AT&T lines utilizing these five poles. AT&T has a longstanding agreement allowing it to use SDG&E's poles on the opposite (north) side of Willow Glen Drive. AT&T has specifically requested that its lines be moved to those poles instead of being placed underground. This solution fits AT&T's operational needs, avoids the cost and complexity of undergrounding, avoids unnecessary removal of existing vegetation, and accommodates the Project's removal of five poles.

Early in the Project's administrative review process, County staff reviewed this waiver request and supported it. Since 2022, the Project's plans have shown only five poles removed to accommodate the entranceway improvements. These plans also showed that 27 other utility poles along Willow Glen Drive would remain in place, untouched by the Project.

In October 2024, County staff requested that this Design Exception Request be submitted in writing, which the Applicant provided. In February 2025, County staff confirmed, again, that the Department of Public Works had no objection to the waiver request. At no time during this process did County staff suggest that more than five utility poles must be removed, or that more utility lines were subject to undergrounding than the lines associated with the five poles to be removed.

In May 2025, for the first time in the Project's review process, County staff indicated that staff was now requiring the removal of **all** utility poles and the undergrounding of **all** utility lines along Willow Glen Drive. Specifically, County staff is requesting that a total of 32 poles be removed and all associated utility lines be undergrounded. This request comes despite the fact that, aside from the five utility poles previously described, the Project does not disturb the additional 27 poles County staff requested, last month, be removed. County staff's request is impractical and has no direct connection to the improvements proposed by the Project.

County staff's May 2025 request came after all Project design had been completed, coordination with AT&T had already occurred, and public review of the Project had closed.

County staff had been aware of the Project’s proposal to remove only five poles for several years, as this is what had been shown on all Project plans.

For these reasons, the second Design Exception Request sought by the Applicant is to waive the requirement to underground the lines associated with the removal of five AT&T poles located at the entrance to the Project site. The Applicant does not seek to remove any other poles, does not seek to move any other utility lines, and objects to the imposition of any condition requiring that all 32 poles be removed. Expanding the undergrounding scope to include poles that the Project does not affect is not justified and would create unnecessary costs, delays and coordination issues. There is also no assurance that AT&T or SDG&E would approve such a change given it does not match their stated preferences or existing agreements.

On March 18, 2025, the Valle de Oro Community Planning Group voted to deny this Design Exception Request on the following grounds: lack of cost analysis or viable alternatives, failure to align with the Community Plan, and visual resource and public safety concerns. Unfortunately, the Community Planning Group canceled its scheduled meeting with the Applicant to address its concerns over the waiver. The Applicant objects to the reasoning provided by the Community Planning Group in its denial. Specifically, a cost analysis and alternatives analysis were provided with the waiver request. Specifically, a cost estimate was submitted for undergrounding the five affected poles and a fully viable alternative, relocating AT&T’s lines to existing SDG&E poles on the opposite side of Willow Glen Drive was proposed. This alternative is AT&T’s preferred approach.

Further, there is no evidence that transferring the lines to *existing* SDG&E poles across the street would result in any visual or public safety impact—the poles already exist and will remain in place. In reality, visual conditions along Willow Glen Drive would be slightly improved by the removal of the five poles near the Project entrance and the relocation of AT&T lines to existing distribution poles.

APPLICANT’S ANALYSIS AND DISCUSSION

The County Staff Report notes that “[t]he Project has been reviewed for conformance with all relevant ordinances and guidelines, including the San Diego County General Plan, the Valle de Oro Community Plan, Rancho San Diego Specific Plan, the County Zoning Ordinance, and CEQA Guidelines.”¹³ The County Staff Report identifies only one asserted inconsistency or point of nonconformance with these ordinances, guidelines and plans—

¹³ County Staff Report, p. 14.

an inconsistency with County Zoning Ordinance, subsections 7358(a)(3) and (a)(5), relating to the findings required for issuance of the MUP.¹⁴

The County Staff Report states, “[s]taff has concluded that Finding 3 [§7358(a)(3)], regarding harmful effect on neighborhood character, and Finding 5 [§7358(a)(5)], regarding suitability of the site for this type of development, cannot be made.”¹⁵ However, as addressed below, there is ample evidence in the record upon which to base these two MUP findings. Staff’s review of these two MUP findings does not reference evidence in the record supporting its determination, and overlooks the supporting evidence.

Also addressed below are clarifications relating to the Project’s significant and unavoidable aesthetics impacts, the Project’s less than significant impacts on cultural and tribal cultural resources, the Project’s consistency with the County Resource Protection Ordinance (**RPO**), and the Project’s consistency with the County Watershed Protection, Stormwater Management and Discharge Control Ordinance (**WPO**).

MUP Findings

Pursuant to County of San Diego Zoning Ordinance, section 7358, several findings must be made in support of issuance of a Major Use Permit. The County Staff Report states that that two of these findings—Finding 3 (7358(a)(3)), regarding harmful effect on neighborhood character, and Finding 5 (7358(a)(5)), regarding the suitability of the site for this type of development, could not be made. The conclusions of the County Staff Report, however, are inconsistent with the evidence in the record. Public agency findings must be made based upon substantial evidence in the record.¹⁶

As a threshold matter, County staff has taken the position that information included in the Final EIR is not relevant to the question of whether the appropriate MUP findings can be made. This is not so. The Final EIR, just as all other records and documents before the County, is an appropriate source of evidence and information relevant to the MUP findings. In fact, where the issues under discussion involve technical questions such as the level of noise generated by the Project, or the adequacy of the Project’s design, mitigation measures and conditions of approval in addressing dust generation, the Final EIR provides the most relevant evidence in the record. That the MUP findings requirement is based in the County Zoning Ordinance, and not in CEQA’s statutes or regulations, is immaterial to the question

¹⁴ County Staff Report, pp. 14-23.

¹⁵ County Staff Report, p. 15.

¹⁶ See *Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, wherein the San Diego County Board of Supervisors failed to consider the evidence in the record indicating no significant impacts would occur, and instead, concluded that impacts would occur without any evidentiary support. The Court concluded these unsupported agency findings were arbitrary, capricious and constituted a prejudicial abuse of discretion.

of whether substantial evidence in the record, including within the Final EIR, supports the MUP findings.

Finding 3

Section 7358(a)(3) requires that the County consider the Project's potential to result in a harmful effect upon desirable neighborhood character. A full analysis of the Project's consistency with this finding is provided in the MUP Findings included in **Attachment B**, Form of Decision. In sum, ample data and evidence relevant to this Finding can be found in the Final EIR. For example, the Final EIR's analysis determined that the only potential impact to community character was a non-permanent visual impact. However, visual impacts are only one component of "desirable neighborhood character." Notably, impacts associated with traffic (including truck traffic), air quality (including dust generation), and noise (including from both mining activities directly and truck traffic) were all found to be less than significant in the Final EIR. The definition of "significant" applied in the EIR conforms to the County's ordinances and guidelines, and industry standards.

The Final EIR analyzed the Project's effect on visual character of the surrounding community systematically, based on an analysis of multiple key views that "would clearly display the visual effects of the Project and represent the primary viewer groups potentially affected by the Project."¹⁷ The Final EIR noted that "[t]he visual character and quality of the existing landscape [on the Project Site] would change substantially during the mining and reclamation phases of the Project."¹⁸ However, this visual disturbance would not occur for the entirety of the mining period.¹⁹ This is because, once mining in an individual subphase is completed, that subphase area will be reclaimed. Thus, while the Final EIR identified a significant impact on aesthetics, this impact would not be for the duration of mining activities for the vast majority of viewers. Further, at the close of the Project the aesthetics of the site would be improved over existing conditions, as the site would be restored to a biologically superior condition.

Aesthetics is only one component of community character. The Final EIR also analyzed the Project's potential to affect community character as it relates to traffic, noise, and air quality. The Final EIR determined that impacts associated with traffic, noise, and air quality would each be less than significant. There is no evidence in the administrative record that traffic, noise, and air quality impacts would harm the community, or community character specifically, given there is no evidence that these impacts would

¹⁷ Final EIR, pp. 2.1-16 through -20.

¹⁸ Final EIR, p. 2.1-26.

¹⁹ Final EIR, pp. 2.1-28, -29.

exceed any published, adopted, commonly applied, or industry standard threshold of significance.

Given the above, the location, size, design, and operating characteristics of the Project will be compatible with adjacent uses, residents, buildings and structures in relation to neighborhood character. While visual character will be impacted, it will be so for only a limited period of time (two years or less) for most viewers. Impacts associated with noise, dust, and truck traffic were all analyzed in detail in the EIR, which determined that these impacts would be less than significant.

Contrary to the above and the MUP Findings included in **Attachment B**, Form of Decision, the County Staff Report’s assertion that the Project will have a harmful effect on desirable neighborhood character is not supported by evidence in the record and fails to account for the Project’s design and phasing, the Final EIR’s comprehensive environmental analysis, or any of the enforceable mitigation measures and conditions of approval imposed upon the Project. The Final EIR thoroughly evaluated potential impacts relating to aesthetics, noise, air quality (including dust), and traffic (including truck trips)—each of which are components of community character. The Final EIR’s conclusions were based on technical studies, modeling, and regulatory thresholds **adopted by the County** and other relevant agencies. Instead of considering the evidence in the record—evidence that County staff itself reviewed and supervised the preparation of—the County Staff Report relies on vague and generalized concerns.

For example, staff’s analysis claims that the Project will “create a nuisance from dust.”²⁰ But the analysis does not cite to any evidence indicating this is so. The Final EIR analyzed the potential for dust impacts and determined that impacts would be less than significant. The Final EIR detailed what measures and design features would be imposed on the Project to reduce dust exposure. The Final EIR confirmed that, through these measures, dust generated by the project would fall below the level considered disruptive by the San Diego Air Pollution Control District. The Final EIR detailed the components of the Project’s Fugitive Dust Control Plan and its suite of best management practices specifically designed to prevent visible dust emissions and minimize offsite migration of dust particulates. These measures include, but are not limited to, regular watering of unpaved roads and disturbed areas, use of wheel washers and rumble grates at site exits, speed limits for on-site vehicles, sweeping of paved surfaces, and prompt stabilization of inactive areas. These practices are industry-standard, enforceable, and proven effective. The County Staff Report does not refer to these measures or explain why, despite their imposition, dust will “create a nuisance.” The County Staff Report does not explain what level of dust the County considers to generate “a nuisance,” why that level of dust is different from the level of dust

²⁰ County Staff Report, p. 15.

deemed acceptable by the air district, and how the County knows whether this Project will exceed such a level and at what locations. The County does not explain why the Final EIR and its technical studies, which were prepared under the supervision of, and reviewed by, County staff and its technical experts, concluded otherwise.²¹ As noted above, public agencies must base their findings on evidence in the record.

The County Staff Report's analysis also states that "[t]he existing noise on the site consists of noise associated with a golf course. Although the Project was found to be less than significant with respect to noise per the CEQA thresholds by implementing noise attenuation measures, the types of sound coming from the Project will be different from the current sounds in the neighborhood."²² While the noise analysis in the Final EIR applied the County's own adopted threshold for noise impacts, the threshold the County Staff Report seems to be applying is whether there is a change from golf course noise to any other noise. This is not relevant to the question of whether there is a harmful impact on neighborhood character.

The County Staff Report's analysis goes on to assert that "if the mining project were to be approved, [residents] would be hearing noise from a processing plant, material extraction and grading, and haul trucks."²³ But this is not so—the Final EIR analyzed whether the Project would exceed the County's accepted threshold for noise impacts at various residences. The Project imposes a number of noise barriers to reduce noise levels experienced at these residences to below the County's accepted level. The County Staff Report's generalized statement that residents will hear noise, and such noise will harm neighborhood character, is unfounded and unmoored from any evidence in the record. Further, the County Staff Report claims that "the noise would be present for the residents of this neighborhood during the life of the Project—five days a week for a minimum of ten years."²⁴ This is simply not accurate and fails to acknowledge the Project's unique phasing plan, which limits mining areas to no more than 30 acres, and progressively and incrementally moves extraction—and thus noise related to such extraction—across the site, specifically to reduce disruption within the neighborhood. Again, the County's own Noise Ordinance thresholds were applied in the Final EIR's noise modeling, which demonstrated

²¹ Compare to *Hilltop Group, Inc. v. County of San Diego*, *supra*, 99 Cal.App.5th at 927: "Hilltop Group's technical studies, and the County's own specialists who analyzed the studies, concluded the [Project] would not result in significant impacts in the areas of GHG emissions and air quality As we have now repeatedly explained, law opinions may not constitute substantial evidence in an area that requires expert analysis, as is the case with an air quality analysis. The Board of Supervisors' broad statement that uniform policies will not substantially mitigate the effects of the [Project] in areas of GHG emissions and air quality does not bridge the analytic gap between this finding and the scientific data and County reports that conclude the opposite."

²² County Staff Report, p. 15.

²³ County Staff Report, p. 15.

²⁴ County Staff Report, p. 15.

that, with the installation of noise barriers, no sensitive receptor (i.e., resident) would experience noise levels exceeding the County's own standards. The Project's noise profile, while different from that of a golf course, remains within acceptable limits and is not legally or functionally incompatible with the surrounding uses.

The County Staff Report also asserts that the Project will "change the way the site looks to residents and visitors who are driving by or who live near the site."²⁵ The County Staff Report then goes on to discuss aspects of the Project during the extraction phase, including the myriad screening techniques that will be employed. The analysis does not address the Project's unique phasing, the fact that subphases will start being reclaimed and revegetated as soon as one year after extraction has begun, or that, post-reclamation in each subphase, that subphase will provide an *improvement* over existing conditions. These are all relevant points of evidence that must be considered.

Finally, the County Staff Report concludes that the neighborhood will experience "odor from diesel emissions that currently does not exist with the current golf course use."²⁶ There is no evidence in the record supporting this statement. The Final EIR expressly considered odor, noting that the Project's processing plant and truck loading area "would be located approximately 650 feet from the nearest residence" and sand extraction equipment would be operated "at least 100 feet from residences in accordance with the Project's proposed property line setbacks."²⁷ The Final EIR explains that diesel odor disperses rapidly with distance and therefore odors during construction and operation would be less than significant.²⁸ The County Staff Report does not explain why, despite these facts, odors would result in so great an impact as to harm neighborhood character. There is no evidence in the record supporting this conclusion.

In sum, the analysis of Finding 3 in the County Staff Report is not supported by evidence, and ignores the evidence in the record supporting the finding included in **Attachment B**, Form of Decision. There is ample evidence in the record supporting this finding.

Finding 5

Section 7358(a)(5) requires that the County consider the suitability of the site for the type and intensity of use or development which is proposed. A full analysis of the Project's consistency with this finding is provided in the MUP Findings included in **Attachment B**,

²⁵ County Staff Report, p. 15.

²⁶ County Staff Report, p. 16.

²⁷ Final EIR, p. 3.1.1-20.

²⁸ Final EIR, p. 3.1.1-20.

Form of Decision. In sum, here, the site is suitable for the type and intensity of operations that will take place under the Project.

Specifically, the Project is consistent with the site's zoning designations (S80, S88, and S90) and the site's General Plan designation of Open Space-Recreation (OS-R)—these designations expressly allow extractive uses with a Major Use Permit. The Project advances General Plan Policies relating to the protection and utilization of mineral resources by contributing to the County's aggregate supply. Further, the Project's phased extraction plan, setbacks, noise barriers, and dust control measures ensure compatibility with adjacent residential and recreational uses.

The Project proposes to provide reliable, high-quality construction aggregate product in the amount of 570,000 tons per year. Aggregate material extracted from the site would consist primarily of washed sand suitable for PCC. As addressed earlier, the extraction of PCC-grade sand is a declared public necessity in San Diego County.²⁹

The Project's objectives include:

1. Recover and process construction aggregates in a financially sound and efficient manner while meeting all local, state, and federal safety requirements.
2. Provide an open space resource within the County, that ultimately protects and enhances the Sweetwater River channel.
3. Provide reliable, high-quality, aggregate product in the amount of 570,000 tons per year (approximately one-quarter of San Diego County's annual sand demand).
4. Maintain the existing low-flow channel of the Sweetwater River during and after mining operations to accommodate water transfers from Loveland Reservoir to Sweetwater Reservoir and existing Sweetwater River middle watershed natural water flows.

²⁹ See County Code, section 87.701, wherein the County Board of Supervisors formally recognized that mineral extraction "is essential to the continued economic well-being of the County of San Diego."

5. Widen the existing flood channel of the Sweetwater River to more closely mimic conditions prior to golf course construction.³⁰

Regarding Objectives 1 and 3, sand can only be extracted on sites with known alluvial resources, which are typically located within the main river drainages of the County. As analyzed in the EIR's Chapter 4.0, Project Alternatives, there are no other known sites within the County with available alluvial sand resources and of similar size to meet 25% of the County's demand.³¹ Further, as addressed above, mineral resources available for extraction within the County have dwindled, even though continued development, including housing development, within the County requires more resources.³² As a result, locally permitted construction aggregate supply has not kept up with ever-increasing demand.³³ Thus, this location is appropriate (and necessary) for the Project.

Regarding Objectives 2 and 5, the Project's proposed location will permit the recovery of substantial natural open space acreage at the end of the reclamation period. The Project Site is not currently natural open space—it is currently developed with two private golf courses, vegetated with a mixture of native and non-native species, and which includes a choke point for water.³⁴ In contrast, the Project will ultimately provide a final landform that is more similar to conditions occurring before the golf courses were constructed, and which would include a re-established riparian corridor with native habitat and natural landforms consistent with the surrounding area.³⁵ This will provide an improvement in the Sweetwater River Channel over existing conditions. There is no other project location that can provide this benefit; thus, the location is appropriate (and necessary) for the Project.

Further, if the Project is approved, the Applicant will commit to offering the reclaimed site to the County, for use as permanent open space. The Project Site is located at a key location, and upon its incorporation into the County's open space system, will connect various open space areas and trails. There is no other similar potential open space area of this size and that would provide a similar level of connection benefits, within the unincorporated County.

Finally, locating a sand extraction use within the County will result in reductions of overall regional greenhouse gas emissions and overall truck vehicle miles traveled in the region at large. This is because producing more sand within the County results in less sand import

³⁰ Final EIR, p. 1-1.

³¹ Final EIR, p. 4-16.

³² See Attachment A, Figures Depicting Loss of Local Aggregate Resources.

³³ Attachment A, Figures Depicting Loss of Local Aggregate Resources, p. 5.

³⁴ Final EIR, p. 1-14.

³⁵ Final EIR, p. 1-13.

to the County from outside of the region, state, and Country. Locating a sand mine within the County will reduce dependence on non-domestic sources of aggregate.

Given the above, the location, size, design, and operating characteristics of the Project will be compatible with adjacent uses, residents, buildings and structures in relation to the site's suitability for the type and intensity of use proposed. This conclusion is supported by substantial evidence in the administrative record, including technical studies and expert analysis contained in the Final EIR.

The County Staff Report's analysis of Finding 5 concludes that the Project site is "not suitable for the proposed mining operation due to its location within a suburban setting."³⁶ However, this conclusion is not supported by substantial evidence in the administrative record and fails to account in any way for the Project's compliance with applicable zoning, General Plan policies, and environmental standards. The Final EIR, along with the Project's myriad technical studies, demonstrates that the site is not only suitable for the proposed use, but is uniquely appropriate given its location's geology and value as long-term open space.

As discussed above, not only is the Project ***an allowable use under the Project site's zoning and General Plan designations***, the site's suitability is further underscored by the fact it is only one of two known locations within the County with extractable PCC-grade sand resources of sufficient quality and quantity to meet regional demand. The other site, El Monte, is still undergoing permitting, and cannot serve as a viable alternative to this Project.

Further, the County Staff Report claims, in its analysis of Finding 5, that nearby residents "assumed that they would be living near a quiet golf course."³⁷ This is not a legally relevant standard for determining site suitability. The golf course is a private, discretionary use, located on private property owned by the Applicant. That use can be discontinued or repurposed at any time. The Project also proposes a private use, on private property, that is similarly ***permitted under the General Plan and Zoning Ordinance designations*** for the site. The proposed Project will result in long-term public benefit: the restoration of nearly 150 acres of native habitat, with the potential for incorporation into the County's open space system. This outcome is far more aligned with the County's long-term land use and conservation goals than operation of an irrigated golf course.

In sum, the Project site is not only legally and physically suitable for the proposed Project's use—it is uniquely necessary to meet the County's mineral resource needs while delivering lasting environmental and open space benefits. The County Staff Report's conclusion to

³⁶ County Staff Report, p. 18.

³⁷ County Staff Report, p. 18.

the contrary is not supported by, and is in fact contradicted by, the evidence in the record. There is ample evidence before the Planning Commission to adopt the MUP findings, including Finding 5, set forth in **Attachment B**, Form of Decision.

Summary of Final EIR Analyses

Significant Aesthetics Impact

The Final EIR prepared for the Project determined that the Project has the potential to result in one significant and unavoidable environmental impact on aesthetics. All other potentially significant environmental impacts were determined to be mitigated to a level less than the County's applicable significance threshold with the imposition of concrete, enforcement mitigation measures.

As detailed in the Final EIR, mining and reclamation activities would result in adverse changes to vegetation and terrain at the existing golf courses.³⁸ During mining activities, which will not be permanent, visual quality of the site will be impacted.³⁹ However, this visual disturbance would not occur for the entirety of the mining period. As addressed throughout the Final EIR, and in the visual impacts analysis specifically:

Areas disturbed by mining activities would be progressively reclaimed and revegetated as mining proceeds across the Project site. Mining activities are planned to occur in smaller subphase areas to limit disturbance and implement phased reclamation and revegetation. **Mining activities in each subphase area would occur over an approximate duration of one year each, so that the entire Project site or phase areas would not be disturbed at one time.** Backfilling, reclamation, and revegetation would occur immediately following the completion of mining operations in each subphase area. Generally, reclamation and revegetation of each subphase would occur over a two-year period following the completion of mining.⁴⁰

During the mining subphases, which will only last for an approximately one-year period in any individual location, the EIR describes how substantial screening landscaping will be installed prior to the initiation of mining, green mesh will be installed on existing chain link fencing, and, together, these screening techniques would block most views of

³⁸ Final EIR, pp. 2.1-44 through -53.

³⁹ Final EIR, p. 2.1-25.

⁴⁰ Final EIR, p. 2.1-27.

elements of the Project from offsite.⁴¹ Once mining in an individual subphase is completed, that subphase area will be reclaimed. “The post-reclamation visual environment would be an extension of existing pattern elements characteristic of the Jamacha valley” and once vegetation reaches maturity “vegetative diversity resulting from Project implementation would be compatible with the existing visual character of the community.”⁴² Thus, while the EIR identified a significant impact on aesthetics, this impact would not be for the duration of mining activities for the vast majority of viewers. Further, at the close of the Project the aesthetics of the Project Site would be improved over existing conditions, as the site would be restored, improved, and offered to the County as permanent parkland.

The Final EIR describes how several Project design considerations would be implemented during the mining and reclamation phases of the Project to reduce aesthetics impacts. These include retaining approximately 64 acres where no mining activities would be permitted, adhering to the proposed rolling subphase plan (whereby mined areas are reclaimed as extraction progresses across the site over time), timely installation and removal of screening vegetation, the use of screening mesh in selective locations on fencing along Willow Glen Drive and the Steele Canyon Road bridge, the use of shielded/downward-oriented lighting, and painting mining equipment in a light color to help diminish the contrasting quality of those features.⁴³ Nonetheless, in an abundance of caution, the Final EIR determined that impacts to visual resources would be potentially significant.⁴⁴

Mitigated Cultural and Tribal Cultural Resources Impacts

The Final EIR determined there would be no significant and unavoidable impacts to cultural or tribal cultural resources.⁴⁵ The Final EIR’s determinations were based on multiple technical reports, records surveys, site visits and field surveys, and consultation as required under AB 52.

A records survey and field survey and testing conducted with a Kumeyaay Native American monitor determined there are only three prehistoric cultural resources currently located within the Project site. While records indicate there were previously additional resources within the site, the field survey and testing determined these resources have been lost as a result of prior activities, primarily the development of the golf courses and decades of golf course maintenance. The field survey and testing conducted with a Kumeyaay

⁴¹ Final EIR, p. 2.1-26.

⁴² Final EIR, p. 2.1-27.

⁴³ Final EIR, p. 2.1-53, -54.

⁴⁴ Final EIR, pp. 2.1-54 through -56.

⁴⁵ Final EIR, pp. 2.3-18, 2.6-5.

Native American monitor determined the three remaining resources are highly disturbed and have been subject to and damaged by 50 years of golf course development, operations, and maintenance; as a result, they now display poor integrity.⁴⁶ No evidence provided through tribal consultation, field survey, or testing indicates that the three remaining sites, in their present state, are culturally or spiritually significant.⁴⁷

Consistent with AB 52's Native Tribes consultation requirements, the County notified all Native American Tribes recommended by the Native American Heritage Commission (NAHC) of the Project, invited them to consult, and then engaged in consultation with the six tribes that responded to the County's notice with a wish to consult. The County engaged in site visits with the consulting tribes. During this consultation process, no specific information was provided to the County as to potential cultural sites being located within the Project area.⁴⁸

Under CEQA, a project would have a significant impact if it causes a substantial adverse change in the significance of a tribal resource that is listed or eligible for listing. Resources eligible for listing include those associated with significant historical events, those associated with important historic persons, those that embody distinctive characteristics of a historic period or region, or those yielding or likely to yield information important in prehistory or history. No information was obtained through tribal consultation or through the field survey with a Kumeyaay Native American monitor indicating that any resource within the project site is eligible for listing.

Nonetheless, despite there being no evidence that any known resource within the Project site would be eligible for listing, in an abundance of caution, the Final EIR acknowledges the potential for an existing yet unknown, buried resource to have escaped damage from 50 years of golf course development and maintenance. The Final EIR identifies Mitigation Measures CR-1, CR-2 and CR-3 to address this potential. CR-1 requires that a Cultural Resources Treatment Agreement and Preservation Plan meeting numerous standards and criteria be developed between the applicant and the Kumeyaay Native American tribes prior to commencement of mining. CR-2 and CR-3 require ongoing monitoring and a pre-development survey by an archeologist and Kumeyaay Native American Monitor. In the event that previously unknown cultural resources are found during the project, CR-2 also authorizes the archaeologist and Kumeyaay Native American monitor to halt operations, preserve unique resources, cap sites for their protection, and take other actions to preserve and avoid damage to the resource.⁴⁹

⁴⁶ Final EIR, pp. 2.6-2 through -5.

⁴⁷ Final EIR, p. 2.6-5.

⁴⁸ Final EIR, p. 2.6-3 through -5.

⁴⁹ Final EIR, pp. 2.6-5, 2.3-14 through -18.

Consistency with the County Resource Protection Ordinance (RPO)

As detailed in the Final EIR, the Project is exempt from RPO requirements based on implementation of measures specified in Section 86.605(d) of the RPO as conditions of the Project's MUP.⁵⁰

Specifically, pursuant to Section 86.605(d) of the RPO, a project would be exempt from RPO requirements provided that the following mitigation measures are required:

- a) Any wetland buffer area shall be restored to protect the environmental values of adjacent wetlands;
- b) In a floodplain, any net gain in functional wetlands and riparian habitat shall occur in or adjacent to the area of extraction;
- c) Native vegetation shall be used on steep slopes lands to revegetate and landscape cut and fill areas in order to restore substantially original habitat value, and slopes shall be graded to produce contours and soils that reflect natural landform consistent with the surrounding area; and
- d) Mature riparian woodland may not be destroyed or reduced in size due to sand, gravel, or mineral extraction.⁵¹

To satisfy the requirements of Section 86.605(d), the Project is conditioned to restore wetland buffer areas and provide a net gain in functional wetlands and riparian habitat that would be conserved in open space post reclamation. No steep slopes occur on site or would be created as a result of mining activities. The final landform is proposed to be a relatively flat plain that gently slopes downward from east to west, with a widened river channel bisecting the length of the site. Graded slopes along the expanded Sweetwater River floodplain would be revegetated with coastal sage scrub. Mature riparian woodland would not be destroyed or reduced in size due to sand, gravel, or mineral extraction.⁵² These requirements are mandated through MUP Condition of Approval BIO#3-REVEGETATION PLAN (RIPARIAN AND UPLAND HABITAT), MUP Condition of Approval BIO#5-REVEGETATION PLAN (WETLAND AND JURISDICTIONAL HABITAT), Reclamation Plan Condition of Approval BIO#3-REVEGETATION PLAN (RIPARIAN AND UPLAND HABITAT), and Reclamation Plan Condition of Approval BIO#5-REVEGETATION PLAN (WETLAND AND JURISDICTIONAL HABITAT).

Although the Project is exempt from the RPO, Mitigation Measures M-BIO-9 (wetland and riparian habitat preservation, re-establishment, and revegetation), M-BIO-18 (USACE wetland mitigation), M-BIO-19 (CDFW jurisdictional riparian habitat mitigation), and M-

⁵⁰ Final EIR, p. 2.2-10.

⁵¹ Final EIR, pp. 2.2-32, -33.

⁵² Final EIR, p. 2.2-61.

BIO-20 (wetland restoration plan) would compensate for habitat loss and mitigate potential impacts to less than significant.⁵³

Consistency with the County Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)

The WPO, and the Stormwater Standards Manual appended thereto, set out in detail what dischargers must do to comply with the WPO and to receive permits for projects and activities that are subject to the WPO.

The Project complies with the WPO through the imposition of several conditions of approval, including Reclamation Plan Condition of Approval STRMWTR#1-EROSION CONTROL, Reclamation Plan Condition of Approval STRMWTR#2-INDUSTRIAL GENERAL PERMIT, Reclamation Plan Condition of Approval STRMWTR#3-STORMWATER MAINTENANCE DOCUMENTATION, Reclamation Plan Condition of Approval DRNG#3-LINES OF INUNDATION COMPLIANCE, Reclamation Plan Condition of Approval STRMWTR#4-VERIFICATION OF STRUCTURAL BMPs, Reclamation Plan Condition of Approval STRMWTR#5-PROVISION OF STORMWATER DOCUMENTATION TO PROPERTY OWNER, and Reclamation Plan Condition of Approval STRMWTR#6-SELF-VERIFICATION OPERATION AND MAINTENANCE LETTER.

These conditions require maintenance of appropriate BMPs pursuant to the Stormwater Quality Management Plan (SWQMP) and Stormwater Pollution Prevention Plan (SWPPP), including, but not limited to, erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measures. These conditions also require a Maintenance Notification Agreement and Stormwater Facilities Maintenance Agreement to assure maintenance of the BMPs.

STATEMENT OF OVERRIDING CONSIDERATIONS

Because the Project would result in a significant and unavoidable impact relating to aesthetics, adoption of a statement of overriding considerations is required to approve the Project, pursuant to State CEQA Guidelines, section 15093.

A statement of overriding considerations for the Project is included in **Attachment C**, CEQA Findings of Fact. There is ample evidence in the record to support the statement of

⁵³ Final EIR, p. 2.2-89.

overriding considerations and a finding that the myriad benefits of the Project outweigh its significant and unavoidable aesthetics impact.

Specifically:

1. **The Project will provide a reliable, local, and high-quality source of construction aggregate product in the amount of 570,000 tons per year.** The extraction of PCC-grade sand is a declared public necessity in San Diego County. As codified in County Code, section 87.701, the County Board of Supervisors has formally recognized that mineral extraction “is essential to the continued economic well-being of the County of San Diego.” These materials are foundational to the construction of roads, homes, schools, hospitals, and other critical infrastructure that support San Diego County’s population. The County’s General Plan EIR confirms that PCC-grade sand is the scarcest and most valuable form of aggregate in the County, and that environmental and regulatory constraints have made it increasingly difficult to permit new extraction sites. The mineral resources available for extraction within the County have reduced from 25 active sand mine sites in San Diego County in 1980, to 8 by 1995, to two by 2015, to just one currently in 2025. As a result, locally permitted construction aggregate supply has not kept up with demand and San Diego County has the highest aggregate prices in California, driven in part by a shortage of local supply and the need to import sand from distant sources, including Mexico.

The Cottonwood Sand Mine Project offers a rare opportunity to secure a long-term, local source of PCC-grade sand that can meet approximately 25% of the County’s annual demand. By doing so, it will stabilize prices, reduce environmental impacts from transportation, and ensure that the County can continue to meet its infrastructure and housing needs in a cost-effective and environmentally responsible manner.

2. **The Project will create approximately 148 acres of new permanent open space, preserved in perpetuity through recordation of an biological open space easement.** While the majority of the Project site is currently zoned as Open Space, the site is presently developed as two private golf courses, and not natural open space. Currently, significant portions of the Project site are vegetated with a mixture of native and non-native species, and the site presents a choke point for water flowing through the Sweetwater River. The Project would progressively reclaim the Project site and restore it to an end use of natural and permanent open space. The revegetation and restoration would include approximately 11 acres of coastal sage scrub and approximately 107 acres of wetland- and riparian-associated habitat, with an additional approximately 7 acres of wetland- and riparian-associated habitat that would be rehabilitated. The project also would preserve approximately 23 acres of existing on-site habitat.

The newly created open space would be preserved via recordation of a biological open space easement to be held by the County. The biological open space easement would apply to the land in perpetuity and restrict future uses to protect the biological value of the site. The land would be managed by a long-term resource manager, in conformance with the final Resource Management Plan, and ultimately result in a significant net environmental benefit to the region, connecting existing open space and preserve areas to the north and south of the Project site.

3. **The Project improves and protects in perpetuity a ecologically functional open space corridor.** Upon completion of mining and implementation of the Resource Management Plan, the Project will transform a degraded, intensively managed golf course into a biologically rich and ecologically functional open space corridor. This transformation will result in a net environmental benefit by restoring native habitats, improving hydrological function, and enhancing regional wildlife connectivity.
4. **The Project is conditioned to offer the County the 148 acres of newly created, and permanently protected, open space area, for a purchase price of \$0, and for inclusion in the County's open space network.** The Applicant has agreed to offer a significant portion of the Project site to the County for use as County open space. Specifically, upon approval, the Applicant will commit to offering at least 148 acres of the Project site to the County for a purchase price of \$0, and the County may choose to accept or reject the offer when it is made. The terms of this offer are detailed in the Project's conditions of approval, specifically MUP Condition of Approval GEN#4-LAND DEDICATION OFFER and MUP Condition of Approval GEN#7-COUNTY RIGHT OF FIRST OFFER.

The Applicant's commitment to donate nearly 150 acres of restored open space to the County presents a rare and valuable opportunity to expand the County's open space network at no cost to County taxpayers. The property, once it is fully reclaimed and revegetated under the Project's Resource Management Plan, will consist of high-quality riparian, wetland, and upland habitats that support regional biodiversity and enhance ecological connectivity. Strategically located along the Sweetwater River corridor, the site will serve as a critical linkage between existing open space areas, including the San Diego National Wildlife Refuge, and will facilitate wildlife movement and trail connectivity consistent with the County Trails Master Plan. The perpetual biological open space easement will ensure long-term conservation of these restored habitats, while the land's integration into the County park system will provide new recreational opportunities for the public, including multi-use trails and nature viewing areas. This donation represents a

lasting environmental legacy and a significant public benefit aligned with the County's conservation and recreation goals. As noted above, the Applicant has engaged the San Diego Habitat Conservancy as its long-term resource manager for the reclaimed areas. The Applicant is also currently seeking an additional nonprofit partner with specialization in water quality, monitoring, and Clean Water Act compliance, to further support its long-term management of the restored property.

5. **The Project will restore and enhance the Sweetwater River flood channel to a more natural condition, improving water flow, flood protection, and wildlife connectivity.** The Project will widen and restore the Sweetwater River floodplain, which does not currently mimic natural conditions as a result of the prior development of the two private golf courses on the Project site. Restoring the Sweetwater River channel will provide myriad benefits, including improving the channel's ability to accommodate natural water flow, improving the channel's ability to handle and dissipate energy from large storm events, and improving habitat and wildlife connectivity in the area.

Because of the prior development of the two private golf courses, the Sweetwater River channel, which is artificially narrow and vegetated with a mix of native and non-native vegetation, currently presents a choke point for water flowing through the channel. This Project will remove this choke point and restore the channel to its natural condition: a low-flow channel within a relatively flat plain that is revegetated to support wetland/riparian habitat. This widened flood channel, more similar to conditions occurring before the two private golf courses were developed, would improve the channel's ability to accommodate natural flows and would better dissipate water energy during large storm events.

Further, post-reclamation, the Project site will provide a biologically superior condition for the Sweetwater River, when compared to the site's current developed condition. As a result of the Project, the Sweetwater River floodplain will be substantially widened and revegetated with native wetland and riparian habitat along the channel's bottom and with coastal sage scrub along the constructed channel slopes. These revegetated and restored riparian areas would then be placed within a permanent biological open space easement. This easement area will be contiguous to existing native habitat located to the east and west, including preserved areas within the San Diego National Wildlife Refuge ("SDNWR"). The revegetated channel will re-establish connectivity between upstream and downstream riparian areas by providing increased native vegetative cover. This improved connectivity will improve wildlife access to higher quality

resources and promote and facilitate wildlife use and movement in the local area and surrounding region—movement that is currently constrained by the existing golf courses.

6. **The Project is projected to provide the County with \$2,500,000 in additional sales tax revenue.** Based on an annual extraction rate of 570,000 tons per year, an anticipated and conservative sales price of \$25 per ton, and applying the County sales tax rate of 1.75%, County sales tax revenue from the Project will be approximately \$249,375 per year during the extraction phase of the Project. This will result in a total of \$2,500,000 in additional tax revenue over the life of the Project.
7. **The Project will significantly reduce water demand and consumption on the Project site.** The Project would significantly reduce water demand at the Project site, which is currently necessary to maintain the two developed private golf courses. The water demand during the Project’s mining period would reduce water consumption by approximately 83% when compared against the historic water consumption rates for the two courses. While one golf course is currently closed, in the absence of the Project, the course could be reopened at any time. After mining ceases and the restoration of the mining areas is completed, no ongoing water consumption would be required, meaning that the water consumption of the Project site would be reduced 100%. This would result in a substantial improvement in the amount of groundwater storage, and benefit regional water supplies.
8. **The Project will be restored on a rolling basis, ensuring continuous environmental enhancement, as opposed to requiring the community to wait until the end of the 10-year extraction phase to see any open space benefit.** As explained in the Final EIR, “[a]reas disturbed by mining activities would be progressively reclaimed and revegetated as mining proceeds across the Project site. Mining activities are planned to occur in smaller subphase areas to limit disturbance and implement phased reclamation and revegetation. Mining activities in each subphase area would occur over an approximate duration of one year each, so that the entire Project site or phase areas would not be disturbed at one time.” (EIR, p. 2.1-27.) Because the Project will be required to reclaim, restore, and enhance the site on a continuous basis, the community will not be required to wait until the end of the 10-year mining period to benefit from the open space restoration. The Applicant will be required to offer the reclaimed lands to County Parks as a donation, free of charge to the County. This donation could occur on a rolling basis, providing open space benefits to the community in the relative near term.

- 9. The Project will reduce overall greenhouse gas emissions and vehicle miles traveled within the County.** The Project will reduce regional and statewide mobile source greenhouse gas emissions by reducing the truck miles associated with importing construction aggregate into San Diego County from Mexico and other states. As described in the Final EIR, replacing 570,000 tons of imported sand with locally sourced sand from the Project site has the potential to ***reduce vehicle miles traveled associated with meeting San Diego County's near-term sand demand by 35.8 percent***. Such a reduction in vehicle miles traveled would result in an overall reduction of greenhouse gas emissions from those vehicle miles.
- 10. The Project will construct a new pedestrian pathway and regional multi-use trail.** The Project includes the construction of a new pedestrian pathway along the northern frontage of the Project site, to improve pedestrian access within the vicinity of the Project, where there are currently no sidewalks. The public pathway would range from five to eight feet in width, and it would connect to a new publicly accessible community trail within the Project site. The multi-use community trail would be completed in segments, across the Project site as the site is reclaimed in phases.
- 11. The Project will improve Willow Glen Drive.** The Project will provide several improvements to Willow Glen Drive, including restriping the roadway to provide Class II buffered bicycle lanes on both sides of the roadway, the installation of a dedicated right-turn lane, and the installation of a two-way left turn lane. These improvements will be installed before mining activities are permitted to begin. The Project will also provide an Irrevocable Offer of Dedication along the Project frontage to accommodate the ultimate roadway width of Willow Glen Drive.
- 12. The Project will implement myriad County General Plan Goals and Policies.** As a mining project that provides a local source of high-quality and in-demand construction aggregate, the Project implements several mineral and aggregate-related goals and policies of the San Diego County General Plan. For example:
- Goal COS-10, Protection of Mineral Resources, requires the County to ensure long-term production of mineral materials adequate to meet local annual demand. Currently in San Diego County, local demand for sand aggregate far outpaces local supply, an imbalance that this Project would directly address.

- Policy COS-10.1, Protection of State-Classified or Designated Lands, discourages the development or incompatible development of lands classified or designated as having important mineral resources, and requires that the County consider the potential for substantial resource extraction in making land use decisions. This Project site is State-designated as Mineral Resource Zone (“MRZ”) 2, which is defined as an area where “significant mineral deposits are present” or likely to be present.
- Policy COS-10.6, Conservation of Construction Aggregate, requires the County to “[e]ncourage the continued operation of existing mining facilities ***and streamline the permitting of new mining facilities consistent with the goal to establish permitted aggregate resources that are sufficient to satisfy 50 years of County demand.***” This Project will provide a newly permitted mining facility producing local aggregate resources.
- Policy COS-10.8, New Mining Facilities, recognizes the “public necessity for available mineral resources adequate to meet local demand.” The primary purpose of this Project is to meet local demand for sand aggregate.

Because the Project will improve and restore the Sweetwater River channel, the Project also implements General Plan policies relating to floodplain protection. For example:

- Policy S-9.2, Development in Floodplains, discourages development in floodplains, and discourages the artificial channelization of river beds. This Project will remove existing development within the floodplain (structures associated with the existing private golf courses) and return the Sweetwater River channel to a more natural and widened state, revegetated with natural wetland and riparian habitat.

Finally, by providing approximately 180 acres of optimally located open space and parkland to the County Parks system, free of charge, the Project implements the General Plan’s open space and network connectivity goals and policies. For example:

- Policy LU-6.7, Open Space Network, requires that projects design contiguous open space areas that protect wildlife habitat and corridors, and connect with existing or planned recreational opportunities.

- 13. The Project will eliminate long-term potential for intensive development on the Project site.** The Project will reclaim the site on a rolling basis, with each subphase of 30-acres or less reclaimed, revegetated, and converted to high-quality, natural open space as mining progresses across the site. At the close of the extraction and reclamation phases, approximately 148 acres of the Project site will have been converted to improved and enhanced natural open space, protected in perpetuity through the recordation of an open space easement and the offer to donate the land to County Parks, free of charge, for use as publicly accessible open space and parkland. This end use will eliminate any potential for this large site to be converted to housing, affordable housing, commercial or mixed use, or intensive recreational uses, in the future.

GENERAL PLAN CONSISTENCY

The Project does not require a General Plan Amendment.

The General Plan land use designation for the site is Open Space-Recreation (**OS-R**). The County Zoning Ordinance identifies the zoning designations that are consistent with the OS-R General Plan designation. These include the S80 (Open Space); S90 (Holding Area); and S88 (Specific Planning Area) designations. As detailed below in *Zoning Ordinance Consistency*, the Project is consistent with the uses permitted by the Zoning Ordinance for these designations.

Further, Appendix B to the Final EIR includes a detailed Land Use Consistency Analysis, which considered the Project's consistency with each relevant goal and policy of the County of San Diego General Plan Land Use Element, Mobility Element, Conservation and Open Space Element, Safety Element, and Noise Element. This analysis determined that the Project was consistent with 55 goals and policies and potentially inconsistent with the remaining three. The three goals and policies with which the Project was potentially inconsistent are Goal COS-11, Policy COS-11.1, and Policy COS-11.2. Each of these relate to the protection of scenic resources. However, during the Project's mining subphases, which will only last for an approximately one-year period in any individual location, substantial screening landscaping will be planted and green mesh will be installed on existing chain link fencing; together, these screening techniques would block views of elements of the Project from offsite.⁵⁴

Once mining in an individual subphase is completed, that subphase area will be reclaimed. "The post-reclamation visual environment would be an extension of existing

⁵⁴ Final EIR, p. 2.1-26, -53, -54.

pattern elements characteristic of the Jamacha valley” and once vegetation reaches maturity “vegetative diversity resulting from Project implementation would be compatible with the existing visual character of the community.”⁵⁵ Nonetheless, in an abundance of caution, the Final EIR identifies a significant impact on aesthetics; however, this impact would not be for the duration of mining activities for the vast majority of viewers, and at the close of mining, the aesthetics of the Project Site would be improved over existing conditions, as the site would be restored, improved, and offered to the County as permanent parkland. For this reason, the Land Use Consistency Analysis included in Appendix B to the Final EIR determined that during extraction activities, the Project may pose an inconsistency with COS-11, COS-11.1, and COS-11.2 during mining, but once reclamation is completed, the Project would no longer be inconsistent. This is because, long-term, the Project would improve local scenic resources by replacing two developed golf courses with permanent open space, protected in perpetuity under an easement.

A project is consistent with a general plan if, “considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.”⁵⁶ State law does not require conformity with each and every individual goal and policy of a general plan prior to a finding that a project is generally consistent and compatible with the general plan. Here, the County’s Final EIR has determined that the Project is consistent with 55 goals and policies, and in the long-term will be compatible with the remaining three. Despite short-term visual impacts to select viewers as mining proceeds across the Project site in subphases, the Project does not obstruct the attainment of any goal or policy of the San Diego County General Plan, including COS-11, COS-11.1, and COS 11.2, and therefore is consistent with the San Diego County General Plan. The Final EIR’s analysis of consistency with each relevant General Plan goal, policy, and action is attached hereto and incorporated herein as **Attachment E**.

ZONING ORDINANCE CONSISTENCY

The Project does not require a Zone Change.

The Project site includes three zoning designations: S80 (Open Space); S90 (Holding Area); and S88 (Specific Planning Area). Pursuant to County Zoning Ordinance, section 2805(c), “mining and processing” extracting uses are permitted within the S90 designation with approval of a Major Use Permit. Pursuant to County Zoning Ordinance, section 2905(d), “mining and processing” extracting uses are permitted within the S90

⁵⁵ Final EIR, p. 2.1-27.

⁵⁶ *San Francisco Tomorrow v. City and County of San Francisco* (2014) 229 Cal.App.4th 498, 513-514.

designation with approval of a Major Use Permit. Pursuant to County Zoning Ordinance, section 2885(b), “site preparation” in relation to extractive uses are permitted in the S88 designation with approval of a Major Use Permit; however mining and processing is not.

This Project proposes extractive mining activities only within parcels within the Project site currently designated as S90. This Project also proposes site preparation activities within parcels within the Project site currently designated as S88. Thus, with approval of the Major Use Permit, the Project is consistent with the County Zoning Ordinance.

CEQA COMPLIANCE

An Environmental Impact Report (**EIR**) has been prepared for the Project, under the close oversight of County Staff. Pursuant to Public Resources Code, section 21067, and State CEQA Guidelines, section 15367, the County of San Diego is the Lead Agency for the Project. Pursuant to CEQA and the State CEQA Guidelines, the County determined that an EIR should be prepared in order to analyze all potential adverse environmental impacts of the Project.

The County issued a Notice of Preparation (**NOP**) for a draft environmental impact report for the Project on or about October 25, 2019, and circulated the NOP for a 30-day public review period.

The County then prepared the Draft EIR for the Project and initiated a 74-day public review period, ending on February 28, 2022. This comment period was significantly longer than the 45-day review period required by CEQA. As a result of the public comments received from the circulation of the Draft EIR, changes were made to the project description and the analysis of biological resource impacts. A Recirculated Draft EIR was then circulated for a 53-day public review period, ending on August 21, 2023. This public review was also longer than the 45-days required by CEQA.

The County subsequently prepared a Final EIR, consisting of the comments received during the public review periods of the Draft EIR and Recirculated Draft EIR, written responses to those comments, and revisions to the EIR. The Final EIR is available at <https://www.sandiegocounty.gov/content/sdc/pds/ceqa/MUP-18-023.html>.

The analyses contained in the Final EIR are based upon more than 25 technical studies and reports, which are appended to the Final EIR. These technical studies and reports were reviewed by County staff, peer reviewed by County’s outside consultants, and updated and revised throughout the environmental review process to respond to and address concerns and inquiries from the public. Like the body of the Final EIR, the

technical reports were provided to the public during the public review and comment periods, and are currently available at <https://www.sandiegocounty.gov/content/sdc/pds/ceqa/MUP-18-023.html>.

Based upon the technical studies, the EIR's analyses, and the entirety of the record before the County, the Final EIR concludes that the Project has the potential to result in impacts relating to biological resources, cultural and tribal cultural resources, noise, paleontological resources and aesthetics. However, within the imposition of enforceable mitigation measures, the Final EIR concludes that all impacts will be reduced to a level of less than significant with the exception of the Project's aesthetics impact, which will remain significant and unavoidable even within the imposition of all feasible project design features and mitigation measures. For a full list of the Project's mitigation measures, please refer to the MMRP attached hereto as **Attachment D**. For more information on the Project's potential impacts, prior to and with the incorporation of the mitigation measures, please refer to the CEQA Findings of Fact attached hereto as **Attachment C**, as well as to the Final EIR available at <https://www.sandiegocounty.gov/content/sdc/pds/ceqa/MUP-18-023.html>.

Because the Project will result in a significant and unavoidable aesthetics impact, approval of the Project requires the concurrent adoption of a Statement of Overriding Considerations. Here, there is substantial evidence supporting a finding that the benefits of the Project outweigh its significant and avoidable aesthetics impact. Please refer to the Statement of Overriding Considerations incorporated into the CEQA Findings of Fact, attached hereto as **Attachment C**.

Upon certification of the Final EIR, adoption of the CEQA Findings of Fact, adoption of the CEQA Statement of Overriding Considerations, and adoption of the Mitigation Monitoring and Reporting Program, the County will have satisfied all CEQA requirements relating to the Project.

APPLICANT'S RECOMMENDATION TO THE PLANNING COMMISSION

The Applicant recommends that the Planning Commission take the following actions:

1. Find and determine that the Cottonwood Sand Mine Project complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*) (CEQA) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*), the County of San Diego Resource Protection Ordinance and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance;

2. Certify the Cottonwood Sand Mine Project Final EIR and adopt the CEQA Findings of Fact presented in **Attachment C** of the Applicant's Alternative Planning Commission Report, including the Statement of Overriding Considerations incorporated therein;
3. Adopt the Mitigation Monitoring and Reporting Program presented in **Attachment D** of the Applicant's Alternative Planning Commission Report;
4. Grant MUP PDS2018-MUP-18-023 and Reclamation Plan PDS2018-RP-001, make the findings, and impose the requirements and conditions as set forth in the Form of Decision presented in **Attachment B** of the Applicant's Alternative Planning Commission Report.

ATTACHMENTS:

Attachment A – Figures Depicting Loss of Local Aggregate Resources

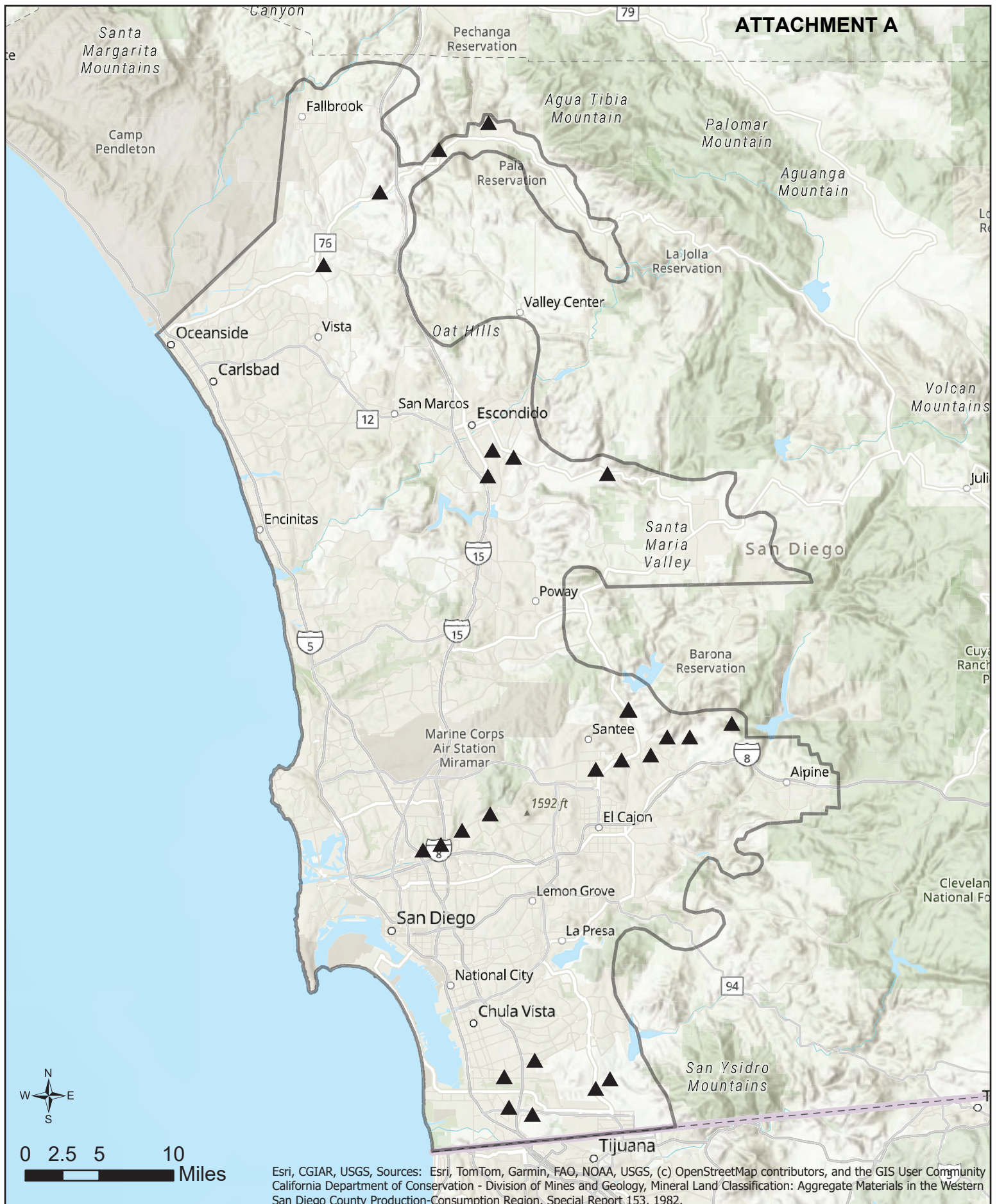
Attachment B – Form of Decision Approving PDS2018-MUP-18-023, PDS2018-RP-001

Attachment C – Environmental Findings: CEQA Findings of Fact

Attachment D – Mitigation Monitoring and Reporting Program

Attachment E – Final EIR Appendix B, Land Use Consistency Analysis

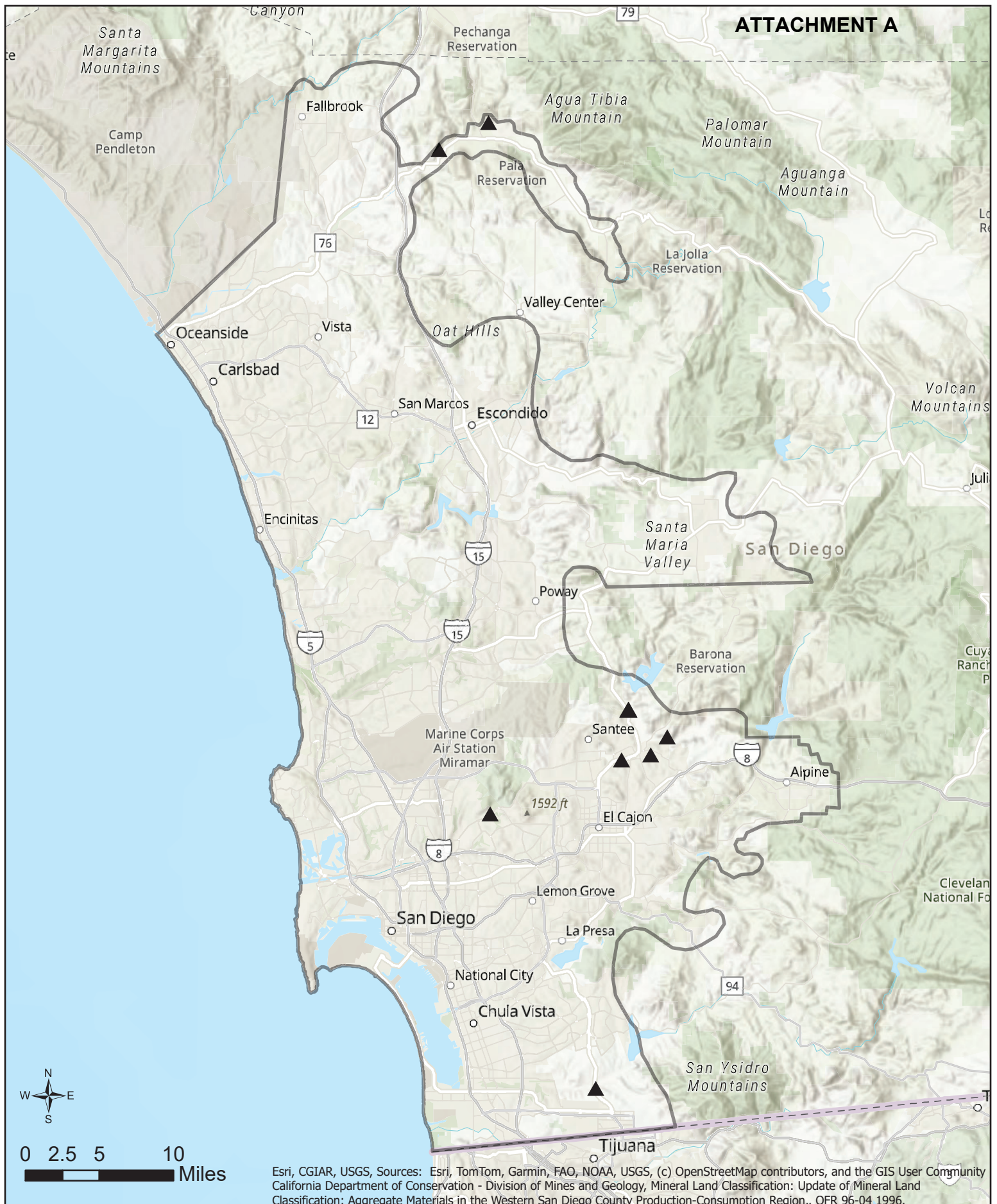
**Attachment A Figures Depicting Loss of Local
Aggregate Resources**



▲ 25 Active Sand Mines

Production-Consumption Region
San Diego

San Diego Sand Mines 1980



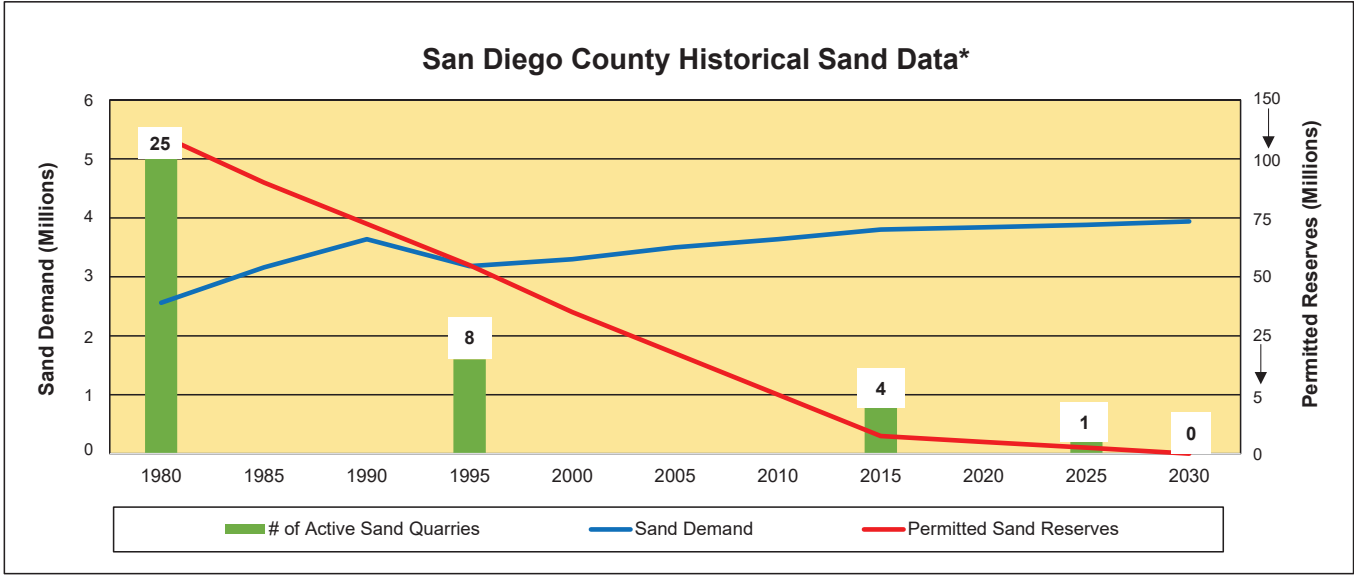
San Diego Sand Mines 1995



San Diego Sand Mines 2015



San Diego Sand Mines 2025



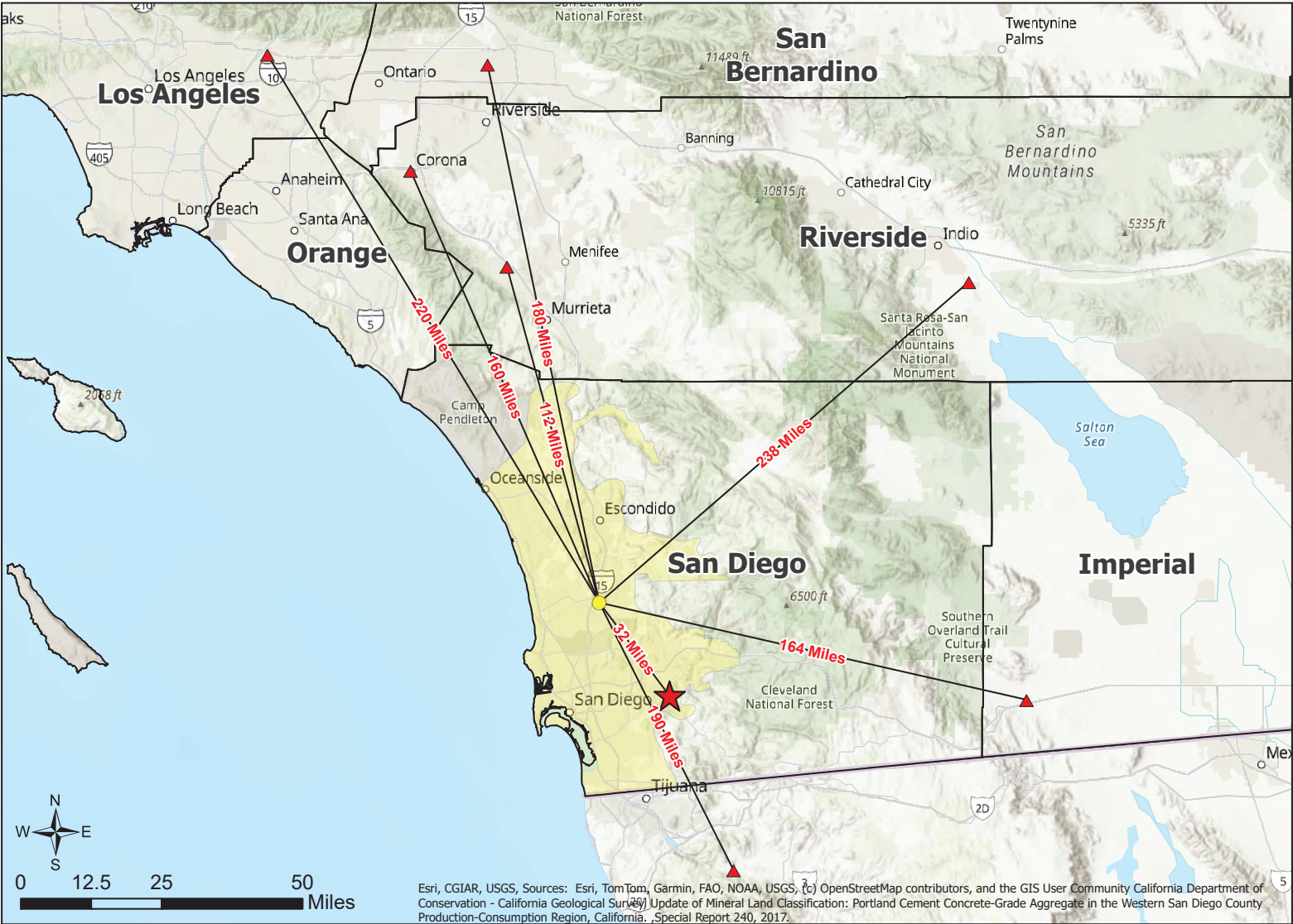
San Diego County Historical Sand Data				
	1980	1995	2015	2025
Permitted Sand Reserves	121 million tons	55 million tons	1 million tons	<1 million tons
Sand Demand	2.6 million tons	3.1 million tons	3.8 million tons	3.9 million tons
# of Active Sand Mines	25	8	4	1

Sources:

California Department of Conservation – Division of Mines and Geology, *Mineral Land Classification: Aggregate Materials in the Western San Diego County Production-Consumption Region*, Special Report 153, 1982.

California Department of Conservation – Division of Mines and Geology, *Update of Mineral Land Classification: Aggregate Materials in the Western San Diego County Production-Consumption Region*, Open-File Report 96-04, 1996.

California Department of Conservation – California Geological Survey, *Update of Mineral Land Classification: Aggregate Materials in the Western San Diego County Production-Consumption Region*, Special Report 240, 2017.



Esri, CGIAR, USGS, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community California Department of Conservation - California Geological Survey (2017) Update of Mineral Land Classification: Portland Cement Concrete-Grade Aggregate in the Western San Diego County Production-Consumption Region, California. Special Report 240, 2017.

Sources of Sand Imports

Attachment A, page 6

**Attachment B Form of Decision Approving
PDS2018-MUP-18-023, PDS2018-RP-001**

June 13, 2025

PROJECT NAME: COTTONWOOD SAND MINE PROJECT
 PROJECT TYPE: MAJOR USE PERMIT (MUP) AND RECLAMATION PLAN (RP)
 PROJECT APPLICANT: COTTONWOOD EL CAJON
 PROJECT RECORD ID: PDS2018-MUP-18-023, PDS2018-RP-001
 ENVIRON. LOG NO.: PDS2018-ER-18-19-007 (SCH#2019100513)
 PROJECT ADDRESS: 3121 WILLOW GLEN DRIVE, EL CAJON, CALIFORNIA
 PROJECT APN: APNs: 506-021-19; 506-020-52; 518-012-13, -14; 518-030-05, -06, -07, -08, -10, -12; 518-030-13, -15, -21, -22; 519-010-15, -17, -20, -21; 519-010-33, -34, -37; 519-011-07

DECISION OF THE PLANNING COMMISSION

MAJOR USE PERMIT DECISION MUP-18-023 (PDS2018-MUP-18-023)

GRANT, as per plot plan approved June 13, 2025, consisting of eleven (11) sheets approved concurrently herewith, a Major Use Permit authorizing mining and related activities on approximately 214.4 acres. This permit is issued pursuant to sections 2805, 2885, 2905, 6550 *et seq.*, and 7358 of the Zoning Ordinance.

Also granted is a design exception pursuant to San Diego County Centerline Ordinance Section 51.309, Board Policy I-18 and the Public Road Standards Table 2A, to allow a half improvement width that varies between twenty-one feet (21') and thirty-five feet (35') along the frontage of ***Willow Glen Drive (SF 13)***.

Also granted is a design exception pursuant to Centerline Ordinance Section 51.312 and San Diego County Board Policy I-92 to waive the undergrounding of utilities along the frontage of ***Willow Glen Drive (SF 13)***.

MAJOR USE PERMIT FINDINGS MUP-18-023

Pursuant to Section 7358 of the County of San Diego Zoning Ordinance, the following findings in support of issuance of Major Use Permit PDS2018-MUP-023 are made, based on the whole of the record before the County:

- (a) The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings or structures with consideration given to:

1. Harmony in scale, bulk, coverage and density

The Project does not present any inconsistencies with the surrounding community as it relates to scale, bulk, coverage and density.

“Scale” refers to the size and height of structures. The only structures that will be present on the site during extraction are associated with the Processing Plant, located near the center of the nearly 280-acre Project Site. Relative to residential and commercial structures, the Processing Plant structures have a minimal scale, and include a materials scale, office kiosk, and office trailer. Relative to residential and commercial structures, the Processing Plant structure will be of much smaller size and height. Specifically, as shown on the Project’s Plot Plan, the Processing Plant will not exceed 35 feet in height, which is consistent with the height limit of the County of San Diego Zoning Code. The Processing Plant’s footprint is approximately 50 by 16 feet, significantly smaller than even a modestly sized single-family home. To reduce disruption to the extent feasible, the processing plant is proposed in the middle of the site, where there are no adjacent existing homes. Notably, no crushing of rock is necessary to process the materials extracted from the site. Instead the processing plant’s purpose will be to screen and wash sand and gravel materials.

Vegetative screening and landscaping, as well as screening fencing, would reduce visual exposure of the Processing Plant from public view. Mining activities taking place at ground level and below do not present “scale” concerns as there are no associated structures. Further, mining activities will proceed across the site in phases and subphases, each covering only a small portion of the greater Project Site. Extraction activities taking place on only approximately 30 acres of an approximately 280-acre site do not present issues of scale compatibility.

“Bulk” refers to the physical dimensions and mass of a building, including its height, footprint, and overall volume. Extensive bulk can limit the availability of light, air, and open space on a property and adjacent properties. As discussed above, there are very few structures proposed on the Project Site during the extraction phase, and no permanent structures proposed on the site after the conclusion of mining. As is clear from the Project’s Plot Plan, the Processing Plant is not located in the vicinity of any off-site structures, and will not result in any light, shadow or ventilation impacts on-site or off-site. Further, mining activities taking place at ground level and below do not present issues of “bulk.” As mining is completed in each subphase, that phase will be reclaimed and then preserved as open space. Because there will be no traditional buildings or structures that would impact the availability of light, air, or open space on the 280-acre Project Site or adjacent properties, the Project is consistent with adjacent uses in terms of “bulk.”

“Coverage” in the land use context refers to the proportion of the site that is occupied by a specific feature (e.g., a building or impervious surface). The San Diego County Zoning

Ordinance defines “Lot Coverage” as “[t]he percentage of net site area covered by the vertical projection of any structure excluding any structure not extending above grade.” While the Project Site includes approximately 280 acres, the only structure proposed is the Processing Plant, described above. The Processing Plant’s footprint will be approximately 800 square feet, located near the middle of the 280-acre Project Site. Thus, the “Lot Coverage” as defined in the Zoning Ordinance is extremely low. Mining activities occurring at-grade and below-grade are expressly excluded from the Zoning Ordinance’s definition of “Lot Coverage.” Nonetheless, extraction activities will occur in subphases of no more than 30 acres at a time, or less than 11% of the greater 280 acres. No coverage-related inconsistencies would occur.

“Density” is defined in the San Diego County Zoning Ordinance as “[t]he number of dwelling units per acre.” The Project does not propose any dwelling units, and would preserve the majority of the Project Site as permanent open space after mining operations have ceased. There are no inconsistencies related to density presented by the Project.

Given the above, the location, size, design, and operating characteristics of the Project will be compatible with adjacent uses, residents, buildings and structures in relation to harmony in scale, bulk, coverage, and density.

2. The availability of public facilities, services and utilities

The Final EIR prepared for the Project analyzed the availability of public facilities, services, and utilities. (Final EIR, pp. 3.2-4 through -7.) That analysis determined that the Project is served by adequate fire and emergency services and police services. That analysis also determined that the water required for the Project’s mining operations would be adequately provided by on-site groundwater wells. Because the Project does not propose any commercial or residential buildings, the Project would not generate more than negligible amounts of wastewater and solid waste.

The Project would not introduce any temporary or permanent population, and would not place any increased demand on schools, parks, or other public facilities. (Final EIR, p. 3.2-5.)

Upon the end of the mining period, the Project would contribute substantially to the availability of permanent open space and parkland, as it includes the reclamation of all extraction areas, and the donation of approximately 150 acres of open space to the County.

Given the above, the location, size, design, and operating characteristics of the Project will be compatible with adjacent uses, residents, buildings and structures in relation to the availability of public facilities, services, and utilities.

3. The harmful effect, if any, upon desirable neighborhood character

Desirable neighborhood character includes factors such as visual quality, ambient noise levels, air quality, traffic conditions, and compatibility of land uses. The EIR evaluated each of these components and found no significant long-term adverse effects, with the exception of the potential for the Project to result in a non-permanent visual impact. The visual impact of the Project is addressed at length in EIR, chapter 2.1. However, visual impacts are only one component of “desirable neighborhood character.” Notably, no other impacts to community character were identified in the EIR. Specifically, impacts associated with traffic (including truck traffic), air quality (including dust generation), and noise (including from both mining activities directly and truck traffic) were all found to be less than significant. The definition of “significant” applied in the EIR conforms to the County’s ordinances and guidelines, and industry standards.

The effect on visual character of the surrounding community was analyzed systematically, based on an analysis of multiple key views that “would clearly display the visual effects of the Project and represent the primary viewer groups potentially affected by the Project.” (Final EIR, pp. 2.1-16 through -21.) The EIR noted that “[t]he visual character and quality of the existing landscape [on the Project Site] would change substantially during the mining and reclamation phases of the Project.” (Final EIR, p. 2.1-25.) However, this visual disturbance would not occur for the entirety of the mining period. As addressed throughout the EIR, and in the visual impacts analysis specifically:

Areas disturbed by mining activities would be progressively reclaimed and revegetated as mining proceeds across the Project site. Mining activities are planned to occur in smaller subphase areas to limit disturbance and implement phased reclamation and revegetation. Mining activities in each subphase area would occur over an approximate duration of one year each, so that the entire Project site or phase areas would not be disturbed at one time. Backfilling, reclamation, and revegetation would occur immediately following the completion of mining operations in each subphase area. Generally, reclamation and revegetation of each subphase would occur over a two-year period following the completion of mining.

(Final EIR, p. 2.1-27.)

During the mining subphases, which will only last for an approximately one-year period in any individual location, the EIR describes how substantial screening landscaping will be installed prior to the initiation of mining, green mesh will be installed on existing chain

link fencing, and, together, these screening techniques would block views of elements of the Project from offsite. (Final EIR, p. 2.1-26.) Once mining in an individual subphase is completed, that subphase area will be reclaimed. “The post-reclamation visual environment would be an extension of existing pattern elements characteristic of the Jamacha valley” and once vegetation reaches maturity “vegetative diversity resulting from Project implementation would be compatible with the existing visual character of the community.” (Final EIR, p. 2.1-27.) Thus, while the EIR identified a significant impact on aesthetics, this impact would not be for the duration of mining activities for the vast majority of viewers. Further, at the close of the Project the aesthetics of the Project Site would be improved over existing conditions, as the site would be restored, improved, and offered to the County as permanent parkland.

Aesthetics is only one component of community character. The EIR also analyzed the Project’s potential to affect community character as it relates to traffic, noise, and air quality. The EIR determined that impacts associated with traffic, noise, and air quality would each be less than significant. There is no evidence in the administrative record that traffic, noise, and air quality impacts would harm the community, or community character specifically, given there is no evidence that these impacts would exceed any published, adopted, commonly applied, or industry standard threshold of significance.

Regarding traffic, the Project site is currently permitted for golf course use. While one of the site’s two golf courses is not currently operational, it could be opened by the property owner at any time and without discretionary permits from the City. This would generate traffic in the area, regardless of the issuance of the MUP for sand extraction. As disclosed in the EIR, issuance of the MUP for sand extraction would result in the addition of approximately 146 truck trips per day (88 exporting material, and 58 importing material). (Final EIR, p. 3.1.7-4.) Applying the most conservative assumptions, the EIR analyzed the impact of these truck trips on vehicle miles traveled, traffic hazards, and local mobility, and determined that impacts would be less than significant. (Final EIR, pp. 3.1.7-1 through -13.)

Regarding noise, the EIR analyzed in detail the levels of additional noise that would be generated by the mining activities themselves, as well as by the additional truck traffic. The County of San Diego Noise Ordinance provides performance standards for noise. Specifically, the Noise Ordinance establishes limits for operational (here, extractive) activities and construction activities. These thresholds have been adopted by the County and apply to all projects within unincorporated County. Noise modeling included in the EIR determined that, with the construction of an 8 to 12 foot noise barrier in specific locations at the site, *no sensitive receptor* (which includes residences and schools) will experience noise levels as a result of the Project that exceed the levels set in the Noise Ordinance. (Final EIR, pp. 2.4-4 through -9, 2.4-13 through -16.) The County has not adopted alternative noise thresholds, whether for this Project specifically or mining

projects generally. That noise generated by the Project may be different in nature from noise generated by the existing golf course, a change in use alone is not grounds for concluding that the Project will result in a harmful effect on neighborhood character. Further, the Project's unique phasing plan limits mining areas to no more than 30 acres, and progressively and incrementally moves extraction—and thus noise related to such extraction—across the site. This was done specifically to reduce disruption within the neighborhood. The Project's noise profile, while different from that of a golf course, remains within acceptable limits and is not legally or functionally incompatible with the surrounding uses.

Regarding dust generation, the EIR considered this issue in detail. As described in the EIR, the Project is required to implement a Fugitive Dust Control Plan during construction, mining activities, and reclamation. (Final EIR, p. 3.1.1-12, -13.) This plan mandates fugitive dust control measures to minimize dust emissions and meet all applicable dust control requirements. (Final EIR, p. 3.1.1-12, -13.) Air quality modeling confirmed that with application of the measures of the plan (including, but not limited to, watering roadways, limiting vehicle speeds onsite, sweeping roadways, utilizing rumble grates and wheel washers, etc.), would reduce dust emissions to a level of less than significant. (Final EIR, pp. 3.1.1-12 through -15.) The "level of significance" for dust emissions is set by the air district. The Project will not generate dust above this air district limit. There is no evidence in the entirety of the record indicating that dust generated by the Project will result in an nuisance.

Finally, there is no evidence in the entirety of the record that odors associated with diesel emissions will be so significant as to result in a harmful effect on neighborhood character. The Final EIR expressly considered odor, noting that the Project's processing plant and truck loading area "would be located approximately 650 feet from the nearest residence" and sand extraction equipment would be operated "at least 100 feet from residences in accordance with the Project's proposed property line setbacks." (Final EIR, p. 3.1.1-20.) The Final EIR explains that diesel odor disperses rapidly with distance and therefore odors during construction and operation would be less than significant. (Final EIR, p. 3.1.1-20.)

Given the above, the location, size, design, and operating characteristics of the Project will be compatible with adjacent uses, residents, buildings and structures in relation to neighborhood character. While visual character will be impacted, it will be so for only a limited period of time (two years or less) for most viewers. Impacts associated with noise, dust, and truck traffic were all analyzed in detail in the EIR, which determined that these impacts would be less than significant.

. The generation of traffic and the capacity and physical character of surrounding streets

The Project's traffic generation was modeled as part of the environmental review process. The Project's trips were analyzed for potential impacts to the surrounding traffic network, as well as on pedestrian safety. This detailed analysis determined that no impacts relating to traffic, or the capacity and physical character of surrounding streets, would occur.

The four major roadways serving the Project Site are Campo Road (SR 90), Jamacha Road, Jamacha Boulevard, and Willow Glen Drive. (Final EIR, p. 3.1.7-1.) Class II bike lanes are currently provided on both sides of Willow Glen Drive within the vicinity of the Project, and pedestrian sidewalks are provided along the northern side of Willow Glen Drive, from Jamacha Road to approximately 150 feet west of the existing golf course entrance. (Final EIR, pp. 3.1.7-1, -2.) The EIR analyzed the potential for the Project's traffic (including truck trips) to result in direct, indirect and cumulative impacts consistent with the Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts and County of San Diego guidelines. (Final EIR, p. 3.1.7-3.) This analysis determined that trips generated during mining operations would be nominal compared to the existing roadway operations and capacity and would not have the potential to conflict with any local or state program, plan, ordinance, or policy addressing the circulation system and its capacity, including transit, roadway, bicycle and pedestrian facilities. (Final EIR, p. 3.1.7-4, -5.)

The Project also includes improvements to a portion of Willow Glen Drive, including restriping Willow Glen Drive to provide Class II buffered bicycle lanes on both sides of the roadway. To facilitate deceleration of right-turning vehicles into the Project's ingress driveway, a dedicated right-turn lane would also be constructed. A two-way left turn lane between the Project's primary ingress and egress driveways would also be provided and would serve as a refuge lane for trucks to complete their outbound maneuvers safely and effectively. (Final EIR, p. 3.1.7-9 through -11.)

The Project would also not result in inadequate emergency access or evacuation capacity. Mining activities would only occur within the Project Site and would not involve road closures. Steele Canyon Road, which traverses the Project Site, would remain fully open during Project operations. Although the Project would generate an increase in on-road traffic in the form of haul trucks and worker commute vehicles, the increase is not expected to substantially disrupt travel along roadways in the Project area compared to existing conditions, based on traffic modelling summarized in the EIR and provided in additional detail in the appendices to the EIR. Trucking operations during the week would operate from 9:00 am to 3:30 pm to avoid peak traffic periods in the area. In addition, the proposed driveways near the existing clubhouse and at the intersection of Willow Glen Drive and Muirfield Drive would allow for sufficient emergency access. (Final EIR, p. 3.1.7-11.)

Given the above, the location, size, design, and operating characteristics of the Project will be compatible with adjacent uses, residents, buildings and structures in relation to traffic generation, circulation, and the capacity and physical character of the local roadway network.

5. The suitability of the site for the type and intensity of use or development which is proposed

The site is suitable for the type and intensity of operations that will take place under the Project. Specifically, the Project is consistent with the site's zoning designations (S80, S88, and S90) and the site's General Plan designation of Open Space-Recreation (OS-R)—these designations expressly allow extractive uses with a Major Use Permit. The Project advances General Plan Policies relating to the protection and utilization of mineral resources by contributing to the County's aggregate supply. Further, not only is the Project an allowable use under the Project site's zoning and General Plan designations, the site's suitability is further underscored by the fact it is only one of two known locations within the County with extractable PCC-grade sand resources of sufficient quality and quantity to meet regional demand. The Project's phased extraction plan, setbacks, noise barriers, and dust control measure ensure compatibility with adjacent residential and recreational uses.

The Project proposes to provide reliable, high-quality construction aggregate product in the amount of 570,000 tons per year. Aggregate material extracted from the site would consist primarily of washed sand suitable for PCC. The extraction of PCC-grade sand is a declared public necessity in San Diego County. (See County Code, § 87.701.)

The Project's objectives include the following:

1. Recover and process construction aggregates in a financially sound and efficient manner while meeting all local, state, and federal safety requirements.
2. Provide an open space resource within the County, that ultimately protects and enhances the Sweetwater River channel.
3. Provide reliable, high-quality, aggregate product in the amount of 570,000 tons per year (approximately one-quarter of San Diego County's annual sand demand).
4. Maintain the existing low-flow channel of the Sweetwater River during and after mining operations to accommodate water transfers from Loveland Reservoir

to Sweetwater Reservoir and existing Sweetwater River middle watershed natural water flows.

5. Widen the existing flood channel of the Sweetwater River to more closely mimic conditions prior to golf course construction.

(Final EIR, p. 1-1.)

Regarding Objectives 1 and 3, sand can only be extracted on sites with known alluvial resources, which are typically located within the main river drainages of the County. As analyzed in the EIR's Chapter 4.0, Project Alternatives, there are no other known sites within the County available alluvial sand resources are of similar size to meet at least 25% of the County's demand. (Final EIR, p. 4-16.) Further, mineral resources available for extraction within the County have dwindled, even though continued development, including housing development, within the County requires more resources. As a result, locally permitted construction aggregate supply has not kept up with ever-increasing demand. Thus, this location is appropriate (and necessary) for the Project.

Regarding Objectives 2 and 5, the Project's proposed location will permit the recovery of substantial natural open space acreage at the end of the reclamation period. The Project Site is not currently natural open space—it is currently developed with two private golf courses. While some portions of the Project Site currently have natural native habitat and vegetation, the Sweetwater River Channel is currently vegetated with a mixture of native and non-native species, and includes a current choke point for water. (Final EIR, p. 1-14.) In contrast, and to implement Objectives 2 and 5, the Project will ultimately provide a final landform that is a relatively flat plain providing a widened river channel bisecting the length of the site. (Final EIR, pp. 1-2, -13.) This widened floodplain, more similar to conditions occurring before the golf courses were constructed, would include a re-established riparian corridor with native habitat and natural landforms consistent with the surrounding area. (Final EIR, p. 1-13.) This will provide an improvement in the Sweetwater River Channel over existing conditions. There is no other project location that can provide this benefit; thus, the location is appropriate (and necessary) for the Project.

Further, the Project's Conditions of Approval include a requirement that the Applicant offer the reclaimed site to the County of San Diego Parks Department, for use as permanent open space and incorporation into the County's open space system. The Project site is located at a key location, and upon its incorporation into the County's open space network, will connect various open space areas and trails. There is no other similar potential open space area of this size and that would provide a similar level of connection benefits, within the unincorporated County.

In addition, locating a sand extraction use within the County will result in reductions of overall regional greenhouse gas emissions and overall truck vehicle miles traveled in the region at large. This is because producing more sand within the County (this Project proposes to meet approximately 25% of the County's demand) results in less sand import to the County from outside of the region, state, and Country. Further, currently most aggregate sand used in new construction within the County is sourced from Mexico, the cost of which could increase significantly in the near future due to additional tariffs and related economic controls on imported supplies, including aggregate and other construction materials. Locating a sand mine within the County will reduce dependence on non-domestic sources of aggregate.

Finally, the Project will result in a net environmental benefit by restoring and then protecting in perpetuity approximately 148 acres of native habitat and by enhancing the Sweetwater River corridor.

The existing golf course use on the Project site is a private, discretionary use, located on private property owned by the Applicant. That use can be discontinued or repurposed at any time. Given the above, the location, size, design, and operating characteristics of the Project will be compatible with adjacent uses, residents, buildings and structures in relation to the site's suitability for the type and intensity of use proposed. This conclusion is supported by substantial evidence in the administrative record, including technical studies and expert analysis contained in the Final EIR. The Final EIR, along with the Project's myriad technical studies, demonstrates that the site is not only suitable for the proposed use, but is uniquely appropriate given its location's geology and value as long-term open space. In sum, the Project site is not only legally and physically suitable for the proposed Project's use—it is uniquely necessary to meet the County's mineral resource needs while delivering lasting environmental and open space benefits.

. *Any other relevant impact of the proposed use*

During the environmental review process, the County considered the Project's potential to result in potentially significant impacts to the environment and surrounding community. The EIR prepared for the Project as well as the Project's Initial Study, considered the Project's potential to result in impacts associated with aesthetics, biological resources, cultural resources, noise, paleontology, tribal cultural resources, air quality, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, transportation and traffic, geology and soils, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire.

These analyses were conducted over the course of five years and based on 25 separate technical studies and reports, prepared by and then peer reviewed by, industry experts,

including planners, engineers, and other experts. These technical studies and reports include a Planning Analysis, Biological Resources Technical Report, Archeological Inventory and Assessment, Historic Resources Evaluation Report, Acoustical Site Assessment Report, Soil and Geologic Reconnaissance Report, Visual Resources Report, Air Quality Technical Report, Valley Fever Report, Greenhouse Gas Emissions Technical Report, Energy Modeling and Calculations Report, Phase I Environmental Site Assessment Report, Additional Hazards Report, Drainage Study, Stormwater Quality Management Plan, Groundwater Use Analysis, Groundwater Investigation Report, Sediment Load Analysis Report, Water Quality Evaluation Report, Vector Management Plan, Transportation Impact Analysis, Local Mobility Analysis, Sight Distance Analysis, Mineral Resources Technical Report, and a Fire Protection Plan. These reports were circulated for public review and comment, updated throughout the environmental review process, and circulated to relevant local and state agencies for additional review.

The EIR, and its 25 technical studies and reports, concluded that with only one exception, all Project impacts were either less than significant (applying adopted or generally applied thresholds of significance identified by the County during the environmental review process), or would be reduced to less than significant with the incorporation of enforceable and binding mitigation measures. The only impact the County determined would not be mitigated to a level of less than significant were aesthetic impacts, which would occur during the mining subphases. As explained in detail above in relation to Finding (a)(3), during the mining subphases, which will only last for an approximate one year period in any individual location, substantial screening landscaping will be planted and green mesh will be installed on existing chain link fencing; together, these screening techniques would block most views of elements of the Project from offsite. (Final EIR, p. 2.1-26.) Once mining in an individual subphase is completed, that subphase area will be reclaimed. “The post-reclamation visual environment would be an extension of existing pattern elements characteristic of the Jamacha valley” and once vegetation reaches maturity “vegetative diversity resulting from Project implementation would be compatible with the existing visual character of the community.” (Final EIR, p. 2.1-27.) Thus, while the EIR identified a significant impact on aesthetics, this impact would not be for the duration of mining activities for the vast majority of viewers, and at the close of the Project, the aesthetics of the Project Site would be improved over existing conditions, as the site would be restored, improved, and offered to the County as permanent parkland.

Given the above, the location, size, design, and operating characteristics of the Project will be compatible with adjacent uses, residents, buildings and structures in relation to any and all relevant impacts of the Project.

- (b) That the impacts, described [above], and the location of the proposed use will be consistent with the San Diego County General Plan.

The Project is consistent with the site's zoning designations (S80, S88, and S90) and the site's General Plan designation of Open Space-Recreation (OS-R)—these designations expressly allow extractive uses with a Major Use Permit. As such, the Project does not require a General Plan Amendment. No inconsistency with the San Diego County General Plan would occur.

Further, Appendix B to the EIR included a detailed Land Use Consistency Analysis, which considered the Project's consistency with each relevant goal and policy of the County of San Diego General Plan Land Use Element, Mobility Element, Conservation and Open Space Element, Safety Element, and Noise Element. This analysis determined that the Project was consistent with 55 goals and policies and potentially inconsistent with the remaining three. The three goals and policies with which the Project was potentially inconsistent are Goal COS-11, Policy COS-11.1, and Policy COS-11.2. Each of these relate to the protection of scenic resources. As discussed in detail in the EIR, and summarized above in relation to MUP Finding (a)(3), during the mining subphases, which will only last for an approximately one year period in any individual location, substantial screening landscaping will be planted and green mesh will be installed on existing chain link fencing; together, these screening techniques would block most views of elements of the Project from offsite. (Final EIR, p. 2.1-26.) Once mining in an individual subphase is completed, that subphase area will be reclaimed. "The post-reclamation visual environment would be an extension of existing pattern elements characteristic of the Jamacha valley" and once vegetation reaches maturity "vegetative diversity resulting from Project implementation would be compatible with the existing visual character of the community." (Final EIR, p. 2.1-27.) Nonetheless, in an abundance of caution, the EIR identified a significant impact on aesthetics; however, this impact would not be for the duration of mining activities for the vast majority of viewers, and at the close of mining, the aesthetics of the Project Site would be improved over existing conditions, as the site would be restored, improved, and offered to the County as permanent parkland. For this reason, the Land Use Consistency Analysis included in Appendix B to the EIR determined that during extraction activities, the Project may pose an inconsistency with COS-11, COS-11.1, and COS-11.2 during mining, but once reclamation is completed, the Project would no longer be potentially inconsistent. This is because, long-term, the Project would improve local scenic resources, by replacing two developed golf courses with permanent open space, to be offered as a donation to County Parks.

A project is consistent with a general plan if, "considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." (*San Francisco Tomorrow* . City and County of San Francisco (2014) 229 Cal.App.4th 498, 513-514.) State law does not require conformity with each and every individual goal and

policy of a general plan prior to a finding that a project is generally consistent and compatible with the general plan. (*Ibid.*) Here, the County has determined that the Project is consistent with 55 goals and policies, and in the long-term will be compatible with the remaining three. Despite short-term visual impacts to select viewers as mining proceeds across the Project Site in subphases of 30-acres or less, the Project does not obstruct the attainment of any goal or policy of the San Diego County General Plan, including COS-11, COS-11.1, and COS 11.2, and therefore is consistent with the San Diego County General Plan.

(c) That the requirements of [CEQA] have been complied with.

Pursuant to Public Resources Code, section 21067, and State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), section 15367, the County of San Diego is the Lead Agency for the Project. Pursuant to CEQA and the State CEQA Guidelines, the County determined that an environmental impact report should be prepared in order to analyze all potential adverse environmental impacts of the Project.

The County issued a Notice of Preparation (“NOP”) for a draft environmental impact report for the Project on or about October 25, 2019, and circulated the NOP for a 30-day public review period.

The County then prepared the Draft EIR for the Project and initiated a 74-day public review period, ending on February 28, 2022. As a result of the public comments received from the circulation of the Draft EIR, changes were made to the project description and the analysis of biological resource impacts. A Recirculated Draft EIR was then circulated for a 53-day public review period, ending on August 21, 2023.

The County subsequently prepared a Final EIR, consisting of the comments received during the public review periods of the Draft EIR and Recirculated Draft EIR, written responses to those comments, and revisions to the EIR. The Final EIR is available at <https://www.sandiegocounty.gov/content/sdc/pds/ceqa/MUP-18-023.html>.

Upon certification of the Final EIR, adoption of the CEQA Findings of Fact, adoption of the CEQA Statement of Overriding Considerations, and adoption of the Mitigation Monitoring and Reporting Program, the County will have satisfied all CEQA requirements relating to the Project.

MAJOR USE PERMIT CONDITIONS

WAIVERS AND EXCEPTIONS: This permit is hereby approved pursuant to the provisions of the County Public and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the County Public and Private Road Standards requirements to permit:

1. **Willow Glen Drive (SF 13)** is classified as a 4.1B Major Road with intermittent turn lanes and a Class II Bike Lane from Jamacha Road to Hillsdale Road under the General Plan Mobility Element Network. Note there is an existing parking restriction on **Willow Glen Drive (SF 13)** along the project frontage. The San Diego County Centerline Ordinance Section 51.309, Board Policy I-18 and the Public Road Standards Table 2A requires a minimum half improvement width of thirty-nine feet (39'). The applicant submitted a Design Exception Request (DER) to allow a half improvement width that varies between twenty-one feet (21') and thirty-five feet (35') along the frontage of **Willow Glen Drive (SF 13)**. The DER was approved by the Department of Public Works (DPW) on May 14, 2025.
2. There are existing overhead utility poles along the frontage of **Willow Glen Drive (SF 13)**. The Centerline Ordinance Section 51.312 requires overhead utilities to be placed underground. The San Diego County Board Policy I-92 outlines the policy for processing undergrounding of utilities waiver requests. The applicant submitted a Design Exception Request (DER) to waive the undergrounding of utilities along the frontage of **Willow Glen Drive (SF 13)**.

SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Permit. Where specifically indicated, actions are required prior to approval of any reclamation, improvement, and/or building plan, and issuance of reclamation, construction, building, and/or other permits as specified:

PRIOR TO OCCUPANCY OR USE OF THE PREMISES IN RELIANCE OF THIS MAJOR USE PERMIT FOR AN EARLY PHASE OF EXCAVATION

LEA#1–INERT DEBRIS

INTENT: To comply with California Code of Regulations (CCR) Title 14, Article 5.95, §17388.2(a)(1) regarding disposal of Construction and Demolition Waste and Inert Debris Disposal. **DESCRIPTION OF REQUIREMENT:** The applicant shall obtain appropriate solid waste facility permits or approvals from the Local Enforcement Agency (LEA) prior to the disposal of Construction and Demolition Waste and Inert Debris in the excavation area. **DOCUMENTATION:** The applicant shall provide evidence of permits for disposal of C&D. **TIMING:** Ongoing during extraction operations. **MONITORING:** The Code Compliance is responsible for enforcement.

GEN#1–COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to PDS Zoning Counter, which shows that all fees and trust account deficits have been paid.

No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

GEN#2–RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an ‘all-purpose acknowledgement’ and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder’s Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

GEN#3–OUTDOOR LIGHTING [PDS, PCC], [OG]

INTENT: Shielded outdoor night lighting is permitted to be installed around the processing plant for safety and security purposes. **DESCRIPTION OF REQUIREMENT:** Lighting would be designed to minimize glare and reflection onto neighboring areas and is anticipated to include mounted sodium, metal halide, fluorescent, or light-emitting diode (LED) lighting. Lights would be directed downward and would have cut-offs installed to minimize spillover onto adjacent properties. Each light would provide the lowest light level necessary and would be limited to less than 4,050 lumens output, maintaining compliance with State and local regulations. No outdoor lighting shall be permitted for extraction operations or during reclamation. Lighting shall be of the lowest illumination allowed for human safety and designed in compliance with the County Light Pollution Code, shielded and oriented downward, and shall not spill onto open space or off-site areas. **DOCUMENTATION:** The applicant shall prepare building permit plans that include i) images and specifications of all outdoor lighting around the processing plant and ii) shielding details and photometric exhibits. **TIMING:** Prior to building permit and throughout the duration of this permit and reclamation. **MONITORING:** The *S Code Compliance Division* is responsible for enforcement of this permit and Reclamation Plan.

EASEMENTS#1–EASEMENT CONCURRENCE LETTERS

INTENT: In order to ensure work is constructed within easements through authorization of the public entity or grantee of the easement. **DESCRIPTION OF REQUIREMENT:** A letter of authorization or documentation shall be provided demonstrating that work or construction can occur within applicable easements on the subject property. **DOCUMENTATION:** The applicant shall provide letters of authorization from a grantee of an easement or documentation demonstrating that work or construction can occur within applicable easements on the subject property.

The applicant shall submit the documentation to the [S R] for review and approval. TIMING: Prior to the initiation of the project, the documentation shall be submitted. MONITORING: The [S R] shall review the documentation.

ROADS#1–RELINQUISH ACCESS

INTENT: In order to promote orderly development and to comply with the [Mobility Element of the General Plan](#) access shall be relinquished.

DESCRIPTION OF REQUIREMENT:

- a. Relinquish access rights onto **Willow Glen Drive (SF 13)** with the exception of the driveways as shown on the approved plot plan. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. Only the two (2) access point(s) are permitted along **Willow Glen Drive (SF 13)** as indicated on the approved plot plan.
- b. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

DOCUMENTATION: The applicant shall prepare the legal descriptions of the easement(s), submit them for preparation with the [S R] and pay all applicable fees associated with preparation of the documents. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the access shall be relinquished. MONITORING: The [S R] shall prepare the relinquishment documents and forward a copy of the documents to [S R] for preapproval. [S R] shall forward copies of the recorded documents to [S R]. The [S R] shall review the documents for compliance with this condition.

ROADS#2–ROAD DEDICATION

INTENT: In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#), the [County Public Road Standards](#), and the [Community Trails Master Plan](#), road right-of-way shall be dedicated to the County.

DESCRIPTION OF REQUIREMENT:

- a. Grant by separate document to the County of San Diego an easement for road purposes that provides a one-half right-of-way width of forty-nine feet (49') from centerline of **Willow Glen Drive (SF 13)** in accordance with the Public Road Standards for a 4.1B Major Road with intermittent turn lanes and a Class II bike lane; with thirty foot (30') radius corner rounding(s) at street intersections, plus slope rights and drainage easements along the frontage of the project from the intersection of Steele Canyon Road easterly to a point located approximately one-hundred sixty feet (160') easterly of the centerline of the proposed easterly project access point to the satisfaction of the Directors of DPW and PDS.

- b. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. The affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the Directors of DPW and PDS.

DOCUMENTATION: The applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [S R], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [S R] for review. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be executed and recorded. MONITORING: The [S R] shall prepare, approve the easement documents for recordation, and forward the recorded copies to [S R] for review and approval. The [S R] shall review that the easements to assure compliance with this condition.

ROADS#3–IRREVOCABLE OFFER OF DEDICATION

INTENT: In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#), the [County of San Diego Public Road Standards](#), and the [Community Trails Master Plan](#), an irrevocable offer of dedication (IOD) for road purposes shall be granted to the County. DESCRIPTION OF REQUIREMENT:

- a. Execute an Irrevocable Offer to Dedicate (IOD) real property for public road purposes, to the County of San Diego. The IOD shall provide a one-half right-of-way width of forty-nine feet (49') from the ultimate centerline, with thirty foot (30') radius corner rounding(s) at street intersections, plus slope rights and drainage easements for **Willow Glen Drive (SF 13)** along the frontage of the project starting at a point located approximately one hundred and sixty feet (160') easterly of the centerline of the proposed easterly project access point to the easterly property boundary to the satisfaction of the Directors of DPW and PDS.
- b. Execute an Irrevocable Offer to Dedicate (IOD) real property for public road purposes, to the County of San Diego. The IOD shall provide a full right-of-way width of one hundred and ten feet (110') along the centerline of **Steele Canyon Road (SC 2050)** in accordance with Public Road Standards for a Major Road (4.1B) with intermittent turn lanes and class II bike lanes; plus slope rights and drainage easements along the frontage of the project to the satisfaction of the Directors of DPW and PDS.
- c. The IOD shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted in the future for public use as determined by the Director of PDS. The affected utility company/district shall enter into a joint use agreement with the

County of San Diego to the satisfaction of the County of San Diego, Directors of DPW and PDS.

DOCUMENTATION: The applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the [S R] and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the [S R] for review. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the IOD shall be executed and recorded. MONITORING: The [S R] shall prepare, approve the IOD documents for recordation, and forward the recorded copies to [S R], for review and approval. The [S R] shall review the IOD to assure compliance with this condition.

ROADS#4–SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified. DESCRIPTION OF REQUIREMENT:

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____feet of unobstructed intersectional sight distance in both directions from the proposed driveways along **Willow Glen Drive (SF 13)** in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____as described in Table 5 based on a speed of _____,which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- b. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [S R] for review. TIMING: Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit, the sight distance shall be verified. MONITORING: The [S R] shall verify the sight distance certifications.

ROADS#5–DEBRIS MANAGEMENT PLAN (DMP)

INTENT: In order to comply with the Reclamation Material Diversion Program, project recycling and diversion is designed to increase diversion of reclamation, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. This includes reclamation, clearing and brushing material for reclamation projects over 5,000 cubic yards. For additional questions, please call (858) 694-2463 or email CDRecycling@sdcounty.ca.gov.

DESCRIPTION OF REQUIREMENT: To divert (recycle, reuse, repurpose) 100% of excavated soils, trees, stumps, rocks, and associated vegetation and soils from the following types of projects: (1) non-residential excavation and reclamation projects; (2) residential projects that require Major Reclamation permits. Reclamation projects greater than 5,000 cubic yards shall prepare a Debris Management Plan (DMP) prior to plan approval. All documentation must be submitted and approved by a DPW Compliance Official. Specific requirements are as follows:

- a. Prior to Reclamation plan approval, a Debris Management Plan (DMP) is required, consisting of:
 - The type of project.
 - The total cubic yardage for the project.
 - The estimated weight of reclamation or land clearing debris, by material type, that the project is expected to generate.
 - The estimated maximum weight of reclamation or land clearing debris that can feasibly be diverted via reuse, salvage, or recycling.
 - The estimated weight of reclamation or land clearing debris that is planned to be disposed of in a landfill.
 - The name of the facility (or facilities) which debris will be exported to.
- b. During reclamation activities, a Daily Log of all reclamation, land clearing, and brushing material that is exported or reused/repurposed, must be prepared and retained onsite. The Daily Log must include all export receipts from an inert processing facility, green material processing operation, a C&D processing facility, or other vendor or disposal or transfer station facility that accepted reclamation material from the approved reclamation project. If material was reused onsite, other forms of documentation (such as photos) will be accepted in lieu of receipts. Daily logs shall include the following:
 - Identify the project location.
 - Log the date that material was transported off site.
 - Log the type of graded or cleared material.
 - Estimated material weight, tonnage, or cubic yards.
 - Name of entity transporting the material.
 - Name of the receiving facility or exporter, and detailing whether the material was salvaged, recycled, or disposed of in a landfill.

- Daily log entries shall correspond to receipts by materials transporter or receiving facility. If reclamation contractor exported materials off site, receipts shall be compiled within 90 days of the receipts.
- Daily logs shall include separate entries for each occurrence of materials reused on site.
- Daily logs and all receipts shall be maintained at the project site and made available to any County Inspector for compliance with this condition.

c. Exemption:

- Excavated soil and land-clearing debris that is contaminated by disease or pests are not required to be reused on or off site, provided that: (i) the County Agricultural Commissioner has made a determination of disease or pest contamination and permittee follows commissioner's direction for recycling or disposal of the material, (ii) the materials are generated in a known pest and/or disease quarantine zone identified by the California Department of Food and Agriculture, or (iii) the materials are otherwise not required to be reused under the CalGreen Code.

DOCUMENTATION: The applicant shall prepare the Debris Management Plan (DMP) and submit the plan for review and approval by the DPW Recycling Compliance Official. During reclamation operations a daily log shall be prepared and kept on site. For additional questions, please call (858) 694-2463 or email CDRecycling@sdcounty.ca.gov. Templates for all forms required can be obtained from the County's Construction and Demolition Recycling webpage. TIMING: Prior to approval of any plan or issuance of any permit or use of the premises in reliance of this permit, the Debris Management Plan shall be prepared and submitted to the DPW Recycling Official CO for review and approval. MONITORING: The [CO] shall review and approve the DMP documents for the project. The [CO], shall forward the approval of the DMP to [S R] for compliance with this condition.

ROADS#6-DEBRIS MANAGEMENT REPORT (DMR)

INTENT: In order to comply with the Reclamation Material Diversion Program, project recycling and diversion is designed to increase diversion of reclamation, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. This includes reclamation, clearing and brushing material for reclamation projects over 5,000 cubic yards. For additional questions, please call (858) 694-2463 or email CDRecycling@sdcounty.ca.gov. DESCRIPTION OF REQUIREMENT: Prior to Rough Grade Inspection and release, and prior to issuance of any building permit, a Final Debris Management Report must be submitted for review and approval by the DPW Recycling Compliance Official. The report shall include:

- Project name.
- List of total weight, tonnage, or cubic yards of materials, by type, which was recycled, salvaged, or disposed of in a landfill.
- Provide copies of receipts for export facilities, haulers, or materials reused on site.
- Signed self-certification letter (see template).

DOCUMENTATION: Prior to Rough Grade Release and prior to issuance of any building permit, a final report shall be prepared and submitted for review and approval to the DPW Recycling Compliance Official. For additional questions, please call (858) 694-2463 or email CDRecycling@sdcountry.ca.gov. Templates for all forms required can be obtained from the County's Construction and Demolition Recycling webpage. TIMING: Prior to building permit issuance, and Rough Reclamation release, the Debris Management Final Report shall be prepared and submitted to DPW Recycling Official CO for review and approval. MONITORING: The [CO] shall review and approve the DMR documents for the project. The [CO], shall forward the approval of the DMR to [CI] and [S CC] for compliance with this condition.

GW#1–PRE-CONSTRUCTION GROUNDWATER [PDS, PCC], [PC]

INTENT: To protect groundwater resources, groundwater production wells shall be installed with flow meters to monitor production during the life of the project. DESCRIPTION OF REQUIREMENT: The following shall be required:

- Each well to be used for groundwater production at start up of mining shall be equipped with a totalizing flow meter to measure groundwater production. Groundwater pumping from any additional well(s) at the site as mining proceeds requires approval from [PDS, Groundwater Geologist] prior to use and would require a totalizing flow meter to be installed. Flow meter readings shall be recorded monthly.
- Groundwater used from all pumped wells at the site shall not exceed 150 acre-feet per year for mining excavation and reclamation activities. Groundwater use shall be limited to permitted on-site uses only.

DOCUMENTATION: The following are reporting requirements:

- Provide documentation of production wells that are to be used for startup of mining and proof of installation of totalizing flow meters on each well to [PDS, Groundwater Geologist].

TIMING: Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, documentation shall be submitted for approval to the [PDS, Groundwater Geologist] of production wells to be used at startup of mining and that each well is outfitted with totalizing flow meters. MONITORING: The [PDS, Groundwater Geologist] shall review submitted

documentation. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

DEHQ#1–WELL DESTRUCTION

INTENT: In order to ensure any water wells located on the property that will no longer be used are removed, and to comply with the [County Regulatory Code Section 67.431](#), the well(s) shall be properly destroyed. DESCRIPTION OF REQUIREMENT: There are water wells located within proposed mining areas that shall be properly destroyed by a California C-57 licensed well driller. A Well Destruction Permit for each well shall be obtained from the _____ and all applicable inspection fees shall be paid. DOCUMENTATION: The applicant shall provide copies of the Well Destruction Logs to _____ upon completion of the well destruction. TIMING: Prior to the approval of any mining in each phase, the applicant shall destroy all wells located within the upcoming mining phase. MONITORING: Upon submittal of the well destruction logs, _____ shall perform a field inspection to verify that the well has been properly destroyed. The destruction logs shall be stamped and returned to the applicant.

CULT#1–CULTURAL RESOURCES TREATMENT AGREEMENT AND PRESERVATION PLAN (M-CR-1)

INTENT: In order to mitigate for impacts to buried resources, develop and enter into a Cultural Resources Treatment Agreement and Preservation Plan with the culturally-affiliated tribe(s). DESCRIPTION OF REQUIREMENT: A single Cultural Resources Treatment Agreement and Preservation Plan shall be developed between the applicant or their representative, the County of San Diego, and a culturally-affiliated Kumeyaay tribe(s). The Cultural Resources Treatment Agreement and Preservation Plan shall be reviewed and agreed to by the County prior to final signature and authorization. The Cultural Resources Treatment Agreement and Preservation Plan shall include but is not limited to the following:

- a. Parties entering into the agreement and contact information.
- b. Responsibilities of the Property Owner or their representative, Principal Investigator, archaeological monitors, Kumeyaay Native American monitors, and consulting tribes.
- c. Requirements of the Pre-Grade Survey and Data Recovery Program and Archaeological and Tribal Monitoring Program including unanticipated discoveries. The requirements shall address excavation grubbing requirements including controlled excavation and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and onsite storage of cultural materials.
- d. Requirements of tree removal monitoring.

- e. Identification of areas for archaeological and Native American monitoring during earth-disturbing activities related to sand extraction operations.
- f. Treatment of identified Native American cultural materials.
- g. Treatment of Native American human remains and associated grave goods.
- h. Confidentiality of cultural information including location and data.
- i. Negotiation of disagreements should they arise during the implementation of the Agreement and Preservation Plan.
- j. Regulations that apply to cultural resources that have been identified or may be identified during project construction.

DOCUMENTATION: A copy of the implemented agreement shall be submitted to the S for approval. TIMING: Prior to use of the premises in reliance of this permit. MONITORING: The S shall review the implemented agreement for compliance with this condition.

**CULT#2–PRE-MINING (“PRE-GRADING”) SURVEY AND
ARCHAEOLOGICAL AND TRIBAL MONITORING (M-CR-2, M-CR-3)**

INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources and human remains, a “Pre-Grade” Survey and an Archaeological and Tribal Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA) for each project phase. DESCRIPTION OF REQUIREMENT: A County Approved Principal Investigator (PI) known as the “Project Archaeologist,” shall be contracted to perform the pre-grade survey, and archaeological monitoring and a potential data recovery program during clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the pre-grade survey, and monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the pre-grade survey and archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.

- b. The Project Archeologist shall provide evidence that a Kumeyaay Native American has been contracted to perform Native American Monitoring for the project.
- c. The cost of the monitoring shall be bonded separately.

DOCUMENTATION: The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to S . Additionally, the cost amount of the monitoring work shall be bonded.

TIMING: Prior to use of the premises in reliance of this permit. MONITORING: S shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to S for inclusion in the bond cost estimate, and bonds and the excavation monitoring requirement shall be made a condition of the issuance of the permit.

CULT#GR-1–PRE-MINING SURVEY AND ARCHAEOLOGICAL AND TRIBAL MONITORING – PRE-EXCAVATION MEETING (M-CR-2, M-CR-3)

INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, a Pre-Mining Survey, and an Archaeological and Tribal Monitoring Program shall be implemented pursuant to requirements identified below and the Cultural Treatment Agreement and Preservation Plan.

DESCRIPTION OF REQUIREMENT: The County approved Project Archaeologist and Kumeyaay Native American Monitor shall attend the pre-excavation meeting with the contractors to explain and coordinate the requirements of the pre-mining survey, and archaeological and tribal monitoring program. The Project Archaeologist and Kumeyaay Native American Monitor shall conduct a pre-mining survey and monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The archaeological pre-mining survey and monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. DOCUMENTATION: The applicant shall have the contracted Project Archeologist and Kumeyaay Native American attend the pre-excavation meeting to explain the pre-mining survey and monitoring requirements. TIMING: Prior to any clearing, grubbing, trenching, mining, or any land disturbances this condition shall be completed. MONITORING: The CI shall confirm the attendance of the approved Project Archaeologist.

CULT#GR-2–PRE-MINING SURVEY AND DATA RECOVERY (M-CR-2)

INTENT: In order to mitigate for potential impacts to cultural and tribal cultural resources, a pre-mining survey and data recovery program shall be implemented for each project phase. DESCRIPTION OF REQUIREMENT: During and/or

after clearing and grubbing operations and prior to mining extraction operations for each project phase, implement a pre-mining survey and data recovery program consistent with the Cultural Resources Treatment Agreement and Preservation Plan. The pre-mining survey and data recovery program shall include the following:

- a. Pre-Excavation. A pre-mining survey shall be implemented during and/or after clearing and grubbing operations and prior to mining extraction operations for each project phase due to the sensitivity of the area. The pre-mining survey and data recovery program shall include the following:
 1. Tree Removal: Removal of trees shall be monitored by an Archaeological Monitor and Kumeyaay Native American Monitor for the presence of cultural resources.
 2. Pre-Excavation: Upon completion of grubbing and vegetation removal, and prior to mining extraction activities, a pre-mining survey shall be conducted in all areas identified for development. Development shall be defined as construction, extraction, or any other land-disturbance activities. The pre-mining survey shall include both an Archaeological Monitor and Kumeyaay Native American Monitor.
- b. Identified Resources. In the event that cultural resources are identified:
 1. Both the Project Archaeologist and Kumeyaay Native American monitor(s) have the authority to divert or temporarily halt grubbing and clearing operations in the area of the discovery.
 2. The Project Archaeologist shall contact the County Archaeologist.
 3. The Project Archaeologist in consultation with the County Archaeologist and Kumeyaay Native American monitor(s) shall determine the significance of discovered resources.
 4. Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Kumeyaay Native American monitor(s) may collect the cultural material for transfer to a Tribal curation facility or repatriation program.
 5. If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American monitor(s) and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources or Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the

cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

c. Human Remains

1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. Should the human remains need to be taken offsite for evaluation, they shall be accompanied by a Kumeyaay Native American monitor.
3. If the remains are determined to be of Native American origin, the MLD, as identified by the NAHC, shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
5. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.

d. Vegetation Removal Completion

1. Upon completion of grubbing and vegetation removal for each project phase, a monitoring report (letter report) shall be prepared identifying whether resources were encountered during the removal of trees or pre-mining survey. A copy of the monitoring report shall be provided to any culturally-affiliated tribe who requests a copy. If resources were encountered, the analysis shall be included in the final archaeological monitoring report and shall comply with all requirements of that condition.

DOCUMENTATION: Upon completion of the pre-mining survey and data recovery for each project phase, the applicant shall submit a letter report to S . The letter report shall identify that clearing and grubbing operations are complete for each phase of the project and shall identify whether resources were encountered during the pre-mining survey. TIMING: After clearing and grubbing operations and prior to mining extraction operations for each project phase, the letter report for the pre-mining survey and data recovery program shall be

completed. MONITORING: The S shall review the letter report for each project phase for compliance with this condition.

VIS#1–FENCING [PDS, PCC], [OG]

INTENT: The majority of the site is already surrounded by chain link fencing. In order to protect the mine site from entry and to mitigate potential visual impacts, fencing with screen fabric shall be required along the perimeter of the mine site within areas not already screened by vegetation. DESCRIPTION OF REQUIREMENT:

- Existing fencing that is missing or damaged shall be replaced/repaired.
- Fencing along the San Diego National Wildlife Refuge (SDNWR) to the southwest of the project site would consist of four-foot-high, three-strand smooth wire or similar fencing that allows for wildlife passage.
- Along all other public areas, a six-foot-high chain link fence would be installed where not currently present. Where fencing is not screened by existing or proposed vegetation, green screening mesh fabric shall be installed to screen project operations from public view.
- Six-foot high chain link fencing with screening mesh shall be selectively installed along Willow Glen Drive and 3-foot-high fencing with screening mesh shall be installed on the northbound Steele Canyon Road Bridge railing to help screen the processing plant and exposed soils and mining activities in Phases 1 and 2 from motorists and cyclists (see Plot Plan, EIR Figures 1-5a and 1-5b). These screens may be installed and removed sequentially during the adjacent actively mined subphase areas (subphases 1A and 2A).
- Removal of screen fence shall occur as soon as feasible following attainment of reclamation goals and vegetation performance standards.

DOCUMENTATION: The applicant shall provide a letter verifying installation of the fence including photos of the screen fabric. TIMING: Prior to any clearing, grubbing, trenching, or any land disturbances and throughout the duration of the excavation and reclamation, compliance with this condition is mandatory. MONITORING: The PDS, PCC shall review for compliance with this condition.

FIRE#1–FIRE PROTECTION PLAN

INTENT: In order to assure fire safety in compliance with the County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707, the site shall be maintained in conformance with the approved Fire Protection Plan (FPP). DESCRIPTION OF REQUIREMENT: The following measures approved in the FPP shall be implemented and maintained:

- a. Excavation and loading conveyor belts will be curtailed on days when wind speeds reach 25 miles per hour to eliminate the possibility of the winds carrying a mechanically induced rock strike spark downwind to off-site combustible fuels. Loading finished product on trucks from enclosed storage bins would not be impacted.

- b. All construction equipment, operational equipment, and power generators will be maintained and equipped with Spark Arrestors.
- c. Fire extinguishers will be provided in all temporary structures and vehicles.
- d. All temporary ingress/egress access ways and interior roads to the Project Area will be designed to support a 75,000 lb. fire engine and be a minimum of 24 feet in width should emergency access ever be needed, including:
 - 1. A paved ingress/egress 24-foot-wide access way will be constructed off Willow Glen Drive near the west end of the Project Area that is west of Steele Canyon Road.
 - 2. Paved ingress and egress will be constructed off Willow Glen Drive to that part of the Project Area that lies to the east of Steel Canyon Road in the vicinity of the proposed location of the processing plant.
- e. A fire hydrant will be installed in the vicinity of the temporary processing plant as a ready water source for any fires originating at or threatening the processing facilities. The water supply for the hydrant must be capable of supporting a fire flow of 2,500 gallons per minute unless otherwise approved by the Fire Chief for the San Miguel Consolidated Fire Protection District.
- f. All temporary portable buildings brought in for the operation of the Project will be skirted to prevent the accumulation of windblown leaf litter and other combustible debris beneath these temporary buildings.
- g. One hundred (100) feet of defensible space is required from all sides of each portable building. Defensible space can include paved parking lots, walkways, and graveled areas that have been cleared down to mineral soil.
- h. Brazilian Pepper Trees (*Schinus molle*) and Eucalyptus spp. that were planted for screening the golf course from travelers using Willow Glen Drive will be temporarily retained for screening purposes along the south side of Willow Glen Drive in Phases 1, 2 and 3 and will be removed and permanently eliminated from the Property in Phase 4. In the interim they must be maintained, i.e. 6 feet of physical vertical separation between lower limbs and the height of retained ground covers and all leaf litter, peeling bark, and limb wood removed as needed from beneath these retained trees.
- i. Trees retained or later planted in the road edge Fuel Management Zones must be pruned up a minimum of 6 feet from bare ground. If low growing non-invasive, non-flammable grasses and small shrubs are desired beneath retained or planted trees the trees must have a minimum of 6 feet of vertical separation between the lower limbs of the tree and the tops of the vegetation beneath the tree. Permitted vegetation beneath established trees must be kept at no more than 12 inches in height or lower. All trees overtopping

current structures (clubhouse, maintenance buildings, restrooms) must be pruned or removed (see following graphic illustrating required canopy free zone). The outer edge of the 30-foot FMZ's will be marked with fence posts painted a high visibility color so that they are readily visible from each fence post location.

- j. The Project will be required to remove all flammable annuals and perennials down to a 4-inch stubble height by May 1 of each year by mowing or weed whipping for 100 feet as measured horizontally from the exterior of each structure that is not immediately removed until a later operational Phase. Well-spaced (20 feet between single shrubs or clumps of shrubs) fire resistant shrubs and trees (retained trees must have 20 feet of physical separation between the outer edges of the tree crowns) can remain provided fuel continuity is eliminated. If the golf course turf is still viable around these structures, the turf may remain provided it is irrigated and mowed.
- k. The Project shall maintain a defensible fuel loading along the south side of Willow Glen Drive, along the north side of Ivanhoe Ranch Road and on both sides of Steele Canyon Road, which will serve as primary evacuation routes in an emergency and behind homes that directly abut the south side of the golf course on either side of Steele Canon Road to Fuel Management Zone A standards, that is, removal of all flammable and invasive species (refer to the plant lists in the Technical Appendices D and E of the FPP) and maintaining a low growing mix of non-continuous fire resistant vegetation no taller than 12 inches in height.
- l. Extraction activities will have a minimum 50-foot setback from Project Property Boundaries where the property line directly abuts off-site improvements. This does not preclude conducting required fuel management activities in these set back zones.
- m. All Project Parking Areas will be paved during the life of the Project and removed upon completion of the Project in Phase 4.

DOCUMENTATION: The applicant shall provide documentation (inspection report with supporting photographs, as applicable) that demonstrates compliance with the FPP. TIMING: Prior to any phase or prior to any permit associated with that phase, the FPP requirements shall be implemented. MONITORING: The [S CC] shall verify that the measures have been initially implemented pursuant to the approved plot plan, building plans, and FPP.

BIO#1–BIOLOGICAL EASEMENT (M-BIO-1, -3, -9, -10, -14) [PDS, FEE X 2]

INTENT: In order to protect sensitive biological resources, pursuant to the [Biological Mitigation Ordinance \(BMO\)](#), a biological open space easement shall be granted. DESCRIPTION OF REQUIREMENT: Grant to the County of San Diego and the California Department of Fish and Wildlife by separate document, an open space easement, as shown on the approved Plot Plan. This easement is for

the protection of preserved areas located outside of the restoration and revegetation areas, including 0.6 acre of Diegan coastal sage scrub and 13.85 acres of wetland and riparian habitat. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exception(s) to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997 (<http://www.sdcountry.ca.gov/PDS/docs/MemoofUnder.pdf>), between the Wildlife Agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW, or DPR.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the DEH.
- d. Continued use and maintenance of the existing Steele Canyon Road bridge right-of-way and SDG&E easement.
- e. Construction, use and maintenance of multi-use, non-motorized trails.

DOCUMENTATION: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the S R , and pay all applicable fees associated with preparation of the documents. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be recorded. MONITORING: The S R shall prepare and approve the easement documents and send them to S CC for pre-approval. The S CC shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements S R shall forward a copy of the recorded documents to S CC R TC for satisfaction of the condition.

BIO#2–LBZ EASEMENT (M-BIO-14) [PDS, FEE X 2]

INTENT: In order to protect sensitive biological resources, pursuant to the [Biological Mitigation Ordinance \(BMO\)](#), a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the approved Plot Plan. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

- a. Decking, fences, and similar facilities.
- b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed, and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

DOCUMENTATION: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the *S R*, and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the easements shall be recorded. **MONITORING:** The *S R* shall prepare and approve the easement documents and send them to *S CC* for pre-approval. The *S CC* shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon recordation of the easements *S R* shall forward a copy of the recorded documents to *S CC* for satisfaction of the condition.

BIO#3–REVEGETATION PLAN (RIPARIAN AND UPLAND HABITAT) (M-BIO-1, -3, -6, -8, -9, 10)

INTENT: In order to mitigate for the impacts to riparian habitat, coastal sage scrub, and Palmer’s goldenbush, which are sensitive biological resource pursuant to the [Biological Mitigation Ordinance \(BMO\)](#), and restore wetland buffer areas disturbed as part of mining in accordance with Section 86.605(d) of the County’s Resource Protection Ordinance (RPO) requirements, revegetation shall occur. **DESCRIPTION OF REQUIREMENT:** A Revegetation Plan shall be prepared, which mitigates impacts to 1.14 acres of riparian habitat, 1.2 acres of coastal sage scrub, and 234 individuals of Palmer’s goldenbush. Revegetation activities will be initiated for each subphase immediately following the completion of mining activities in that area, as detailed in the table below:

Habitat	Phase 1	Phase 2	Phase 3	Phase 4	Total

Riparian Forest	7.41	3.63	3.05	0.0	14.09
Riparian Scrub	28.68	28.11	28.05	0.0	84.84
Streambed (Emergent Wetland)	4.02	3.55	2.37	0.0	9.94
Coastal Sage Scrub	2.94	3.27	5.71	0.0	11.92
Total (acres)	43.05	38.56	39.18	0.0	120.79

The revegetation plan shall conform to the Conceptual Revegetation Plan dated May 2025, and the most current version of the [County of San Diego Report Format and Content Requirements for Revegetation Plans](#). The Revegetation Plan shall include the following:

- a. The monitoring plan shall be for a length of 5 years and have a 60 percent native cover success criterion for coastal sage scrub and riparian forest, and 40 percent native cover success criterion for riparian scrub. The five-year period will start separately for each subphase as revegetation is completed in that area.
- b. A preservation plan over the land to be revegetated shall be included in the Revegetation Plan. The preservation plan shall include evidence of dedication of open space easements to the County of San Diego. The open space easements will be dedicated separately for each subphase following the completion of mining activities and prior to the start of revegetation.
- c. Permanent open space fencing and signage shall be installed around the boundary of the entire open space easement following the completion of all mining activity.
- d. Temporary fencing and signage shall be placed between the boundary of the open space easement and mining activity. The temporary fencing and signage will move as mining proceeds through each phase.
- e. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
- f. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 60 percent native cover success criterion for coastal sage scrub and riparian forest, 40 percent native cover success criterion for riparian scrub, and a detailed cost estimate.

- g. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

DOCUMENTATION: The applicant shall prepare the Revegetation Plan pursuant to this condition and by using the, [Applicants Guide to Preparing Revegetation Plans, PDS Form # 717](#) then submit it to the S Z O I and pay all the applicable review fees and deposits. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the Revegetation Plan shall be approved. MONITORING: The S A shall review the Revegetation Plan for conformance with this condition and the [Report Format and Content Requirements for Revegetation Plans](#). Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition BIO#4 shall be made to enter into a Secured Agreement for the implementation of the Plan.

BIO#4–SECURED AGREEMENT (RIPARIAN AND UPLAND HABITAT) (M-BIO-8)

INTENT: In order to assure project completion and success of the Revegetation Plan in condition BIO#3, a surety shall be provided, and an agreement shall be executed. DESCRIPTION OF REQUIREMENT: The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plan;
- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000;
- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Revegetation Plan implementation provided the installed vegetation is in a healthy condition and meets the 80 percent success criteria. Eighty percent success rate and one hundred percent vegetative cover, excluding herbaceous species, shall be considered satisfactory completion of the Revegetation Plan.

DOCUMENTATION: The applicant shall execute a Secured Agreement provided with the Revegetation Plan Final Decision and provide the approved securities and the cash deposit for County monitoring time. The executed Agreement, cash deposit, and the securities shall be submitted to the S A for final review and approval. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, and after the approval of the Revegetation

Plan, the agreement shall be executed, and the securities provided for the revegetation implementation. MONITORING: The S A shall review the Agreement cash deposit and securities provided are in compliance with this condition, and the Revegetation Plan Final Decision. The S A shall sign the Agreement for the Director of PDS and ensure the cash deposit is collected by S FISCA . Upon acceptance of the Agreement, securities, and cash deposit, the S A , shall provide a confirmation letter-acknowledging acceptance of securities.

BIO#5–REVEGETATION PLAN (WETLAND AND JURISDICTIONAL HABITAT) (M-BIO-3, -9, -18, -19, -20)

INTENT: In order to mitigate for the impacts to County sensitive riparian habitat and RPO wetlands and USACE, RWQCB, and CDFW jurisdictional areas, which are sensitive biological resource pursuant to the [Biological Mitigation Ordinance \(BMO\)](#), revegetation shall occur. DESCRIPTION OF REQUIREMENT: A Wetland Mitigation Plan shall be prepared, which mitigates impacts to 0.60 acre of wetland and 0.36 acre of non-wetland waters of the U.S./State, 18.20 acres of riparian and streambed habitat under CDFW jurisdiction, and 1.14 acres of County RPO wetland. Revegetation activities will be initiated for each subphase immediately following the completion of mining activities in that area, as detailed in the table below (all mitigation for wetland and jurisdictional habitat will be completed prior to or concurrent with Phase 1):

Habitat	Phase 1/Mitigation Type			Total
	Establishment	Rehabilitation	Preservation	
Freshwater Marsh	-	-	0.22	0.22
Open Water	-	-	1.68	1.68
Riparian Scrub	-	7.36	-	7.36
Riparian Forest	1.30	-	-	1.30
Southern Willow Scrub	-	-	0.25	0.25
Southern Cottonwood-Willow Riparian Forest	-	-	11.70	11.70
Total (acres)	1.30	7.36	13.85	22.52

The revegetation plan shall conform to the Conceptual Wetland Mitigation Plan dated May 2025, and the most current version of the [County of San Diego Report Format and Content Requirements for Revegetation Plans](#). The Wetland Mitigation Plan shall include the following:

- a. The monitoring plan shall be for a length of 5 years and have an 70 percent success criterion. The five-year period will start separately for each subphase as revegetation is completed in that area.

- b. A preservation plan over the land to be revegetated shall be included in the Wetland Mitigation Plan. The preservation plan shall include evidence of dedication of open space easements to the County of San Diego. The open space easements will be dedicated separately for each subphase following the completion of mining activities and prior to the start of revegetation.
- c. Permanent open space fencing and signage shall be installed around the boundary of the entire open space easement following the completion of all mining activity.
- d. Temporary fencing and signage shall be placed between the boundary of the open space easement and mining activity. The temporary fencing and signage will move as mining proceeds through each phase.
- e. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
- f. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 70 percent success criteria, and a detailed cost estimate.
- g. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

DOCUMENTATION: The applicant shall prepare the Wetland Mitigation Plan pursuant to this condition and by using the, [Applicants Guide to Preparing Revegetation Plans, PDS Form # 717](#) then submit it to the S Z O I and pay all the applicable review fees and deposits. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the Wetland Mitigation Plan shall be approved. MONITORING: The S A shall review the Wetland Mitigation Plan for conformance with this condition and the [Report Format and Content Requirements for Revegetation Plans](#). Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition BIO#6 shall be made to enter into a Secured Agreement for the implementation of the Plan.

BIO#6–SECURED AGREEMENT (WETLAND HABITAT) (M-BIO-20)

INTENT: In order to assure project completion and success of the Wetland Mitigation Plan in condition BIO#5, a surety shall be provided, and an agreement shall be executed. DESCRIPTION OF REQUIREMENT: The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Wetland Mitigation Plan;
- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000;
- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Wetland Mitigation Plan implementation provided the installed vegetation is in a healthy condition and meets the 80 percent success criteria. Eighty percent success rate and one hundred percent vegetative cover, excluding herbaceous species, shall be considered satisfactory completion of the Wetland Mitigation Plan.

DOCUMENTATION: The applicant shall execute a Secured Agreement provided with the Wetland Mitigation Plan Final Decision and provide the approved securities and the cash deposit for County monitoring time. The executed Agreement, cash deposit, and the securities shall be submitted to the S A for final review and approval. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, and after the approval of the Wetland Mitigation Plan, the agreement shall be executed, and the securities provided for the revegetation implementation. MONITORING: The S A shall review the Agreement cash deposit and securities provided are in compliance with this condition, and the Wetland Mitigation Plan Final Decision. The S A shall sign the Agreement for the Director of PDS and ensure the cash deposit is collected by S FISCA . Upon acceptance of the Agreement, securities, and cash deposit, the S A , shall provide a confirmation letter-acknowledging acceptance of securities.

BIO#7–RESOURCE MANAGEMENT PLAN (M-BIO-15)

INTENT: In order to provide for the long-term management of the proposed 149.0 acre open space preserve and for the perpetual management of the open space, a Resource Management Plan (RMP) shall be prepared and implemented. DESCRIPTION OF REQUIREMENT: Submit to and receive approval from the Director of PDS, a RMP consistent with the Conceptual RMP dated May 2025 on file with the as Environmental Review Number PDS2018-ER-18-19-007. The Final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner/manager, to the satisfaction of the Director of DPR:

- a. The plan shall be prepared and approved pursuant to the most current version of the [County of San Diego Biological Report Format and Content Requirements](#).

- b. The habitat land to be managed shall be completely purchased.
- c. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- d. A Resource Manager shall be selected and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager.
- e. The RMP funding mechanism to fund annual costs for basic stewardship shall be identified and approved by the County.
- f. A contract between applicant and County shall be executed for the implementation of the RMP.

DOCUMENTATION: The applicant shall prepare the RMP and submit it to the S Z O I and pay all applicable review fees. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the RMP shall be approved. MONITORING: The S R M shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

BIO#8–WETLAND PERMITS (M-BIO-18, -19) [PDS, FEE X2]

INTENT: In order to comply with the State and Federal Regulations for jurisdictional waters, the following agency permits, or verification that they are not required shall be obtained. DESCRIPTION OF REQUIREMENT: The following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of PDS that such an agreement or permit is not required:

- a. A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands.
- b. A Section 1602 Streambed Alteration Agreement issued by the [California Department of Fish and Wildlife](#) for all project related disturbances of any streambed.

DOCUMENTATION: The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the S C C for compliance. TIMING: Prior to approval of any plan or issuance of any permit, and prior to the use of the premises in reliance of this permit, the

wetland permits shall be obtained. MONITORING: The S CC shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the S CC.

BIO#9–BIOLOGICAL MONITORING (M-BIO-17) [PDS, FEE X2]

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of work, all initial vegetation clearing, grubbing, and grading shall be monitored by a biological monitor. DESCRIPTION OF REQUIREMENT: A County approved biologist shall be contracted to perform biological monitoring during all initial vegetation clearing, grubbing, and grading, trenching, and construction activities. The following shall be completed:

- a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Biological Report Format and Requirement Guidelines](#) and this permit. The contract provided to the county shall include an agreement that this will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the biological consulting company and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The cost of the monitoring shall be added to the financial assurance mechanism as detailed in GEN#6 or bonded separately with PDS.

DOCUMENTATION: The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the S CC]. Additionally, the cost amount of the monitoring work shall be added to the bond cost estimate. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit. MONITORING: The S CC shall review the contract, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to S R , for inclusion in the bond cost estimate and bonds. The S R shall add the cost of the monitoring to the bond costs.

BIO#10–BIOLOGICAL MONITORING (M-BIO-17) [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of work, installation of environmental fencing shall be monitored by a biological monitor. DESCRIPTION OF REQUIREMENT: A County approved biologist shall perform biological monitoring during installation of environmental fencing wherever it would abut sensitive vegetation communities, jurisdictional waters or wetlands, or open space. The Project Biologist shall also perform the following duties before construction to comply with the conditions of the Reclamation Plan and PDS2018-MUP-18-023:

- a. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the S CC .

- b. The Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements. Such meeting shall include the S CC .

DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff has been trained on the site sensitive biological resources that are to be avoided. TIMING: Prior to Preconstruction Conference, and prior to any initial clearing, grubbing, trenching, grading, or land disturbances this condition shall be completed. MONITORING: The [CI] shall invite the [S CC] to the preconstruction conference to coordinate the biological monitoring requirements of this condition. The [S CC] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

BIO#11–TEMPORARY FENCING AND SIGNAGE (M-BIO-16) [PDS, FEE]

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of disturbance, temporary construction fencing and signage shall be installed. DESCRIPTION OF REQUIREMENT: Prior to the commencement of any clearing, grubbing, mining, and/or other land disturbances for each phase of the project, temporary orange construction fencing and signage shall be placed to protect from inadvertent disturbance of all open space easements that do not allow clearing, grubbing, and/or mining. Temporary fencing and signage is also required in all locations of the project phase where proposed clearing and/or mining is within 100 feet of an open space easement boundary. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of mining and reclamation activities for that project phase, after which the fencing shall be removed and moved to the next project phase. DOCUMENTATION: The applicant shall provide evidence that the fencing has been installed prior to each phase of the project and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [S CC] for approval prior to each phase of the project. TIMING: Prior to Preconstruction Conference, and prior to any clearing, grubbing, mining, or any land disturbances for each phase of the project, fencing shall be installed, and shall remain for the duration of the clearing, mining, and reclamation activities for each phase of the project. MONITORING: The [S CC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.

BIO#12–CAGN RESOURCE AVOIDANCE (M-BIO-2) [PDS, FEE X2]

INTENT: In order to avoid impacts to the coastal California gnatcatcher (CAGN), which is a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. DESCRIPTION OF REQUIREMENT: There shall be no clearing, grubbing, mining, or other land disturbance activities within 500 feet of CAGN nesting habitat

during the breeding season of the CAGN. The CAGN breeding season is defined as occurring between March 1 and August 15. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no CAGN are present in the vicinity of the clearing and/or other ground disturbance activities as demonstrated by a survey conducted no more than 72 hours prior to the start of clearing and/or other ground disturbance activities. If there are no gnatcatchers nesting (includes nest building or other breeding/nesting behavior) within that area, clearing shall be allowed to proceed. If any gnatcatchers are observed nesting or displaying breeding/nesting behavior during the pre-construction survey or additional surveys within the area, construction shall be postponed within 500 feet of any location at which gnatcatchers have been observed until a qualified biologist has determined that all nesting (or breeding/nesting behavior) has ceased or until after August 15. DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no clearing, grubbing, mining, or other land disturbances shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. TIMING: Prior to any clearing, grubbing, mining, or any land disturbance activities and throughout the duration of the mining and reclamation activities for each phase of the project, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. MONITORING: The [] CI shall not allow any clearing, grubbing, mining, or other land disturbance activities in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#13–LBV RESOURCE AVOIDANCE (M-BIO-4) [PDS, FEE X2]

INTENT: In order to avoid impacts to the least Bell's vireo (LBV), which is a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. DESCRIPTION OF REQUIREMENT: There shall be no clearing, grubbing, mining, or other land disturbance activities within 500 feet of LBV nesting habitat during the breeding season of the LBV. The LBVI breeding season is defined as occurring between March 15 and September 15. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no LBV are present in the vicinity of the clearing, grubbing, mining, , or other land disturbance activities as demonstrated by a survey conducted no more than 72 hours prior to the start of clearing and/or other ground disturbance activities. If there are no vireos nesting (includes nest building or other breeding/nesting behavior) within that area, clearing shall be allowed to proceed. If any vireos are observed nesting or displaying breeding/nesting behavior during the pre-construction survey or additional surveys within that area, construction shall be postponed within 500 feet of any location at which vireos have been observed until a qualified biologist has determined that all nesting (or breeding/nesting behavior) has ceased or until after

September 15. DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no clearing, grubbing, grading, or other land disturbance shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. TIMING: Prior to any clearing, grubbing, mining, or any land disturbance activities and throughout the duration of the mining and reclamation activities for each phase of the project, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. MONITORING: The [

CI] shall not allow any clearing, grubbing, mining, or other land disturbance activities in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#14-CAGN/RAPTOR/LBV RESOURCE AVOIDANCE (M-BIO-5) [PDS, FEE X2]

INTENT: In order to avoid impacts to the coastal California gnatcatcher (CAGN), raptors, and the least Bell's vireo (LBV), which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. DESCRIPTION OF REQUIREMENT: There shall be no clearing, grubbing, mining, grading, or other land disturbance activities within 500 feet of CAGN, raptor, and LBV nesting habitat during the breeding season of the CAGN, raptor, and LBV. The breeding season is defined as occurring between March 1 and August 15 (CAGN), January 15 and July 15 (raptors), and March 15 and September 15 (LBV). The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no CAGN, raptors, and LBV are present in the vicinity of the clearing, grubbing, mining, grading, or other land disturbance activities as demonstrated by a survey conducted no more than 72 hours prior to the start of clearing and/or other ground disturbance activities. If it is determined at the completion of pre-construction survey(s) that active nests belonging to these sensitive species are absent from the potential impact area, activities shall be allowed to proceed. If pre-construction surveys determine the presence of active nests belonging to these sensitive species, then activities shall: (1) be postponed until a qualified biologist determines the nest(s) is no longer active or until after the respective breeding season; or (2) not occur until a temporary noise barrier or berm is constructed at the edge of the impact footprint and/or around the piece of equipment to ensure that noise levels are reduced to below 60 dBA or ambient, whichever is greater. The type(s) and location(s) of noise barrier(s) shall be provided to the County and Wildlife Agencies along with the associated noise measurements demonstrating compliance with required noise level reductions. Decibel output would be confirmed by a County-approved noise specialist and intermittent monitoring by a qualified biologist to ensure that noise levels remain below 60 dBA at occupied areas. DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no clearing, grubbing, grading, or other land

disturbances shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. TIMING: Prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the mining and reclamation activities for each phase of the project, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. MONITORING: The [

CI] shall not allow any brushing, clearing, and/or grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#15–AVIAN AND RAPTOR RESOURCE AVOIDANCE (M-BIO-7) [PDS, FEE X2]

INTENT: In order to avoid impacts to general avians and raptors, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. DESCRIPTION OF REQUIREMENT: There shall be no clearing, grubbing, mining, grading, or other land disturbance activities within 300 feet of general avian nesting habitat and 500 feet of raptor nesting habitat during the breeding season of general avians and raptors. The breeding season is defined as occurring between February 15 and August 31 (general avians) and January 15 and July 15 (raptors). The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no CAGN, raptors, and LBV are present in the vicinity of the clearing, grubbing, mining, grading, or other land disturbance activities as demonstrated by a survey conducted no more than 72 hours prior to the start of clearing and/or other land disturbance activities. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, clearing, grubbing, and grading shall be allowed to proceed. Furthermore, if construction activities are to resume in an area where they have not occurred for a period of seven or more days during the breeding season, an updated survey for avian nesting will be conducted. If active nests or nesting birds are observed within the area, the biologist shall flag the active nests and construction activities shall avoid active nests until a qualified biologist has determined that nesting behavior has ceased, nests have failed, or young have fledged. DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no clearing, grubbing, or grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. TIMING: Prior to any clearing, grubbing, mining, grading, or any land disturbance activities and throughout the duration of the mining and reclamation activities for each phase of the project, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. MONITORING: The [CI] shall not allow any clearing, grubbing, mining, grading, or other land disturbance activities in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#16–PRE-CONSTRUCTION REPTILE AND AMPHIBIAN SURVEY (M-BIO-11) [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to special status reptile and amphibian species, a pre-construction reptile and amphibian survey shall be conducted prior to vegetation removal, grading, and/or other ground disturbing activities for each phase of the project. **DESCRIPTION OF REQUIREMENT:** Prior to any vegetation removal, grading, and/or other ground disturbing activities, a qualified biologist familiar with special status reptile and amphibian species behavior and life history shall conduct a pre-construction survey no more than two weeks prior to commencement of activities to determine whether reptile and amphibian species designated as sensitive by CDFW, but not covered under the County's MSCP, occur within proposed impact area(s). If special status reptile or amphibian species are detected during the pre-construction survey, consultation with CDFW shall be initiated to prepare species-specific protocols for proper handling and relocation procedures. **DOCUMENTATION:** The Biological Monitor shall prepare written documentation that certifies that the reptile and amphibian survey has been completed prior to each phase of the project and that reptile and amphibian have been avoided. **TIMING:** Prior to any clearing, grubbing, grading, or any land disturbances for each phase of the project, this condition shall be completed and approved. **MONITORING:** The [] shall not allow any clearing, grubbing, grading, or other land disturbance activities, unless a concurrence from the [PDS, PPD] is received. The [PDS, PPD] shall review the concurrence letter.

BIO#17–PRE-CONSTRUCTION BAT SURVEY (M-BIO-13) [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to special status bats, a pre-construction bat survey shall be conducted prior to the removal of mature trees or existing buildings/structures with potential to support roosting bats for each phase of the project. **DESCRIPTION OF REQUIREMENT:** Prior to the removal of mature trees or existing buildings/structures with potential to support roosting bats, a qualified biologist shall conduct an initial preconstruction survey no more than 30 days and no less than two weeks prior to commencement of tree removal or demolition activities to determine if roosting bats are present in the proposed impact area(s). A letter report summarizing the survey methods and results of the survey, including negative findings, shall be submitted to the County and CDFW for review at least two weeks prior to the commencement of Project activities. If bats are detected within the proposed impact area(s) during the initial pre-construction survey, the letter report will identify measures to be implemented to avoid and minimize potential direct and indirect impacts to roosting bats, including those identified in this measure. A final preconstruction survey shall be conducted no more than three days (72 hours) prior to tree removal or demolition activities within the proposed impact area(s). If bats are not detected during the final pre-construction survey or determined to be absent from the proposed impact area, construction activities shall be allowed to proceed, and no additional measures would be necessary. If bats are detected during the final pre-construction survey,

the following avoidance measures shall be implemented, depending on the time of year, including additional measures identified in the letter report. If an active maternity roost is detected during the bat maternity season (April 15 through August 15), the biologist shall flag the active roost site and construction activities shall avoid the roost site until after the maternity season (August 16), or until the qualified biologist has determined young are self-sufficiently volant (able to fly). If bats are detected and determined to be roosting within the proposed impact area(s) outside of the bat maternity season (August 16 through April 14), the biologist shall flag the active roost site and construction activities shall avoid roost sites until bats are no longer determined to be roosting as determined by the qualified bat biologist. Exclusion of roost sites, where feasible, outside of the bat maternity season may be conducted with approval of the County and CDFW. Methods of roost exclusion shall be determined in consultation with the County and CDFW. DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the bat survey has been completed prior to each phase of the project and that bats have been avoided. TIMING: Prior to any clearing of vegetation and removal of existing buildings/structures for each phase of the project, this condition shall be completed and approved. MONITORING: The [] shall not allow any clearing of vegetation or removal of existing buildings/structures, unless a concurrence from the [PDS, PPD] is received. The [PDS, PPD] shall review the concurrence letter.

NOISE#1– BELOW GRADE NOISE BARRIER [PDS, FEE X1]

INTENT: In order to reduce the exposure to noise levels in excess of standards established by the [County of San Diego General Plan Noise Element \(Table N-1 & N-2\)](#), and to mitigate the noise exposure of exterior noise sensitive land uses below levels of significance as evaluated in the [County Noise Guidelines for Determining Significance](#), the following design measures shall be implemented on the approved major use plans. DESCRIPTION OF REQUIREMENT: The following design elements and noise attenuation measures shall be implemented and indicated on the approved major use plans and made conditions of its issuance:

- a. Raw material extraction equipment operating within 400 feet of off-site NSLU useable space areas shall be located at the lowest feasible elevation within the Project's excavation areas such that the topography shall provide noise attenuation to off-site properties. To achieve the lowest feasible elevation, initial at-grade excavation activities shall be performed at least 400 feet from off-site NSLU usable space areas, as indicated in Figures 2.4-3a-c, Noise Barriers. Following this initial excavation to the lowest feasible elevation, excavation can extend outward and toward the NSLUs while maintaining the lowest feasible elevation at the active working face where extraction equipment is operating.
- b. For NSLUs located at residential group 8 (as shown on Figure 2.4-2), Isolated Residence 2, Isolated Residence 3, and the Adeona Healthcare facility, an 8-foot-high noise barrier, constructed to the specifications identified below, shall be provided between excavation activities and the

off-site NSLUs, when excavation is occurring within 400 feet of each location.

1. When mining activities are occurring at distances greater than 400 feet from a given receiver location, a barrier would not be required adjacent to that receiver location. The barriers shall be located as shown on Figures 2.4-3a-c and break the line-of-sight between the excavation activities and receivers.
 2. For the barriers adjacent to residential group 8, the required barrier height (8 feet) shall be measured relative to the adjacent Project site property line elevation. If the barrier is constructed at a location with an elevation lower than that of the adjacent property line, the total barrier height would be greater than the required barrier height in order to provide adequate noise attenuation (e.g., if the barrier with a required height of 8 feet is to be located at a surface elevation 5 feet below the adjacent Project site property line elevation, the total barrier height would be 13 feet).
- c. For NSLUs located at residential groups 1, 2, 3, 4, 5, 10, and 11 (as shown on Figure 2.4-2), a 12-foot-high noise barrier, constructed to the specifications identified below, shall be provided between excavation activities and the off-site NSLUs, when excavation is occurring within 400 feet of each location.
1. When mining activities are occurring at distances greater than 400 feet from a given receiver location, a barrier would not be required adjacent to that receiver location. The barriers shall be located as shown on Figures 2.4-3a-c and break the line-of sight between the excavation activities and receivers. For the barriers adjacent to residential groups 1, 2, 3, 4, and 5, the required barrier height (12 feet) shall be measured relative to the adjacent Project site property line elevation. If the barrier is constructed at a location with an elevation lower than that of the adjacent project site property line, the total barrier height would be greater than the required barrier height in order to provide adequate noise attenuation (e.g., if the barrier with a required height of 12 feet is to be located at a surface elevation 5 feet below the adjacent project site property line elevation, the total barrier height would be 17 feet).
- d. The noise barriers must be solid. They can be constructed of soil (in the form of a berm or stockpile), masonry, wood, plastic, fiberglass, steel, or a combination of those materials, as long as there are no cracks or gaps, through or below the walls. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least one-inch total thickness or have a density of at least 3.5 pounds per square foot. Sheet metal of 18-gauge (minimum) may be used if it meets the other criteria and

is properly supported and stiffened so that it does not rattle or create noise itself from vibration or wind. Any door(s) or gate(s) must be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. The gate(s) may be of wood with a thickness of at least one-inch, solid-sheet metal of at least 18-gauge metal, or an exterior-grade solid-core steel door with prefabricated doorjamb. Stockpiles must be continuous and maintain the required height along their entire length.

DOCUMENTATION: Please refer to Cottonwood Sand Mine Project Acoustical Site Assessment Report dated November 2021 and Acoustical Site Assessment Report Addendum dated December 21, 2022, by HELIX Environmental Planning for all figures and analysis. The applicant shall place the design elements, and this condition as notes on the major use plans to be submitted to S for review and approval. TIMING: The design elements and noise attenuation measures shall be incorporated into the major use permit plans and shall occur throughout the duration of the mining operation. MONITORING: The S shall verify that the specific note(s), and design elements, and noise attenuation measures have been placed on all sets of the plot plan and building plans and made conditions of their issuance.

**NOISE#2–CONSTRUCTION EQUIPMENT NOISE IMPACTS [PDS, PCC]
[DPW, PDCI] [PDS, FEE X3]**

INTENT: In order to comply with the [County of San Diego Noise Ordinance 36.409](#), the following noise attenuation measures shall be implemented to reduce construction equipment operations in proximity to occupied residences. DESCRIPTION OF REQUIREMENT: The mitigation is designed and placed to reduce construction noise that potentially will affect the adjacent residentially occupied uses.

- a. Simultaneous use of a dozer, loader, and dump truck shall not impede 100 feet of project property line in order to comply with the 75-dBA LEQ (8-hour) limit.
- b. During construction of the processing plant pad the use of a grader must not exceed the average of 250 feet from property line.
- c. The Willow Glen Drive improvements simultaneous use a dozer, dump truck, and water truck is allowed 170 feet from the nearest off site occupiable noise sensitive land use area.
- d. Any use of a saw cutter must be 170 ft from any off-site occupiable noise sensitive land use area and no heavy equipment shall operate simultaneously within the same location.
- e. Please refer to Cottonwood Sand Mine Project Acoustical Site Assessment Report dated November 2021 and Acoustical Site Assessment Report

Addendum dated December 21, 2022, by HELIX Environmental Planning for all figures and analysis.

- f. If new information is provided to prove and certify that Noise Ordinance compliance can be demonstrated by other measures, then what was proposed in the noise report, then a new Construction Noise Analysis (or Construction Noise Mitigation Plan) must be reviewed to the satisfaction of the S CC. The supplemental noise analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and Content Requirements. Any proposed alternative methods, or the reduction or elimination of the barrier, may be approved if the construction activities will not create noise greater than 75 dB at the property line and demonstrate compliance with the County Noise Ordinance to the satisfaction of the Director of PDS.

DOCUMENTATION: The applicant shall maintain the sound attenuation mitigation as indicated above until all respective excavation activities in their respective areas have been completed. The applicant shall submit a signed, stamped statement from a California Registered Engineer or licensed surveyor, and photographic evidence that the noise measures have been constructed pursuant to this condition [S CC] for review and approval. The applicant is responsible for implementing any further mitigation to remain in compliance with this condition. The applicant shall place the design elements, and this condition as notes on the major use plans to be submitted to S for review and approval. TIMING: The above actions shall occur throughout the duration of the excavation, construction, and sand mine operations. MONITORING: The [DPW, PDCI] shall make sure that the contractor complies with the construction noise control measures of this condition. The [CI] shall ensure that the noise mitigation barriers remain in place as indicated on this condition.

NOISE#3–SAND MINE EXTRACTION OPERATION [DPW, PDCI]

INTENT: In order to minimize temporary construction and mining operational noise for associated with the project and to comply with County Noise Ordinance 36.404 through 36.410. DESCRIPTION OF REQUIREMENT: The project shall comply with the following temporary construction noise control measures:

- a. Affected property owners shall be notified in writing two weeks prior to construction activity within 500 feet of their property boundaries.
- b. A 12-foot noise barrier for NSLUs at residential groups 1, 2, 3, 4, 5, 10, and 11 between the excavation activities and the NSLUs when excavation is occurring within 400 feet of these locations.
- c. An 8-foot barrier for NSLUs at Isolated Residence 2, Isolated Residence 3, the Adeona Healthcare facility, and residential group 8 between excavation activities and the NSLUs when excavation is occurring within 400 feet of these locations.

- d. All raw material excavation equipment operating within 400 feet of off-site NSLU useable space areas to be located at the lowest feasible elevation within the Project's excavation areas to provide noise attenuation to offsite properties.
- e. Turn off equipment when not in use.
- f. Equipment used in mining should be maintained in proper operating condition, and all loads should be properly secured, to prevent rattling and banging.
- g. Use equipment with effective mufflers.
- h. Ensure that when feasible, electrical power shall be used to run air compressors and similar power tools.
- i. Configure traffic pattern to minimize the use of back up alarm. Back-up beepers for all construction equipment and vehicles shall be adjusted to the lowest noise levels possible, provided that Occupational Safety and Health Administration (OSHA) and Cal OSHA's safety requirements are not violated.
- j. Equipment staging areas should be placed at locations away from noise sensitive receivers.
- k. Usage of truck engine exhaust compression braking systems shall be limited to emergencies.
- l. Radios and other noise-generating "personal equipment" shall be prohibited.
- m. Noise attenuation techniques shall be employed as needed to ensure that noise levels remain below 60 dB CNEL at existing noise sensitive land uses. This step shall apply to all construction activity on and off the proposed project site.
- n. Please refer to Cottonwood Sand Mine Project Acoustical Site Assessment Report dated November 2021 and Acoustical Site Assessment Report Addendum dated December 21, 2022, by HELIX Environmental Planning for all figures and analysis.

DOCUMENTATION: The applicant shall comply with the temporary and operational noise measures of this condition. TIMING: The above actions shall occur throughout the duration of construction and operation of the sand mine. MONITORING: The [] CI shall make sure that the contractor complies with the construction noise control measures of this condition. The [] CI shall contact the [] S CC if the applicant fails to comply with this condition.

NOISE#4–CONSTRUCTION VIBRATION NOISE IMPACTS [PDS, PCC] [DPW, PDCI] [PDS, FEE X1]

INTENT: In order to comply with the [County of San Diego Noise Ordinance 36.409](#) and vibratory requirements within the County Noise Guidelines, the following noise attenuation measures shall be implemented to reduce the temporary construction operations. DESCRIPTION OF REQUIREMENT: Prior to and during all phases of construction activities, the project applicant shall:

- a. During construction a vibratory roller can be used up to 170 feet from the nearest off-site occupied residence located across Willow Glen Drive.
- b. If blasting is required, then the applicant shall submit a vibration analysis for the proposed blasting and material handling associated with the project. The analysis shall be submitted to the County for review prior to the first blast and according to the Blasting Permit process performed by the County Sheriff's Department.
- c. If new information is provided to prove and certify that the assessment being used is different than what was proposed in the noise report, then a new noise analysis maybe reviewed to the satisfaction of the S CC . The supplemental noise analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and Content Requirements and County noise standards. Any proposed alternative methods, or the reduction or elimination of any noise measure would be determined by the Director of PDS.

DOCUMENTATION: The applicant shall comply with the vibration measures of this condition. If blasting is required, then the applicant shall submit a vibration analysis the proposed blasting and material handling associated with the project. The analysis shall be submitted to the County for review prior to the first blast and according to the Blasting Permit process performed by the County Sheriff's Department. TIMING: The above actions shall occur throughout the duration of construction and operation of the sand mine. MONITORING: The [CI] shall make sure that the contractor complies with the vibration control measures of this condition. The [CI] shall contact the [S CC] if the applicant fails to comply with this condition.

NOISE#5–OPERATIONAL VIBRATION NOISE IMPACTS [PDS, PCC] [DPW, PDCI] [PDS, FEE X1]

INTENT: In order to comply with the [County of San Diego Noise Ordinance 36.409](#) and vibratory requirements within the County Noise Guidelines, the following noise attenuation measures shall be implemented to reduce the temporary construction operations. DESCRIPTION OF REQUIREMENT: Prior to and during all phases of construction activities, the project applicant shall:

- a. The screening machine located at the processing area would generate vibration during operation, must be over 800 feet from occupied properties

- b. The Project's haul truck/tractor trailer may operate no closer than 150 feet from off-site occupied residences.
- c. Please refer to Cottonwood Sand Mine Project Acoustical Site Assessment Report dated November 2021 and Acoustical Site Assessment Report Addendum dated December 21, 2022, by HELIX Environmental Planning for all figures and analysis.
- d. If blasting is required, then the applicant shall submit a vibration analysis the proposed blasting and material handling associated with the project. The analysis shall be submitted to the County for review prior to the first blast and according to the Blasting Permit process performed by the County Sheriff's Department.
- e. If new information is provided to prove and certify that the assessment being used is different than what was proposed in the noise report, then a new noise analysis maybe reviewed to the satisfaction of the S CC . The supplemental noise analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and Content Requirements and County noise standards. Any proposed alternative methods, or the reduction or elimination of any noise measure would be determined by the Director of PDS.

DOCUMENTATION: The applicant shall comply with the vibration measures of this condition. If blasting is required, then the applicant shall submit a vibration analysis the proposed blasting and material handling associated with the project. The analysis shall be submitted to the County for review prior to the first blast and according to the Blasting Permit process performed by the County Sheriff's Department. TIMING: The above actions shall occur throughout the duration of construction and operation of the sand mine. MONITORING: The [CI] shall make sure that the contractor complies with the vibration control measures of this condition. The [CI] shall contact the [S CC] if the applicant fails to comply with this condition.

LNDSCP#1-LANDSCAPE DOCUMENTATION PACKAGE

INTENT: In order to provide adequate landscaping that screens the mining operations from Willow Glen Drive and to provide landscape screening of the processing plant, and to comply with Measures PDF-AES-4 and PDF-AES-5, Landscape Plans shall be prepared. DESCRIPTION OF REQUIREMENT: The Landscape Plans shall be prepared pursuant to the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#). All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of adjacent public right-of-way, and the locations of required improvements and proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit

approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s)-of-way shall be maintained by the landowner(s) shall be submitted to PDS.

- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.

DOCUMENTATION: The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), and pay all applicable review fees. TIMING: Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. MONITORING: The

S A and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

LNDSCP#2–CERTIFICATION OF INSTALLATION

INTENT: In order to provide adequate landscaping that screens the mining operations from Willow Glen Drive and to provide landscape screening of the processing plant, and to comply with Measures PDF-AES-4 and PDF-AES-5, Landscape Plans shall be prepared. DESCRIPTION OF REQUIREMENT: All of the landscaping shall be located and/or installed pursuant to the approved

Landscape Documentation Package for both extraction and reclamation phases. The installation of the landscaping can be phased pursuant to construction of specific phases to the satisfaction of the S A CC R TC .

DOCUMENTATION: The applicant shall submit to the S A CC a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. TIMING: Prior to use of the premises in reliance of this permit, the landscaping shall be installed. MONITORING: The S A] shall verify the landscape installation or use of the property, and notify the S CC R TC of compliance with the approved Landscape Documentation Package.

HAZ#1–STRUCTURE REMOVAL: [PDS, PCC] [BP, GP, UO] [PDS, FEE]

INTENT: In order to comply with the Major Use Permit, the structure(s) on site shall be removed. DESCRIPTION OF REQUIREMENT: The structures on site located on the approved Plot Plan, shall be removed. A Demolition Permit shall be obtained from [PDS Building Division]. Compliance with conditions and a determination of the presence or absence of Lead Based Paints and or Asbestos shall be completed before the County can issue a Demolition Permit. DOCUMENTATION: The applicant shall submit to the [PDS, PCC] a signed stamped statement from a registered professional; Engineer, Surveyor, Contractor, which states, that the structures have been removed, relocated on site, or demolished. The letter report shall also include before and after pictures of the area and structure(s). TIMING: Prior to obtaining any building or construction permit (excluding demolition permit), or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition. MONITORING: The [PDS, PCC] shall review the statement, photos, and any additional evidence for compliance with this condition.

HAZ#2–LEAD SURVEY: [PDS, PCC] [BP, GP, UO] [PDS, FEE X 2].

INTENT: In order to avoid hazards associated with Lead Based Paint (LBP) and to mitigate below levels of significance as established in the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining LUEG Condition of Approval Manual May 7, 2009 Page 57 of 259 Significance, the structure(s) on site shall be surveyed for the presence of Lead Based Paint (LBP). DESCRIPTION OF REQUIREMENT: A survey shall be performed before the removal or demolition as shown on the approved Plot Plan. The survey shall be completed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence or absence of lead-based paint (LBP) located in the structure(s).

The following conditions only apply if lead containing materials are found present:

- a. All lead containing materials shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 California Code of Regulations [CCR] Division 4.5), the worker health and safety requirements (Title 8 California Code of Regulations Section 1532.1), and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).
- b. All lead containing materials scheduled for demolition must comply with applicable regulations for demolition methods and dust suppression.

DOCUMENTATION: The applicant shall submit a letter or report prepared by a California Department of Health Services (DHS) certified lead inspector/risk assessor to the [PDS, PCC], which certifies that there was no presence of Lead Based Paint Material, or that there was LBD present and all lead containing materials have been remediated pursuant to code sections referenced above.

TIMING: Prior to obtaining any building (including demolition permit) or construction permit, or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition. MONITORING: The [PDS, PCC] shall review the report and any additional evidence for compliance with this condition.

HAZ#3–ASBESTOS SURVEY: [PDS, PCC] [BP, GP, UO] [PDS, FEE X 2].

INTENT: In order to avoid hazards associated with Asbestos Containing Materials (ACMs), and to mitigate below levels of significance as established in the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance, the structure(s) on site shall be surveyed for the presence of Asbestos Containing Materials (ACMs) because the structures were built.

DESCRIPTION OF REQUIREMENT: A facility survey shall be performed to determine the presence or absence of Asbestos Containing Materials (ACMs) on site as shown on the approved Plot Plan:

- a. Suspect materials that will be disturbed by the demolition or renovation activities shall be sampled and analyzed for asbestos content, or assumed to contain asbestos. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course.
- b. If ACMs are found present, they shall be handled and remediated in compliance with the San Diego County Air Pollution Control District Rule 361.145 – Standard for Demolition and Renovation.

DOCUMENTATION: The applicant shall submit to the [PDS, PCC] a signed, stamped statement from the person certified to complete the facility survey indicating that the survey has been completed and that either regulated asbestos is present or absent. If regulated asbestos is present, the letter shall describe the

procedures taken to remediate the hazard and certify that they have been remediated pursuant to code sections referenced above. TIMING: Prior to obtaining any building (including demolition permit) or construction permit, or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition. MONITORING: The [PDS, PCC] shall review the report and any additional evidence for compliance with this condition.

HAZ#4–HEALTH AND SAFETY PLAN: [DEH, HMD] [UO, FG]

INTENT: In order to protect workers from hazardous chemicals and to notify the public of potential hazardous chemicals and substances and to comply with the California Health and Safety Code, Chapter 6.95. a hazardous materials Business plan shall be prepared and implemented. DESCRIPTION OF REQUIREMENT: A Health and Safety Plan, and Hazardous Materials Business Plan that outlines worker safety and personal protection equipment appropriate for the chemicals of concern (i.e., TPH, VOCs, arsenic and lead) and the construction activities planned for the site regarding all on-site storage, handling, and disposal of potentially hazardous substances, such as ground fuel storage and contaminated soil storage. The plan shall be approved by [DEH, HMD]. DOCUMENTATION: The applicant shall provide copies of the Health and Safety Plan, and Hazardous Materials Business Plan to [DEH, HMD] for review and approval. Evidence shall be in the form of a letter from the County of San Diego, Department of Environmental Health, Hazardous Materials Division, stating that the appropriate Department of Environmental Health, State and/or Federal permits are being pursued or have been obtained or that no further permits are required. TIMING: Prior to obtaining any building (including demolition permit) or construction permit, or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition. MONITORING: [DEH, HMD] shall verify and approve the Health and Safety Plan, and Hazardous Materials Business Plan for compliance with this condition

IDMP#1–INFECTIOUS DISEASE MANAGEMENT PLAN AND ILLNESS PREVENTION PROGRAM

INTENT: In order to ensure adequate public health and safety throughout the duration of the permit and reclamation of the project. DESCRIPTION OF REQUIREMENT: The mine operator shall prepare an Infectious Disease Management Plan and have it available onsite to all employees. The plan will include procedures showing how the operator will respond to any emergency caused by biological agents, including organisms such as bacteria, viruses or toxins. Additionally, the mine operator shall prepare an Injury and Illness Prevention Program (IIPP), in conformance to the California Code of Regulations, Title 8, Section 3203, which describes specific requirements for program responsibility, compliance, communications, hazard assessment, accident/exposure investigations, hazard correction, training, and recordkeeping. DOCUMENTATION: Completed Infectious Disease Management Plan and

Illness Prevention Program. TIMING: Prior to obtaining any building (including demolition permit), or construction permit, or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition. MONITORING: The *S Code Compliance Division* is responsible for enforcement of these requirements.

AT THE COMPLETION OF MINING FOR EACH PROJECT PHASE The following actions shall occur upon completion of mining activities for each project phase .

CULT#GR-3—ARCHAEOLOGICAL AND TRIBAL MONITORING (M-CR-3)

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological and Tribal Monitoring Program shall be implemented for each project phase pursuant to the requirements identified below and in the Cultural Treatment Agreement and Preservation Plan. DESCRIPTION OF REQUIREMENT: The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

- a. No Archaeological Resources Encountered. If no archaeological resources are encountered during earth-disturbing activities for each project phase, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Native American Monitor must be included in the Negative Monitoring Report.
- b. Archaeological Resources Encountered. If archaeological resources were encountered during the earth disturbing activities for each project phase, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation of cultural materials.

DOCUMENTATION: The applicant shall submit an interim Archaeological Monitoring Report to *S* for each project phase for review and approval. Once approved, a copy of the report shall be submitted to the South Coastal Information Center and any culturally-affiliated Tribe who requests a copy. TIMING: Upon completion of mining activities for each project phase, the report shall be completed. MONITORING: *S* shall review the report for each project phase for compliance with the project MMRP, and inform *CI* that the requirement is completed.

PALEO#GR-1–PALEONTOLOGICAL MONITORING REPORTING (M-PAL-2)

INTENT: In order to comply with the County of San Diego Significance and Report Format Guidelines for Paleontological Resources, a Paleontological Monitoring Program shall be implemented for all project phases. DESCRIPTION OF REQUIREMENT: One of the following letters shall be prepared upon completion of the mining activities for each project phase:

- a. If no paleontological resources were discovered, submit a “No Fossils Found” letter from the mining contractor to PDS stating that the monitoring has been completed and that no fossils were discovered, including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the [County of San Diego Guidelines for Determining Significance for Paleontological Resources](#).
- b. If paleontological resources were encountered during excavation, a letter shall be prepared stating that the field mining excavation monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation of the resources identified during monitoring.

DOCUMENTATION: The applicant shall submit the letter report to PDS for review and approval. TIMING: Upon completion of all mining activities, a letter report shall be completed. MONITORING: PDS shall review the letter report for compliance with the project MMRP, and inform *CI*] that the requirement is completed for each project phase.

AT THE COMPLETION OF MINING ACTIVITIES FOR ALL PROJECT PHASES

The following actions shall occur upon completion of mining activities of the final project phase .

CULT#GR-4–ARCHAEOLOGICAL AND TRIBAL MONITORING (M-CR-3)

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological and Tribal Monitoring Program shall be implemented pursuant to the requirements identified below and in the Cultural Treatment Agreement and Preservation Plan. DESCRIPTION OF REQUIREMENT: Upon conclusion of all mining and earth-disturbing activities for all project phases, the Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all project phases of the Archaeological and Tribal Monitoring Program if cultural resources were encountered during mining and/or earth-disturbing activities. The report shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.

- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been conveyed as follows:
 - 1. Evidence that all prehistoric materials collected during the archaeological and tribal monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the archaeological and tribal monitoring program have been repatriated to a Native American group of appropriate tribal affinity and shall be accompanied by payment of the fees necessary, if required. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- 2. Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the archaeological and tribal monitoring activities have been completed. Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to S for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and any culturally-affiliated Tribe who requests a copy. TIMING: Upon completion of all

mining and earth-disturbing activities for all project phases, the final report shall be prepared. MONITORING: S shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, S shall inform S R and CI, that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then S shall inform S or FISCAs to release the bond back to the applicant.

BIO#18–OPEN SPACE SIGNAGE (M-BIO-14) [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry, informational signs shall be installed. DESCRIPTION OF REQUIREMENT: Open space signs shall be placed along the biological open space boundary, which includes 0.6 acre of Diegan coastal sage scrub and 13.85 acres of wetland and riparian habitat, located outside of the restoration and revegetation areas, as indicated on the approved Plot Plan. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources

Area Restricted by Easement

Entry without express written permission from the County of San Diego
is prohibited. To report a violation or for more information about easement
restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: PDS2018-MUP-18-023

DOCUMENTATION: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easement(s). TIMING: Upon completion of mining activities of the final project phase, the open space signs shall be installed. MONITORING: The S CC shall review the photos and statement for compliance with this condition.

BIO#19–OPEN SPACE FENCING (M-BIO-14) [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry or disturbance, permanent fencing shall be installed. DESCRIPTION OF REQUIREMENT: Open space fencing shall be placed along the biological open space boundary as indicated on the Plot Plan. The fencing design shall consist of three-strand smooth wire, wooden split rail fencing, or similar fencing allowing for wildlife passage. DOCUMENTATION: The applicant shall install the fencing as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space fencing has been installed at the open space easement boundary. TIMING: Upon completion of mining activities of the final project phase, open space fencing shall be installed. MONITORING: The S CC shall review the photos and statement for compliance with this condition.

BIO#20–OPEN SPACE SIGNAGE & FENCING (M-BIO-14) [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry or disturbance, the fencing and signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences and open space signs shall be placed along the open space boundary as shown on the final Resource Management Plan for PDS2023-MUP-18-023.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6” x 9” in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources

Area Restricted by Easement

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,

Planning & Development Services

Reference: PDS2018-MUP-18-023

DOCUMENTATION: The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [S CC].

TIMING: Following mining and establishment of final grade and prior to use of the final phase in reliance of this permit, the fencing and signage shall be installed.

MONITORING: The [S CC] shall review the photos and statement for compliance with this condition.

BIO#21–BIOLOGICAL MONITORING (M-BIO-17) [PDS, FEE X2]

INTENT: In order to ensure that the biological monitoring occurred during vegetation clearing, grubbing, and grading activities, a final Biological Monitoring Report shall be prepared. **DESCRIPTION OF REQUIREMENT:** The “Project Biologist” shall prepare a final biological monitoring report. The report shall substantiate the supervision of the activities referenced above, and state that the activities did not impact any areas outside the limits of work or any other sensitive biological resources. The report shall conform to the County of San Diego Report Format Guidelines for Biological Resources, and include the following items:

- a. Photos of the temporary fencing that was installed during the trenching, vegetation clearing, grubbing, and grading activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the activities.

DOCUMENTATION: The Biologist shall prepare the final report and submit it to the [PDS, PCC] for review and approval. TIMING: Upon completion of mining activities of the final project phase, the final report shall be approved. MONITORING: The S CC shall review the final report for compliance with this condition and the report format guidelines. Upon approval of the report, S CC shall inform S R and CI, that the requirement is complete, and the bond amount can be relinquished. If the monitoring was bonded separately, then S CC shall inform S FISCA to release the bond back to the applicant.

BIO#22-EASEMENT AVOIDANCE (M-BIO-14) [PDS, FEE]

INTENT: In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided.

DESCRIPTION OF REQUIREMENT: The open space easement indicated on this plan is for the protection of sensitive environmental resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exception(s) to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, <http://www.sdcountry.ca.gov/PDS/docs/MemoofUnder.pdf>) between the Wildlife Agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW, or DPR.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the DEH.
- d. Continued use and maintenance of the existing Steele Canyon Road bridge right-of-way and SDG&E easement.
- e. Construction, use and maintenance of multi-use, non-motorized trails.

DOCUMENTATION: The applicant shall provide a letter statement to the [S CC] stating that all Sensitive Resource Easements were avoided and that no impacts or encroachment into the open space occurred during mining or reclamation. TIMING: Upon completion of mining activities of the final project

phase, the letter verifying the easements were not disturbed shall be submitted.
 MONITORING: The [] CI shall not allow any excavation, clearing or encroachment into the open space easement.

GEN#4-LAND DEDICATION OFFER

INTENT: Applicant intends to offer to dedicate to the County of San Diego Parks and Recreation Department (“County Parks”) a significant portion of the property post-reclamation, for use as County open space. County Parks will evaluate the offer of dedication post-reclamation. DESCRIPTION OF REQUIREMENT: In the event that the applicant has not made any offer to County Parks pursuant to Condition of Approval GEN#7, upon the completion of mining activities of the final project phase, the applicant shall offer all or a portion of the parcels identified below, totaling approximately 148 acres (the “Dedication Property”) to County Parks upon the following terms:

- a. The “Dedication Property” includes all or a portion of the following APNs: 506-020-52; 506-021-19; 518-012-13 (portion); 518-012-14 (portion); 518-030-07 (portion); 518-030-10 (portion); 518-030-12 (portion); 518-030-13 (portion); 518-030-15 (portion); 518-030-21 (portion); 518-030-22 (portion); 519-010-15 (portion); 519-010-17 (portion); 519-010-20 (portion); 519-010-21 (portion); 519-010-34 (portion); 519-011-07 (portion).
- b. The purchase price of the Dedication Property shall be \$0.
- c. Applicant’s offer shall be contingent upon County Parks’ acceptance of any and all outstanding obligations of applicant as to the offered Dedication Property, including, but not limited to, obligations under any adopted, approved, or recorded Biological Easement, Revegetation Plan, Resource Management Plan, Biological Monitoring Program, Fire Protection Plan, and any and all permits issued by any Resource Agency, including, but not limited to, the California Department of Fish and Wildlife and the State and Regional Water Quality Control Board.
- d. County Parks shall have 180 calendar days following receipt of applicant’s offer to accept the offer, and extensions shall be given for good cause. Where no extensions are requested or given, the offer shall expire after 180 calendar days.
- e. County Parks may reject the offer formally in writing, or by failing to accept the offer before expiration of the offer.
- f. If County Parks rejects the offer, applicant shall be free to offer and/or transfer the Dedication Property, or any ownership interest therein, to any third party for any purchase price.

- g. In the event County Parks rejects the offer, such rejection shall have no bearing or effect on the status of the entitlements or permits issued by the County or other agencies in relation to the MUP or Reclamation Plan.
- h. Notwithstanding (1) through (7), above, any other terms and conditions negotiated by and mutually agreeable to County Parks and the applicant.

DOCUMENTATION: No documentation of this condition is necessary.

TIMING: Upon completion of mining activities of the final project phase.

MONITORING: The PDS shall assure compliance with this condition.

ONGOING (the following conditions shall apply during the term of this permit)

GEN#5-MAXIMUM OPERATIONAL LIMITATIONS

INTENT: In order to stay within the parameters that were analyzed, maximum mining limitations shall be placed on the project. DESCRIPTION OF REQUIREMENT:

- The conversion of the existing Cottonwood Golf Club golf courses to a ten-year sand mining operation with an additional two-year reclamation period.
- Approximately 4.3 million cubic yards (cy) (6.40 million tons) of material maximum are to be extracted, with approximately 3.8 million cy (5.7 million tons) produced for market use. Those materials undesirable for processing (approximately 427,00 cy) would be retained on site and utilized for backfilling. In addition, approximately 2.5 million cy would be imported to the site to meet the sites overall backfill requirements.
- Approximately 214.4 acres of the approximately 280-acre site are proposed for extractive use and restoration which would occur in a total of four phases. The extraction process would occur in three phases over the span of ten years and the cleanup, equipment removal, and final reclamation would occur in the fourth phase over two years.
- A maximum total of 570,000 tons is permitted to be produced in any one calendar year.

DOCUMENTATION: Mining operation annual reports which are required to be submitted by the mine operator to the Division of Mine Reclamation shall document the amount of material mined from the previous year. TIMING: Upon establishment

of the use, this condition shall be complied with for the term of this permit.

MONITORING: [S Code Compliance i ision] shall review mining operation annual reports to determine compliance with the condition.

GEN#6–HOURS OF OPERATION [PDS, PCC], [OG]

INTENT: In order to ensure adequate public health and safety throughout the duration of the permit and reclamation of the project, hours of operation will be limited. DESCRIPTION OF REQUIREMENT: The mining operation and reclamation activities shall be limited to daylight hours only between 7:00 a.m. and 5 p.m. Monday through Friday. Trucking operations for material sales and backfill import would occur Monday through Friday from 9:00 a.m. to 3:30 p.m. There would be no processing of materials or trucking from the site on Saturdays, Sundays, and major holidays. DOCUMENTATION: No documentation of this condition is necessary. TIMING: This applies throughout the duration of the permit and Reclamation Plan. MONITORING: The *S Code Compliance Division* is responsible for enforcement of this permit and Reclamation Plan.

PLN#1–SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved Reclamation Plan. DESCRIPTION OF REQUIREMENT: The project shall conform to the approved Reclamation Plan. Failure to conform to the approved Major Use Permit and Reclamation Plan is an unlawful use of the land and will result in enforcement action pursuant to Zoning Ordinance Section 7703. DOCUMENTATION: The property owner and permittee shall conform to the approved Major Use Permit and Reclamation Plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. TIMING: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. MONITORING: The *S Code Enforcement Division* is responsible for enforcement of this permit.

PLN#2–MINING FACILITY OPERATIONS

INTENT: In order to comply with applicable regulations and enforce ongoing requirements and design features of the project. DESCRIPTION OF REQUIREMENT: The project shall conform to the following operating requirements listed below:

- a. Sand Excavation and Processing will occur between 7am and 5pm Monday through Friday.
- b. Haul truck loading activities on site will occur 9am to 3:30pm Monday through Friday.
- c. No material sales or trucking will occur on weekends or major holidays.
- d. The Project shall retain a minimum of 23 percent of the Project property acreage (approximately 64 acres) where no mining activities would be permitted. Within these areas that occur outside of the subphase boundaries

removal of exotic and invasive species and planting of riparian and/or upland habitat may occur.

- e. The Project shall adhere to the proposed subphase plan and sequence of subphase mine operations (see Plot Plan, EIR Figures 1-5a and 1-5b; and EIR Figure 1-4).
- f. The Project shall remove sections of conveyor (see Plot Plan, EIR Figures 1-5a and 1-5b) and other stationary equipment in a timely manner once this equipment is no longer required within the subphase area.
- g. Mining equipment shall be selected or painted in a light color to help diminish the contrasting quality of these features.
- h. Aggregate material being processed and stored within the processing plant area (see EIR Figure 1-7) shall be limited to stockpiles up to 25 feet in height.
- i. The existing Sweetwater River channel and the majority of native habitat that currently exists on the site will be retained (see Plot Plan, EIR Figures 1-5a and 1-5b; and EIR Figure 2.2-7).
- j. The bottom of the existing Sweetwater River trapezoidal channel will be undisturbed, except for the two temporary channel crossings that would be used during the dry season, in order to allow the Sweetwater Authority water transfers to continue within the existing low-flow channel (see Plot Plan, EIR Figures 1-5a and 1-5b).
- k. To ensure that excavation activities would not substantially affect Sweetwater Authority water transfers between the Loveland and Sweetwater reservoirs, mining activities proposed during the rainy season (November through March) will be located away from the river channel, to the extent feasible. If mining would occur within 10 feet of the low-flow channel, berms approximately five feet in height will be constructed to separate the operations areas from the channel, as needed. The berm locations will be adjusted as necessary as mining progresses and will be set back from mining activities. Berms may also be incorporated upon final reclamation, where needed, to reduce potential loss of water during scheduled transfers.
- l. Three excavation pit areas where groundwater may be encountered are planned for the Project (see Plot Plan, EIR Figures 1-5a and 1-5b). The first pit will be excavated during Phase 1 on the northern side of the river channel and south of Willow Glen Drive (subphase 1C area on EIR Figure 1-4). The second pit will start to be excavated in the eastern half of the Phase 2 area (subphase 2C area on EIR Figure 1-4) and continue in a northeasterly direction toward the Phase 3 area (subphase 3C area on EIR Figure 1-4). The third pit will be completed in the northeastern corner of the Project site

during Phase 3 (subphase 3A area on EIR Figure 1-4). These pits will be progressively backfilled as the excavation continues. Exposure of groundwater as a free water surface at any given time in each of the three pits will be limited to approximately five acres in size.

DOCUMENTATION: None. The property owner and permittee shall conform to the applicable requirements. TIMING: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. MONITORING: The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

CULT#GR-5-ARCHAEOLOGICAL AND TRIBAL MONITORING – DURING MINING EXCAVATION (M-CR-3)

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Monitoring Program shall be implemented pursuant to the requirements identified below and the Cultural Treatment Agreement and Preservation Plan. DESCRIPTION OF REQUIREMENT: The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. Monitoring. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Kumeyaay Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.
- b. Inadvertent Discoveries. In the event that previously unidentified potentially significant cultural resources are discovered:
 1. The Project Archaeologist or the Kumeyaay Native American monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources.
 2. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
 3. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American Monitor, shall determine the significance of the discovered resources.

4. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
 5. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
 6. If cultural resources are determined to be significant, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
- c. Human Remains. If any human remains are discovered:
1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
 2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Kumeyaay Native American monitor.
 3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).
 4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
 5. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or

preferences for treatment within 48 hours of being granted access to the site.

6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- d. Fill Soils. The Project Archaeologist and Kumeyaay Native American monitor shall evaluate fill soils to determine that they are clean of cultural resources.
- e. Monthly Reporting. The Project Archaeologist shall submit monthly status reports to the Director of PDS starting from the date of the Notice to Proceed to termination of implementation of the archaeological and tribal monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the mining activities for each project phase, an interim monitoring report shall be submitted describing the plan compliance procedures and site conditions before and after mining activities.

DOCUMENTATION: The applicant shall implement the Archaeological and Tribal Monitoring Program pursuant to this condition. TIMING: The above actions shall occur throughout the duration of the earth-disturbing activities.

MONITORING: The *CI* shall make sure that the Project Archeologist is on site performing the monitoring duties of this condition. The *CI* shall contact the *S* if the Project Archaeologist or applicant fails to comply with this condition.

PALEO#GR-2–PALEONTOLOGICAL MONITORING (M-PAL-1)

INTENT: In order to comply with the County of San Diego Significance and Report Format Guidelines for Paleontological Resources, a Paleontological Monitoring Program shall be implemented for all project phases. DESCRIPTION OF REQUIREMENT: This project site has marginal levels of sensitive Paleontological resources. All mining activities must comply with requirements of the County of San Diego Significance and Report Format Guidelines for Paleontological Resources if any significant resources (Fossils) are encountered during mining activities.

- a. The mining contractor is responsible to monitor for paleontological resources during all mining activities. If any fossils are found greater than 12 inches in any dimension, stop all mining activities and contact PDS before continuing mining operations.
- b. If any paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the [San Diego](#)

County Guidelines for Determining Significance for Paleontological Resources.

TIMING: The above actions shall occur throughout the duration of the mining excavation for all project phases. **MONITORING:** The [] *CI* shall make sure that the mining contractor is on site performing the monitoring duties of this condition. The [] *CI* shall contact PDS if the mining contractor or applicant fails to comply with this condition.

FIRE#2–FIRE PROTECTION PLAN

INTENT: In order to assure fire safety in compliance with the County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707, the site shall be maintained in conformance with the approved Fire Protection Plan. **DESCRIPTION OF REQUIREMENT:** The following measures approved in the FPP shall be implemented and maintained:

- a. Excavation and loading conveyor belts be curtailed on days when wind speeds reach 25 miles per hour to eliminate the possibility of the winds carrying a mechanically induced rock strike spark downwind to off-site combustible fuels. Loading finished product on trucks from enclosed storage bins would not be impacted.
- b. All construction equipment, operational equipment and power generators will be maintained and equipped with Spark Arrestors.
- c. Fire extinguishers will be provided in all temporary structures and vehicles.
- d. All temporary ingress/egress access ways and interior roads to the Project Area will be designed to support a 75,000 lb. fire engine and be a minimum of 24 feet in width should emergency access ever be needed, including:
 1. A paved ingress/egress 24-foot-wide access way will be constructed off Willow Glen Drive near the west end of the Project Area that is west of Steele Canyon Road.
 2. Paved ingress and egress will be constructed off Willow Glen Drive to that part of the Project Area that lies to the east of Steel Canyon Road in the vicinity of the proposed location of the processing plant.
- e. A fire hydrant will be installed in the vicinity of the temporary processing plant as a ready water source for any fires originating at or threatening the processing facilities. The water supply for the hydrant must be capable of supporting a fire flow of 2,500 gallons per minute unless otherwise approved by the Fire Chief for the San Miguel Consolidated Fire Protection District.

- f. All temporary portable buildings brought in for the operation of the Project will be skirted to prevent the accumulation of windblown leaf litter and other combustible debris beneath these temporary buildings.
- g. One hundred (100) feet of defensible space is required from all sides of each portable building. Defensible space can include paved parking lots, walkways, and graveled areas that have been cleared down to mineral soil.
- h. Brazilian Pepper Trees (*Schinus molle*) and Eucalyptus spp. that were planted for screening the golf course from travelers using Willow Glen Drive will be temporarily retained for screening purposes along the south side of Willow Glen Drive in Phases 1, 2 and 3 and will be removed and permanently eliminated from the Property in Phase 4. In the interim they must be maintained, i.e. 6 feet of physical vertical separation between lower limbs and the height of retained ground covers and all leaf litter, peeling bark, and limb wood removed as needed from beneath these retained trees.
- i. Trees retained or later planted in the road edge Fuel Management Zones must be pruned up a minimum of 6 feet from bare ground. If low growing non-invasive, non-flammable grasses and small shrubs are desired beneath retained or planted trees the trees must have a minimum of 6 feet of vertical separation between the lower limbs of the tree and the tops of the vegetation beneath the tree. Permitted vegetation beneath established trees must be kept at no more than 12 inches in height or lower. All trees overtopping current structures (clubhouse, maintenance buildings, restrooms) must be pruned or removed (see following graphic illustrating required canopy free zone). The outer edge of the 30-foot FMZ's will be marked with fence posts painted a high visibility color so that they are readily visible from each fence post location.
- j. The Project will be required to remove all flammable annuals and perennials down to a 4-inch stubble height by May 1 of each year by mowing or weed whipping for 100 feet as measured horizontally from the exterior of each structure that is not immediately removed until a later operational Phase. Well-spaced (20 feet between single shrubs or clumps of shrubs) fire resistant shrubs and trees (retained trees must have 20 feet of physical separation between the outer edges of the tree crowns) can remain provided fuel continuity is eliminated. If the golf course turf is still viable around these structures, the turf may remain provided it is irrigated and mowed.
- k. The Project shall maintain a defensible fuel loading along the south side of Willow Glen Drive, along the north side of Ivanhoe Ranch Road and on both sides of Steele Canyon Road, which will serve as primary evacuation routes in an emergency and behind homes that directly abut the south side of the golf course on either side of Steele Canon Road to Fuel Management Zone A standards, that is, removal of all flammable and invasive species (refer to the plant lists in the Technical Appendices D and E of the FPP) and

maintaining a low growing mix of non-continuous fire resistant vegetation no taller than 12 inches in height.

- l. Extraction activities will have a minimum 50-foot setback from Project Property Boundaries where the property line directly abuts off-site improvements. This does not preclude conducting required fuel management activities in these set back zones.
- m. All Project Parking Areas will be paved during the life of the Project and removed upon completion of the Project in Phase 4.

DOCUMENTATION: The applicant shall provide documentation (inspection report with supporting photographs, as applicable) that demonstrates compliance with the FPP. TIMING: The FPP requirements shall be implemented as an ongoing condition. MONITORING: The [S CC] shall verify that the measures have been initially implemented pursuant to the approved plot plan, building plans, and FPP.

AQ#1–AIR QUALITY FUGITIVE DUST

INTENT: In order to mitigate for fugitive dust during construction activities.

DESCRIPTION OF REQUIREMENT: The project applicant or designee shall implement the following measures to mitigate fugitive dust in the form of a Fugitive Dust Control Plan compliant with San Diego Air Pollution Control District (SDAPCD) Rule 55 and County Code Section 87.428 (Grading Ordinance):

- a. All haul/dump trucks entering or leaving the site with soil or fill material must maintain at least two (2) feet of freeboard or cover loads of all haul/dump trucks securely.
- b. Areas recently disturbed by dozer/scrapper passes and any unpaved roads within the project limits will be watered a minimum of three (3) times daily.
- c. Excavation activities will be terminated in winds in excess of 25 miles per hour (mph).
- d. Dust and debris at public street access points shall be cleaned regularly using sweepers and water trucks.
- e. Dirt storage piles will be stabilized by chemical binders, tarps, fencing, or other suppression measures.
- f. Internal construction-roadways will be stabilized by paving, chip sealing or applying stabilizing chemicals, or other such methods that would similarly reduce fugitive dust emissions per Section 310 of the San Diego County Standards for Private Roads.
- g. A 15-mph speed limit on unpaved surfaces shall be enforced.

DOCUMENTATION: The applicant or designee shall comply with the Air Quality requirements of this condition. The applicant or designee shall demonstrate compliance with this condition in the form of a Fugitive Dust Control Plan submitted for approval by the San Diego Air Pollution Control District. TIMING: The above actions shall occur throughout the duration of construction. MONITORING: The [] CI shall make sure that the contractor complies with the Air Quality requirements of this condition. The [] CI shall contact the [] S CC if the applicant fails to comply with this condition.

AQ#2–CONSTRUCTION EXHAUST EMISSIONS

INTENT: In order to mitigate for exhaust emissions during construction activities.

DESCRIPTION OF REQUIREMENT: The project shall comply with the following Air Quality measures:

- a. The project shall require the construction contractor to provide a construction fleet that uses heavy-duty diesel-powered equipment equipped with Tier 4 diesel engines or equivalent retrofit for equipment rated 50 horsepower or more. An exemption from these requirements may be granted by the County in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the County, the applicant shall be required to demonstrate that three construction fleet owners/operators in the San Diego Region were contacted and that those owners/operators confirmed Tier 4 or better equipment could not be located within the San Diego region.
- b. Construction equipment shall be outfitted with best available control technology (BACT) devices certified by the California Air Resources Board (CARB). A copy of each unit's BACT documentation shall be provided to the County of San Diego at the time of mobilization of each applicable unit of equipment.
- c. Construction contractors shall comply with CARB's In-Use Off-Road Diesel-Fueled Fleets (13 CCR Section 2449) and Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Vehicle Idling (13 CCR Section 2484) to restrict idling of diesel equipment and vehicles to five minutes.

DOCUMENTATION: The applicant or designee shall comply with the Air Quality requirements of this condition. The applicant shall show compliance with this measure by providing the construction bid/estimate from the construction contractor that will be used. TIMING: Prior to approval of any improvement plans and issuance of any Construction Permits. MONITORING: The [] CI shall make sure that the contractor complies with the Air Quality requirements of this condition. The [] CI shall contact the [] S CC if the applicant fails to comply with this condition.

AQ#3–VALLEY FEVER

INTENT: In order to mitigate for fugitive spores containing coccidioidomycosis (Valley Fever) during construction activities. DESCRIPTION OF REQUIREMENT: The project shall comply with the following Air Quality measure:

- a. The project shall provide construction contractors with educational materials and training pertaining to methods to prevent exposure to coccidioidomycosis, including the fact sheet entitled “Preventing Work-Related Coccidioidomycosis (Valley Fever)” by the California Department of Public Health.

DOCUMENTATION: The applicant or designee shall comply with the Air Quality requirements of this condition. TIMING: The above actions shall occur throughout the duration of construction. MONITORING: The [] CI shall make sure that the contractor complies with the Air Quality requirements of this condition. The [] CI shall contact the [] S CC if the applicant fails to comply with this condition.

HAZ#5–VECTOR MANAGEMENT PLAN

INTENT: In order to avoid hazards associated with vectors and to comply with the project design, the Vector Management Practices identified in the *ector Management lan* dated November 2021, shall be implemented. DESCRIPTION OF REQUIREMENT: Implement the Vector Control Plan to the satisfaction of the Director of DEH. The implementation shall be substantially consistent with the approved Vector Control Plan. Implementation shall include but is not limited to the following:

- a. Circulate water in settling ponds constantly.
- b. During the wet season (October through March), visually inspect the mining areas, process settling ponds and the streambed for the presence of vectors monthly. Implement corrective measures if needed.
- c. During the dry season (July through September) visually inspect the mining areas, process settling ponds and the streambed weekly for the presence of vectors. Implement corrective measures if needed.
- d. Remove emergent vegetation when recommended by the DEHQ-VCP or when emergent vegetation (e.g., cattails, sedges, etc.) is in excess of 50% of a water surface area.
- e. Utilize chemical controls under the advice of DEHQ.
- f. Collect and place all trash and debris in trash bins.
- g. Cover/close all trash bins.

- h. Trash bins will be removed by a licensed refuse disposal company on a regular basis.

Documentation: The property owner and permittee shall comply with the requirements of the approved *sector Control Plan*, DEH and this condition. If the permittee or property owners choose to modify or deviate from the approved *sector Control Plan* in any way, they must obtain approval from the County [S].
Timing: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. Monitoring: The *S Code Compliance Division* is responsible for enforcement of this condition.

PLN#3–SIGNAGE IN ACCORDANCE WITH MUP

INTENT: In order to comply with Sections 7609(d) and 6252(x) of the Zoning Ordinance. DESCRIPTION OF REQUIREMENT: The operator shall install and maintain onsite signage in compliance with all applicable federal, state and County of San Diego Zoning Ordinance regulations, including those set forth by the Mine Safety and Health Administration (MSHA). Incidental signage necessary for safe site navigation and emergency response is permitted as needed to support operational and reclamation activities. Any future changes to submitted sign packages shall require an applicable minor deviation/modification in accordance with Section 7609(d) of the Zoning Ordinance. DOCUMENTATION: Plot plans, sign elevations and details shall contain sufficient information related to signage consistent with this condition. TIMING: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. MONITORING: The *S Code Enforcement Division* and *S R are* responsible for enforcement of this permit.

GEO#1–SLOPE STABILITY [PDS, PCC], [OG]

INTENT: In order to ensure adequate slope stability and public health and safety throughout the duration of this mining project, slope ratios for cut and fill slopes shall be in compliance with maximum slope inclinations shown on the Plot Plan. DESCRIPTION OF REQUIREMENT: Cut and fill slopes shall be maintained at maximum slope inclinations shown on the Plot Plan throughout the duration of this mining project. This applies to temporary excavation slopes and final slopes. Temporary slopes shall not exceed a 2:1 inclination. Any temporary slope that is inactive for more than 15 working days shall be flattened to 3:1 inclination or shallower. Final slopes shall not exceed a 3:1 inclination. DOCUMENTATION: No documentation is required. TIMING: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. MONITORING: The [PDS, Code Compliance Division] is responsible for enforcement of this condition.

GW#2–GROUNDWATER COMPLIANCE [PDS, PCC], [OG]

INTENT: To protect groundwater resources, groundwater production and water level monitoring shall be conducted for the life of the project.
DESCRIPTION OF REQUIREMENT: The following shall be required:

- a. Groundwater used from all pumped wells at the site shall not exceed 150 acre-feet per year for mining excavation and reclamation activities. Groundwater use shall be limited to permitted on site uses only.
- b. Groundwater levels for water well Ivanhoe#11 and Lakes#11 shall be obtained on an annual basis from the Sweetwater Authority who performs periodic measurements in each well.
- c. Groundwater flow meter readings shall be recorded monthly from all pumped wells.

DOCUMENTATION: The following are reporting requirements:

- a. Groundwater production data and water level data shall be reported on an annual basis for the time period January 1st through December 31st. The annual groundwater monitoring report shall be submitted to [PDS Groundwater Geologist] by January 31st each year.
- b. The annual groundwater monitoring data shall be submitted by a Professional Geologist or Engineer registered in the State of California and include the following information:
 - Tabulated monthly groundwater production volumes from the production well and water level data from the Sweetwater Authority;
 - Documentation of any threshold exceedance including curtailment of groundwater production;
 - The Professional Geologist or Engineer shall perform at least one site visit per year to verify monthly production data are being accurately collected. The date of the site visit shall be included in the annual groundwater monitoring report; and
 - The Professional Geologist or Engineer shall also verify in each annual groundwater monitoring report that the flow meter is calibrated within factory acceptable limits.
- c. If groundwater production is exceeded, pumping of groundwater shall cease at the site and the [PDS Groundwater Geologist] will be notified via letter and electronic mail within five working days of the monthly flow meter measurement(s) that indicate(s) an exceedance. For any exceedance, groundwater pumping shall cease until January 1st which is the first day of the new monitoring year.

TIMING: Upon establishment of the use, the condition shall be complied with for the term of this permit. **MONITORING:** The [PDS, Groundwater Geologist] shall review all annual groundwater monitoring reports to ensure that the project complies with ongoing groundwater production conditions. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

GW#3–MAXIMUM SIZE OF MINING PIT [PDS, PCC], [OG]

INTENT: Groundwater will likely be encountered and as a project design feature, the mining pit will be limited to 5 acres at any time groundwater is encountered to conserve groundwater resources. DESCRIPTION OF REQUIREMENT: Three excavation pit areas where groundwater may be encountered are planned. The first pit would be excavated during Phase 1 on the northern side of the river channel and south of Willow Glen Drive (subphase 1C area). The second pit would start to be excavated in the eastern half of the Phase 2 area (subphase 2C area) and would continue in a northeasterly direction toward the Phase 3 area (subphase 3C area). The third pit would be completed in the northeastern corner of the project site during Phase 3 (subphase 3A area). These pits would be progressively backfilled as the excavation continues. Exposure of groundwater as a free water surface at any given time for all mining shall be limited to five acres in size. This will be accomplished by backfilling mined out areas of the pit with wash fines and overburden before expanding the pit size. Mined out pit areas will be backfilled to an elevation above groundwater level as the mining phases advance.

DOCUMENTATION: Aerial topography which is required to be flown annually will be used to document compliance with this condition. TIMING: Upon establishment of the use, this condition shall be complied with for the term of this permit. MONITORING: [S CC] shall review annual aerial topography to determine compliance with this condition.

NOISE#6–BELOW GRADE NOISE BARRIER [PDS, FEE X1]

INTENT: In order to reduce the exposure to noise levels in excess of standards established by the [County of San Diego General Plan Noise Element \(Table N-1 & N-2\)](#), and to mitigate the noise exposure of exterior noise sensitive land uses below levels of significance as evaluated in the [County Noise Guidelines for Determining Significance](#), the following design measures shall be implemented on the approved major use plans. DESCRIPTION OF REQUIREMENT: The following design elements and noise attenuation measures shall be implemented and indicated on the approved major use plans and made conditions of its issuance:

- a. Raw material extraction equipment operating within 400 feet of off-site NSLU useable space areas shall be located at the lowest feasible elevation within the Project's excavation areas such that the topography shall provide noise attenuation to off-site properties. To achieve the lowest feasible elevation, initial at-grade excavation activities shall be performed at least 400 feet from off-site NSLU usable space areas, as indicated in Figures 2.4-3a-c, Noise Barriers. Following this initial excavation to the lowest feasible elevation, excavation can extend outward and toward the NSLUs while maintaining the lowest feasible elevation at the active working face where extraction equipment is operating.
- b. For NSLUs located at residential group 8 (as shown on Figure 2.4-2), as well as Isolated Residence 2, Isolated Residence 3, and the Adeona Healthcare facility, an 8-foot-high noise barrier, constructed to the

specifications identified below, shall be provided between excavation activities and the off-site NSLUs, when excavation is occurring within 400 feet of each location.

1. When mining activities are occurring at distances greater than 400 feet from a given receiver location, a barrier would not be required adjacent to that receiver location. The barriers shall be located as shown on Figures 2.4-3a-c and break the line-of-sight between the excavation activities and receivers.
 2. For the barriers adjacent to residential group 8, the required barrier height (8 feet) shall be measured relative to the adjacent Project site property line elevation. If the barrier is constructed at a location with an elevation lower than that of the adjacent property line, the total barrier height would be greater than the required barrier height in order to provide adequate noise attenuation (e.g., if the barrier with a required height of 8 feet is to be located at a surface elevation 5 feet below the adjacent Project site property line elevation, the total barrier height would be 13 feet).
- c. For NSLUs located at residential groups 1, 2, 3, 4, 5, 10, and 11 (as shown on Figure 2.4-2), a 12-foot-high noise barrier, constructed to the specifications identified below, shall be provided between excavation activities and the off-site NSLUs, when excavation is occurring within 400 feet of each location.
1. When mining activities are occurring at distances greater than 400 feet from a given receiver location, a barrier would not be required adjacent to that receiver location. The barriers shall be located as shown on Figures 2.4-3a-c and break the line-of-sight between the excavation activities and receivers. For the barriers adjacent to residential groups 1, 2, 3, 4, and 5, the required barrier height (12 feet) shall be measured relative to the adjacent Project site property line elevation. If the barrier is constructed at a location with an elevation lower than that of the adjacent project site property line, the total barrier height would be greater than the required barrier height in order to provide adequate noise attenuation (e.g., if the barrier with a required height of 12 feet is to be located at a surface elevation 5 feet below the adjacent project site property line elevation, the total barrier height would be 17 feet).
- d. The noise barriers must be solid. They can be constructed of soil (in the form of a berm or stockpile), masonry, wood, plastic, fiberglass, steel, or a combination of those materials, as long as there are no cracks or gaps, through or below the walls. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least one-inch total thickness or have a density of at least 3.5 pounds per square foot. Sheet

metal of 18-gauge (minimum) may be used if it meets the other criteria and is properly supported and stiffened so that it does not rattle or create noise itself from vibration or wind. Any door(s) or gate(s) must be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. The gate(s) may be of wood with a thickness of at least one-inch, solid-sheet metal of at least 18-gauge metal, or an exterior-grade solid-core steel door with prefabricated doorjamb. Stockpiles must be continuous and maintain the required height along their entire length.

DOCUMENTATION: Please refer to Cottonwood Sand Mine Project Acoustical Site Assessment Report dated November 2021 and Acoustical Site Assessment Report Addendum dated December 21, 2022, by HELIX Environmental Planning for all figures and analysis. The applicant shall place the design elements, and this condition as notes on the major use plans to be submitted to S for review and approval. TIMING: The design elements and noise attenuation measures shall be incorporated into the major use permit plans and shall occur throughout the duration of the mining operation. MONITORING: The S shall verify that the specific note(s), and design elements, and noise attenuation measures have been placed on all sets of the plot plan and building plans and made conditions of its issuance.

NOISE#7–CONSTRUCTION EQUIPMENT NOISE IMPACTS [PDS, PCC] [DPW, PDCI] [PDS, FEE X3]

INTENT: In order to comply with the [County of San Diego Noise Ordinance 36.409](#), the following noise attenuation measures shall be implemented to reduce construction equipment and operations in proximity to occupied residences. DESCRIPTION OF REQUIREMENT: The mitigation is designed and placed to reduce construction noise that potentially will affect the adjacent residentially occupied uses.

- a. Simultaneous use of a dozer, loader, and dump truck shall not impede 100 ft of project property line in order to comply with the 75-dBA LEQ (8-hour) limit.
- b. During construction of the processing plant pad the use of a grader must not exceed the average of 250 ft from property line.
- c. The Willow Glen Drive improvements simultaneous use a dozer, dump truck, and water truck is allowed 170 feet from the nearest off site occupiable noise sensitive land use area.
- d. Any use of a saw cutter must be 170 ft from any off-site occupiable noise sensitive land use area and no heavy equipment shall operate simultaneously within the same location.

- e. Please refer to Cottonwood Sand Mine Project Acoustical Site Assessment Report dated November 2021 and Acoustical Site Assessment Report Addendum dated December 21, 2022, by HELIX Environmental Planning for all figures and analysis.
- f. If new information is provided to prove and certify that Noise Ordinance compliance can be demonstrated by other measures, then what was proposed in the noise report, then a new Construction Noise Analysis (or Construction Noise Mitigation Plan) must be reviewed to the satisfaction of the [S CC]. The supplemental noise analysis shall be prepared by a County Approved Noise Consultant, and the report shall comply with the Noise Report Format and Content Requirements. Any proposed alternative methods, or the reduction or elimination of the barrier maybe approved if the construction activities will not create noise greater than 75 dB at the property line and demonstrates compliance with the County Noise Ordinance to the satisfaction of the Director of PDS.

DOCUMENTATION: The applicant shall maintain the sound attenuation mitigation as indicated above until all respective construction activities in their respective areas have been completed. The applicant shall submit a signed, stamped statement from a California Registered Engineer or licensed surveyor, and photographic evidence that the noise measures have been constructed pursuant to this condition [S CC] for review and approval. The applicant is responsible for implementing any further mitigation to remain in compliance with this condition. The applicant shall place the design elements, and this condition as notes on the major use plans to be submitted to [S] for review and approval.

TIMING: The above actions shall occur throughout the duration of construction and operation of the sand mine. **MONITORING:** The [DPW, PDCI] shall make sure that the contractor complies with the construction noise control measures of this condition. The [CI] shall ensure that the noise mitigation barriers remain in place as indicated on this condition.

NOISE#8–SAND MINE EXTRACTION OPERATION [DPW, PDCI]

INTENT: In order to minimize temporary construction and mining operational noise for associated with the project and to comply with County Noise Ordinance 36.404 through 36.410. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following temporary construction noise control measures:

- a. Affected property owners shall be notified in writing two weeks prior to construction activity within 500 feet of their property boundaries.
- b. A 12-foot noise barrier for NSLUs at residential groups 1, 2, 3, 4, 5, 10, and 11 between the excavation activities and the NSLUs when excavation is occurring within 400 feet of these locations.

- c. An 8-foot barrier for NSLUs at Isolated Residence 2, Isolated Residence 3, the Adeona Healthcare facility, and residential group 8 between excavation activities and the NSLUs when excavation is occurring within 400 feet of these locations.
- d. All raw material excavation equipment operating within 400 feet of off-site NSLU useable space areas to be located at the lowest feasible elevation within the Project's excavation areas to provide noise attenuation to offsite properties.
- e. Turn off equipment when not in use.
- f. Equipment used in mining should be maintained in proper operating condition, and all loads should be properly secured, to prevent rattling and banging.
- g. Use equipment with effective mufflers.
- h. Ensure that when feasible, electrical power shall be used to run air compressors and similar power tools.
- i. Configure traffic pattern to minimize the use of back up alarm. Back-up beepers for all construction equipment and vehicles shall be adjusted to the lowest noise levels possible, provided that Occupational Safety and Health Administration (OSHA) and Cal OSHA's safety requirements are not violated.
- j. Equipment staging areas should be placed at locations away from noise sensitive receivers.
- k. Usage of truck engine exhaust compression braking systems shall be limited to emergencies.
- l. Radios and other noise-generating "personal equipment" shall be prohibited.
- m. Noise attenuation techniques shall be employed as needed to ensure that noise levels remain below 60 dB CNEL at existing noise sensitive land uses. This step shall apply to all construction activity on and off the proposed project site.
- n. Please refer to Cottonwood Sand Mine Project Acoustical Site Assessment Report dated November 2021 and Acoustical Site Assessment Report Addendum dated December 21, 2022, by HELIX Environmental Planning for all figures and analysis.

DOCUMENTATION: The applicant shall comply with the temporary and operational noise measures of this condition. TIMING: The above actions shall occur throughout the duration of construction and operation of the sand mine. MONITORING: The [CI] shall make sure that the contractor complies with the construction noise control measures of this condition. The [CI] shall contact the [S CC] if the applicant fails to comply with this condition.

NOISE#9–CONSTRUCTION VIBRATION NOISE IMPACTS [PDS, PCC] [DPW, PDCI] [PDS, FEE X1]

INTENT: In order to comply with the [County of San Diego Noise Ordinance 36.409](#) and vibratory requirements within the County Noise Guidelines, the following noise attenuation measures shall be implemented to reduce the temporary construction operations. DESCRIPTION OF REQUIREMENT: Prior to and during all phases of construction activities, the project applicant shall:

- a. During construction a vibratory roller can be used up to 170 feet from the nearest off-site occupied residence located across Willow Glen Drive
- b. If blasting is required, then the applicant shall submit a vibration analysis the proposed blasting and material handling associated with the project. The analysis shall be submitted to the County for review prior to the first blast and according to the Blasting Permit process performed by the County Sheriff's Department.
- c. If new information is provided to prove and certify that the assessment being used is different than what was proposed in the noise report, then a new noise analysis maybe reviewed to the satisfaction of the S CC . The supplemental noise analysis shall be prepared by a County Approved Noise Consultant, and the report shall comply with the Noise Report Format and Content Requirements and County noise standards. Any proposed alternative methods, or the reduction or elimination of any noise measure would be determined by the Director of PDS.

DOCUMENTATION: The applicant shall comply with the vibration measures of this condition. If blasting is required, then the applicant shall submit a vibration analysis the proposed blasting and material handling associated with the project. The analysis shall be submitted to the County for review prior to the first blast and according to the Blasting Permit process performed by the County Sheriff's Department. TIMING: The above actions shall occur throughout the duration of construction and operation of the sand mine. MONITORING: The [CI] shall make sure that the contractor complies with the vibration control measures of this condition. The [CI] shall contact the [S CC] if the applicant fails to comply with this condition.

NOISE#10–OPERATIONAL VIBRATION NOISE IMPACTS [PDS, PCC] [DPW, PDCI] [PDS, FEE X1]

INTENT: In order to comply with the [County of San Diego Noise Ordinance 36.409](#) and vibratory requirements within the County Noise Guidelines, the following noise attenuation measures shall be implemented to reduce the temporary construction operations. DESCRIPTION OF REQUIREMENT: Prior to and during all phases of construction activities, the project applicant shall implement the following:

- a. The screening machine located at the processing area would generate vibration during operation, must be over 800 feet from occupied properties
- b. The Project's haul truck/tractor trailer may operate no closer than 150 feet from off-site occupied residences.
- c. Please refer to Cottonwood Sand Mine Project Acoustical Site Assessment Report dated November 2021 and Acoustical Site Assessment Report Addendum dated December 21, 2022, by HELIX Environmental Planning for all figures and analysis.
- d. If blasting is required, then the applicant shall submit a vibration analysis the proposed blasting and material handling associated with the project. The analysis shall be submitted to the County for review prior to the first blast and according to the Blasting Permit process performed by the County Sheriff's Department.
- e. If new information is provided to prove and certify that the assessment being used is different than what was proposed in the noise report, then a new noise analysis maybe reviewed to the satisfaction of the S CC . The supplemental noise analysis shall be prepared by a County Approved Noise Consultant, and the report shall comply with the Noise Report Format and Content Requirements and County noise standards. Any proposed alternative methods, or the reduction or elimination of any noise measure would be determined by the Director of PDS.

DOCUMENTATION: The applicant shall comply with the vibration measures of this condition. If blasting is required, then the applicant shall submit a vibration analysis the proposed blasting and material handling associated with the project. The analysis shall be submitted to the County for review prior to the first blast and according to the Blasting Permit process performed by the County Sheriff's Department. TIMING: The above actions shall occur throughout the duration of construction and operation of the sand mine. MONITORING: The [CI] shall make sure that the contractor complies with the vibration control measures of this condition. The [CI] shall contact the [S CC] if the applicant fails to comply with this condition.

BIO#23–BIOLOGICAL MONITORING (M-BIO-17, -12) [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to sensitive biological resources and habitat areas outside the limits of work, all clearing, grubbing, mining,

grading, or other land disturbance activities shall be monitored by a biological monitor. DESCRIPTION OF REQUIREMENT: A County approved biologist shall perform biological monitoring during all clearing, grubbing, mining, grading, or other land disturbance activities that are in or adjacent to any biological open space areas or sensitive habitats. The Project Biologist shall supervise and monitor mining and reclamation activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all clearing, mining, and reclamation activities that are in or adjacent to any biological open space areas or sensitive habitats. If there are disturbances, the monitor must report them immediately to the [S CC]. Additionally, the biologist shall perform the following duties:

- a. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;
- b. Periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;
- c. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the CAGN and its habitat, and the conservation measures that should be implemented during project construction;
- d. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;
- e. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to waters of the U.S.;
- f. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and [S CC] within 24 hours; (8) produce periodic (monthly during mining) and final reports and submit to the Wildlife Agencies and the PDS (final report will release bond);
- g. Attend construction meetings and other meetings as necessary.
- h. If western spadefoot toads, tadpoles, or egg masses are identified within the proposed impact area(s), the following measures shall be implemented: (1) A suitable relocation site(s) outside the proposed impact area(s) shall be identified by a qualified biologist. The relocation site(s) shall be located a minimum of 50 feet outside of the proposed impact area(s), or 100 feet if available, and shall be approved by CDFW; (2) All western spadefoot adults, tadpoles, and egg masses encountered in the proposed impact area(s) shall be collected and released in the identified relocation site(s); (3) The relocation site(s) shall be monitored annually for five years during and

immediately following peak breeding season (late winter to March), such that surveys can be conducted for adults as well as for egg masses and tadpoles. The results of annual monitoring shall be provided to CDFW in an annual report.

DOCUMENTATION: The Project Biologist shall prepare and submit to the satisfaction the [S CC] monitoring reports during each phase of the project, which indicate that the monitoring has occurred as indicated above. TIMING: The above actions shall occur throughout the duration of mining and reclamation activities for each phase of the project. MONITORING: The [CI] shall assure that the Project Biologist is on site performing the monitoring duties of this condition during all applicable mining and reclamation activities for each phase of the project as determined by the Biologist. The [CI] shall contact the [S CC] if the Project Biologist or applicant fails to comply with this condition. The [S CC] shall review and approve the monitoring reports for compliance with this condition.

GEN#7–COUNTY RIGHT OF FIRST OFFER

INTENT: Applicant intends to offer to dedicate to the County of San Diego Parks and Recreation Department (“County Parks”) a significant portion of the property post-reclamation, for use as County open space. County Parks will evaluate the offer of dedication post-reclamation. DESCRIPTION OF REQUIREMENT: Applicant shall grant to County a continuing right of first offer with respect to all or a portion of the parcels identified below, totaling approximately 148 acres (the “Dedication Property”) to County Parks upon the following terms:

1. The “Dedication Property” includes all or a portion of the following APNs: 506-020-52; 506-021-19; 518-012-13 (portion); 518-012-14 (portion); 518-030-07 (portion); 518-030-10 (portion); 518-030-12 (portion); 518-030-13 (portion); 518-030-15 (portion); 518-030-21 (portion); 518-030-22 (portion); 519-010-15 (portion); 519-010-17 (portion); 519-010-20 (portion); 519-010-21 (portion); 519-010-34 (portion); 519-011-07 (portion).
2. The purchase price of any offer of any of the parcels or portions of parcels comprising the Dedication Property shall be \$0.
3. Applicant’s offer(s) shall be contingent upon County Parks’ acceptance of any and all outstanding obligations of applicant as to the Dedication Property, including, but not limited to, obligations under any adopted, approved, or recorded Biological Easement, Revegetation Plan, Resource Management Plan, Biological Monitoring Program, Fire Protection Plan, and any and all permits issued by any Resource Agency, including, but not limited to, the California Department of Fish and Wildlife and the State and Regional Water Quality Control Board.

4. Applicant may offer the Dedication Property in a single offer, or via phased or multiple offers as phases of the Dedication Property are reclaimed.
5. County Parks shall have 180 calendar days following receipt of applicant's offer to accept the offer, and extensions shall be given for good cause. Where no extensions are requested or given, the offer shall expire after 180 calendar days.
6. County Parks may reject any offer formally in writing, or by failing to accept the offer before expiration of the offer.
7. If County Parks rejects any offer, the applicant shall be free to transfer the Dedication Property, or any ownership interest therein, to any third party for any purchase price.
8. In the event County Parks rejects any offer of property from the applicant, such rejection shall have no bearing or effect on the status of the entitlements or permits issued by the County or other agencies in relation to the MUP or Reclamation Plan.
9. Notwithstanding (1) through (8), above, any other terms and conditions negotiated by and mutually agreeable to County Parks and the applicant.

DOCUMENTATION: No documentation of this condition is necessary.
TIMING: This applies throughout the duration of the permit and Reclamation Plan. MONITORING: The PDS shall assure compliance with this condition.

RECLAMATION PLAN DECISION RP-001 (PDS2018-RP-001)

APPROVE, Reclamation Plan RP-001, dated May 2025, which together with MUP-18-023 would allow for mining and related activities on approximately 214.4 acres, and which would require the reclamation and revegetation of those mining areas. This Reclamation Plan is approved pursuant to Chapter 7, Division 7, Title 8, of the County Code of Regulatory Ordinances.

RECLAMATION PLAN FINDINGS RP-001 (PDS2018-RP-001)

Pursuant to Chapter 7, Division 7, Title 8, of the County Code of Regulatory Ordinances, and the following findings in support of approval of Reclamation Plan RP-001 are made, based upon the whole of the record before the County:

- (a) As required by section 87.703 and 87.705(a) of the County Code, Reclamation Plan RP-001 has been approved concurrently with a Major Use Permit, conditions of approval have been approved requiring the necessary financial assurance for reclamation, and Reclamation Plan RP-001 has been processed under the same procedures as the Major Use Permit.

Specifically, Reclamation Plan RP-001 has been processed concurrently with Major Use Permit MUP-18-023. A single public hearing for both Major Use Permit MUP-18-023 and Reclamation Plan RP-001 has been held. All necessary financial assurances for reclamation are required pursuant to Reclamation Plan Condition of Approval GEN#6-FINANCIAL ASSURANCE ESTIMATE and Reclamation Plan Condition of Approval GEN#7-FINANCIAL ASSURANCE MECHANISM.

- (b) As required by section 87.705(a) of the County Code, all plans and specifications for the grading of the property have been prepared by a registered civil engineer and require all information required in section 87.208.

Page 1 of the Cottonwood Plot Plan, and page 9 of the CEQA-Level Drainage Study for the Cottonwood Sand Mining Project, appended to the Reclamation Plan, confirm that plans and specifications for the grading of the property have been prepared by a registered civil engineer, and will be signed and stamped upon approval.

The Plot Plan is available at

https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/CottonwoodSandMine/DFEIR/ProjectDocs/cottonwood_rec01-112024-0715.pdf.

The Reclamation Plan is available at

https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/CottonwoodSandMine/DFEIR/ProjectDocs/cottonwood_rec01-112024-0715.pdf.

[Mine/DFEIR/ProjectDocs/Final%20-%20Cottonwood%20Sand%20Rec.%20Plan%20-%20205.2025%20-%20with%20attachments.pdf](https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/CottonwoodSandMine/DFEIR/ProjectDocs/Final%20-%20Cottonwood%20Sand%20Rec.%20Plan%20-%20205.2025%20-%20with%20attachments.pdf)

- (c) As required by section 87.750(c) of the County Code, Reclamation Plan RP-001 has been submitted to the Director of the Department of Conservation within the California Resources Agency.

Specifically, the proposed Reclamation Plan was submitted to the California Department of Conservation on November 18, 2024, more than 45 days prior to the hearing on Reclamation Plan RP-001.

- (d) As required by section 87.750(d) of the County Code, Reclamation Plan RP-001 contains all matters required by SMARA and sections 3502 and 3700 and following of Title 14 of the California Code of Regulations. Further, Reclamation Plan RP-001 provides for the progressive rehabilitation of the mining site land form, will contain stable slopes, and shall be revegetated for soil stabilization, free of drainage problems, and compatible with the topography and general environment of surrounding property.

A detailed checklist indicating compliance with each individual requirement and standard of SMARA, the Public Resources Code, and the California Code of Regulations is provided at pages iv through xiii of the Reclamation Plan (May 2025). The Reclamation Plan is available to the public at

<https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/CottonwoodSandMine/DFEIR/ProjectDocs/Final%20-%20Cottonwood%20Sand%20Rec.%20Plan%20-%20205.2025%20-%20with%20attachments.pdf>

- (e) As required by section 87.750(f), Reclamation Plan Condition of Approval GEN#2-RECORDATION OF DECISION requires the filing of the Reclamation Plan and Agreement with the San Diego County Recorder.

Specifically, Reclamation Plan Condition of Approval GEN#2-RECORDATION OF DECISION reads:

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. DESCRIPTION OF REQUIREMENT: The applicant shall sign, notarize with an 'all-purpose acknowledgement' and return the original recordation form to PDS. DOCUMENTATION: Signed and notarized original recordation form. TIMING: Prior to the approval of any plan and prior to the issuance of any permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. MONITORING: The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

- (f) As required by section 87.707(a) and (b), Reclamation Plan Condition of Approval GEN#3-AGREEMENT PERMITTING RIGHT OF ENTRY requires the Applicant and/or operator to enter into an Agreement whereby they agree to reclaim the land in accordance with the Reclamation Plan and which allows the County to enter the property to correct any landscaping or irrigation system deficiencies, any unsafe condition, or any breach of provisions of the Major Use Permit and/or Reclamation Plan.

Specifically, Reclamation Plan Condition of Approval GEN#3-AGREEMENT PERMITTING RIGHT OF ENTRY reads:

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.707, an Agreement must be entered into allowing the County to enter the property for inspections or for the purpose of correcting any unsafe conditions resulting from the breach of any provisions of the Reclamation Plan, Grading Ordinance, other Ordinance or any other law to which the project and/or property is subject. DESCRIPTION OF REQUIREMENT: The applicant shall sign, notarize with an “all-purpose acknowledgement” and return the original ‘Agreement Permitting Right of Entry on Real Property’ to PDS. DOCUMENTATION: Signed and notarized original ‘Agreement Permitting Right of Entry on Real Property’ shall be submitted to PDS PCC. TIMING: Within 30 days of approval of this Reclamation Plan, a signed and notarized copy of the ‘Agreement Permitting Right of Entry on Real Property’ shall be recorded by PDS at the County Recorder’s Office. The applicant will be required to pay for the recording fee. MONITORING: The PDS Zoning Counter shall verify that the ‘Agreement Permitting Right of Entry on Real Property’ was recorded and that a copy of the recorded document is on file with the PDS PCC.

- (g) As required by section 87.707(c), Reclamation Condition of Approval GEN#6-FINANCIAL ASSURANCE ESTIMATE and GEN#7-FINANCIAL ASSURANCE MECHANISM require that the Agreement be secured by the financial assurances required by section 2773.1 of SMARA and section 7362.a of the County Zoning Ordinance.

Specifically, all necessary financial assurances for reclamation are required pursuant to Reclamation Plan Condition of Approval GEN#6-FINANCIAL ASSURANCE ESTIMATE and Reclamation Plan Condition of Approval GEN#7-FINANCIAL ASSURANCE MECHANISM. These conditions read as follows:

GEN#6-FINANCIAL ASSURANCE ESTIMATE [PDS PCC], [UO, OG]

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.707, the surface mining operator shall provide an estimate of the cost of reclamation by a state-registered civil engineer. The estimate is required in order to prepare the secure financial assurance. DESCRIPTION OF REQUIREMENT:

Form of Decision

Major Use Permit PDS2018-MUP-18-023, Reclamation Plan PDS2018-RP-001

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Within 120 days of project approval and thereafter by July 1st of each year or within 30 days of the County's annual SMARA inspection, a financial assurance cost estimate shall be prepared and submitted to the PDS PCC.

DOCUMENTATION: A Financial Assurance Cost Estimate prepared by a state-registered civil engineer. TIMING: Prior to use in reliance of this Reclamation Plan the financial assurance cost estimate shall be submitted, reviewed, and approved by PDS and thereafter by July 1st of each year. MONITORING: The PDS PCC shall verify the financial assurance cost estimate is adequate. The financial assurance cost estimate shall be forwarded to the California Department of Conservation for review at least 45 days prior to County approval.

GEN#7-FINANCIAL ASSURANCE MECHANISM [PDS PCC], [UO, OG]

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.707, financial assurances shall be provided to assure the site is reclaimed in accordance with the requirements of the approved Reclamation Plan [and any monitoring for biological resources](#). Financial assurances shall not be released until reclamation [and biological monitoring](#) is deemed complete by the County of San Diego. DESCRIPTION OF REQUIREMENT: The financial assurance shall be made payable to the Director of PDS and the California Department of Conservation and may take the form of surety bonds, irrevocable letters of credit, trust funds, or other forms of financial assurance adopted by the State Mining and Geology Board, which the County reasonably determines will be readily available to pay for reclamation in accordance with the surface mining operation's approved Reclamation Plan. The financial assurances shall be in an amount equal to the cost [of biological monitoring and](#) to reclaim in accordance with the requirements of the approved Reclamation Plan, all disturbed, unreclaimed lands and all acreage expected to be disturbed in the forthcoming year, to a condition that will not constitute a danger to public health and safety and that will provide for the type of reclamation required in the Reclamation Plan.

DOCUMENTATION: An original financial assurance document shall be provided to PDS PCC. TIMING: Prior to use in reliance of this Reclamation Plan, the notarized financial assurance document shall be submitted and thereafter shall be provided within [30](#) days of approval of each annual financial assurance estimate. MONITORING: The PDS PCC shall verify the financial assurance documentation is adequate.

- (h) As required by section 87.710, Reclamation Plan Conditions of Approval GEN#5-ANNUAL INSPECTION DEPOSIT ACCOUNT and GEN#9-AERIAL TOPOGRAPHY require annual inspections, the submission of aerial photographs, and the payment of annual inspection deposits to the County.

Specifically, Reclamation Plan Condition of Approval GEN#5-ANNUAL INSPECTION DEPOSIT ACCOUNT reads:

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.710, an annual inspection deposit account shall be setup and funded for the life of the Reclamation Plan. This account will continue to be funded as determined by annual review. DESCRIPTION OF REQUIREMENT: The applicant shall initially fund a deposit account with PDS in the sum of \$2,000. The deposit account number shall be setup as 3998 11-001. Thereafter, the Director of PDS will determine the amount of deposit based on the cost to inspect the surface mining operation. If the Director determines the annual inspections should include volume calculations or a boundary survey, the cost of this work shall be included in the deposit. The Director of PDS shall notify the mining operator of the amount of the required deposit. DOCUMENTATION: A receipt of payment into deposit account 3998 11-001 is required to be given to the PDS PCC. TIMING: Prior to use in reliance of this Reclamation Plan, the inspection deposit account shall be funded with at least \$2,000. Annual deposits thereafter shall be required to be made no later than July 1st of each year. MONITORING: The PDS PCC shall verify that the inspection account is setup, funded, and maintained.

Reclamation Plan Condition of Approval GEN#6-AERIAL TOPOGRAPHY reads:

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.710, aerial photographs shall be provided of the mine site on an annual basis. DESCRIPTION OF REQUIREMENT: The mining operator or permittee shall provide to the Director of PDS by each July 1st aerial photographs of the mining site taken in the same month of the second quarter of each year. The aerial photographs shall consist of:

- a. Defined, marked, and permanent ground controls; and
- b. Planimetric map of the mining site based on the aerial models with one foot (1') contours and drawn to a scale of 1" = 200'.
- c. The Reclamation Plan boundaries and mine boundary shall be shown on the aerial topography.

Upon written request of a mining operator or permittee, the Director of PDS may, for just cause and at his or her discretion, waive the requirement for the aerial photographs on an annual case by case basis, or may adjust the quarter of each year in which the aerial photographs are taken. Such request is required to be made by June 1st of any given year.

DOCUMENTATION: Aerial topography of the site shall be provided on an annual basis to the PDS PCC. TIMING: The aerial topography is due by July 1st of each year unless waived by the Director of PDS. MONITORING: The PDS PCC shall verify the aerial topography is adequate.

RECLAMATION PLAN CONDITIONS OF APPROVAL

WAIVERS AND EXCEPTIONS: This permit is hereby approved pursuant to the provisions of the County Public and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the County Public and Private Road Standards requirements to permit:

1. ***Willow Glen Drive (SF 13)*** is classified as a 4.1B Major Road with intermittent turn lanes and a Class II Bike Lane from Jamacha Road to Hillsdale Road under the General Plan Mobility Element Network. Note there is an existing parking restriction on ***Willow Glen Drive (SF 13)*** along the project frontage. The San Diego County Centerline Ordinance Section 51.309, Board Policy I-18 and the Public Road Standards Table 2A requires a minimum half improvement width of thirty-nine feet (39'). The applicant submitted a Design Exception Request (DER) to allow a half improvement width that varies between twenty-one feet (21') and thirty-five feet (35') along the frontage of ***Willow Glen Drive (SF 13)***. The DER was approved by the Department of Public Works (DPW) on May 14, 2025.
2. There are existing overhead utility poles along the frontage of ***Willow Glen Drive (SF 13)***. The Centerline Ordinance Section 51.312 requires overhead utilities to be placed underground. The San Diego County Board Policy I-92 outlines the policy for processing undergrounding of utilities waiver requests. The applicant submitted a Design Exception Request (DER) to waive the undergrounding of utilities along the frontage of ***Willow Glen Drive (SF 13)***.

SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (Mitigation Measures when applicable) are imposed with the granting of the Reclamation Plan.

PRIOR TO OCCUPANCY OR USE OF THE PREMISES IN RELIANCE OF THIS MAJOR USE PERMIT FOR AN EXCAVATION

GEN#1-COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. DESCRIPTION OF REQUIREMENT: The applicant shall pay off all existing deficit accounts associated with processing this permit. DOCUMENTATION: The applicant shall provide evidence to PDS Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. TIMING: Prior to the

approval of any plan and prior to the issuance of any permit, all fees and trust account deficits shall be paid. MONITORING: The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

GEN#2–RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. DESCRIPTION OF REQUIREMENT: The applicant shall sign, notarize with an ‘all-purpose acknowledgement’ and return the original recordation form to PDS. DOCUMENTATION: Signed and notarized original recordation form. TIMING: Prior to the approval of any plan and prior to the issuance of any permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder’s Office. MONITORING: The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

GEN#3–AGREEMENT PERMITTING RIGHT OF ENTRY: [PDS PCC], [UO] [PDS, FEE]

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.707, an Agreement must be entered into allowing the County to enter the property for inspections or for the purpose of correcting any unsafe conditions resulting from the breach of any provisions of the Reclamation Plan, Grading Ordinance, other Ordinance or any other law to which the project and/or property is subject. DESCRIPTION OF REQUIREMENT: The applicant shall sign, notarize with an “all-purpose acknowledgement” and return the original ‘Agreement Permitting Right of Entry on Real Property’ to PDS. DOCUMENTATION: Signed and notarized original ‘Agreement Permitting Right of Entry on Real Property’ shall be submitted to PDS PCC. TIMING: Within 30 days of approval of this Reclamation Plan, a signed and notarized copy of the ‘Agreement Permitting Right of Entry on Real Property’ shall be recorded by PDS at the County Recorder’s Office. The applicant will be required to pay for the recording fee. MONITORING: The PDS Zoning Counter shall verify that the ‘Agreement Permitting Right of Entry on Real Property’ was recorded and that a copy of the recorded document is on file with the PDS PCC.

GEN#4–UPDATED EASEMENT AND PROPERTY LINE MAPS

INTENT: To ensure compliance with PRC § 2772(c)(5)(B) and (F) and maintain accurate records of the project boundaries and easements. DESCRIPTION OF REQUIREMENT: Prior to commencement of any on-site work, the applicant shall submit an updated easement and property line map for the project site. This map shall be prepared, signed, and sealed by a California licensed land surveyor, and submitted to the County of San Diego, Planning & Development Services for review and approval. The map shall accurately depict the property boundaries and recorded easements relevant to the project site. This requirement is for clarification and documentation purposes only and shall not alter the approved reclamation plan

boundaries or activities. DOCUMENTATION: A signed and sealed map by a licensed land surveyor submitted to the S CC for review and approval. TIMING: Prior to commencement of any on-site grading, excavation, or reclamation activities. MONITORING: The S CC shall confirm receipt and approval of the map and verify consistency with the approved reclamation plan.

BIO#1–BIOLOGICAL EASEMENT (M-BIO-1, -3, -9, -10, -14) [PDS, FEE X 2]

INTENT: In order to protect sensitive biological resources, pursuant to the [Biological Mitigation Ordinance \(BMO\)](#), a biological open space easement shall be granted. DESCRIPTION OF REQUIREMENT: Grant to the County of San Diego and the California Department of Fish and Wildlife by separate document, an open space easement, as shown on the approved Plot Plan. This easement is for the protection of preserved areas located outside of the restoration and revegetation areas, including 0.6 acre of Diegan coastal sage scrub and 13.85 acres of wetland and riparian habitat. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exception(s) to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997 (<http://www.sdcountry.ca.gov/PDS/docs/MemoofUnder.pdf>), between the Wildlife Agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW, or DPR.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the DEH.
- d. Continued use and maintenance of the existing Steele Canyon Road bridge right-of-way and SDG&E easement.
- e. Construction, use and maintenance of multi-use, non-motorized trails.

DOCUMENTATION: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation

with the S R , and pay all applicable fees associated with preparation of the documents. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be recorded. MONITORING: The S R shall prepare and approve the easement documents and send them to S CC for pre-approval. The S CC shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements S R shall forward a copy of the recorded documents to S CC R TC for satisfaction of the condition.

BIO#2–LBZ EASEMENT (M-BIO-14) [PDS, FEE X 2]

INTENT: In order to protect sensitive biological resources, pursuant to the [Biological Mitigation Ordinance \(BMO\)](#), a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. DESCRIPTION OF REQUIREMENT: Grant to the County of San Diego a Limited Building Zone Easement as shown on the approved Plot Plan. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

- a. Decking, fences, and similar facilities.
- b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed, and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

DOCUMENTATION: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the S R , and pay all applicable fees associated with preparation of the documents. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the easements shall be recorded. MONITORING: The S R shall prepare and approve the easement documents and send them to S CC for pre-approval. The S CC shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon recordation of the easements S R shall forward a copy of the recorded documents to S CC for satisfaction of the condition.

BIO#3–REVEGETATION PLAN (RIPARIAN AND UPLAND HABITAT) (M-BIO-1, -3, -6, -8, -9, -10)

INTENT: In order to mitigate for the impacts to riparian habitat, coastal sage scrub, and Palmer's goldenbush, which are sensitive biological resource pursuant to the [Biological Mitigation Ordinance \(BMO\)](#), and restore wetland buffer areas disturbed

as part of mining in accordance with Section 86.605(d) of the County's Resource Protection Ordinance (RPO) requirements, revegetation shall occur. DESCRIPTION OF REQUIREMENT: A Revegetation Plan shall be prepared, which mitigates impacts to 1.14 acres of riparian habitat, 1.2 acres of coastal sage scrub, and 234 individuals of Palmer's goldenbush. Revegetation activities will be initiated for each subphase immediately following the completion of mining activities in that area, as detailed in the table below:

Habitat	Phase 1	Phase 2	Phase 3	Phase 4	Total
Riparian Forest	7.41	3.63	3.05	0.0	14.09
Riparian Scrub	28.68	28.11	28.05	0.0	84.84
Streambed (Emergent Wetland)	4.02	3.55	2.37	0.0	9.94
Coastal Sage Scrub	2.94	3.27	5.71	0.0	11.92
Total (acres)	43.05	38.56	39.18	0.0	120.79

The revegetation plan shall conform to the Conceptual Revegetation Plan dated May 2025, and the most current version of the [County of San Diego Report Format and Content Requirements for Revegetation Plans](#). The Revegetation Plan shall include the following:

- a. The monitoring plan shall be for a length of 5 years and have an 60 percent native cover success criterion for coastal sage scrub and riparian forest, and 40 percent native cover success criterion for riparian scrub. The five-year period will start separately for each subphase as revegetation is completed in that area.
- b. A preservation plan over the land to be revegetated shall be included in the Revegetation Plan. The preservation plan shall include evidence of dedication of open space easements to the County of San Diego. The open space easements will be dedicated separately for each subphase following the completion of mining activities and prior to the start of revegetation.
- c. Permanent open space fencing and signage shall be installed around the boundary of the entire open space easement following the completion of all mining activity.
- d. Temporary fencing and signage shall be placed between the boundary of the open space easement and mining activity. The temporary fencing and signage will move as mining proceeds through each phase.
- e. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.

- f. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 60 percent native cover success criterion for coastal sage scrub and riparian forest, 40 percent native cover success criterion for riparian scrub, and a detailed cost estimate.
- g. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

DOCUMENTATION: The applicant shall prepare the Revegetation Plan pursuant to this condition and by using the, [Applicants Guide to Preparing Revegetation Plans, PDS Form # 717](#) then submit it to the S Z O I and pay all the applicable review fees and deposits. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the Revegetation Plan shall be approved. MONITORING: The S A shall review the Revegetation Plan for conformance with this condition and the [Report Format and Content Requirements for Revegetation Plans](#). Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition BIO#4 shall be made to enter into a Secured Agreement for the implementation of the Plan.

BIO#4–SECURED AGREEMENT (RIPARIAN AND UPLAND HABITAT) (M-BIO-8)

INTENT: In order to assure project completion and success of the Revegetation Plan in condition BIO#3, a surety shall be provided, and an agreement shall be executed. DESCRIPTION OF REQUIREMENT: The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plan;
- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000;
- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Revegetation Plan implementation provided the installed vegetation is in a healthy condition and meets the success criteria in condition BIO#3; achievement of the noted success criteria shall be considered satisfactory completion of the Revegetation Plan.

DOCUMENTATION: The applicant shall execute a Secured Agreement provided with the Revegetation Plan Final Decision and provide the approved securities and the cash deposit for County monitoring time. The executed Agreement, cash deposit, and the securities shall be submitted to the S A for final review and approval. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, and after the approval of the Revegetation Plan, the agreement shall be executed, and the securities provided for the revegetation implementation. MONITORING: The S A shall review the Agreement cash deposit and securities provided are in compliance with this condition, and the Revegetation Plan Final Decision. The S A shall sign the Agreement for the Director of PDS and ensure the cash deposit is collected by S FISC A . Upon acceptance of the Agreement, securities, and cash deposit, the S A , shall provide a confirmation letter-acknowledging acceptance of securities.

BIO#5–REVEGETATION PLAN (WETLAND AND JURISDICTIONAL HABITAT) (M-BIO-3, -9, -18, -19, -20)

INTENT: In order to mitigate for the impacts to County sensitive riparian habitat and RPO wetlands and USACE, RWQCB, and CDFW jurisdictional areas, which are sensitive biological resource pursuant to the [Biological Mitigation Ordinance \(BMO\)](#), revegetation shall occur. DESCRIPTION OF REQUIREMENT: A Wetland Mitigation Plan shall be prepared, which mitigates impacts to 0.60 acre of wetland and 0.36 acre of non-wetland waters of the U.S./State, 18.20 acres of riparian and streambed habitat under CDFW jurisdiction, and 1.14 acres of County RPO wetland. Revegetation activities will be initiated for each subphase immediately following the completion of mining activities in that area, as detailed in the table below(all mitigation for wetland and jurisdictional habitat will be completed prior to or concurrent with Phase 1):

Habitat	Phase 1/Mitigation Type			Total
	Establishmen t	Rehabilitatio n	Preservatio n	
Freshwater Marsh	-	-	0.22	0.22
Open Water	-	-	1.68	1.68
Riparian Scrub	-	7.36	-	7.36
Riparian Forest	1.30	-	-	1.30
Southern Willow Scrub	-	-	0.25	0.25
Southern Cottonwood- Willow Riparian Forest	-	-	11.70	11.70
Total (acres)	1.30	7.36	13.85	22.51

The revegetation plan shall conform to the Conceptual Wetland Mitigation Plan dated May 2025, and the most current version of the [County of San Diego Report](#)

Format and Content Requirements for Revegetation Plans. The Wetland Mitigation Plan shall include the following:

- a. The monitoring plan shall be for a length of 5 years and have an 70 percent success criterion. The five-year period will start separately for each subphase as revegetation is completed in that area.
- b. A preservation plan over the land to be revegetated shall be included in the Wetland Mitigation Plan. The preservation plan shall include evidence of dedication of open space easements to the County of San Diego. The open space easements will be dedicated separately for each subphase following the completion of mining activities and prior to the start of revegetation.
- c. Permanent open space fencing and signage shall be installed around the boundary of the entire open space easement following the completion of all mining activity.
- d. Temporary fencing and signage shall be placed between the boundary of the open space easement and mining activity. The temporary fencing and signage will move as mining proceeds through each phase.
- e. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
- f. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 70 percent success criteria, and a detailed cost estimate.
- g. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

DOCUMENTATION: The applicant shall prepare the Wetland Mitigation Plan pursuant to this condition and by using the, Applicants Guide to Preparing Revegetation Plans, PDS Form # 717 then submit it to the S Z O I and pay all the applicable review fees and deposits. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the Wetland Mitigation Plan shall be approved. MONITORING: The S A shall review the Wetland Mitigation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with condition BIO#6 shall be made to enter into a Secured Agreement for the implementation of the Plan.

BIO#6–SECURED AGREEMENT (WETLAND HABITAT) (M-BIO-20)

INTENT: In order to assure project completion and success of the Wetland Mitigation Plan in condition BIO#5, a surety shall be provided, and an agreement

shall be executed. DESCRIPTION OF REQUIREMENT: The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Wetland Mitigation Plan;
- b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than \$3,000 and no more than \$30,000;
- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Wetland Mitigation Plan implementation provided the installed vegetation is in a healthy condition and meets the success criteria in condition BIO#5; achievement of the noted success criteria shall be considered satisfactory completion of the Wetland Mitigation Plan.

DOCUMENTATION: The applicant shall execute a Secured Agreement provided with the Wetland Mitigation Plan Final Decision and provide the approved securities and the cash deposit for County monitoring time. The executed Agreement, cash deposit, and the securities shall be submitted to the S A for final review and approval. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, and after the approval of the Wetland Mitigation Plan, the agreement shall be executed, and the securities provided for the revegetation implementation. MONITORING: The

S A shall review the Agreement cash deposit and securities provided are in compliance with this condition, and the Wetland Mitigation Plan Final Decision. The S A shall sign the Agreement for the Director of PDS and ensure the cash deposit is collected by S FISCA . Upon acceptance of the Agreement, securities, and cash deposit, the S A , shall provide a confirmation letter-acknowledging acceptance of securities.

BIO#7–RESOURCE MANAGEMENT PLAN (M-BIO-15)

INTENT: In order to provide for the long-term management of the proposed 149.0 acre open space preserve and for the perpetual management of the open space, a Resource Management Plan (RMP) shall be prepared and implemented. DESCRIPTION OF REQUIREMENT: Submit to and receive approval from the Director of PDS, a RMP consistent with the Conceptual RMP dated May 2025 on file with the as Environmental Review Number PDS2018-ER-18-19-007. The Final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner/manager, to the satisfaction of the Director of DPR:

- a. The plan shall be prepared and approved pursuant to the most current version of the [County of San Diego Biological Report Format and Content Requirements](#).
- b. The habitat land to be managed shall be completely purchased.

- c. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- d. A Resource Manager shall be selected and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager.
- e. The RMP funding mechanism to fund annual costs for basic stewardship shall be identified and approved by the County.
- f. A contract between applicant and County shall be executed for the implementation of the RMP.

DOCUMENTATION: The applicant shall prepare the RMP and submit it to the S Z O I and pay all applicable review fees. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the RMP shall be approved. MONITORING: The S R M shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

BIO#8–WETLAND PERMITS (M-BIO-18, -19) [PDS, FEE X2]

INTENT: In order to comply with the State and Federal Regulations for jurisdictional waters, the following agency permits, or verification that they are not required shall be obtained. DESCRIPTION OF REQUIREMENT: The following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of PDS that such an agreement or permit is not required:

- a. A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands.
- b. A Section 1602 Streambed Alteration Agreement issued by the [California Department of Fish and Wildlife](#) for all project related disturbances of any streambed.

DOCUMENTATION: The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the S C C for compliance. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the wetland permits shall be obtained. MONITORING: The S C C shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the PDS, PCC.

BIO#9–BIOLOGICAL MONITORING (M-BIO-17) [PDS, FEE X2]

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of work, all initial vegetation clearing, grubbing, and grading shall be monitored by a biological monitor. DESCRIPTION OF REQUIREMENT: A County approved biologist shall be contracted to perform biological monitoring during all initial vegetation clearing, grubbing, and grading, trenching, and construction activities. The following shall be completed:

- a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Biological Report Format and Requirement Guidelines](#) and this permit. The contract provided to the county shall include an agreement that this will be completed, and [a Memorandum of Understanding \(MOU\)](#) between the biological consulting company and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The cost of the monitoring shall be added to the financial assurance mechanism as detailed in GEN#6 or bonded separately with PDS.

DOCUMENTATION: The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the S CC]. Additionally, the cost amount of the monitoring work shall be added to the bond cost estimate. TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit. MONITORING: The S CC shall review the contract, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to S R , for inclusion in the bond cost estimate and bonds. The S R shall add the cost of the monitoring to the bond costs.

BIO#10–BIOLOGICAL MONITORING (M-BIO-17) [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of work, installation of environmental fencing shall be monitored by a biological monitor. DESCRIPTION OF REQUIREMENT: A County approved biologist shall perform biological monitoring during installation of environmental fencing wherever it would abut sensitive vegetation communities, jurisdictional waters or wetlands, or open space. The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Reclamation Plan and PDS2018-MUP-18-023:

- a. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the [PDS, PCC].
- b. The Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements. Such meeting shall include the [PDS, PCC].

DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff has been trained on the site sensitive biological resources that are to be avoided. TIMING: Prior to Preconstruction Conference, and prior to any initial clearing, grubbing, trenching, grading, or land disturbances this condition shall be completed. MONITORING: The [CI] shall invite the [S CC] to the preconstruction conference to coordinate the biological monitoring requirements of this condition. The [S CC] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

BIO#11–TEMPORARY FENCING AND SIGNAGE (M-BIO-16) [PDS, FEE]

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of disturbance, temporary construction fencing and signage shall be installed. DESCRIPTION OF REQUIREMENT: Prior to the commencement of any clearing, grubbing, mining, and/or other land disturbances for each phase of the project, temporary orange construction fencing and signage shall be placed to protect from inadvertent disturbance of all open space easements that do not allow clearing, grubbing, and/or mining. Temporary fencing and signage is also required in all locations of the project phase where proposed clearing and/or mining is within 100 feet of an open space easement boundary. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of mining and reclamation activities for that project phase, after which the fencing shall be removed and moved to the next project phase. DOCUMENTATION: The applicant shall provide evidence that the fencing has been installed prior to each phase of the project and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [S CC] for approval prior to each phase of the project. TIMING: Prior to Preconstruction Conference, and prior to any clearing, grubbing, mining, or any land disturbances for each phase of the project, fencing shall be installed, and shall remain for the duration of the clearing, mining, and reclamation activities for each phase of the project. MONITORING: The [S CC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.

BIO#12–CAGN RESOURCE AVOIDANCE (M-BIO-2) [PDS, FEE X2]

INTENT: In order to avoid impacts to the coastal California gnatcatcher (CAGN), which is a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. DESCRIPTION OF REQUIREMENT: There shall be no clearing, grubbing, mining, or other land disturbance activities within 500 feet of CAGN nesting habitat during the breeding season of the CAGN. The CAGN breeding season is defined as occurring between March 1 and August 15. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and

Wildlife Service and the California Department of Fish and Wildlife, provided that no CAGN are present in the vicinity of the clearing and/or other ground disturbance activities as demonstrated by a survey conducted no more than 72 hours prior to the start of clearing and/or other ground disturbance activities. If there are no gnatcatchers nesting (includes nest building or other breeding/nesting behavior) within that area, clearing shall be allowed to proceed. If any gnatcatchers are observed nesting or displaying breeding/nesting behavior during the pre-construction survey or additional surveys within the area, construction shall be postponed within 500 feet of any location at which gnatcatchers have been observed until a qualified biologist has determined that all nesting (or breeding/nesting behavior) has ceased or until after August 15. DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no clearing, grubbing, mining, or other land disturbances shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. TIMING: Prior to any clearing, grubbing, mining, or any land disturbances and throughout the duration of the mining and reclamation activities for each phase of the project, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. MONITORING: The [] CI shall not allow any clearing, grubbing, mining, or other land disturbance activities in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#13–LBV RESOURCE AVOIDANCE (M-BIO-4) [PDS, FEE X2]

INTENT: In order to avoid impacts to the least Bell's vireo (LBV), which is a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. DESCRIPTION OF REQUIREMENT: There shall be no clearing, grubbing, mining, or other land disturbance activities within 500 feet of LBV nesting habitat during the breeding season of the LBV. The LBV breeding season is defined as occurring between March 15 and September 15. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no LBV are present in the vicinity of the clearing, grubbing, mining, or other land disturbance activities as demonstrated by a survey conducted no more than 72 hours prior to the start of clearing and/or other ground disturbance activities. If there are no vireos nesting (includes nest building or other breeding/nesting behavior) within that area, clearing shall be allowed to proceed. If any vireos are observed nesting or displaying breeding/nesting behavior during the pre-construction survey or additional surveys within that area, construction shall be postponed within 500 feet of any location at which vireos have been observed until a qualified biologist has determined that all nesting (or breeding/nesting behavior) has ceased or until after September 15. DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no clearing, grubbing, grading, or

other land disturbance shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. TIMING: Prior to any clearing, grubbing, mining, or any land disturbance activities and throughout the duration of the mining and reclamation activities for each phase of the project, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. MONITORING: The [

CI] shall not allow any clearing, grubbing, mining, or other land disturbance activities in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#14–CAGN/RAPTOR/LBV RESOURCE AVOIDANCE (M-BIO-5) [PDS, FEE X2]

INTENT: In order to avoid impacts to the coastal California gnatcatcher (CAGN), raptors, and the least Bell's vireo (LBV), which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. DESCRIPTION OF REQUIREMENT: There shall be no clearing, grubbing, mining, or other land disturbance activities within 500 feet of CAGN, raptor, and LBV nesting habitat during the breeding season of the CAGN, raptor, and LBV. The breeding season is defined as occurring between March 1 and August 15 (CAGN), January 15 and July 15 (raptors), and March 15 and September 15 (LBV). The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no CAGN, raptors, and LBV are present in the vicinity of the clearing, grubbing, mining, grading, or other land disturbance activities as demonstrated by a survey conducted no more than 72 hours prior to the start of clearing and/or other ground disturbance activities. If it is determined at the completion of pre-construction survey(s) that active nests belonging to these sensitive species are absent from the potential impact area, activities shall be allowed to proceed. If pre-construction surveys determine the presence of active nests belonging to these sensitive species, then activities shall: (1) be postponed until a qualified biologist determines the nest(s) is no longer active or until after the respective breeding season; or (2) not occur until a temporary noise barrier or berm is constructed at the edge of the impact footprint and/or around the piece of equipment to ensure that noise levels are reduced to below 60 dBA or ambient, whichever is greater. The type(s) and location(s) of noise barrier(s) shall be provided to the County and Wildlife Agencies along with the associated noise measurements demonstrating compliance with required noise level reductions. Decibel output would be confirmed by a County-approved noise specialist and intermittent monitoring by a qualified biologist to ensure that noise levels remain below 60 dBA at occupied areas. DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no clearing, grubbing, grading, or other land disturbance activities shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. TIMING: Prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the mining and

reclamation activities for each phase of the project, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. MONITORING: The [] CI shall not allow any brushing, clearing, and/or grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#15–AVIAN AND RAPTOR RESOURCE AVOIDANCE (M-BIO-7) [PDS, FEE X2]

INTENT: In order to avoid impacts to general avians and raptors, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. DESCRIPTION OF REQUIREMENT: There shall be no clearing, grubbing, mining, grading, or other land disturbance activities within 300 feet of general avian nesting habitat and 500 feet of raptor nesting habitat during the breeding season of general avians and raptors. The breeding season is defined as occurring between February 15 and August 31 (general avians) and January 15 and July 15 (raptors). The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no CAGN, raptors, and LBV are present in the vicinity of the clearing, grubbing, mining, grading, or other land disturbance activities as demonstrated by a survey conducted no more than 72 hours prior to the start of clearing and/or other land disturbance activities. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, clearing, grubbing, and grading shall be allowed to proceed. Furthermore, if construction activities are to resume in an area where they have not occurred for a period of seven or more days during the breeding season, an updated survey for avian nesting will be conducted. If active nests or nesting birds are observed within the area, the biologist shall flag the active nests and construction activities shall avoid active nests until a qualified biologist has determined that nesting behavior has ceased, nests have failed, or young have fledged. DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no clearing, grubbing, or grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. TIMING: Prior to any clearing, grubbing, mining, grading, or any land disturbance activities and throughout the duration of the mining and reclamation activities for each phase of the project, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. MONITORING: The [] CI shall not allow any clearing, grubbing, mining, grading, or other land disturbance activities in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#16–PRE-CONSTRUCTION REPTILE AND AMPHIBIAN SURVEY (M-BIO-11) [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to special status reptile and amphibian species, a pre-construction reptile and amphibian survey shall be conducted prior to vegetation removal, grading, and/or other ground disturbing activities for each phase of the project. **DESCRIPTION OF REQUIREMENT:** Prior to any vegetation removal, grading, and/or other ground disturbing activities, a qualified biologist familiar with special status reptile and amphibian species behavior and life history shall conduct a pre-construction survey no more than two weeks prior to commencement of activities to determine whether reptile and amphibian species designated as sensitive by CDFW, but not covered under the County's MSCP, occur within proposed impact area(s). If special status reptile or amphibian species are detected during the pre-construction survey, consultation with CDFW shall be initiated to prepare species-specific protocols for proper handling and relocation procedures. **DOCUMENTATION:** The Biological Monitor shall prepare written documentation that certifies that the reptile and amphibian survey has been completed prior to each phase of the project and that reptile and amphibian have been avoided. **TIMING:** Prior to any clearing, grubbing, grading, or any land disturbances for each phase of the project, this condition shall be completed and approved. **MONITORING:** The [CI] shall not allow any clearing, grubbing, grading, or other land disturbance activities, unless a concurrence from the [PDS, PPD] is received. The [PDS, PPD] shall review the concurrence letter.

BIO#17–PRE-CONSTRUCTION BAT SURVEY (M-BIO-13) [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to special status bats, a pre-construction bat survey shall be conducted prior to the removal of mature trees or existing buildings/structures with potential to support roosting bats for each phase of the project. **DESCRIPTION OF REQUIREMENT:** Prior to the removal of mature trees or existing buildings/structures with potential to support roosting bats, a qualified biologist shall conduct an initial preconstruction survey no more than 30 days and no less than two weeks prior to commencement of tree removal or demolition activities to determine if roosting bats are present in the proposed impact area(s). A letter report summarizing the survey methods and results of the survey, including negative findings, shall be submitted to the County and CDFW for review at least two weeks prior to the commencement of Project activities. If bats are detected within the proposed impact area(s) during the initial pre-construction survey, the letter report will identify measures to be implemented to avoid and minimize potential direct and indirect impacts to roosting bats, including those identified in this measure. A final preconstruction survey shall be conducted no more than three days (72 hours) prior to tree removal or demolition activities within the proposed impact area(s). If bats are not detected during the final pre-construction survey or determined to be absent from the proposed impact area, construction activities shall be allowed to proceed, and no additional measures would be necessary. If bats are detected during the final pre-construction survey, the following avoidance measures shall be implemented, depending on the time of

year, including additional measures identified in the letter report. If an active maternity roost is detected during the bat maternity season (April 15 through August 15), the biologist shall flag the active roost site and construction activities shall avoid the roost site until after the maternity season (August 16), or until the qualified biologist has determined young are self-sufficiently volant (able to fly). If bats are detected and determined to be roosting within the proposed impact area(s) outside of the bat maternity season (August 16 through April 14), the biologist shall flag the active roost site and construction activities shall avoid roost sites until bats are no longer determined to be roosting as determined by the qualified bat biologist. Exclusion of roost sites, where feasible, outside of the bat maternity season may be conducted with approval of the County and CDFW. Methods of roost exclusion shall be determined in consultation with the County and CDFW. DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the bat survey has been completed prior to each phase of the project and that bats have been avoided. TIMING: Prior to any clearing of vegetation and removal of existing buildings/structures for each phase of the project, this condition shall be completed and approved. MONITORING: The [CI] shall not allow any clearing of vegetation or removal of existing buildings/structures, unless a concurrence from the [PDS, PPD] is received. The [PDS, PPD] shall review the concurrence letter.

ONGOING The following conditions shall apply during the term of this permit .

GEN#5–ANNUAL INSPECTION DEPOSIT ACCOUNT [PDS PCC], [UO, OG]

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.710, an annual inspection deposit account shall be setup and funded for the life of the Reclamation Plan. This account will continue to be funded as determined by annual review. DESCRIPTION OF REQUIREMENT: The applicant shall initially fund a deposit account with PDS in the sum of \$2,000. The deposit account number shall be setup as 3998 11-001. Thereafter, the Director of PDS will determine the amount of deposit based on the cost to inspect the surface mining operation. If the Director determines the annual inspections should include volume calculations or a boundary survey, the cost of this work shall be included in the deposit. The Director of PDS shall notify the mining operator of the amount of the required deposit. DOCUMENTATION: A receipt of payment into deposit account 3998 11-001 is required to be given to the PDS PCC. TIMING: Prior to use in reliance of this Reclamation Plan, the inspection deposit account shall be funded with at least \$2,000. Annual deposits thereafter shall be required to be made no later than July 1st of each year. MONITORING: The PDS PCC shall verify that the inspection account is setup, funded, and maintained.

GEN#6–FINANCIAL ASSURANCE ESTIMATE [PDS PCC], [UO, OG]

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.707, the surface mining operator shall provide an estimate of the cost of reclamation by a state-registered civil engineer. The estimate is required in order to

prepare the secure financial assurance. DESCRIPTION OF REQUIREMENT: Within 120 days of project approval and thereafter by July 1st of each year or within 30 days of the County's annual SMARA inspection, a financial assurance cost estimate shall be prepared and submitted to the PDS PCC. DOCUMENTATION: A Financial Assurance Cost Estimate prepared by a state-registered civil engineer. TIMING: Prior to use in reliance of this Reclamation Plan the financial assurance cost estimate shall be submitted, reviewed, and approved by PDS and thereafter by July 1st of each year. MONITORING: The PDS PCC shall verify the financial assurance cost estimate is adequate. The financial assurance cost estimate shall be forwarded to the California Department of Conservation for review at least 45 days prior to County approval.

GEN#7–FINANCIAL ASSURANCE MECHANISM [PDS PCC], [UO, OG]

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.707, financial assurances shall be provided to assure the site is reclaimed in accordance with the requirements of the approved Reclamation Plan [and any monitoring for biological resources](#). Financial assurances shall not be released until reclamation [and biological monitoring](#) is deemed complete by the County of San Diego. DESCRIPTION OF REQUIREMENT: The financial assurance shall be made payable to the Director of PDS and the California Department of Conservation and may take the form of surety bonds, irrevocable letters of credit, trust funds, or other forms of financial assurance adopted by the State Mining and Geology Board, which the County reasonably determines will be readily available to pay for reclamation in accordance with the surface mining operation's approved Reclamation Plan. The financial assurances shall be in an amount equal to the cost [of biological monitoring and](#) to reclaim in accordance with the requirements of the approved Reclamation Plan, all disturbed, unreclaimed lands and all acreage expected to be disturbed in the forthcoming year, to a condition that will not constitute a danger to public health and safety and that will provide for the type of reclamation required in the Reclamation Plan. DOCUMENTATION: An original financial assurance document shall be provided to PDS PCC. TIMING: Prior to use in reliance of this Reclamation Plan, the notarized financial assurance document shall be submitted and thereafter shall be provided within [30](#) days of approval of each annual financial assurance estimate. MONITORING: The PDS PCC shall verify the financial assurance documentation is adequate.

GEN#8–SUCCESSOR-IN-INTEREST [PDS, PCC], [OG]

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.711, whenever any surface mining operation or portion of an operation is sold, assigned, conveyed, exchanged, or otherwise transferred, the successor in interest shall be bound by the provisions of the Reclamation Plan. Additionally, in order to comply with County of San Diego Regulatory Ordinances Section 87.711, whenever any surface mining operation is transferred, the new owner shall meet all provisions of Section 87.701 et seq. of the County Regulatory Ordinance, including the requirement to sign an agreement as required, by Condition GEN#1 of this

Reclamation Plan. DESCRIPTION OF REQUIREMENT: The following is required:

- a. Notification of the transfer of the surface mining operation shall be provided to the PDS PCC no later than 30 days from the date of the transfer.
- b. The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original 'Agreement Permitting Right of Entry on Real Property' to the PDS PCC.

DOCUMENTATION: Evidence of the transfer and 'Agreement Permitting Right of Entry of Real Property' shall be provided to the PDS PCC. TIMING: No later than 30 days from the date of the transfer, the evidence of the transfer shall be provided along with the 'Agreement Permitting Right of Entry of Real Property'. MONITORING: The PDS PCC shall verify adequate documentation has been provided regarding the transfer and Agreement.

GEN#9–AERIAL TOPOGRAPHY [PDS PCC], [OG]

INTENT: In order to comply with County of San Diego Regulatory Ordinances Section 87.710, aerial photographs shall be provided of the mine site on an annual basis. DESCRIPTION OF REQUIREMENT: The mining operator or permittee shall provide to the Director of PDS by each July 1st aerial photographs of the mining site taken in the same month of the second quarter of each year. The aerial photographs shall consist of:

- a. Defined, marked, and permanent ground controls; and
- b. Planimetric map of the mining site based on the aerial models with one foot (1') contours and drawn to a scale of 1" = 200'.
- c. The Reclamation Plan boundaries and mine boundary shall be shown on the aerial topography.

Upon written request of a mining operator or permittee, the Director of PDS may, for just cause and at his or her discretion, waive the requirement for the aerial photographs on an annual case by case basis, or may adjust the quarter of each year in which the aerial photographs are taken. Such request is required to be made by June 1st of any given year.

DOCUMENTATION: Aerial topography of the site shall be provided on an annual basis to the PDS PCC. TIMING: The aerial topography is due by July 1st of each year unless waived by the Director of PDS. MONITORING: The PDS PCC shall verify the aerial topography is adequate.

GEN#10–DEBRIS FILL OPERATION [PDS, PCC], [OG]

INTENT: In order to ensure that the proposed inert debris fill operation is in compliance with local and state regulations, the operator will be required to obtain

proper permits or oversight through the Department of Environmental Health Local Enforcement Agency. DESCRIPTION OF REQUIREMENT: Prior to operation of the proposed inert debris fill operation the mine operator shall consult with the Department of Environmental Health (DEH) Local Enforcement Agency (LEA) to determine the appropriate level of regulatory oversight or permitting. DOCUMENTATION: The consultation shall be in writing to the LEA and shall be submitted both to the LEA and the PDS PCC. TIMING: Prior to commencing with the inert debris engineered fill operation at the site. MONITORING: The PDS PCC shall review and verify with the LEA that the project has adequate regulatory oversight or permitting prior to allowance of the inert debris fill operation to commence.

GEN#11–INERT DEBRIS FILL OPERATION, ASPHALT [PDS, PCC], [OG]

INTENT: To provide further water quality protection, asphalt materials shall not be permitted to be placed within the inert debris fill operation unless fully cured. DESCRIPTION OF REQUIREMENT: During the life of the inert debris fill operation, no asphalt materials shall be permitted to be placed below the ground surface as fill material other than fully cured asphalt as defined in Title 14, Section 17388 of the California Code of Regulations. TIMING: This condition will be in place during the life of the inert debris fill operation. MONITORING: The *S Code Compliance Division* is responsible for enforcement of this permit.

GEN#12–SOIL STOCKPILE [PDS, PCC], [OG]

INTENT: In order to comply with the Surface Mining and Reclamation Act of 1975, the project shall include topsoil stockpiling to aid in future revegetation of the site. DESCRIPTION OF REQUIREMENT: Approximately six inches of topsoil would be stripped from the surface and placed in stockpiles along the upper edges of extraction areas. The stockpiles may be utilized in the construction of temporary noise barriers—which can be constructed of soil, masonry, wood, plastic, fiberglass, steel, or a combination of those materials—until needed for reclamation activities. When feasible, topsoil would be stripped from the surface and directly re-applied to areas that have reached final grade to avoid storing soil. Topsoil stockpiles would be clearly identified with signage. They would not be disturbed until used for revegetation, if feasible, and would be covered or seeded with a recommended seed mix if not to be used within six months. TIMING: Topsoil shall be stripped from extraction areas prior to mining. MONITORING: The PDS, PCC shall review for compliance with this condition.

Prior to Reclamation Plan Completion for Each Phase (and prior to release of financial assurances for each phase)

GEO#1–COMPACTION OF FILLS [PDS, PCC], [PC]

INTENT: In order to have properly compacted fill, the project is required to comply with the compaction of fill requirements within the County Grading Ordinance. DESCRIPTION OF REQUIREMENT: To ensure proper

compaction of fills, fills will be required to be compacted to comply with County of San Diego Regulatory Ordinances Section 87.712. DOCUMENTATION: If the project end use within the area to be compacted includes any permanent structures, a soil engineer's report shall be submitted indicating whether all fills were compacted to a minimum of 90% of maximum density. If the project end use within the area to be compacted will be open space, a soil engineer's report certifying that the soil engineer has investigated the property, made soil tests, and that in the engineer's opinion such lower degree of compaction will be adequate for the intended use of the property and that use shall be described in the report. The soil engineer's report shall be submitted to [PDS PCC]. TIMING: The submittal of the soil engineer's report will be required after reclamation grading activities have been completed. MONITORING: The PDS PCC shall review and verify the adequacy of the soil engineer's report.

GEO#2–FINAL SLOPE GRADING [PDS, PCC], [PC]

INTENT: This condition is included to ensure slopes and final grading are in conformance with the Reclamation Plan. DESCRIPTION OF REQUIREMENT: Slopes and final grades shall be in substantial conformance with final slope inclinations and grades shown on the Reclamation Plan. DOCUMENTATION: A final aerial topographic survey of the mine site shall be prepared and submitted to [PDS PCC]. TIMING: The submittal of the aerial topography will be required after reclamation grading activities have been completed. MONITORING: The [PDS PCC] shall review and verify that all slopes and grades are in substantial conformance with the Reclamation Plan.

BIO#18–OPEN SPACE SIGNAGE (M-BIO-14) [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry, informational signs shall be installed. DESCRIPTION OF REQUIREMENT: Open space signs shall be placed along the biological open space boundary, which includes 0.6 acre of Diegan coastal sage scrub and 13.85 acres of wetland and riparian habitat, located outside of the restoration and revegetation areas, as indicated on the approved Plot Plan. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources

Area Restricted by Easement

Entry without express written permission from the County of San Diego
is prohibited. To report a violation or for more information about easement
restrictions and exceptions contact the County of San Diego,

Planning & Development Services

Reference: PDS2018-MUP-18-023

DOCUMENTATION: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of

the open space easment(s). TIMING: Upon completion of mining activities of the final project phase, the open space signs shall be installed. MONITORING: The S CC shall review the photos and statement for compliance with this condition.

BIO#19–OPEN SPACE FENCING (M-BIO-14) [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry or disturbance, permanent fencing shall be installed. DESCRIPTION OF REQUIREMENT: Open space fencing shall be placed along the biological open space boundary as indicated on the Plot Plan. The fencing design shall consist of three-strand smooth wire, wooden split rail fencing, or similar fencing allowing for wildlife passage. DOCUMENTATION: The applicant shall install the fencing as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space fencing has been installed at the open space easement boundary. TIMING: Upon completion of mining activities of the final project phase, open space fencing shall be installed. MONITORING: The S CC shall review the photos and statement for compliance with this condition.

BIO#20–OPEN SPACE SIGNAGE & FENCING (M-BIO-14) [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry or disturbance, the fencing and signage shall be installed. DESCRIPTION OF REQUIREMENT: The permanent fences and open space signs shall be placed along the open space boundary as shown on the for PDS2023-MUP-18-023.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6” x 9” in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources
Area Restricted by Easement

Entry without express written permission from the County of San Diego
is prohibited. To report a violation or for more information about easement
restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: PDS2023-MUP-18-023

DOCUMENTATION: The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [S CC]. TIMING: Upon completion of mining activities of the final project phase, the fencing and signage shall be installed. MONITORING: The [S CC] shall review the photos and statement for compliance with this condition.

BIO#21–BIOLOGICAL MONITORING (M-BIO-17) [PDS, FEE X2]

INTENT: In order to ensure that the biological monitoring occurred during vegetation clearing, grubbing, and grading activities, a final Biological Monitoring Report shall be implemented. DESCRIPTION OF REQUIREMENT: The “Project Biologist” shall prepare a final biological monitoring report. The report shall substantiate the supervision of the activities referenced above, and state that the activities did not impact any areas outside the limits of work or any other sensitive biological resources. The report shall conform to the County of San Diego Report Format Guidelines for Biological Resources, and include the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the activities.

DOCUMENTATION: The Biologist shall prepare the final report and submit it to the [PDS, PCC] for review and approval. TIMING: Upon completion of mining activities of the final project phase, the final report shall be approved. MONITORING: The S CC shall review the final report for compliance this condition and the report format guidelines. Upon approval of the report, S CC shall inform S R and CI , that the requirement is complete, and the bond amount can be relinquished. If the monitoring was bonded separately, then S CC shall inform S FISC A to release the bond back to the applicant.

BIO#22–EASEMENT AVOIDANCE (M-BIO-14) [PDS, FEE]

INTENT: In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. DESCRIPTION OF REQUIREMENT: The open space easement indicated on this plan is for the protection of sensitive environmental resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exception(s) to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant

to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997 (<http://www.sdcounty.ca.gov/PDS/docs/MemoofUnder.pdf>), between the Wildlife Agencies and the fire districts and any subsequent amendments thereto.

- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW, or DPR.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the DEH.
- d. Continued use and maintenance of the existing Steele Canyon Road bridge right-of-way and SDG&E easement.
- e. Construction, use and maintenance of multi-use, non-motorized trails.

DOCUMENTATION: The applicant shall provide a letter statement to the [S CC] stating that all Sensitive Resource Easements were avoided and that no impacts or encroachment into the open space occurred during mining or reclamation. TIMING: Upon completion of mining activities of the final project phase, the letter verifying the easements were not disturbed shall be submitted. MONITORING: The [CI] shall not allow any excavation, clearing or encroachment into the open space easement.

ONGOING *The following conditions shall apply during the term of this permit .*

PLN#1–OUTDOOR LIGHTING [PDS, PCC], [OG]

INTENT: Shielded outdoor night lighting is permitted to be installed around the processing plant for safety and security purposes. DESCRIPTION OF REQUIREMENT: Lighting would be designed to minimize glare and reflection onto neighboring areas and is anticipated to include mounted sodium, metal halide, fluorescent, or light-emitting diode (LED) lighting. Lights would be directed downward and would have cut-offs installed to minimize spillover onto adjacent properties. Each light would provide the lowest light level necessary and would be limited to less than 4,050 lumens output, maintaining compliance with State and local regulations. No outdoor lighting shall be permitted for extraction operations or during reclamation. DOCUMENTATION: The applicant shall prepare plans that include i) images and specifications of all outdoor lighting around the processing plant and ii) shielding details and photometric exhibits. TIMING: This applies throughout the duration of this permit and reclamation. MONITORING: The S Code Compliance Division is responsible for enforcement of this permit.

HAZ#1–VECTOR MANAGEMENT PLAN

INTENT: In order to avoid hazards associated with vectors and to comply with the project design, the Vector Management Practices identified in the *ector Management lan* dated November 2021, shall be implemented. DESCRIPTION OF REQUIREMENT: Implement the Vector Control Plan to the satisfaction of the Director of DEH. The implementation shall be substantially consistent with the

approved Vector Control Plan. Implementation shall include but is not limited to the following:

- a. Circulate water in settling ponds constantly.
- b. During the wet season (October through March), visually inspect the mining areas, process settling ponds and the streambed for the presence of vectors monthly. Implement corrective measures if needed.
- c. During the dry season (July through September) visually inspect the mining areas, process settling ponds and the streambed weekly for the presence of vectors. Implement corrective measures if needed.
- d. Remove emergent vegetation when emergent vegetation (e.g., cattails, sedges, etc.) is in excess of 50% of a water surface area.
- e. Utilize chemical controls under the advice of DEHQ.
- f. Collect and place all trash and debris in trash bins.
- g. Cover/close all trash bins.
- h. Trash bins will be removed by a licensed refuse disposal company on a regular basis.

DOCUMENTATION: The property owner and permittee shall comply with the requirements of the approved *Vector Control Plan*, DEH and this condition. If the permittee or property owners choose to modify or deviate from the approved *Vector Control Plan* in any way, they must obtain approval from the County [S].

TIMING: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. MONITORING: The *S Code Compliance Division* is responsible for enforcement of this condition.

AQ#1–AIR QUALITY FUGITIVE DUST

INTENT: In order to mitigate for fugitive dust during construction activities.

DESCRIPTION OF REQUIREMENT: The project applicant or designee shall implement the following measures to mitigate fugitive dust in the form of a Fugitive Dust Control Plan compliant with San Diego Air Pollution Control District (SDAPCD) Rule 55 and County Code Section 87.428 (Grading Ordinance):

- a. All haul/dump trucks entering or leaving the site with soil or fill material must maintain at least two (2) feet of freeboard or cover loads of all haul/dump trucks securely.
- b. Areas recently disturbed by dozer/scrapper passes and any unpaved roads within the project limits will be watered a minimum of three (3) times daily.
- c. Excavation activities will be terminated in winds in excess of 25 miles per hour (mph).

- d. Dust and debris at public street access points shall be cleaned regularly using sweepers and water trucks.
- e. Dirt storage piles will be stabilized by chemical binders, tarps, fencing, or other suppression measures.
- f. Internal construction-roadways will be stabilized by paving, chip sealing or applying stabilizing chemicals, or other such methods that would similarly reduce fugitive dust emissions per Section 310 of the San Diego County Standards for Private Roads.
- g. A 15-mph speed limit on unpaved surfaces shall be enforced.

DOCUMENTATION: The applicant or designee shall comply with the Air Quality requirements of this condition. The applicant or designee shall demonstrate compliance with this condition in the form of a Fugitive Dust Control Plan submitted for approval by the San Diego Air Pollution Control District. TIMING:

The above actions shall occur throughout the duration of construction.

MONITORING: The [] CI shall make sure that the contractor complies with the Air Quality requirements of this condition. The [] CI shall contact the [] S CC if the applicant fails to comply with this condition.

AQ#2–CONSTRUCTION EXHAUST EMISSIONS

INTENT: In order to mitigate for exhaust emissions during construction activities.

DESCRIPTION OF REQUIREMENT: The project shall comply with the following Air Quality measures:

- a. The project shall require the construction contractor to provide a construction fleet that uses heavy-duty diesel-powered equipment equipped with Tier 4 diesel engines or equivalent retrofit for equipment rated 50 horsepower or more. An exemption from these requirements may be granted by the County in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the County, the applicant shall be required to demonstrate that three construction fleet owners/operators in the San Diego Region were contacted and that those owners/operators confirmed Tier 4 or better equipment could not be located within the San Diego region.
- b. Construction equipment shall be outfitted with best available control technology (BACT) devices certified by the California Air Resources Board (CARB). A copy of each unit's BACT documentation shall be provided to the County of San Diego at the time of mobilization of each applicable unit of equipment.
- c. Construction contractors shall comply with CARB's In-Use Off-Road Diesel-Fueled Fleets (13 CCR Section 2449) and Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Vehicle Idling (13 CCR

Section 2484) to restrict idling of diesel equipment and vehicles to five minutes.

DOCUMENTATION: The applicant or designee shall comply with the Air Quality requirements of this condition. The applicant shall show compliance with this measure by providing the construction bid/estimate from the construction contractor that will be used. TIMING: Prior to approval of improvement plans and issuance of any Construction Permits. MONITORING: The [CI] shall make sure that the contractor complies with the Air Quality requirements of this condition. The [CI] shall contact the [S CC] if the applicant fails to comply with this condition.

AQ#3–VALLEY FEVER

INTENT: In order to mitigate for fugitive spores containing coccidioidomycosis (Valley Fever) during construction activities. DESCRIPTION OF REQUIREMENT: The project shall comply with the following Air Quality measure:

- a. The project shall provide construction contractors with educational materials and training pertaining to methods to prevent exposure to coccidioidomycosis, including the fact sheet entitled “Preventing Work-Related Coccidioidomycosis (Valley Fever)” by the California Department of Public Health.

DOCUMENTATION: The applicant or designee shall comply with the Air Quality requirements of this condition. TIMING: The above actions shall occur throughout the duration of construction and excavation. MONITORING: The [CI] shall make sure that the contractor complies with the Air Quality requirements of this condition. The [CI] shall contact the [S CC] if the applicant fails to comply with this condition.

GEO#3–SLOPE STABILITY AND ROCKFALL HAZARDS [PDS, PCC], [OG]

INTENT: In order to ensure adequate public health and safety throughout the duration of this mining project, a geotechnical investigation to evaluate slope stability and/or potential rockfall hazard shall be prepared if determined to be necessary. DESCRIPTION OF REQUIREMENT: If signs of potential slope instability and/or potential rock fall hazards are observed during a County site inspection or from other substantial evidence brought to the County’s attention, a slope stability analysis and/or rockfall potential inspection shall be performed and documented by a California Professional Engineering Geologist or Engineer, and appropriate remedial measures applied, if necessary. The specific requirements to be included within the geotechnical investigation will be specified by the [PDS PCC] at the time it is requested. DOCUMENTATION: A geotechnical investigation shall be prepared by a California Professional Engineering Geologist or Engineer and submitted to [PDS PCC]. If remedial measures are recommended in the geotechnical investigation, a report documenting that measures have been adequately completed in accordance with the recommendations within the

geotechnical report shall be prepared after the remedial measures have been completed. The report would be submitted to [PDS PCC]. TIMING: The timing of the submittals of the geotechnical investigation and any other reporting will be determined by the County at the time it is requested. MONITORING: The [PDS PCC] shall review and verify the adequacy of the geotechnical investigation report and any reports indicating remedial measures have been adequately completed.

GEN#13–MAXIMUM OPERATIONAL LIMITATIONS

INTENT: In order to stay within the parameters that were analyzed, maximum mining limitations shall be placed on the project. DESCRIPTION OF REQUIREMENT:

- The conversion of the existing Cottonwood Golf Club golf courses to a ten-year sand mining operation with an additional two-year reclamation period.
- Approximately 4.3 million cubic yards (cy) (6.40 million tons) of material maximum are to be extracted, with approximately 3.8 million cy (5.7 million tons) produced for market use. Those materials undesirable for processing (approximately 427,00 cy) would be retained on site and utilized for backfilling. In addition, approximately 2.5 million cy would be imported to the site to meet the sites overall backfill requirements.
- Approximately 214.4 acres of the approximately 280-acre site are proposed for extractive use and restoration which would occur in a total of four phases. The extraction process would occur in three phases over the span of ten years and the cleanup, equipment removal, and final reclamation would occur in the fourth phase over two years.
- A maximum total of 570,000 tons is permitted to be produced from the site in any one calendar year.

DOCUMENTATION: Mining operation annual reports which are required to be submitted by the mine operator to the Division of Mine Reclamation shall document the amount of material mined from the previous year. TIMING: Upon establishment of the use, this condition shall be complied with for the term of this permit. MONITORING: [S CC] shall review mining operation annual reports to determine compliance with the condition.

GEN#14–HOURS OF OPERATION [PDS, PCC], [OG]

INTENT: In order to ensure adequate public health and safety throughout the duration of the permit and reclamation of the project, hours of operation will be limited. DESCRIPTION OF REQUIREMENT: The mining operation and reclamation activities shall be limited to daylight hours only between 7:00 a.m. and 5 p.m. Monday through Friday. Trucking operations for material sales and backfill import would occur Monday through Friday from 9:00 a.m. to 3:30 p.m. There would be no processing of materials or trucking from the site on Saturdays, Sundays, and major holidays. DOCUMENTATION: No documentation of this condition is necessary. TIMING: This applies throughout the duration of the permit and Reclamation Plan. MONITORING: The S Code Compliance i sion is responsible for enforcement of this permit.

GEN#15–OUTDOOR LIGHTING [PDS, PCC], [OG]

INTENT: Shielded outdoor night lighting is permitted to be installed around the processing plant for safety and security purposes. DESCRIPTION OF REQUIREMENT: Lighting would be designed to minimize glare and reflection onto neighboring areas and is anticipated to include mounted sodium, metal halide, fluorescent, or light-emitting diode (LED) lighting. Lights would be directed downward and would have cut-offs installed to minimize spillover onto adjacent properties. Each light would provide the lowest light level necessary and would be limited to less than 4,050 lumens output, maintaining compliance with State and local regulations. No outdoor lighting shall be permitted for extraction operations or during reclamation. DOCUMENTATION: The applicant shall prepare plans that include i) images and specifications of all outdoor lighting around the processing plant and ii) shielding details and photometric exhibits. TIMING: This applies throughout the duration of this permit and reclamation. MONITORING: The *S Code Compliance Division* is responsible for enforcement of this permit.

BIO#23–BIOLOGICAL MONITORING (M-BIO-17, -12) [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of disturbance, clearing, grubbing, mining, grading, or other land disturbance activities shall be monitored by a biological monitor. DESCRIPTION OF REQUIREMENT: A County approved biologist shall perform biological monitoring during all clearing, grubbing, mining, grading, or other land disturbance activities. The Project Biologist shall supervise and monitor mining and reclamation activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all clearing, grading, mining, and reclamation activities that are in or adjacent to any biological open space areas or sensitive habitats. If there are disturbances, the monitor must report them immediately to the [*S CC*]. Additionally, the biologist shall perform the following duties:

- a. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;
- b. Periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;
- c. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the CAGN and its habitat, and the conservation measures that should be implemented during project construction;

- d. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;
- e. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the U.S.;
- f. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and [PDS PCC] within 24 hours; (8) produce periodic (monthly during mining) and final reports and submit to the Wildlife Agencies and the PDS (final report will release bond);
- g. Attend construction meetings and other meetings as necessary.
- h. If western spadefoot toads, tadpoles, or egg masses are identified within the proposed impact area(s), the following measures shall be implemented: (1) A suitable relocation site(s) outside the proposed impact area(s) shall be identified by a qualified biologist. The relocation site(s) shall be located a minimum of 50 feet outside of the proposed impact area(s), or 100 feet if available, and shall be approved by CDFW; (2) All western spadefoot adults, tadpoles, and egg masses encountered in the proposed impact area(s) shall be collected and released in the identified relocation site(s); (3) The relocation site(s) shall be monitored annually for five years during and immediately following peak breeding season (late winter to March), such that surveys can be conducted for adults as well as for egg masses and tadpoles. The results of annual monitoring shall be provided to CDFW in an annual report.

DOCUMENTATION: The Project Biologist shall prepare and submit to the satisfaction the [S CC] monitoring reports during each phase of the project, which indicate that the monitoring has occurred as indicated above. TIMING: The above actions shall occur throughout the duration of mining and reclamation activities for each phase of the project. MONITORING: The [CI] shall assure that the Project Biologist is on site performing the monitoring duties of this condition during all applicable mining and reclamation activities for each phase of the project as determined by the Biologist. The [CI] shall contact the [S CC] if the Project Biologist or applicant fails to comply with this condition. The [S CC] shall review and approve the monitoring reports for compliance with this condition.

RECLAMATION AND PLOT PLAN NOTES

NOTICE If the reclamation project is not a single lot, conformance to the Conditions of Approval are required on a lot-by-lot basis for subdivisions, or pad-by-pad basis for multiple building pads.

DURING E TRACTION *The following actions shall occur throughout the duration of the reclamation activity .*

BIO#9–BIOLOGICAL MONITORING (M-BIO-17) [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of work, all initial vegetation clearing, grubbing, and grading shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan and PDS2018-MUP-18-023:

- a. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the S CC .
- b. The Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements. Such meeting shall include the S CC .

DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff has been trained on the site sensitive biological resources that are to be avoided. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [CI] shall invite the [S CC] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [S CC] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

BIO#11–TEMPORARY FENCING AND SIGNAGE (M-BIO-16) [PDS, FEE]

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of disturbance, temporary construction fencing and signage shall be installed. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any clearing, grubbing, mining, and/or other land disturbances for each phase of the project, temporary orange construction fencing and signage shall be placed to protect from inadvertent disturbance of all open space easements that do not allow clearing, grubbing, and/or mining. Temporary fencing and signage is also required in all locations of the project phase where proposed clearing and/or mining is within 100 feet of an open space easement boundary. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of mining and reclamation activities for that project phase, after which the fencing shall be removed and moved to the next project phase. **DOCUMENTATION:** The applicant shall provide evidence that the fencing has been installed prior to each phase of the project and have a California licensed surveyor certify that the fencing is located on the boundary of

the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [S CC] for approval prior to each phase of the project. TIMING: Prior to Preconstruction Conference, and prior to any clearing, grubbing, mining, or any land disturbances for each phase of the project, fencing shall be installed, and shall remain for the duration of the clearing, mining, and reclamation activities for each phase of the project. MONITORING: The [S CC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.

BIO#12–CAGN RESOURCE AVOIDANCE (M-BIO-2) [PDS, FEE X2]

INTENT: In order to avoid impacts to the coastal California gnatcatcher (CAGN), which is a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. DESCRIPTION OF REQUIREMENT: There shall be no clearing, grubbing, mining, or other land disturbance activities within 500 feet of CAGN nesting habitat during the breeding season of the CAGN. The CAGN breeding season is defined as occurring between March 1 and August 15. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no CAGN are present in the vicinity of the clearing and/or other ground disturbance activities as demonstrated by a survey conducted no more than 72 hours prior to the start of clearing and/or other ground disturbance activities. If there are no gnatcatchers nesting (includes nest building or other breeding/nesting behavior) within that area, clearing shall be allowed to proceed. If any gnatcatchers are observed nesting or displaying breeding/nesting behavior during the pre-construction survey or additional surveys within the area, construction shall be postponed within 500 feet of any location at which gnatcatchers have been observed until a qualified biologist has determined that all nesting (or breeding/nesting behavior) has ceased or until after August 15. DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no clearing, grubbing, mining, or other land disturbances shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. TIMING: Prior to any clearing, grubbing, mining, or any land disturbance activities and throughout the duration of the mining and reclamation activities for each phase of the project, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. MONITORING: The [CI] shall not allow any clearing, grubbing, mining, or other land disturbance activities in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#13–LBV RESOURCE AVOIDANCE (M-BIO-4) [PDS, FEE X2]

INTENT: In order to avoid impacts to the least Bell's vireo (LBV), which is a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a

Resource Avoidance Area (RAA), shall be implemented on all plans. DESCRIPTION OF REQUIREMENT: There shall be no clearing, grubbing, mining, or other land disturbance activities within 500 feet of LBV nesting habitat during the breeding season of the LBV. The LBVI breeding season is defined as occurring between March 15 and September 15. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no LBV are present in the vicinity of the clearing, grubbing, mining, , or other land disturbance activities as demonstrated by a survey conducted no more than 72 hours prior to the start of clearing and/or other ground disturbance activities. If there are no vireos nesting (includes nest building or other breeding/nesting behavior) within that area, clearing shall be allowed to proceed. If any vireos are observed nesting or displaying breeding/nesting behavior during the pre-construction survey or additional surveys within that area, construction shall be postponed within 500 feet of any location at which vireos have been observed until a qualified biologist has determined that all nesting (or breeding/nesting behavior) has ceased or until after September 15. DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no clearing, grubbing, grading, or other land disturbance shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. TIMING: Prior to any clearing, grubbing, mining, or any land disturbance activities and throughout the duration of the mining and reclamation activities for each phase of the project, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. MONITORING: The [

CI] shall not allow any clearing, grubbing, mining, or other land disturbance activities in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#14-CAGN/RAPTOR/LBV RESOURCE AVOIDANCE (M-BIO-5) [PDS, FEE X2]

INTENT: In order to avoid impacts to the coastal California gnatcatcher (CAGN), raptors, and the least Bell's vireo (LBV), which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. DESCRIPTION OF REQUIREMENT: There shall be no clearing, grubbing, mining, grading, or other land disturbance activities within 500 feet of CAGN, raptor, and LBV nesting habitat during the breeding season of the CAGN, raptor, and LBV. The breeding season is defined as occurring between March 1 and August 15 (CAGN), January 15 and July 15 (raptors), and March 15 and September 15 (LBV). The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no CAGN, raptors, and LBV are present in the vicinity of the clearing, grubbing, mining, grading, or other land disturbance activities as demonstrated by a survey conducted no more than 72 hours prior to the start of clearing and/or other ground disturbance activities. If it is determined at the completion of pre-

construction survey(s) that active nests belonging to these sensitive species are absent from the potential impact area, activities shall be allowed to proceed. If pre-construction surveys determine the presence of active nests belonging to these sensitive species, then activities shall: (1) be postponed until a qualified biologist determines the nest(s) is no longer active or until after the respective breeding season; or (2) not occur until a temporary noise barrier or berm is constructed at the edge of the impact footprint and/or around the piece of equipment to ensure that noise levels are reduced to below 60 dBA or ambient, whichever is greater. The type(s) and location(s) of noise barrier(s) shall be provided to the County and Wildlife Agencies along with the associated noise measurements demonstrating compliance with required noise level reductions. Decibel output would be confirmed by a County-approved noise specialist and intermittent monitoring by a qualified biologist to ensure that noise levels remain below 60 dBA at occupied areas. DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no clearing, grubbing, grading, or other land disturbances shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. TIMING: Prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the mining and reclamation activities for each phase of the project, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. MONITORING: The [

CI] shall not allow any brushing, clearing, and/or grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#15–AVIAN AND RAPTOR RESOURCE AVOIDANCE (M-BIO-7) [PDS, FEE X2]

INTENT: In order to avoid impacts to general avians and raptors, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. DESCRIPTION OF REQUIREMENT: There shall be no clearing, grubbing, mining, grading, or other land disturbance activities within 300 feet of general avian nesting habitat and 500 feet of raptor nesting habitat during the breeding season of general avians and raptors. The breeding season is defined as occurring between February 15 and August 31 (general avians) and January 15 and July 15 (raptors). The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no CAGN, raptors, and LBV are present in the vicinity of the clearing, grubbing, mining, grading, or other land disturbance activities as demonstrated by a survey conducted no more than 72 hours prior to the start of clearing and/or other land disturbance activities. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, clearing, grubbing, and grading shall be allowed to proceed. Furthermore, if construction activities are to resume in an area where they have not occurred for a period of seven or more days during the breeding season, an updated survey for

avian nesting will be conducted. If active nests or nesting birds are observed within the area, the biologist shall flag the active nests and construction activities shall avoid active nests until a qualified biologist has determined that nesting behavior has ceased, nests have failed, or young have fledged. DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no clearing, grubbing, or grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. TIMING: Prior to any clearing, grubbing, mining, grading, or any land disturbance activities and throughout the duration of the mining and reclamation activities for each phase of the project, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. MONITORING: The [] CI shall not allow any clearing, grubbing, mining, grading, or other land disturbance activities in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#16–PRE-CONSTRUCTION REPTILE AND AMPHIBIAN SURVEY (M-BIO-11) [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to special status reptile and amphibian species, a pre-construction reptile and amphibian survey shall be conducted prior to vegetation removal, grading, and/or other ground disturbing activities for each phase of the project. DESCRIPTION OF REQUIREMENT: Prior to any vegetation removal, grading, and/or other ground disturbing activities, a qualified biologist familiar with special status reptile and amphibian species behavior and life history shall conduct a pre-construction survey no more than two weeks prior to commencement of activities to determine whether reptile and amphibian species designated as sensitive by CDFW, but not covered under the County's MSCP, occur within proposed impact area(s). If special status reptile or amphibian species are detected during the pre-construction survey, consultation with CDFW shall be initiated to prepare species-specific protocols for proper handling and relocation procedures. DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the reptile and amphibian survey has been completed prior to each phase of the project and that reptile and amphibian have been avoided. TIMING: Prior to any clearing, grubbing, grading, or any land disturbances for each phase of the project, this condition shall be completed and approved. MONITORING: The [] CI shall not allow any clearing, grubbing, grading, or other land disturbance activities, unless a concurrence from the [PDS, PPD] is received. The [PDS, PPD] shall review the concurrence letter.

BIO#17–PRE-CONSTRUCTION BAT SURVEY (M-BIO-13) [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to special status bats, a pre-construction bat survey shall be conducted prior to the removal of mature trees or existing buildings/structures with potential to support roosting bats for each phase of the project. DESCRIPTION OF REQUIREMENT: Prior to the removal of

mature trees or existing buildings/structures with potential to support roosting bats, a qualified biologist shall conduct an initial preconstruction survey no more than 30 days and no less than two weeks prior to commencement of tree removal or demolition activities to determine if roosting bats are present in the proposed impact area(s). A letter report summarizing the survey methods and results of the survey, including negative findings, shall be submitted to the County and CDFW for review at least two weeks prior to the commencement of Project activities. If bats are detected within the proposed impact area(s) during the initial pre-construction survey, the letter report will identify measures to be implemented to avoid and minimize potential direct and indirect impacts to roosting bats, including those identified in this measure. A final preconstruction survey shall be conducted no more than three days (72 hours) prior to tree removal or demolition activities within the proposed impact area(s). If bats are not detected during the final pre-construction survey or determined to be absent from the proposed impact area, construction activities shall be allowed to proceed, and no additional measures would be necessary. If bats are detected during the final pre-construction survey, the following avoidance measures shall be implemented, depending on the time of year, including additional measures identified in the letter report. If an active maternity roost is detected during the bat maternity season (April 15 through August 15), the biologist shall flag the active roost site and construction activities shall avoid the roost site until after the maternity season (August 16), or until the qualified biologist has determined young are self-sufficiently volant (able to fly). If bats are detected and determined to be roosting within the proposed impact area(s) outside of the bat maternity season (August 16 through April 14), the biologist shall flag the active roost site and construction activities shall avoid roost sites until bats are no longer determined to be roosting as determined by the qualified bat biologist. Exclusion of roost sites, where feasible, outside of the bat maternity season may be conducted with approval of the County and CDFW. Methods of roost exclusion shall be determined in consultation with the County and CDFW. DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the bat survey has been completed prior to each phase of the project and that bats have been avoided. TIMING: Prior to any clearing of vegetation and removal of existing buildings/structures for each phase of the project, this condition shall be completed and approved. MONITORING: The [] shall not allow any clearing of vegetation or removal of existing buildings/structures, unless a concurrence from the [PDS, PPD] is received. The [PDS, PPD] shall review the concurrence letter.

GEN#16–RECYCLING - RECLAMATION MATERIAL DIVERSION [DPW]

INTENT: In order to comply with the Reclamation Material Diversion Program, project recycling and diversion is designed to increase diversion of reclamation, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. DESCRIPTION OF REQUIREMENT: For all reclamation projects >5,000 cubic yards, a Daily Log of all reclamation, land clearing, and brushing material that is exported or reused/repurposed must be

retained onsite. The Daily Log must include all export receipts or other vendor or disposal or transfer station facility information that accepted reclamation material from the approved reclamation project. DOCUMENTATION: Daily Logs shall be prepared and kept on site for inspection and include the following:

- a. Identify the project location.
- b. Log date that material was transported off the site
- c. Log type of reclamation or clearing material
- d. Weight of the material or its approximate tonnage or cubic yards
- e. Name of the party transporting the materials
- f. Name of the receiving facility or exporter, and whether the material was disposed of in a landfill, salvaged for future use off site, or recycled.
- g. Each log entry shall correspond with a receipt issued by the party that transported the material off site or by the facility that accepted the materials. If the materials were hauled by the reclamation contractor, export receipts shall be compiled within 90 days of the date of the log entry.
- h. The Daily Log shall include separate entries for each occurrence of materials reused on site.
- i. The Daily Log and all receipts shall be maintained at the project site and made available to any County inspector responsible to ensure compliance with this requirement.

TIMING: The above actions and logs shall occur throughout the duration of the earth disturbing activities. MONITORING: The *CI* shall ensure that the reclamation contractor is preparing and maintaining the daily logs on site. The *CI* shall contact the *CO* if the reclamation contractor or applicant fails to comply with this condition.

GEN#17–RECYCLING - GRADING MATERIAL DIVERSION [DPW]

INTENT: In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of reclamation, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. DESCRIPTION OF REQUIREMENT: At the conclusion of the reclamation activities and prior to the release of Rough Grade Inspection, and prior to issuance of any building permit, the Final Debris Management Report (DMR) must be prepared and submitted for review and approval. DOCUMENTATION: The DMR final report (see template) shall be

prepared and submitted for review and approval by the [] CO] and shall include the following:

- a. Project name.
- b. List of total weight, tonnage, or cubic yards of materials, by type, which was recycled, salvaged, or disposed of in a landfill.
- c. Provide copies of receipts for export facilities, haulers, or materials reused on site.
- d. Signed self-certification letter (see template).

TIMING: The final report shall be prepared and submitted at Rough Grade inspection. **MONITORING:** The [] CI] shall ensure that the reclamation contractor has prepared and submitted the final report to [] CO]. The [] CI] shall contact the [] CO] if the reclamation contractor or applicant fails to comply with this condition.

STRMWTR#1–EROSION CONTROL

INTENT: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [State Construction General Permit, Order WQ 2022-0057-DWQ](#), NPDES No. CAS0000002 or subsequent order and the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), and all other applicable ordinances and standards for this priority project. **DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and off-site Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- a. An agreement and instrument of credit shall be provided for an amount equal to the cost of this work as determined or approved by the [] S [] R in accordance with the [County of San Diego Reclamation Ordinance Section 87.304](#). The cash deposit collected for reclamation, per the reclamation ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [] S [] R] authorizing the use of this deposit for emergency measures.
- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

DOCUMENTATION: The applicant shall process an Erosion Control Plan and provide the letter of agreement and any additional security and/or cash deposit to the [S R]. TIMING: Prior to approval of any reclamation or improvement plan or construction permit, and prior to use of the property in reliance of this permit, the Erosion Control Plan shall be approved and the agreement and securities shall be executed. MONITORING: The [S R] shall ensure that the Erosion Control Plan adequately satisfies the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and reclamation plans. [CI] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

STRMWTR#2–INDUSTRIAL GENERAL PERMIT

INTENT: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [State Industrial General Permit, Order No. 2014-0057-DWQ](#), or subsequent order and the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), and all other applicable ordinances and standards for this priority project. DESCRIPTION OF REQUIREMENT: The applicant shall maintain the appropriate on-site and off-site Best Management Practices pursuant to the approved Stormwater Pollution Prevention Plan (SWPPP) and Industrial Pollutant Control Plan including, but not limited to good housekeeping practices, preventative maintenance, spill prevention and response, material handling and storage, waste management, erosion and sediment prevention and control, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measures.

- a. An agreement and instrument of credit shall be provided for an amount equal to the cost of this work as determined or approved by the S R in accordance with the [County of San Diego Reclamation Ordinance Section 87.304](#). The cash deposit collected for reclamation, per the reclamation ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [S R] authorizing the use of this deposit for emergency measures.
- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

DOCUMENTATION: The applicant shall process a SWPPP and an Industrial Pollutant Control Plan and provide the letter of agreement and any additional security and/or cash deposit to the [S R]. TIMING: Prior to approval of any reclamation or improvement plan or construction permit, and prior to use of the property in reliance of this permit, the Industrial Pollutant Control Plan shall be

approved and the agreement and securities shall be executed. MONITORING: The [S R] shall ensure that the Industrial Pollutant Control Plan adequately satisfies the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and reclamation plans. [CI] shall use the securities pursuant to the agreement to implement and enforce the required stormwater pollutant and erosion prevention and control measures pursuant to this condition during all construction, operation and reclamation phases as long as there are open and valid permits for the site.

STRMWTR#3–STORMWATER MAINTENANCE DOCUMENTATION

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed. DESCRIPTION OF REQUIREMENT:

- a. Process a Maintenance Notification Agreement to assure maintenance of the Category 1 Structural BMPs to the satisfaction of the Director of DPW and/or PDS. The Maintenance Notification Agreement shall be signed, notarized and recorded by the applicant.
- b. Process a Stormwater Facilities Maintenance Agreement (SWMA) to assure maintenance of the Category 2 Structural BMPs and provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of DPW and/or PDS. The SWMA shall be signed and notarized by the applicant and recorded by the County.

DOCUMENTATION: The applicant shall process the agreement forms with [S R] and pay any deposit and applicable review fees. TIMING: Prior to approval of any reclamation or improvement plan or construction permit, prior to use of the property in reliance of this permit; execution of the recorded agreements and securities shall be completed. MONITORING: The [S R] shall review the agreements/mechanisms for consistency with the condition and County Standards.

ROADS#8–TRAFFIC CONTROL PLAN

INTENT: In order to mitigate below levels of significance for temporary traffic impacts, a traffic control plan shall be prepared and implemented. DESCRIPTION OF REQUIREMENT: Have Registered Civil Engineer or licensed Traffic Control Contractor prepare a Traffic Control Plan (TCP) to the satisfaction of the Director of DPW. DOCUMENTATION: The applicant shall have the TCP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [S R] for review by [Traffic]. TIMING: Prior to the approval of any plan, issuance of any permit, any reclamation and/or improvement plans and issuance of any Reclamation, Construction, or Excavation Permits and prior to use of the premises in reliance of

this permit, a TCP shall be prepared and approved. MONITORING: The [S R] shall review the TCP for compliance with this condition.

ROADS#9-HAUL ROUTE PLAN

INTENT: In order to ensure roads are not damaged by heavily loaded trucks on the route identified during the construction phase (or subsequent operations). A Haul Route Plan (HRP) shall be prepared and implemented. DESCRIPTION OF REQUIREMENT: A HRP shall be prepared that addresses the following, but is not limited to: haul routes, truck types and capacity, number of trips per day, estimated quantity of import & export, destination, duration of the haul, and hours of operation.

- a. The implementation of the HRP shall be a condition of any reclamation, construction, or excavation permit issued by the County. The applicant is responsible for the road maintenance (sweeping as necessary) and repair of any damage caused by them to the on-site and off-site County maintained roads that serve the property either during construction or subsequent operations.
- b. The applicant will repair those portions of the roads that are damaged by the heavy loaded trucks. An agreement shall be executed, to require (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for road maintenance and repair of any damage caused by the project to the County maintained roads that serve the project during construction phase on the route identified; and (3) All the roads identified on the haul route plan shall be returned to the existing condition or better.
- c. Prior to the import/export, all affected property owners in the residential neighborhood shall be notified; no equipment or material storage on public roads will be allowed, and sweeping to be performed at the end of each week or more frequently depending on hauling schedule.

DOCUMENTATION: The applicant shall have the HRP prepared by a Registered Civil Engineer or a licensed Traffic Control Contractor and submit it to [S R] for review by [Road Maintenance]. The applicant shall also execute a secured agreement for any potential damages caused by heavy trucks on road mentioned above. The agreement and securities shall be approved to the satisfaction of the [Road Maintenance]. TIMING: Prior to the approval of any plan, issuance of any permit, any reclamation and/or improvement plans and issuance of any Reclamation, Construction, or Excavation Permits and prior to use of the premises in reliance of this permit, a HRP shall be prepared and approved. MONITORING: The [S R] shall review the HRP for compliance with this condition.

UTILITIES#1-PAVEMENT CUT POLICY

INTENT: In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three

years following project surfacing, and to comply with [County Policy RO-7](#) adjacent property owners shall be notified and solicited for their participation in the extension of utilities. DESCRIPTION OF REQUIREMENT: All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. DOCUMENTATION: The applicant shall sign a statement that they are aware of the County of San Diego Pavement Cut Policy and submit it to the [S R] for review. TIMING: Prior to approval of any reclamation or improvement plan and prior to issuance of any reclamation or construction permit, and prior to use of the property in reliance of this permit, the letters must be submitted for approval. MONITORING: [S R] shall review the signed letters to determine compliance with the condition.

ROADS#10–ROAD IMPROVEMENTS

INTENT: In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#), the [County Public Road Standards](#), and the [County Community Trails Master Plan](#), **Willow Glen Drive (SF 13)** shall be improved as modified by the Design Exception Request (DER) approved by the Director of DPW on May 14, 2025. DESCRIPTION OF REQUIREMENT:

- a. Improve or agree to improve and provide security for **Willow Glen Drive (SF 13)**, along the project frontage in accordance with the Design Exception Request (DER) approved May 14, 2025 and the Public Road Standards for a 4.1B Major Road with intermittent turn lanes and a Class II Bike Lane. The improvements shall include restriping **Willow Glen Drive (SF 13)** between Steele Canyon Road and the westerly project ingress driveway to accommodate a six foot (6') wide westbound bike lane, a buffer zone that varies between two feet (2') wide to three feet (3') wide, one westbound travel lane that varies between twelve foot (12') wide and thirteen feet (13') wide, one twelve foot (12') wide westbound travel lane. construction of a raised median that varies from eight feet (8') to five feet (5') wide, an eastbound travel lane that varies between thirteen foot (13') and twelve feet wide, a buffer zone that varies between three and one half foot (3.5') and three feet (3') wide and a six foot (6') wide eastbound bike lane from Steel Canyon Road easterly to the westerly project access driveway. The westbound travel lanes will transition to a twenty-two foot (22') wide westbound travel lane, The buffer zone and eastbound bike lane will transition to a five foot (5') wide eastbound bike lane and a twelve foot (12') wide eastbound right-turn lane. Provide transition, tapers, traffic striping to match existing pavement. All of the above shall be to the satisfaction of the Directors of DPW and PDS.
- b. Improve or agree to improve and provide security for **Willow Glen Drive**

(SF 13), along the project frontage in accordance with the Design Exception Request (DER) approved May 14, 2025 and the Public Road Standards for a 4.1B Major Road with intermittent turn lanes and a Class II Bike Lane, to a half graded width of forty-nine feet (49') from centerline of Willow Glen Drive from the proposed easterly project access driveway to a point located approximately one-hundred sixty feet east of the proposed easterly project access driveway to an improved half width that varies from thirty-two feet (32') from centerline at the easterly project access point to twenty feet (20') from centerline at a point located approximately one-hundred sixty feet east of the easterly project access with asphalt concrete pavement over approved base with an asphalt concrete berm. The face of the asphalt concrete berm shall be located between thirty-two feet (32') from centerline to twenty feet (20') from official centerline. The improvements shall include restriping **Willow Glen Drive (SF 13)** easterly project ingress driveway to accommodate a six foot (6') wide westbound bike lane, a two foot (2') wide buffer zone a twelve foot (12') wide westbound travel lane, a twelve foot (12') wide striped median, a twelve foot (12') wide eastbound travel lane, a two foot (2') wide buffer zone and a six foot (6') wide bike lane. The project will also construct an acceleration lane between the ingress and egress driveways which will serve as a refuge lane for outbound traffic. The project will relocate existing utility poles and provide transition, tapers, traffic striping to match existing pavement. All of the above shall be to the satisfaction of the Directors of DPW and PDS.

- c. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), the PDS [Land Development Improvement Plan Checking Manual](#) and the Community Trails Master Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. DOCUMENTATION: The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve Willow Glen Drive.
- b. Provide Secured Agreements. The required security shall be in accordance with [Section 7613 of the Zoning Ordinance](#).
- c. Pay all applicable inspection fees with [CI].

- d. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- e. Obtain approval for the design and construction of all driveways, turnarounds, pathways and private easement road improvements to the satisfaction of the Fire Protection District and the [S R].
- f. Obtain a Construction Permit for any work within the County road right-of-way. PDS Construction/Road right-of-way Permits Services Section should be contacted at (858) 694-3275 to coordinate departmental requirements. Also, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove, plant or trim shrubs or trees from the Permit Services Section.

TIMING: Prior to use of the premises in reliance of this permit, the improvements shall be completed and accepted by the County. **MONITORING:** The [S R] and [R TC] shall review the plans for consistency with the condition and County Standards and Community Trails Master Plan. Upon approval of the plans [S R] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS before any work can commence.

DRNG#1–FLOODPLAIN COMPLIANCE

INTENT: As required by the Code of Federal Regulations (CFR) and to protect persons and property from harm in an area of special flood hazard in the unincorporated County by ensuring compliance with the more restrictive of the [Flood Damage Prevention Ordinance \(FDPO\), Section 811.101](#), et seq. of the [San Diego County Code, of Regulatory Ordinances \(County Code\)](#) or the [National Flood Insurance Program requirements set forth at 44 Code of Federal Regulations, \(CFR\) Section 60.1 et seq.](#) References to the 44 CFR Section 60.1 et seq. are for convenience only and are not intended to limit the applicability of other federal laws or regulations that comprise the National Flood Insurance Program. **DOCUMENTATION:** The applicant shall complete the following:

DESCRIPTION OF REQUIREMENT: The project site is located within an AE Flood Zone as indicated on FEMA Flood Insurance Rate Map (FIRM) map panel 06073C1931G and 06073C1669G. FEMA mapped AE Zones are required to be developed and used in accordance with restrictions set forth in the County's Flood Damage Prevention Ordinance for "special flood hazard areas." These requirements were developed to allow for continued County participation in the National Flood Insurance Program (NFIP) in accordance with 44 CFR 60.1 et seq. Consistent with these requirements, the following must be complied with:

- a. Determine the base flood elevation (BFE) and flood plain boundary during the occurrence of the base flood of the Sweetwater River both before and

after all proposed work, through hydraulic analyses acceptable to County Department of Public Works (DPW) Flood Control Section and performed by a California licensed civil engineer in accordance with standard engineering practice, to the satisfaction of the County Flood Plain Administrator, Demonstrate compliance with all NFIP and FDPO requirements to the satisfaction of the County Flood Plain Administrator and DPW Flood Control.

- b. Demonstrate to the satisfaction of the County Flood Plain Administrator through acceptable hydrologic and hydraulic analyses, acceptable to DPW Flood Control and performed by a California licensed engineer in accordance with standard engineering practice, that all proposed structures will be reasonably safe from flooding of the one percent annual chance event as calculated following the methodology described in the County Hydrology Manual.
- c. All structures to be constructed or substantially improved shall comply with the more restrictive of the County's Flood Damage Prevention Ordinance or the criteria set forth in 44 CFR 59.1 et seq.
- d. Any change to the base flood depths or floodplain boundary including those caused by the placement of fill or other construction would require a Conditional Letter of Map Revision (CLOMR) and subsequent Letter of Map Revision (LOMR) from FEMA in accordance with the County Flood Damage Prevention Ordinance (Title 8, Division 11 Sec 503 (b)).
- e. Show and label existing drainage easements on the plans.
- f. Elevation Certificates for structures located within the Special Flood Hazard Area (SFHA).

TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the CLOMR shall be approved. Elevation Certificates required prior to certificate of occupancy or final sign-off by Building Dept., all other items required prior to approval of any building plan or issuance of any building permit. **MONITORING:** The [S R FC] shall review the hydraulic analysis, and associated plans and maps for compliance with this condition.

DRNG#2-PLAN CONDITIONS NOTES [DPW, PDS]

INTENT: In order to implement the required mitigation measures for which was the basis for approval of this project pursuant to the County Subdivision Ordinance Section 81.303, County Subdivision Ordinance Section 81.604, the condition notes shall be implemented on the reclamation and improvement plans or prior to use of the premises in reliance of this permit and made conditions of the permit issuance.

DESCRIPTION OF REQUIREMENT: The Reclamation and Improvement and

Plot Plans shall include the following condition notes and made conditions of the issuance of said permit(s):

Prior to extraction or use of the premises in reliance of this permit, a Conditional Letter of Map Revision (CLOMR) is required to be processed through the County and FEMA for this project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The CLOMR does not revise an effective FEMA Flood Insurance Rate Map (FIRM); it indicates whether the project, if built as proposed, would be recognized by FEMA. A Letter of Map Revision (LOMR) issued by FEMA is required at record plan stage and is FEMA's modification to an effective FIRM.

DOCUMENTATION: The applicant shall indicate on the reclamation plans that the requirements of either a or b above have been met. TIMING: Prior to approval of any plan or issuance of any permit, and prior to any use in reliance on this permit. MONITORING: The [S R] shall review the building plans for consistency with this condition.

DRNG#3–LINES OF INUNDATION COMPLIANCE

INTENT: In order to provide protection from flood damage for the structures and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11 Sec 501 \(c\)\(2\)\)](#), [County Watershed Protection Ordinance \(WPO\) No.10410](#), [County Code Section 67.801 et. seq.](#), all on-site structures located within the inundation area shall be elevated one foot above the 100-year base flood elevation (BFE). DESCRIPTION OF REQUIREMENT: The building plans shall indicate that all proposed on-site structures located within the inundation area, will be raised one-foot above the 100-year base flood elevation. DOCUMENTATION: The applicant shall indicate on the building plans that the requirement above has been met. TIMING: Prior to approval of any plan and the issuance of any permit and prior to any use in reliance on this permit. MONITORING: The [S R] shall review the building plans for consistency with this condition.

STRMWTR#4–VERIFICATION OF STRUCTURAL BMPs

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410](#), [County Code Section 67.801 et. seq.](#), verification of Structural BMPs shall be completed. DESCRIPTION OF REQUIREMENT: Complete a Structural BMP Verification Form as shown in Attachment 10 of the PDP SWQMP. DOCUMENTATION: The applicant shall process the Structural BMP Verification Forms *ith* [CI] or [S]. TIMING: Prior to any occupancy, final reclamation release, or use of the premises in reliance of this permit; execution of the Structural BMP Verification Form shall be completed. MONITORING: The [S R] and []

shall review the Structural BMP Verification Forms for consistency with the condition and County Standards.

STRMWTR#5–PROVISION OF STORMWATER DOCUMENTATION TO PROPERTY OWNER

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), stormwater documentation shall be provided to property owner.

DESCRIPTION OF REQUIREMENT: Demonstrate that copies of the following documents are provided to the property owner and initial occupants:

- a. A copy of the project's approved SWQMP (with attached Operation & Maintenance Plan).
- b. A copy of project's recorded Maintenance Notification Agreement and/or Stormwater Facilities Maintenance Agreement and/or Private Road Maintenance Agreement showing the Structural BMPs pertaining to the property.
- c. Sample copies of the following:
 1. A Letter for Privately Owned Stormwater Treatment Control Best Management Practices Operation and Maintenance Verification.
 2. One Operation and Maintenance Verification Form for each type of Private Treatment Control BMP.

DOCUMENTATION: The applicant shall submit a letter stating that the above documentation has been submitted to the property owner and initial occupants.

TIMING: Prior to any occupancy, final reclamation release, or use of the premises in reliance of this permit; provision of stormwater documents shall be completed.

MONITORING: The [S R] and [] shall review the letter provided by the applicant for consistency with the condition and County Standards.

ROADS#11–SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.E of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified. DESCRIPTION OF REQUIREMENT:

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is _____feet of unobstructed intersectional sight distance in the both directions from the proposed driveways along **Willow Glen Drive (SF 13)** in accordance with the methodology described in Table 5 of the March 2012 County of San Diego

Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”

- b. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

DOCUMENTATION: The applicant shall complete the certifications and submit them to the [S R] for review. TIMING: Prior to occupancy of the first structure built in association with this permit, or use of the premises in reliance of this permit, and annually after that until the project is completely built, the sight distance shall be verified. MONITORING: The [S R] shall verify the sight distance certifications for compliance with this condition.

ROADS#12–ANNEX TO LIGHTING DISTRICT

INTENT: In order to promote orderly development and to comply with the Street Lighting Requirements of the [County of San Diego Board Policy I-18, 51.301 et al.](#), and [The County of San Diego Public Road Standards](#), the property shall transfer into the lighting district. DESCRIPTION OF REQUIREMENT: Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. DOCUMENTATION: The applicant shall pay the Zone A Lighting District Annexation Fee at the [S R]. The applicant shall provide the receipt to [S CC]. TIMING: Prior to occupancy of the first structure built in association with this permit, final reclamation release, or use in the premises in reliance of this permit, the fee shall be paid. MONITORING: The [S R] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

ROADS#13–INSTALL STREETLIGHTS

INTENT: In order to promote orderly development and to comply with the Street Lighting Requirements of the [County of San Diego Board Policy I-18, 51.301 et al.](#), and [The County of San Diego Public Road Standards](#), street lights shall be installed and energized. DESCRIPTION OF REQUIREMENT: Install or arrange to install streetlights to County standards and the satisfaction of the Director of PDS, and deposit with PDS, a cash deposit sufficient to energize and operate the street lights until the property has been transferred into Zone A. DOCUMENTATION: The applicant shall pay the Zone A Lighting District Annexation Fee at the [S R], and arrange for the installation and energizing of the streetlights. TIMING: Prior to occupancy of the first structure built in association with this permit, final reclamation release, or use in the premises in

reliance of this permit, the streetlights shall be installed and all fees paid.
 MONITORING: The [S R] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant. The [S R] shall ensure that the streetlights have been installed and all fees have been paid.

ROADS#14–ACCESS IMPROVEMENTS

INTENT: In order to promote orderly development and to comply with the [County of San Diego Board Policy I-18](#) and the [County Consolidated Fire Code Sec. 503 et al.](#), a project access shall be improved. DESCRIPTION OF REQUIREMENT: Improve or agree to improve and provide security for:

- a. The project driveways, which shall be designed and constructed per standard drawing G14A to the satisfaction of the Directors of DPW and PDS.
- b. The Pavement taper from the ultimate right-of-way line to the existing edge of pavement, with asphalt concrete to the satisfaction of the Director of PDS.
- c. The project entry gate, which shall be designed and constructed to meet DS-17, 18 or 19 to the satisfaction of the San Diego County Fire Authority and the Director of PDS.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), the PDS [Land Development Improvement Plan Checking Manual](#) and the Community Trails Master Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities.
 DOCUMENTATION: The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve the project driveways and the pavement taper on ***Willow Glen Drive (SF 13)***.
- b. Provide Secured Agreements. The required security shall be in accordance with [Section 7613 of the Zoning Ordinance](#).
- c. Pay all applicable inspection fees with [CI].
- d. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- e. Obtain approval for the design and construction of all driveways, turnarounds, pathways and private easement road improvements to the satisfaction of the San Diego County Fire Authority and the [S R].

- f. Obtain a Construction Permit for any work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3284. Also, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

TIMING: Prior to occupancy or use of the premises in reliance of this permit, the plans shall be approved and securities must be provided. **MONITORING:** The [S R] and [R TC] shall review the plans for consistency with the condition and County Standards and Community Trails Master Plan. Upon approval of the plans [S R] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS before any work can commence.

Prior to Reclamation Plan Completion for Each Phase (and prior to release of financial assurances for each phase)

BIO#20–OPEN SPACE SIGNAGE & FENCING (M-BIO-14) [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry or disturbance, the fencing and signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences and open space signs shall be placed along the open space boundary as shown on the for PDS2023-MUP-18-023.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6” x 9” in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources
Area Restricted by Easement

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: PDS2023-MUP-18-023

DOCUMENTATION: The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [S CC]. **TIMING:** Upon completion of mining activities of the final project phase, the fencing and signage shall be installed. **MONITORING:** The [S CC] shall review the photos and statement for compliance with this condition.

BIO#21–BIOLOGICAL MONITORING (M-BIO-17) [PDS, FEE X2]

INTENT: In order to ensure that the biological monitoring occurred during vegetation clearing, grubbing, grading, and mining activities, a final Biological Monitoring Report shall be prepared. DESCRIPTION OF REQUIREMENT: The “Project Biologist” shall prepare a final biological monitoring report. The report shall substantiate the supervision of the activities referenced above, and state that the activities did not impact any areas outside the limits of work or any other sensitive biological resources. The report shall conform to the County of San Diego Report Format Guidelines for Biological Resources, and include the following items:

- a. Photos of the temporary fencing that was installed during the trenching, vegetation clearing, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the activities.

DOCUMENTATION: The Biologist shall prepare the final report and submit it to the [PDS, PCC] for review and approval. TIMING: Upon completion of mining activities of the final project phase, the final report shall be approved. MONITORING: The S CC shall review the final report for compliance this condition and the report format guidelines. Upon approval of the report, S CC shall inform S R and CI, that the requirement is complete, and the bond amount can be relinquished. If the monitoring was bonded separately, then S CC shall inform S FISCA to release the bond back to the applicant.

BIO#22–EASEMENT AVOIDANCE (M-BIO-14) [PDS, FEE]

INTENT: In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. DESCRIPTION OF REQUIREMENT: The open space easement indicated on this plan is for the protection of sensitive environmental resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exception(s) to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant

to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, <http://www.sdcounty.ca.gov/PDS/docs/MemoofUnder.pdf>) between the Wildlife Agencies and the fire districts and any subsequent amendments thereto.

- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of PDS, DPW, or DPR.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the DEH.
- d. Continued use and maintenance of the existing Steele Canyon Road bridge right-of-way and SDG&E easement.
- e. Construction, use and maintenance of multi-use, non-motorized trails.

DOCUMENTATION: The applicant shall provide a letter statement to the [S CC] stating that all Sensitive Resource Easements were avoided and that no impacts or encroachment into the open space occurred during mining or reclamation. TIMING: Upon completion of mining activities of the final project phase, the letter verifying the easements were not disturbed shall be submitted. MONITORING: The [CI] shall not allow any excavation, clearing or encroachment into the open space easement.

ONGOING *The following conditions shall apply during the term of this permit .*

STRMWTR#6–SELF-VERIFICATION OPERATION AND MAINTENANCE LETTER

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), an operation and maintenance verification form for each Structural BMPs shall be completed. DESCRIPTION OF REQUIREMENT: Every year the property owner shall receive from the County a BMP Verification Form to be completed for each privately owned Structural BMP. DOCUMENTATION: Every year the property owner shall file with the County the completed Structural BMP Verification Form stating the maintenance performed during the reporting period for each privately owned Structural BMP with . TIMING: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. MONITORING: The [] is responsible for compliance of this permit.

ROADS#15–SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an

unobstructed sight distance shall be maintained for the life of this permit. DESCRIPTION OF REQUIREMENT: There shall be a minimum unobstructed sight distance of 300 feet in both directions along *Willow Glen Drive (SF 13)* from the project driveway openings for the life of this permit. DOCUMENTATION: A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. TIMING: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. MONITORING: The [*S Code Compliance i ision*] is responsible for compliance of this permit.

GEN#18–FLOOD MODELING ANALYSIS [PDS, PCC] [DPW FLOOD CONTROL]

INTENT: To demonstrate compliance with the County's Flood Damage and Prevention Ordinance Division 11 of the San Diego Regulatory Ordinance and FEMA regulations, analysis shall be submitted to the County during the life of the MUP/RP for review. DESCRIPTION OF REQUIREMENT: Five years after mining has commenced and every five years thereafter during the life of the permit a flood analysis shall be submitted for review to the County of San Diego Department of Public Works Flood Control Division for review to the satisfaction of the Director of Public Works that demonstrates compliance with the County Flood Damage and Prevention Ordinance and FEMA regulations. The applicant will submit the analysis as part of ongoing conditions satisfaction, as stipulated above, and shall fund the review. TIMING: Five years after extraction or grading has commenced in conjunction with the permit approval, every five years thereafter during the life of the permit and after completion of the Reclamation Plan. MONITORING: The PDS PCC and DPW Flood Control shall review for compliance with this condition.

GEN#19–RECYCLING - RECLAMATION MATERIAL DIVERSION FINAL REPORT [DPW, CO]

INTENT: In order to comply with the Reclamation Material Diversion Program, project recycling and diversion is designed to increase diversion of reclamation, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. DESCRIPTION OF REQUIREMENT: At the conclusion of the reclamation activities and prior to the release of Rough Grade Inspection, and prior to issuance of any building permit, the Final Debris Management Report (DMR) must be prepared and submitted for review and approval. DOCUMENTATION: The DMR final report (see template) shall be prepared and submitted for review and approval by the [CO] and shall include:

- a. Project name.
- b. List of total weight, tonnage, or cubic yards of materials, by type, which was recycled, salvaged, or disposed of in a landfill.

- c. Provide copies of receipts for export facilities, haulers, or materials reused on site.
- d. Signed self-certification letter (see template).

TIMING: The final report shall be prepared and submitted at Rough Grade inspection. MONITORING: The [CI] shall ensure that the reclamation contractor has prepared and submitted the final report to [CO]. The [CI] shall contact the [CO] if the reclamation contractor or applicant fails to comply with this condition.

BIO#23–BIOLOGICAL MONITORING (M-BIO-17, -12) [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of disturbance, all clearing, grubbing, mining, grading, or other land disturbance activities shall be monitored by a biological monitor. DESCRIPTION OF REQUIREMENT: A County approved biologist shall perform biological monitoring during all clearing, grubbing, mining, grading, or other land disturbance activities. The Project Biologist shall supervise and monitor mining and reclamation activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all clearing, grading, mining, and reclamation activities that are in or adjacent to any biological open space areas or sensitive habitats. If there are disturbances, the monitor must report them immediately to the [S CC]. Additionally, the biologist shall perform the following duties:

- a. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;
- b. Perform periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;
- c. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the CAGN and its habitat, and the conservation measures that should be implemented during project construction;
- d. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;
- e. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to waters of the U.S.;
- f. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and [S CC] within 24 hours; (8) produce

periodic (monthly during excavation) and final reports and submit to the Wildlife Agencies and the PDS (final report will release bond);

- g. Attend construction meetings and other meetings as necessary.
- h. If western spadefoot toads, tadpoles, or egg masses are identified within the proposed impact area(s), the following measures shall be implemented: (1) A suitable relocation site(s) outside the proposed impact area(s) shall be identified by a qualified biologist. The relocation site(s) shall be located a minimum of 50 feet outside of the proposed impact area(s), or 100 feet if available, and shall be approved by CDFW; (2) All western spadefoot adults, tadpoles, and egg masses encountered in the proposed impact area(s) shall be collected and released in the identified relocation site(s); (3) The relocation site(s) shall be monitored annually for five years during and immediately following peak breeding season (late winter to March), such that surveys can be conducted for adults as well as for egg masses and tadpoles. The results of annual monitoring shall be provided to CDFW in an annual report.

DOCUMENTATION: The Project Biologist shall prepare and submit to the satisfaction the [S CC] monitoring reports during each phase of the project, which indicate that the monitoring has occurred as indicated above. TIMING: The above actions shall occur throughout the duration of mining and reclamation activities for each phase of the project. MONITORING: The [CI] shall assure that the Project Biologist is on site performing the Monitoring duties of this condition during all applicable mining and reclamation activities for each phase of the project as determined by the Biologist. The [CI] shall contact the [S CC] if the Project Biologist or applicant fails to comply with this condition. The [S CC] shall review and approve the monitoring reports for compliance with this condition.

PLN#2–FACILITY OPERATIONS

INTENT: In order to comply with applicable regulations and enforce ongoing requirements and design features of the project. DESCRIPTION OF REQUIREMENT: The project shall conform to the following operating requirements listed below:

- a. Sand Excavation and Processing will occur between 7am and 5pm Monday through Friday.
- b. Haul truck loading activities on site will occur 9am to 3:30pm Monday through Friday.
- c. No material sales or trucking will occur on weekends or major holidays.
- d. The Project shall retain a minimum of 23 percent of the Project property acreage (approximately 64 acres) where no mining activities would be

permitted. Within these areas that occur outside of the subphase boundaries removal of exotic and invasive species and planting of riparian and/or upland habitat may occur.

- e. The Project shall adhere to the proposed subphase plan and sequence of subphase mine operations (see Plot Plan, EIR Figures 1-5a and 1-5b; and EIR Figure 1-4).
- f. The Project shall remove sections of conveyor (see Plot Plan, EIR Figures 1-5a and 1-5b) and other stationary equipment in a timely manner once this equipment is no longer required within the subphase area.
- g. Mining equipment shall be selected or painted in a light color to help diminish the contrasting quality of these features.
- h. Aggregate material being processed and stored within the processing plant area (see EIR Figure 1-7) shall be limited to stockpiles up to 25 feet in height.
- i. The existing Sweetwater River channel and the majority of native habitat that currently exists on the site will be retained (see Plot Plan, EIR Figures 1-5a and 1-5b; and EIR Figure 2.2-7).
- j. The bottom of the existing Sweetwater River trapezoidal channel will be undisturbed, except for the two temporary channel crossings that would be used during the dry season, in order to allow the Sweetwater Authority water transfers to continue within the existing low-flow channel (see Plot Plan, EIR Figures 1-5a and 1-5b).
- k. To ensure that excavation activities would not substantially affect Sweetwater Authority water transfers between the Loveland and Sweetwater reservoirs, mining activities proposed during the rainy season (November through March) will be located away from the river channel, to the extent feasible. If mining would occur within 10 feet of the low-flow channel, berms approximately five feet in height will be constructed to separate the operations areas from the channel, as needed. The berm locations will be adjusted as necessary as mining progresses and will be set back from mining activities. Berms may also be incorporated upon final reclamation, where needed, to reduce potential loss of water during scheduled transfers.
- l. Three excavation pit areas where groundwater may be encountered are planned for the Project (see Plot Plan, EIR Figures 1-5a and 1-5b). The first pit will be excavated during Phase 1 on the northern side of the river channel and south of Willow Glen Drive (subphase 1C area on EIR Figure 1-4). The second pit will start to be excavated in the eastern half of the Phase 2 area (subphase 2C area on EIR Figure 1-4) and continue in a northeasterly direction toward the Phase 3 area (subphase 3C area on EIR Figure 1-4).

The third pit will be completed in the northeastern corner of the Project site during Phase 3 (subphase 3A area on EIR Figure 1-4). These pits will be progressively backfilled as the excavation continues. Exposure of groundwater as a free water surface at any given time in each of the three pits will be limited to approximately five acres in size.

DOCUMENTATION: None. The property owner and permittee shall conform to the applicable requirements. TIMING: Upon establishment of the use, this condition shall apply for the duration of the term of this permit. MONITORING: The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

ORDINANCE COMPLIANCE NOTIFICATIONS: The project is subject to, but not limited to the following County of San Diego, State of California, and U.S. Federal Government, Ordinances, Permits, and Requirements:

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations, the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10410 and all other applicable ordinances and standards for the life of this permit. The project site shall comply with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas one acre or greater require that during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013 and amended in November 2015. Project design shall comply with the new Municipal Permit regulations. The County has provided a Low Impact Development (LID) Handbook as a source for LID information to be utilized by County staff and outside consultants for implementing LID in our region. The LID Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

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https://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/su_smppdf/lid_handbook_2014sm.pdf

STORMWATER COMPLIANCE NOTICE: Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410 (N.S.), dated February 26, 2016, and the BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

DRAINAGE COMPLIANCE NOTICE: The project shall be in compliance with the County of San Diego Flood Damage Prevention Ordinance No. 10091, adopted December 8, 2010.

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit are required for any and all work within the County Road right-of-way. Contact PDS Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate County requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

EXCAVATION PERMIT REQUIRED: An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way. The Excavation Permit application form can be found at the following link: <https://www.sandiegocounty.gov/content/sdc/dpw/pfdlist.html>

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill, pursuant to Section 87.201 of Grading Ordinance.

EXCAVATION MORATORIUM NOTICE: Department of Public Works policy prohibits trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three (3) years following project surface application. Therefore, you will need to notify all adjacent property owners who may be affected by this policy and are considering development of applicable properties. The owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have

contacted all adjacent property owners and solicited their participation in the extension of utilities.

JURISDICTIONAL WATERBODIES NOTICE: The subject property contains wetlands, a lake, a stream, and/or waters of the U.S. which may be subject to regulation by State and/or federal agencies, including, but not limited to, the Regional Water Quality Control Board, U.S. Army Corps of Engineers and the California Department of Fish and Wildlife. It is the applicant's responsibility to consult with each agency to determine if a permit, agreement or other approval is required and to obtain all necessary permits, agreements or approvals before commencing any activity which could impact the wetlands, lake, stream, and/or waters of the U.S. on the subject property. The agency contact information is provided below.

- U.S. Army Corps of Engineers: 6010 Hidden Valley Rd, Suite 105, Carlsbad, CA 92011-4219; (858) 674-5386; <http://www.usace.army.mil/>
- Regional Water Quality Control Board: 9174 Sky Park Court, Suite 100, San Diego, CA 921234340; (858) 467-2952; <http://www.waterboards.ca.gov/sandiego/>
- California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 4674201; <http://www.dfg.ca.gov/>

LIGHTING ORDINANCE COMPLIANCE: In order to comply with the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, 6324, and 6326, the onsite lighting shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from adjoining premises, and shall otherwise conform to the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, and 6324. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to lighting. No additional lighting is permitted. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

NOISE ORDINANCE COMPLIANCE: In order to comply with the County Noise Ordinance 36.401 et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), the property and all of its uses shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. No loudspeakers, sound amplification systems, and project related noise sources shall produce noise levels in violation of the County Noise Ordinance. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to noise generating

devices or activities. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

TRANSPORTATION IMPACT FEE: The project may be subject to County of San Diego Transportation Impact Fee (TIF) pursuant to County TIF Ordinance number 77.201 – 77.223. The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
Department of Public Works (DPW)			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU
Department of Environmental Health and Quality (DEHQ)			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
Department of Parks and Recreation (DPR)			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
Department of General Service (DGS)			
Real Property Division	RP		

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Planning Commission, the decision may be appealed to the Board of Supervisors in accordance with Section 7366 of the County Zoning Ordinance. An appeal shall be filed

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with the Director of Planning & Development Services or by mail with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

**Attachment C Environmental Findings:
CEQA Findings of Fact**

CEQA FINDINGS OF FACT**SECTION 1: SUMMARY OF FINDINGS**

At a session assembled on June 13, 2025, the Planning Commission of the County of San Diego (“County”) determined that, based on all of the evidence presented, including but not limited to the EIR, written and oral testimony given at meetings and hearings, and the submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Cottonwood Sand Mine Project (“Project”) are: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified Mitigation Measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified Mitigation Measures.

SECTION 2: FINDINGS REGARDING LESS THAN SIGNIFICANT IMPACTS NOT REQUIRING MITIGATION.

Consistent with Public Resources Code section 21002.1 and section 15128 of the State CEQA Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. State CEQA Guidelines section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or a “less than significant” impact.

SECTION 3: FINDINGS REGARDING ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT.

Pursuant to State CEQA Guidelines, section 15091, the County, before approving the Project, must make one or more of the following written findings for each significant impact identified in the Final EIR, accompanied by a brief explanation of the rationale for each finding:

- i. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR;
- ii. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the lead agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or
- iii. Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The County hereby finds that feasible Mitigation Measures have been identified in the EIR that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts, and the Mitigation Measures that will reduce them to a less than significant level, are as follows:

A. BIOLOGICAL RESOURCES

1. Sensitive Species (Impacts BIO-1a, BIO-1b, BIO-1c, BIO-1d, BIO-2a, BIO-2b, BIO-2c, BIO-2d, BIO-2e, BIO-2f, BIO-3a, BIO-3b, BIO-3c, BIO-3d, BIO-4, BIO-5, BIO-6)

Threshold: Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

Finding: Less than significant impact with mitigation (Final EIR, 2.2-34 through -59, -80 through 82, -83 through 89.)

Explanation: The Project would result in potentially significant direct and indirect impacts to sensitive species under the County's Guidelines for the Determination of Significance. (Final EIR, 2.2-33, -34.) These sensitive species include sensitive birds, plants, reptiles, amphibians, and bats.

Impact BIO-1a: Direct impacts to occupied coastal California gnatcatcher habitat would be potentially significant. A narrow strip of critical habitat, totaling 2.7 acres, for the coastal California gnatcatcher is mapped in the southwestern portion of the Project site. Critical habitat within the Project site is mostly composed of riparian forest along the Sweetwater River that provides foraging opportunities for the species, but gnatcatchers would not be expected to utilize this habitat for breeding purposes. A small portion of critical habitat for the species would be impacted by the Proposed Project, consisting of 0.002 acre of tamarisk scrub and 0.08 acre of disturbed habitat associated with the golf course development. Impacts to areas mapped as coastal California gnatcatcher critical habitat would be less than significant since these areas do not support suitable coastal sage scrub habitat required by the species. The Project would impact 1.2 acres of Diegan coastal sage scrub including habitat south of Willow Glen Drive, west of Steele Canyon Road, and at the southeastern Project boundary. Habitat along Willow Glen Drive and Steele Canyon Road consists of narrow strips of coastal sage scrub comprised of scattered shrubs and intermixed with non-native trees. Gnatcatchers were not observed within either area during biological surveys; the species would not be anticipated to occupy these areas for breeding purposes based on the small, narrow patch of habitat present in each area. Diegan coastal sage scrub habitat at the southeastern Project boundary is connected to a larger block of coastal sage scrub that continues off site. The species was not detected within the Project site in this area but was detected approximately 80 to 100 feet off site. Impacts are considered potentially significant. (Final EIR, 2.2-34, -35.)

Mitigation Measure: To address Impact BIO-1a, Mitigation Measure M-BIO-1 has

been identified. It provides as follows:

M-BIO-1 Mitigation for impacts to 1.2 acres of potential foraging habitat for coastal California gnatcatcher, comprised solely of Diegan coastal sage scrub, shall occur at a 1.5:1 ratio for a total mitigation requirement of 1.8 acres. Mitigation shall occur through on-site preservation of 0.6 acre of Diegan coastal sage scrub and on-site revegetation of 11.3 acres of Diegan coastal sage scrub for a total of 11.9 acres of Diegan coastal sage scrub to be preserved within the biological open space easement.

Incorporation of M-BIO-1 will reduce the potential for direct impacts on occupied gnatcatcher habitat to a level of less than significant, by ensuring that the Project ultimately provides a net increase in Diegan coastal sage scrub habitat. Providing additional foraging habitat for gnatcatcher will ensure the habitat is reestablished, rectify the impact through restoration and compensate for the impact by providing mitigation at a greater than 1:1 ratio. (Final EIR, 2.2-88; see also MUP Condition of Approval BIO#1, BIO#3; Reclamation Plan Condition of Approval BIO#1, BIO#3.)

Impact BIO-1b: If mining and reclamation activities take place within 500 feet of suitable coastal California gnatcatcher habitat during the gnatcatcher breeding season (March 1 to August 15), indirect impacts related to noise to nesting gnatcatchers would be potentially significant. (Final EIR, 2.2-35.) As addressed above, the Project would affect a small portion of critical habitat for gnatcatcher, which is located in the southwestern portion of the Project, located within the riparian forest along the Sweetwater Rivier, and located southeastern Project boundary. These habitat areas would be located within the vicinity of noise-generating uses at the Project site. (See also, Final EIR, Vol. 3, Topical Responses to Comments, p. 26.)

Mitigation Measures: To address Impact BIO-1b, Mitigation Measures **M-BIO-2** and **M-BIO-5** have been identified. They provide as follows:

M-BIO-2 If clearing or grading occurs within 500 feet of suitable coastal California gnatcatcher habitat during the gnatcatcher breeding season (March 1 to August 15), a qualified biologist shall conduct a pre-construction survey no more than three days (72 hours) prior to commencement of activities to determine whether gnatcatchers occur within 500 feet of the proposed impact area(s). If there are no gnatcatchers nesting (includes nest building or other breeding/nesting behavior) within that area, grading and clearing shall be allowed to proceed. If any gnatcatchers are observed nesting or displaying breeding/nesting behavior during the preconstruction survey or additional surveys within the area, construction shall be postponed within 500 feet of any location at which gnatcatchers have been observed until a qualified biologist has determined that all nesting (or breeding/nesting behavior) has ceased or until after August 15.

M-BIO-5 If operation of construction or excavation equipment is initiated within 500 feet of suitable habitat during the breeding seasons for the coastal California gnatcatcher (March 1 to August 15), nesting raptors (January 15 to July 15), or least Bell's vireo (March 15 to September 15), pre-construction survey(s) shall be conducted by a qualified biologist to determine whether these species occur within the areas potentially impacted

by noise, with the final survey occurring within three days (72 hours) of the proposed start of construction, mining, or reclamation activities. If it is determined at the completion of pre-construction survey(s) that active nests belonging to these sensitive species are absent from the potential impact area, activities shall be allowed to proceed. If pre-construction surveys determine the presence of active nests belonging to these sensitive species, then activities shall: (1) be postponed until a qualified biologist determines the nest(s) is no longer active or until after the respective breeding season; or (2) not occur until a temporary noise barrier or berm is constructed at the edge of the impact footprint and/or around the piece of equipment to ensure that noise levels are reduced to below 60 dBA or ambient, whichever is greater. The type(s) and location(s) of noise barrier(s) shall be provided to the County and Wildlife Agencies along with the associated noise measurements demonstrating compliance with required noise level reductions. Decibel output would be confirmed by a County-approved noise specialist and intermittent monitoring by a qualified biologist to ensure that noise levels remain below 60 dBA at occupied areas.

Incorporation of M-BIO-2 and M-BIO-5 will reduce the potential for indirect noise impacts on nesting gnatcatchers to a level of less than significant. This is because the measures require pre-construction surveys to determine whether there are any gnatcatchers nesting within 500 feet of the proposed impact area, and mandates the postponement of impactful activities unless and until the nesting has ceased. The measures also require the installation of noise barriers or berms if necessary to ensure that noise levels are reduced within gnatcatcher-occupied areas. (Final EIR, 2.2-88; see also, Final EIR, Vol. 3, Topical Responses to Comments, p. 26; see also MUP Condition of Approval BIO#12, BIO#14; Reclamation Plan Condition of Approval BIO#12, BIO#14.)

Impact BIO-1c: Direct impacts to potentially occupied least Bell's vireo habitat would be potentially significant. Approximately 10.42 acres of critical habitat for the least Bell's vireo occur in the southwestern portion of the Project site (Figure 2.2-2). Most of this habitat occurs within the footprint of the closed golf course, with small inclusions of undeveloped areas consisting of riparian forest habitat associated with the Sweetwater River. The Project would result in impacts to 1.22 acres of least Bell's vireo critical habitat consisting of 0.23 acre of southern cottonwood-willow riparian forest, 0.002 acre of freshwater marsh, 0.81 acre of disturbed habitat, 0.18 acre of developed land associated with golf course development. Impacts to disturbed habitat and developed land would be less than significant since these areas do not contain suitable riparian habitat required by the species. Impacts to southern cottonwood-willow riparian forest and freshwater marsh would be potentially significant as discussed below. The Project would impact approximately 0.44 acre of southern cottonwood-willow riparian forest (including disturbed), 0.13 acre of disturbed southern willow scrub, and 0.01 tamarisk scrub at the periphery of existing habitat located along the Sweetwater River. Least Bell's vireo was detected adjacent to these areas. Direct impacts to potentially occupied vireo habitat would be potentially significant. (Final EIR, 2.2-35, -36.)

Mitigation Measure: To address Impact BIO-1c, Mitigation Measure **M-BIO-3** has been identified. It provides as follows:

M-BIO-3 Mitigation for impacts to 0.58 acre of potential nesting and foraging habitat for least Bell's vireo (southern cottonwood willow riparian forest, disturbed southern willow scrub, and tamarisk scrub) shall occur at a minimum 3:1 ratio with at least 1:1 creation (establishment/re-establishment) for a total mitigation requirement of 1.74 acres. Mitigation shall occur through on-site preservation of 13.85 acres of wetland and riparian habitat, onsite rehabilitation of 7.36 acres of riparian habitat, and on-site reestablishment and revegetation of 107.63 acres of riparian habitat for a total of 128.84 acres of wetland riparian habitat to be preserved within the biological open space easement.

Incorporation of M-BIO-3 will reduce the potential for direct impacts on potentially occupied vireo habitat to a level of less than significant, by ensuring that the Project ultimately provides a net increase in potential nesting and foraging habitat for vireo. This will ensure the habitat is reestablished, rectify the impact through restoration and compensate for the impact by providing mitigation at a greater than 1:1 ratio. (Final EIR, 2.2-88; see also MUP Condition of Approval BIO#5; Reclamation Plan Condition of Approval BIO#5.)

Impact BIO-1d: If mining and reclamation activities take place within 500 feet of suitable least Bell's vireo habitat during the vireo breeding season (March 15 to September 15), indirect noise impacts to nesting vireos would be potentially significant. (Final EIR, 2.2-36.) As addressed above, least Bell's vireo was detected adjacent to habitat located along the Sweetwater River.

Mitigation Measures: To address Impact BIO-1d, Mitigation Measures **M-BIO-4** and **M-BIO-5** have been identified. M-BIO-5 is provided above and incorporated herein by reference. M-BIO-4 provides as follows:

M-BIO-4 If clearing or grubbing occurs within 500 feet of suitable least Bell's vireo habitat during the breeding season (March 15 to September 15), a qualified biologist shall conduct a pre-construction survey no more than three days (72 hours) prior to commencement of activities to determine whether vireos occur within 500 feet of proposed impact area(s). Impacts to occupied habitat shall be avoided. If there are no vireos nesting (includes nest building or other breeding/nesting behavior) within that area, grading and clearing shall be allowed to proceed. If any vireos are observed nesting or displaying breeding/ nesting behavior during the pre-construction survey or additional surveys within that area, construction shall be postponed within 500 feet of any location at which vireos have been observed until a qualified biologist has determined that all nesting (or breeding/nesting behavior) has ceased or until after September 15.

Incorporation of M-BIO-4 and M-BIO-5 will reduce the potential for indirect noise impacts on nesting vireo to a level of less than significant. This is because the measures require pre-construction surveys to determine whether there are any vireo nesting within 500 feet of the proposed impact area, and mandates the postponement of impactful activities unless and until the nesting has ceased. The measures also require the installation of noise barriers or berms if necessary to ensure that noise levels are reduced within vireo-occupied areas. (Final EIR, 2.2-

88; see also, Final EIR, Vol. 3, Topical Responses to Comments, p. 26; see also MUP Condition of Approval BIO#13; Reclamation Plan Condition of Approval BIO#13.)

Impact BIO-2a: Direct impacts to 234 individuals of Palmer's goldenbush, a County List B plant species, would be potentially significant. Palmer's goldenbush is a CRPR 1B.1 species, County List B, MSCP covered and narrow endemic species. A total of 236 individuals were observed within the southeastern, south-central, and southwestern portions of the Project site. Approximately 234 individuals would be impacted by the Proposed Project. The two individuals that would be avoided by the Proposed Project are located outside of the MUP boundary within an area that would not be impacted by mining or reclamation activities to the east of Steele Canyon Road and north of Ivanhoe Ranch Road. Impacts to Palmer's goldenbush, a County List B plant species, would be potentially significant (Impact BIO-2a). As a County List B plant species, species-based mitigation at a minimum 1:1 mitigation ratio is required pursuant to County Requirements. (Final EIR, 2.2-37.)

Mitigation Measure: To address Impact BIO-2a, Mitigation Measure **M-BIO-6** has been identified. It provides as follows:

***MM-BIO-6** Impacts to 234 individuals of Palmer's goldenbush shall be mitigated at a 1:1 ratio. Mitigation shall occur through planting and/or seeding of the species within on-site native revegetation areas in accordance with a revegetation plan to be approved by the County and Wildlife Agencies (USWFS and CDFW).*

Incorporation of MM-BIO-6 provides habitat-based mitigation for direct impacts to this sensitive plant species. The requirement of a resource agency-approved revegetation plan will ensure that the mitigation planting and/or seeding will occur in accordance with resource agency guidelines.

Impact BIO-2b: Direct impacts to potential breeding, wintering, and foraging habitat to the following County Group 1 animal species and/or state Species of Special Concern during mining and reclamation activities would be potentially significant: coastal California gnatcatcher, least Bell's vireo, Cooper's hawk, Lawrence's goldfinch, loggerhead shrike, oak titmouse, peregrine falcon, red-shouldered hawk, sharpshinned hawk, turkey vulture, vermilion flycatcher, white-tailed kite, yellowbreasted chat, yellow warbler, two-striped garter snake, western spadefoot, Mexican long-tongued bat, Townsend's big-eared bat, western mastiff bat, and western red bat.

Regarding gnatcatcher and vireo, see discussion above, incorporated herein by reference. The Project's resulting loss of potential nesting and foraging habitat are considered a potentially significant impact. (Final EIR, 2.2-35.)

Regarding Cooper's hawk, the Project would impact approximately 0.44 acre of southern riparian forest, 0.13 acre of southern willow scrub, 0.01 acre of tamarisk scrub, 2.1 acres of eucalyptus woodland, and 1.7 acres of non-native woodland, in addition to removing trees along the golf course fairways that provide potential nesting and foraging habitat for this species. However, suitable nesting and foraging habitat would remain on site during mining and

reclamation activities as mining would occur incrementally in 20- to 30-acre subphases. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided and preserved providing suitable nesting and foraging habitat for the species. Temporal loss of potential nesting and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive nesting and foraging habitat for the species is already preserved throughout the region within the SDNWR and other open space areas located in the Project vicinity. Though the Project would not adversely impact the local long-term survival of the species, loss of potential nesting and foraging habitat are considered a potentially significant impact. (Final EIR, 2.2-38.)

Regarding Lawrence's goldfinch, the Project would impact potential breeding and foraging habitat for this species. However, suitable nesting and foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for nesting and foraging opportunities. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable nesting and foraging habitat for the species. Temporal loss of potential nesting and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive nesting and foraging habitat for the species is already preserved throughout the region within the SDNWR and other open space areas located in the Project vicinity. Though the Project would not adversely impact the local long-term survival of the species, loss of potential nesting and foraging habitat during mining and reclamation activities are considered a potentially significant impact. (Final EIR, 2.2-38.)

Regarding loggerhead shrike, this species was determined to have a high potential to occur based on the presence of suitable habitat and documented occurrences within adjacent habitat west of the site. However, suitable nesting and foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for nesting and foraging opportunities. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable nesting and foraging habitat for the species. Temporal loss of potential nesting and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive nesting and foraging habitat for the species is already preserved throughout the region within the SDNWR and other open space areas located in the Project vicinity. Though the Project would not adversely impact the local long-term survival of the species, loss of potential nesting and foraging habitat during mining and reclamation activities are considered a potentially significant impact. (Final EIR, 2.2-39.)

Regarding oak titmouse, the Project would impact potential breeding and foraging habitat for this species. However, suitable nesting and foraging habitat would remain on site during

mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for nesting and foraging opportunities. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable nesting and foraging habitat for the species. Temporal loss of potential nesting and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive nesting and foraging habitat for the species is already preserved throughout the region within the SDNWR and other open space areas located in the Project vicinity. Though the Project would not adversely impact the local long-term survival of the species, loss of potential nesting and foraging habitat during mining and reclamation activities are considered a potentially significant impact. (Final EIR, 2.2-39.)

Regarding peregrine falcon, potential foraging habitat for this species occurs on site and would be impacted by the Project; however, suitable foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for foraging opportunities. Temporal loss of potential foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Additionally, large areas of foraging habitat for the species are present within preserved habitat in the local area, including the SDNWR, and existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable foraging habitat for the species. Though the Project would not adversely impact the local long-term survival of the species, loss of potential foraging habitat during mining and reclamation activities are considered a potentially significant impact. (Final EIR, 2.2-40.)

Regarding red-shouldered hawk, suitable woodland nesting habitat occurs on site for this species, although it was not observed nesting on site. The Project would impact approximately 0.44 acre of southern riparian forest, 0.13 acre of southern willow scrub, 0.01 acre of tamarisk scrub, 2.1 acres of eucalyptus woodland, and 1.7 acres of non-native woodland, in addition to removing trees along the golf course fairways that provide potential nesting and foraging habitat for this species. However, suitable nesting and foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for nesting and foraging opportunities. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable nesting and foraging habitat for the species. Temporal loss of potential nesting and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive nesting and foraging habitat for the species is already preserved throughout the region within the SDNWR and other open space areas located in the Project vicinity. Though the

Project would not adversely impact the local long-term survival of the species, loss of potential nesting and foraging habitat are considered a potentially significant impact. (Final EIR, 2.2-40.)

Regarding sharpshinned hawk, this species was not observed within the Project site but was determined to have a high potential to occur based on the presence of suitable overwintering and foraging habitat and documented occurrences within the Project vicinity. This species is an uncommon winter visitor in San Diego but breeds in the northern and central portions of California. As such, suitable breeding habitat for the species is absent from the Project site; therefore, no suitable breeding habitat or breeding individuals would be impacted by the Project. The Project would result in impacts to potential overwintering and foraging habitat for the species; however, suitable wintering and foraging opportunities for the species would remain during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for use. Temporal loss of potential wintering and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Additionally, large areas of foraging habitat for the species are present within preserved habitat in the local area, including the SDNWR, and existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable foraging habitat for the species. Though the Project would not adversely impact the local long-term survival of the species, loss of potential wintering and foraging habitat during mining and reclamation activities are considered a potentially significant impact. (Final EIR, 2.2-41.)

Regarding turkey vulture, potential foraging habitat for this species occurs on site and would be impacted by the Project; however, suitable foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for use. Temporal loss of potential foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Additionally, large areas of foraging habitat for the species are present within preserved habitat in the local area, including the SDNWR, and existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable foraging habitat for the species. Temporal loss of potential foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Regardless, impacts to foraging habitat for this species are considered a potentially significant impact. (Final EIR, 2.2-41.)

Regarding vermilion flycatcher, the Project would impact potentially suitable breeding and foraging habitat for the species; however, suitable nesting and foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for nesting and foraging opportunities. Impacts to potential nesting and foraging habitat would be potentially significant. (Final EIR, 2.2-42.)

Regarding white-tailed kite, the Project would impact approximately 0.58 acre of suitable riparian breeding habitat for the species. However, suitable habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for use. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable nesting and foraging habitat for the species. Temporal loss of potential nesting and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, large areas of foraging and breeding habitat for the species are present within preserved habitat in the local area, including the SDNWR. Though the Project would not adversely impact the local long-term survival of the species, loss of potential nesting and foraging habitat are considered a potentially significant impact. (Final EIR, 2.2-42.)

Regarding yellow-breasted chat, the Project would impact approximately 0.58 acre of riparian habitat with the potential to support breeding and foraging individuals (Figure 2.2-8, Vegetation and Sensitive Resources/Impacts). However, suitable habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for use. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable nesting and foraging habitat for the species. Temporal loss of potential nesting and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, large areas of foraging habitat for the species are present within preserved habitat in the local area, including the SDNWR. Though the Project would not adversely impact the local long-term survival of the species, loss of potential foraging and nesting habitat are considered a potentially significant impact. (Final EIR, 2.2-43.)

Regarding yellow warbler, the Project would impact approximately 0.58 acre of riparian habitat with the potential to support breeding and foraging individuals. However, suitable habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for use. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable nesting and foraging habitat for the species. Temporal loss of potential nesting and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, large areas of foraging habitat for the species are present within preserved habitat in the local area, including the SDNWR. Though the Project would not adversely impact the local long-term survival of the species, loss of potential foraging and nesting habitat are considered a potentially significant impact. (Final EIR, 2.2-43.)

Regarding two-striped garter snake, the Project would result in impacts to 0.55 acre of disturbed wetland, 0.44 acre of southern cottonwood-willow riparian forest, 0.13 acre of southern willow scrub, 0.01 acre of tamarisk scrub, and 2.7 acres of constructed ponds with the potential to support the species. Suitable habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for use. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along the Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable habitat for the species. Temporal loss of potential habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive habitat for the species is already preserved throughout the region within the SDNWR and other open space areas located in the Project vicinity. Ground disturbance activities during mining and grading activities could potentially result in direct impacts to two-striped garter snake, if found to occur within the Project site. Though the Project would not adversely impact the local long-term survival of the species, loss of suitable habitat for two-striped garter snake is considered potentially significant. (Final EIR, 2.2-44.)

Regarding western spadefoot, the Project would result in impacts to 0.55 acre of disturbed wetland, 0.58 acre of potential wetland/riparian habitat, and 2.7 acres of constructed ponds with potential to support the species. Suitable habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for use. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along the Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable habitat for the species. Temporal loss of potential habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, large areas of foraging habitat for the species are present within preserved habitat in the local area, including the SDNWR and other open space areas located within the Project vicinity. Ground disturbance activities during mining and grading activities could potentially result in direct impacts to western spadefoot, if found to occur within the Project site. Though the Project would not adversely impact the local long-term survival of the species, loss of suitable habitat for western spadefoot is considered potentially significant. (Final EIR, 2.2-44.)

Regarding Mexican long-tongued bat, this species was not observed within the Project site but was determined to have a high potential to occur based documented occurrences within Project vicinity. In coastal San Diego County, this species is associated with urban areas and has been found within the nearby communities of Mt. Helix and El Cajon. The species forages on night blooming flowers of agaves (Agavaceae) and cacti (Cactaceae). Suitable nectaring resources may occur within adjacent residential areas and buildings within the Project site could potentially provide suitable roosting habitat; though, this species was not documented within the Project site during the 2022 bat surveys. Individuals, if present, would most likely utilize the surrounding residential neighborhoods for roosting and foraging opportunities which provide more extensive habitat for the species. As such, implementation of the Proposed Project would

not affect the local long-term survival of this species. Though the Project would not adversely impact the local long-term survival of the species, impacts to potential foraging habitat for the Mexican long-tongued bat are considered potentially significant. (Final EIR, 2.2-45.)

Regarding Townsend's big-eared bat, the Project would result in impacts to potential foraging habitat for the species. However, suitable foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for foraging opportunities. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along the Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable foraging habitat for the species. Temporal loss of potential foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive foraging habitat for the species is already preserved throughout the region within the SDNWR and other open space areas located in the Project vicinity. Though the Project would not adversely impact the local long-term survival of the species, impacts to potential foraging habitat for the Townsend's big-eared bat are considered potentially significant. (Final EIR, 2.2-45.)

Regarding western mastiff bat, this species was detected within the western portion of the Project site. The species likely utilizes the site for foraging opportunities but is unlikely to roost within the Project site as preferred roosting sites are not present. Therefore, no suitable roosting habitat or roosting individuals would be impacted by the Project. The Project would result in impacts to potential foraging habitat for the species. However, suitable foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for foraging opportunities. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along the Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable foraging habitat for the species. Temporal loss of potential foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive foraging habitat for the species is already preserved throughout the region within the SDNWR and other open space areas located in the Project vicinity. Though the Project would not adversely impact the local long-term survival of the species, impacts to potential foraging habitat for the western mastiff bat are considered potentially significant. (Final EIR, 2.2-46.)

Regarding western red bat, this species was detected within the western portion of the Project site. This tree roosting species has the potential to roost within riparian habitat and planted trees within the Project site. The species would also be expected to utilize the site for foraging opportunities. As such, the Project would result in impacts to potential foraging and roosting habitat for the species. However, suitable roosting and foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for roosting and foraging opportunities. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in

the southwestern portion of the site along the Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable roosting and foraging habitat for the species. Temporal loss of potential roosting and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive roosting and foraging habitat for the species is already preserved throughout the region within the SDNWR and other open space areas located in the Project vicinity. Though the Project would not adversely impact the local long-term survival of the species, impacts to potential foraging and roosting habitat for the western red bat are considered potentially significant. (Final EIR, 2.2-46.)

Mitigation Measures: To address Impact BIO-2b, Mitigation Measures **M-BIO-8**, **M-BIO-9**, **M-BIO-10**, and **M-BIO-13** have been identified. They provide as follows:

M-BIO-8 *Upon completion of all extraction activities, reclamation, and final grading to establish the final landform shall occur in accordance with the approved Reclamation Plan. Revegetation with native species will occur within the expanded Sweetwater River floodplain and constructed bordering slopes according to a revegetation plan to be approved by the County and Wildlife Agencies (USFWS and CDFW).*

M-BIO-9 *Mitigation for impacts to 0.44 acre of southern cottonwood-willow riparian forest, 0.13 acre of disturbed southern willow scrub, 0.01 acre of tamarisk scrub, 0.01 acre of Arundo-dominated riparian, and 0.55 acre of disturbed wetland shall occur at a 3:1 ratio with at least 1:1 creation (establishment/reestablishment) for a total mitigation requirement of 3.42 acres. Mitigation shall occur through on-site preservation of 13.85 acres of wetland and riparian habitat, on-site rehabilitation of 7.36 acres of riparian habitat, and on-site re-establishment and revegetation of 107.63 acres of riparian habitat for a total of 128.84 acres of wetland riparian habitat to be preserved within the biological open space easement.*

M-BIO-10 *Mitigation for 1.2 acres of impacts to Diegan coastal sage scrub shall occur at a 1.5:1 ratio through the on-site preservation of 1.8 acre of Tier II or Tier I habitat in the South County MSCP area within a biological resource core area. Mitigation shall occur through on-site preservation of 0.6 acre of Diegan coastal sage scrub and on-site revegetation of 11.3 acres of Diegan coastal sage scrub for a total of 11.9 acres of Tier II Diegan coastal sage scrub to be preserved within the biological open space easement.*

M-BIO-13 *Prior to the removal of mature trees or existing buildings/structures with potential to support roosting bats, a qualified biologist shall conduct an initial preconstruction survey no more than 30 days and no less than two weeks prior to commencement of tree removal or demolition activities to determine if roosting bats are present in the proposed impact area(s). A letter report summarizing the survey methods and results of the survey, including negative findings, shall be submitted to the County and CDFW for review at least two weeks prior the commencement of Project activities. If bats are detected within the proposed impact area(s) during the initial preconstruction survey, the letter report will identify measures to be implemented to avoid and minimize potential direct and indirect impacts to roosting bats, including those identified in this*

measure. A final pre-construction survey shall be conducted no more than three days (72 hours) prior to tree removal or demolition activities within the proposed impact area(s). If bats are not detected during the final pre-construction survey or determined to be absent from the proposed impact area, construction activities shall be allowed to proceed, and no additional measures would be necessary. If bats are detected during the final preconstruction survey, the following avoidance measures shall be implemented, depending on the time of year, including additional measures identified in the letter report. If an active maternity roost is detected during the bat maternity season (April 15 through August 15), the biologist shall flag the active roost site and construction activities shall avoid the roost site until after the maternity season (August 16), or until the qualified biologist has determined young are self-sufficiently volant (able to fly). If bats are detected and determined to be roosting within the proposed impact area(s) outside of the bat maternity season (August 16 through April 14), the biologist shall flag the active roost site and construction activities shall avoid roost sites until bats are no longer determined to be roosting as determined by the qualified bat biologist. Exclusion of roost sites, where feasible, outside of the bat maternity season may be conducted with approval of the County and CDFW. Methods of roost exclusion shall be determined in consultation with the County and CDFW.

Incorporation of M-BIO-8, M-BIO-9, M-BIO-10, and M-BIO-13 will reduce the potential for direct impacts to potential breeding, wintering, and foraging habitat for the above-described sensitive species to a level of less than significant. These measures do so by ensuring compliance with the approved Reclamation Plan and its final landform grading, and its revegetation requires, which will provide improved habitat within the expanded Sweetwater River floodplain, consistent with resource agency guidelines and requirements. Further, the measures ensure the creation and re-establishment of habitat for these species, to be preserved within a recorded biological open space easement. (Final EIR, 2.2-88, -101; see also MUP Condition of Approval BIO#8, BIO#17; Reclamation Plan Condition of Approval BIO#8, BIO#17.)

Impact BIO-2c: Direct impacts to nesting Cooper's hawk, red-shouldered hawk, white-tailed kite, and other raptors, and/or indirect noise impacts to nesting raptors within 300 feet of construction, mining, or reclamation areas would be potentially significant. As addressed above, the Project would result in the loss of potential nesting and foraging habitat for these hawk and other raptor species and these habitat areas would be located within the vicinity of noise-generating uses at the Project site. (Final EIR, 2.2-37 through -46.)

Mitigation Measures: To address Impact BIO-2c, Mitigation Measures **M-BIO-5** and **M-BIO-7** have been identified. M-BIO-5 is provided above and incorporated herein by reference. M-BIO-7 provides as follows:

***M-BIO-7** If grubbing, clearing, or grading occurs during the general avian breeding season (February 15 through August 31) within 300 feet of general bird nesting habitat or during the raptor breeding season (January 15 through July 15) within 500 feet of nesting raptor habitat, a qualified biologist shall conduct a pre-construction survey no more than three days (72 hours) prior to the commencement of activities to determine if*

active bird nests are present in the affected areas. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, clearing, grubbing, and grading shall be allowed to proceed. Furthermore, if construction activities are to resume in an area where they have not occurred for a period of seven or more days during the breeding season, an updated survey for avian nesting will be conducted. If active nests or nesting birds are observed within the area, the biologist shall flag the active nests and construction activities shall avoid active nests until a qualified biologist has determined that nesting behavior has ceased, nests have failed, or young have fledged.

Incorporation of M-BIO-5 and M-BIO-7 will reduce the potential for direct impacts to nesting hawks and raptors to a level of less than significant. This is because the measures mandate pre-construction surveys during the raptor breeding season. Where such surveys identify active nests or nesting birds, the measures require that construction activities avoid the nests until it has been determined the nesting behavior has ceased, the nests have failed, or the young have fledged. (See also MUP Condition of Approval BIO#15; Reclamation Plan Condition of Approval BIO#15.)

Impact BIO-2d: Direct impacts to nesting coastal California gnatcatcher, Cooper's hawk, least Bell's vireo, Lawrence's goldfinch, loggerhead shrike, oak titmouse, red-shouldered hawk, vermilion flycatcher, white-tailed kite, yellow-breasted chat, and yellow warbler individuals would be considered potentially significant. As addressed above, there is potential for loss to habitat associated with these sensitive species. (Final EIR, 2.2-34 through -43.)

Mitigation Measures: To address Impact BIO-2d, Mitigation Measures **M-BIO-2**, **M-BIO-4**, **M-BIO-5**, and **M-BIO-7** have been identified. These measures are provided above and incorporated herein by reference.

These measures will reduce the potential for direct impacts to sensitive nesting bird species to a level of less than significant, through pre-construction surveys, mandated postponement of construction activities, the provision of noise barriers or berms where needed, and avoidance of active nests. (Final EIR, 2.2-88; see also, Final EIR, Vol. 3, Topical Responses to Comments, p. 26.)

Impact BIO-2e: Direct impacts to special status reptile and amphibian species, including two-striped garter snake and western spadefoot, not covered under the South County MSCP Subarea Plan would be considered potentially significant. As addressed above regarding two-striped garter snake, this species was not observed within the Project site. Direct impacts to two-striped garter snake would be considered potentially significant. (Final EIR, 2.2-43 and -44.) As addressed above regarding western spadefoot, this species was not observed within the Project site but was determined to have a high potential to occur based on the presence of potentially suitable aquatic and riparian habitat and reported occurrences within the surrounding area. Direct impacts to western spadefoot would be considered potentially significant. (Final EIR, 2.2-44.)

Mitigation Measures: To address Impact BIO-2e, Mitigation Measures **M-BIO-11** and **M-BIO-12** have been identified. They provide as follows:

M-BIO-11 *Prior to any vegetation removal, grading, and/or other ground disturbing activities, a qualified biologist familiar with special status reptile and amphibian species behavior and life history shall conduct a pre-construction survey no more than two weeks prior to commencement of activities to determine whether reptile and amphibian species designated as sensitive by CDFW, but not covered under the County's MSCP, occur within proposed impact area(s). If special status reptile or amphibian species are detected during the pre-construction survey, consultation with CDFW shall be initiated to prepare species-specific protocols for proper handling and relocation procedures.*

M-BIO-12 *If western spadefoot toads, tadpoles, or egg masses are identified within the proposed impact area(s), the following measures shall be implemented: (1) A suitable relocation site(s) outside the proposed impact area(s) shall be identified by a qualified biologist. The relocation site(s) shall be located a minimum of 50 feet outside of the proposed impact area(s), or 100 feet if available, and shall be approved by CDFW; (2) All western spadefoot adults, tadpoles, and egg masses encountered in the proposed impact area(s) shall be collected and released in the identified relocation site(s); (3) The relocation site(s) shall be monitored annually for five years during and immediately following peak breeding season (late winter to March), such that surveys can be conducted for adults as well as for egg masses and tadpoles. The results of annual monitoring shall be provided to CDFW in an annual report.*

Incorporation of M-BIO-11 and M-BIO-12 will reduce the potential for direct impacts to sensitive reptile and amphibian species to a level of less than significant. This is so because the measures require pre-construction surveys, and, in the event the surveys detect a sensitive reptile or amphibian species not covered by the MSCP, require the development and imposition of CDFW protocols for handling and relocation of these individuals. Further, the measures identify specific performance measures for any relocation plan, which will ensure relocation will occur to a site outside of the impact area, and the relocation site will be monitored to ensure success. (Final EIR, 2.2-88; see also MUP Condition of Approval BIO#16; Reclamation Plan Condition of Approval BIO#16.)

Impact BIO-2f: Direct impacts to roosting bats, including Mexican long-tongued bat and western red bat, would be considered potentially significant. (Final EIR, 2.2-44 through -46.) Mexican long-tongued bat was not observed within the Project site but was determined to have a high potential to occur based documented occurrences within Project vicinity. Suitable nectaring resources may occur within adjacent residential areas and buildings within the Project site could potentially provide suitable roosting habitat; though, this species was not documented within the Project site during the 2022 bat surveys. Individuals, if present, would most likely utilize the surrounding residential neighborhoods for roosting and foraging opportunities which provide more extensive habitat for the species. (Final EIR, 2.2-45.) Townsend's big-eared bat was detected within the eastern and western portions of the Project site. The species likely utilizes the site for foraging opportunities but is unlikely to roost within the Project site as preferred roosting sites are not present. No suitable roosting habitat or roosting individuals would

be impacted by the Project. The Project would result in impacts to potential foraging habitat for the species. However, suitable foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for foraging opportunities. Temporal loss of potential foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive foraging habitat for the species is already preserved throughout the region within the SDNWR and other open space areas located in the Project vicinity. Nonetheless, impacts to roosting bats would still be considered potentially significant.

Mitigation Measure: To address Impact BIO-2f, Mitigation Measure **M-BIO-13** has been identified. M-BIO-13 is provided above and incorporated herein by reference.

Incorporation of M-BIO-13 addresses impacts to roosting bats and reduces impacts to a level of less than significant by requiring pre-construction surveys prior to the removal of mature trees or existing buildings to determine if roosting bats are present in the impact area. If bats are detected, M-BIO-13 requires implementation of measures to avoid and minimize potential direct and indirect impacts, including flagging active roost sites and methods of roost exclusion. (Final EIR, 2.2-101.)

Impact BIO-3a: The Project would result in potentially significant impacts to three County List D plant species: San Diego County viguiera, San Diego sagewort, and southwestern spiny rush. (Final EIR, 2.2-47.)

Regarding San Diego County viguiera, the Project would impact five individuals of this species observed within the Project site along the Project's northeastern boundary. One individual located along the Project's southeastern boundary would be avoided by the Proposed Project. The impacted individuals are not part of a population at the periphery of the species' range, located in an area where the taxon is especially uncommon, or occurring on unusual substrates. Additionally, there are numerous documented occurrences of this species throughout the surrounding area. Though the Project would not adversely impact the local long-term survival of the species, impacts to San Diego County viguiera shrubs are considered potentially significant. (Final EIR, 2.2-47.)

Regarding San Diego sagewort, Two San Diego sagewort individuals observed at the western Project boundary at the edge of southern riparian forest habitat would be impacted by the Proposed Project. The impacted individuals are not part of a population at the periphery of the species' range, located in an area where the taxon is especially uncommon, or occurring on unusual substrates. Additionally, five individuals located along the Project's western boundary where it abuts the SDNWR would be avoided and preserved within the Project's BOS. Furthermore, there are numerous documented occurrences of this species throughout the surrounding area indicating that the Project site does not represent a geographically significant population. Though the Project would not adversely impact the local long-term survival of the species, impacts to San Diego sagewort individuals are considered potentially significant. (Final EIR, 2.2-48.)

Regarding Southwestern spiny rush, three individuals occurring within the southwestern portion of the Project along the Sweetwater River would be impacted by the removal of the existing bridge crossing. The impacted individuals are not part of a population at the periphery of the species' range, located in an area where the taxon is especially uncommon, or occurring on unusual substrates. Fourteen individuals located along Sweetwater River in the western portion of the Project site would be avoided and would be preserved within the Project's BOS. Furthermore, there are numerous documented occurrences of this species throughout the surrounding area indicating that the Project site does not represent a geographically significant population. Though the Project would not adversely impact the local long-term survival of the species, impacts to southwestern spiny rush individuals are considered potentially significant. (Final EIR, 2.2-48.)

Mitigation Measure: To address Impact BIO-3a, Mitigation Measure **M-BIO-10** has been identified. M-BIO-10 is provided above and incorporated herein by reference.

Incorporation of M-BIO-10 reduces impacts to sensitive plant species by requiring the on-site preservation of habitat in the South County MSCP area within a biological resource core area. (Final EIR, 2.2-89, -100.)

Impact BIO-3b: The project would result in potentially significant impacts related to the loss of potential nesting and foraging habitat for barn owl, California horned lark, Canada goose, great blue heron and green heron, merlin, western bluebird, monarch butterfly, Belding's orange-throated whiptail, small-footed myotis, and Yuma myotis.

Regarding barn owl, this species was observed in the northeastern portion of the Project site. The Proposed Project would impact potential breeding and foraging habitat for this species. However, suitable habitat for the species would remain during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for use. Additionally, large areas of foraging habitat for the species are present within preserved habitat in the local area, including the SDNWR, and existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable habitat for the species. Temporal loss of potential habitat during mining and reclamation activities would not adversely affect the local long-term survival of this species. Though the Project would not adversely impact the local long-term survival of the species, loss of potential nesting and foraging habitat during mining and reclamation activities would be considered potentially significant. (Final EIR, 2.2-48.)

Regarding California horned lark, this species was not observed within the Project site but was determined to have a high potential to occur based on the presence of potentially suitable habitat and reported occurrences within the Project vicinity. The Project would result in impacts potential foraging and breeding habitat for the species. However, suitable nesting and foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for nesting and

foraging opportunities. Temporal loss of potential habitat during mining and reclamation activities would not adversely affect the local long-term survival of this species. Therefore, the Project would not adversely affect the long-term survival of the species, which is known to occur within adjacent preserved lands. Though the Project would not adversely impact the local long-term survival of the species, loss of suitable habitat during mining and reclamation activities would be considered potentially significant. (Final EIR, 2.2-49.)

Regarding Canada goose, this species as not observed within the Project site but was determined to have a high potential to occur based on the presence of suitable overwintering habitat and documented occurrences within the Project vicinity. The species overwinters in southern California, but local breeding records occur within the County as a result of introductions and translocations. The Project would result in impacts to suitable wintering and foraging habitat for the species, and potential breeding habitat. However, suitable habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible to the species. Temporal loss of potential habitat during mining and reclamation activities would not adversely affect the local long-term survival of this species. Furthermore, suitable habitat for the species is also present within the surrounding area including at other golf courses (e.g., Steele Canyon Golf Club) and local reservoirs (e.g., Sweetwater Reservoir). Therefore, the Project would not adversely affect the long-term survival of the species, which is known to occur within adjacent preserved lands. Though the Project would not adversely impact the local long-term survival of the species, loss of suitable habitat during mining and reclamation activities would be considered potentially significant. (Final EIR, 2.2-49.)

Regarding great blue heron and green heron, these species have the potential to forage within riparian areas and man-made ponds present within the Project site. The Project would impact 2.7 acres of artificial ponds and 0.58 acre of wetland/riparian habitat, which are used as foraging habitat for this species. However, the site is not expected to support a rookery site or significant population of these two herons based on the low numbers observed. Suitable nesting and foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for nesting and foraging opportunities. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable nesting and foraging habitat for the species. Temporal loss of potential habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive habitat for the species is already preserved throughout the region and within the SDNWR in the local area. Therefore, the Project would not adversely affect the long-term survival of the species, which is known to occur within adjacent preserved lands. Though the Project would not adversely impact the local long-term survival of the species, loss of potential foraging and breeding habitat during mining and reclamation activities would be significant. (Final EIR, 2.2-50.)

Regarding merlin, this species was not observed within the Project site but was determined to have a high potential to occur based on the presence of suitable overwintering and foraging habitat and documented occurrences within the Project vicinity. This species is an uncommon winter visitor in southern California occurring within San Diego from October to March (Unitt 2004); it does not breed in San Diego region. As such, the Project would not result in impacts to suitable breeding habitat or breeding individuals. The Project would result in impacts to potential overwintering and foraging habitat for the species; however, however, suitable wintering and foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for use. Additionally, large areas of foraging habitat for the species are present within preserved habitat in the local area, including the SDNWR, and existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project's BOS providing suitable foraging habitat for the species. Temporal loss of potential wintering and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Therefore, the Project would not adversely affect the long-term survival of the species, which is known to occur within adjacent preserved lands. Though the Project would not adversely impact the local long-term survival of the species, loss of potential wintering and foraging habitat during mining and reclamation activities would be considered potentially significant. (Final EIR, 2.2-50.)

Regarding western bluebird, this species was observed in multiple locations throughout the Project site. The Project would impact the golf course where this species is known to forage and would remove trees suitable for nesting. However, foraging and breeding opportunities for the species would remain during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible to the species. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable nesting and foraging habitat for the species. Temporal loss of potential nesting and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive habitat for the species is already preserved throughout the region and within the SDNWR in the local area. Therefore, the Project would not adversely affect the long-term survival of the species, which is known to occur within adjacent preserved lands. Though the Project would not adversely impact the local long-term survival of the species, loss of potential foraging and breeding habitat during mining and reclamation activities would be significant. (Final EIR, 2.2-51.)

Regarding monarch butterfly, a single monarch butterfly was observed flying through the Project site. This species is expected to migrate through the region but is not expected to roost on the site due to its inland location. This species is expected to migrate through the region but is considered unlikely to roost within the Project site due to its location away from the coast. Thus, while the species may fly through the site and use nectar resources, the site does not provide larval habitat or overwintering roosts. The Project would impact 4.38 acres of potential habitat for this species comprised of 1.7 acres of non-native woodland, 2.1 acres of eucalyptus

woodland, and 0.58 acre of riparian habitat. However, potential habitat for the species would remain during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for the species. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable habitat for the species. Temporal loss of potential habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive habitat for the species is already preserved throughout the region and within the SDNWR in the local area. Therefore, the Project would not adversely affect the long-term survival of the species, which is known to occur within adjacent preserved lands. Though the Project would not adversely impact the local long-term survival of the species, loss of potential habitat during mining and reclamation activities would be considered a significant impact. (Final EIR, 2.2-51.)

Regarding Belding's orange-throated whiptail, this species was observed in the eastern and northeastern portions of the Project site. The Project would impact 1.2 acres of suitable Diegan coastal sage scrub habitat for the species (Figure 2.2-8). However, patches of habitat for the species would remain during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for foraging. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable habitat for the species. Temporal loss of potential habitat during mining and reclamation activities would not adversely affect the local long-term survival of this species. Furthermore, extensive habitat for the species is already preserved throughout the region and within the SDNWR in the local area. Therefore, the Project would not adversely affect the long-term survival of the species, which is known to occur within adjacent preserved lands. Though the Project would not adversely impact the local long-term survival of the species, loss of suitable habitat during mining and reclamation activities would be considered potentially significant. (Final EIR, 2.2-52.)

Regarding small-footed myotis, this species was detected within the eastern portion of the Project site. The species likely utilizes the site for foraging and has the potential to roost within trees and buildings present within the Project site. As such, the Project would result in impacts to potential foraging and roosting habitat for the species. However, suitable roosting and foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for roosting and foraging opportunities. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along the Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable roosting and foraging habitat for the species. Temporal loss of potential roosting and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive roosting and foraging habitat for the species is already preserved throughout the region within the SDNWR and other open space areas located in the

Project vicinity. Though the Project would not adversely impact the local long-term survival of the species, impacts to potential bat foraging and roosting habitat are considered potentially significant. (Final EIR, 2.2-52.)

Regarding Yuma myotis, this species was detected within the western and eastern portions of the Project site. The species likely utilizes the site for foraging and has the potential to roost within trees and buildings present within the Project site. As such, the Project would result in impacts to potential roosting and foraging habitat for the species. However, suitable roosting and foraging habitat would remain on site during mining and reclamation activities as mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for roosting and foraging opportunities. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along the Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable roosting and foraging habitat for the species. Temporal loss of potential roosting and foraging habitat during mining and reclamation activities would not affect the local long-term survival of this species. Furthermore, extensive roosting and foraging habitat for the species is already preserved throughout the region within the SDNWR and other open space areas located in the Project vicinity. Though the Project would not adversely impact the local long-term survival of the species, impacts to potential bat foraging and roosting habitat are considered potentially significant. (Final EIR, 2.2-53.)

Mitigation Measures: To address Impact BIO-3b, Mitigation Measures **M-BIO-5**, **M-BIO-8**, **M-BIO-9**, and **M-BIO-10** have been identified. These measures are identified above and incorporated herein by reference.

Incorporation of these measures will reduce impacts to bird and bat foraging and roosting habitats for the above listed species to a level of less than significant. These measures do so by requiring pre-construction surveys, postponement of construction activities if active nests are identified, requiring temporary noise barriers or berms, creation and protection and on-site preservation of wetland and riparian habitats, and revegetation of the site in conformance with the reclamation plan. Following reclamation, the Project would provide additional, higher quality habitat for the species through the creation of graded slopes planted with coastal sage scrub along the cut slopes constructed at the margins of the expanded Sweetwater River floodplain. (Final EIR, 2.2-89, -98 through -100; see also, Final EIR, Vol. 3, Topical Responses to Comments, p. 26.)

Impact BIO-3c: The Project will result in potentially significant impacts to nesting barn owls, California horned lark, Canada goose, great blue heron and green heron, and western bluebird.

As addressed above in relation to Impact BIO-2c, several sensitive bird species were observed on the Project site or have the potential to occur on the site based on the presence of potentially suitable habitat. Direct impacts to nesting individuals of these sensitive bird species (barn owls, California horned lark, Canada goose, great blue heron and green heron, and western bluebird) could occur due to mining activities.

Mitigation Measures: To address Impact BIO-3c, Mitigation Measures **M-BIO-5** and **M-BIO-7** have been identified. These measures are identified above and incorporated herein by reference.

Incorporation of Mitigation Measures B-BIO-5 and M-BIO-7 will reduce direct impacts to nesting individuals to a level of less than significant. This is because these measures require pre-construction surveys, the postponement of construction activities if active nests are identified, the placement of temporary noise barriers or berms, the flagging of active nests, and other measures.

Impact BIO-3d: Direct impacts to roosting bats, including the small-footed myotis and the Yuma myotis are potentially significant.

As addressed above, both small-footed myotis and Yuma myotis was detected within the eastern portion of the Project site and have potential to roost within trees and buildings present on the Project site. Direct impacts to these roosting bats would be potentially significant. (Final EIR, 2.2-52, -53.)

Mitigation Measures: To address Impact BIO-3d, Mitigation Measure **M-BIO-13** has been identified. This measure is identified above and incorporated herein by reference.

Mitigation Measure M-BIO-13 reduces direct impacts to roosting bats to a level of less than significant by requiring pre-construction surveys prior to the removal of mature trees or existing buildings and structures on site with the potential to supporting roosting bats. Further, in the event roosting bats are detected during the pre-construction survey, the measure requires the imposition of measures including but not limited to flagging of active nests, avoidance of the roost site until after the maternity season, and exclusion of roost sites outside of the maternity season under the supervision of CDFW. (Final EIR, 2.2-88, -101.)

Impact BIO-4: Impacts to sensitive habitats and wildlife species within the BRCA would be considered potentially significant. (Final EIR, 2.2-55.)

The extreme southwestern and southeastern portions of the Project site are located within designated Sweetwater Reservoir/San Miguel Mountain/Sweetwater River and McGinty Mountain/ Sycuan Peak-Dehesa BRCAs, respectively. However, these areas are highly degraded and fragmented by development of the golf course. The Project site is identified as a linkage between core areas in the MSCP, and small portions of the site are identified as PAMA (16.4 acres). The Project site mainly consists of an existing golf course which lacks adequate vegetative cover preferred by many species for use of an area as a corridor. The on-site reach of the river is narrow and mostly devoid of native riparian habitat (except in the southwest where it connects directly to off-site conserved lands), and the Project site is fenced in many locations, with both historic and ongoing human-related disturbances spanning several decades. Though its current function is likely constrained by the site's historic and ongoing human-related disturbances associated with the golf course development, ongoing maintenance, and operations, local wildlife still utilizes the site for foraging and dispersal activities, and the location of the

Project site along the Sweetwater River and between two MSCP core areas gives it high restoration potential that could significantly increase the function and viability of the linkage. Extraction activities would temporarily impact the low-functioning linkage; however, mining would occur incrementally in 20- to 30-acre subphases leaving other portions of the site either undisturbed or in the five-year restoration and revegetation monitoring period and accessible for wildlife use. Additionally, existing stands of native riparian habitat to the east of Steele Canyon Road and in the southwestern portion of the site along the Sweetwater River would be avoided by Project activities and preserved within the Project's BOS providing suitable nesting and foraging habitat for wildlife species. As such, temporal impacts to these areas during mining and reclamation activities would be less than significant as any wildlife temporarily displaced by activities would be anticipated to reoccupy the area once the activities had concluded and impacts. The Project would result in direct impacts to lands mapped as BRCA and PAMA and would impact sensitive habitats present in these areas found to support, or with the potential to support, special status wildlife species. Impacts to sensitive habitats and wildlife species within the BRCA would be considered potentially significant. (Final EIR, 2.2-55; see also, Final EIR, Vol. 3, Topical Responses to Comments, pp. 34-36.)

Mitigation Measures: To address Impact BIO-4, Mitigation Measures **M-BIO-8**, **M-BIO-9**, **M-BIO-10**, **M-BIO-14**, and **M-BIO-15** have been identified. Measures M-BIO-8, M-BIO-9 and M-BIO-10 are identified above and incorporated herein by reference. Measures M-BIO-14 and M-BIO-15 read as follows:

M-BIO-14 *The applicant shall dedicate 149.0 acres of biological open space to be managed by a long-term manager approved by the County in accordance with a Resource Management Plan. The biological open space easement shall include native habitat revegetation areas located within the expanded Sweetwater River floodplain and bordering constructed slopes. Permanent open space fencing and signage shall be installed around the perimeter of the biological open space as detailed in the final Resource Management Plan. (Final EIR, 2.2-87.)*

M-BIO-15 *The Project requires preparation of a Resource Management Plan (RMP) for on-site biological open space to be approved by the County and Wildlife Agencies (USFWS and CDFW). The RMP would provide direction for the permanent preservation and management of the on-site biological open space in accordance with County regulations. (Final EIR, 2.2-87.)*

Incorporation of the above measures will reduce impacts to sensitive habitats and wildlife species within the BRCA to a level of less than significant. As part of the reclamation process the Project would ultimately contribute 149.0 acres of preserved, rehabilitated, and restored habitat to the linkage through placement of these areas within a BOS easement. This BOS includes lands mapped as BRCA and PAMA and would restore and improve the connection of the riparian corridor along the Sweetwater River to off-site areas within the SDNWR providing important foraging, dispersal, breeding, and migratory habitat for several special status animals including the coastal California gnatcatcher and least Bell's vireo. The open space will be managed in accordance with a County-approved Resource Management Plan (RMP) to ensure preservation of native habitats and long-term management of the preserve. A 100-foot limited

building zone easement adjacent to the BOS easement would protect sensitive habitats and species by restricting development of structures that would require vegetation clearing to prevent fuel modification and vegetation management within the BOS area. As such, the Project would have a less than significant effect on the viability of a core wildlife area with the implementation of mitigation. (Final EIR, 2.2-56; see also MUP Condition of Approval BIO#2, BIO#18, BIO#19, BIO#20, BIO#22; Reclamation Plan Condition of Approval BIO#2, BIO#18, BIO#19, BIO#20, BIO#22.)

Impact BIO-5: Noise impacts on sensitive nesting bird species, such as the California gnatcatcher, least Bell's vireo, and raptors are potentially significant.

Construction noise from sources related to clearing, grubbing, grading, and extraction and processing activities would temporarily impact wildlife. Construction of the processing plant, aggregate extraction, and processing operations would require the daily use of heavy equipment that would elevate existing noise levels on site. Breeding birds and mammals may temporarily or permanently leave their territories to avoid disturbances from human activities, which could lead to reduced reproductive success and increased mortality. Potential short-term noise impacts could result from the proposed mining and reclamation of the site. Impacts would occur incrementally, meaning that not all areas would be impacted at once as mining activities would begin within Phase 1 and generally progress eastward following completion of earlier phasing. For example, as activities occur within subphase 1A, habitat within subphase 1B (and later phases) would not be impacted. Noise effects would be considered potentially significant if noise levels generated during construction and/or extraction operations exceed a level of 60 A-weighted decibels (dBA) hourly average (LEQ) or ambient (whichever is greater) adjacent to sensitive nesting bird species such as California gnatcatcher, least Bell's vireo, and raptors. (Final EIR, 2.2-56.)

Mitigation Measure: To address impact BIO-5, Mitigation Measure **M-BIO-5** has been identified. M-BIO-5 is identified above and incorporated herein by reference.

Incorporation of M-BIO-5 will reduce noise-related impacts on sensitive nesting birds to a level of less than significant by requiring pre-construction surveys, postponement of construction activities if active nests are found, and the installation of temporary noise barriers or berms, to be provided in consultation with wildlife agencies. (Final EIR, 2.2-98.)

Impact BIO-6: Impacts relating to increases in human activity and access into open space are potentially significant. Increases in human activity in the area could result in the degradation of open space habitat and associated indirect impacts on sensitive species through the creation of unauthorized trails and removal of vegetation. The eastern portion of the Project site currently consists of active and abandoned golf courses which have been historically subject to light to moderate human activity related to golf play and maintenance activities. Though the western portion of the Project site has been closed to golf play since 2017, the area is still periodically mowed and subject to unauthorized recreational uses (e.g., off-leash dogs, hikers and joggers, fishing, etc.), as well as the presence of unhoused people, resulting in disturbances from light to moderate human activity in this area. Additionally, aggregate extraction activities have occurred periodically within the site since the 1950s. Following approval of the MUP, golf

play within the Project site would cease. Public access during mining and reclamation activities would be controlled by fencing on the perimeter of the property and gates on the access roads within the Project boundaries. In addition, appropriate signage would be posted around the perimeter of the excavation area and Project boundary at 150-foot intervals. Most of the Project site is already surrounded by fencing, which would be replaced/repared where missing or damaged. The access gates would be locked during non-operating hours. Following mining activities, the Project site would be reclaimed, restored, and revegetated habitat would be preserved within open space, and a multi-use trail system would be constructed. Potentially significant direct and indirect impacts could occur to BOS, and sensitive habitats and species present in these areas, if protective measures are not implemented to control human access into open space areas. (Final EIR, 2.2-57.)

Mitigation Measures: To address Impact BIO-6, Mitigation Measures **M-BIO-14** and **M-BIO-15** have been identified. These measures are described above and incorporated herein by reference.

Incorporation of M-BIO-14 and M-BIO-15 will reduce impacts relating to human activities and access into open space to a level of less than significant, through the placement of a permanent biological open space easement placed on 149 acres of the Project site, and by requiring permanent open space fencing and signage installed around the perimeter of the easement area, consistent with the Final Resource Management Plan. (Final EIR, 2.2-101.)

2. Riparian Habitat and Sensitive Natural Communities (Impacts BIO-7, BIO-8, BIO-9, BIO-10, BIO-11, BIO-12, BIO-13)

Threshold: Would the project have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW?

Finding: Less than significant impact with mitigation (Final EIR, 2.2-59 through -66, 89.)

Explanation: The Project would result in potentially significant impacts to sensitive natural communities and riparian habitat; however, a combination of avoidance through project design, proposed open space, and mitigation measures to fully compensate the loss of habitat would reduce impacts to below a level of significance, and there would be no net loss of sensitive natural communities and riparian habitat. Mitigation is proposed at ratios consistent with those required by the County, Wildlife Agencies, and Resource Agencies.

Impact BIO-7: The project has the potential to significantly impact sensitive natural communities. The majority of Project impacts would be restricted to disturbed habitat and developed land currently occupied by the Cottonwood Golf Club. The Project would result in impacts to a total of 2.34 acres of riparian habitat or other sensitive natural communities, as shown in Table 2.2-5, Project Impacts to Vegetation Communities/Habitat Types and Figure 2.2-8, including 0.55 acre of disturbed wetland (Tier I), 0.44 acre of southern cottonwood-willow riparian forest (including disturbed, Tier I), 0.13 acre of southern willow scrub, 0.01 acre of

tamarisk scrub, 0.01 acre of arundo-dominated riparian (Tier I), and 1.2 acres of Diegan coastal sage scrub (including disturbed, Tier II). Impacts to sensitive natural communities would be considered potentially significant. (Final EIR, 2.2-60.)

Mitigation Measures: To address Impact BIO-7, Mitigation Measures **M-BIO-8, M-BIO-9, M-BIO-10, M-BIO-14, M-BIO-15, M-BIO-16** and **M-BIO-17** have been identified. Measures M-BIO-8, M-BIO-9, M-BIO-10, M-BIO-14 and M-BIO-15 are identified above and incorporated herein by reference. Measures M-BIO-16 and M-BIO-17 read as follows:

***M-BIO-16** To help ensure errant impacts to sensitive vegetation communities outside of the impact footprint are avoided during construction, temporary environmental fencing (including silt fencing where determined necessary by the SWPPP), would be installed at the edges of the impact limits prior to initiation of grading. All construction staging shall occur within the approved limits of construction.*

***M-BIO-17** A qualified biologist shall monitor the installation of environmental fencing wherever it would abut sensitive vegetation communities, jurisdictional waters or wetlands, or open space. Prior to the installation of temporary fencing, the placement design should carefully consider potential impacts to wildlife movement patterns between the upstream and downstream riparian habitats adjacent to the Project site. The biologist also would conduct a pre-construction environmental training session for construction personnel prior to all phases of construction to inform them of the sensitive biological resources on site and avoidance measures to remain in compliance with Project approvals. The biologist shall monitor initial vegetation clearing, grubbing, and grading activities to ensure that activities occur within the approved limits of work and avoid impacts to nesting birds. The biologist shall periodically monitor the limits of construction and mining operations to ensure that mining and avoidance areas are delineated with temporary fencing and that fencing remains intact.*

The above measures will reduce impacts to sensitive natural communities to a level of less than significant through ensuring that the final landform of the Project site conforms to the approved Reclamation Plan, including revegetation approved by the County, CDFW, and USFWS. The measures also require mitigation for impacts to riparian and Diegan coastal sage scrub communities, imposition of a permanent biological open space easement on 149 acres, preparation of a final Resource Management Plan, and the placement of environmental fencing and construction-team trainings. (Final EIR, 2.2-85 through -87; see also MUP Condition of Approval BIO#9, BIO#10, BIO#11, BIO#21, BIO#23; Reclamation Plan Condition of Approval BIO#9, BIO#10, BIO#11, BIO#21, BIO#23.)

Impact BIO-8: The Project will result in potentially significant indirect impacts to riparian habitat or other sensitive vegetation communities through inadvertent intrusion into these adjacent areas by construction vehicles, equipment and personnel. As addressed above, the majority of Project impacts would be restricted to disturbed habitat and developed land currently occupied by the Cottonwood Golf Club. The Project would result in impacts to a total of 2.34 acres of riparian habitat or other sensitive natural communities, as shown in Table 2.2-5, Project Impacts to Vegetation Communities/Habitat Types and Figure 2.2-8, including 0.55 acre of disturbed wetland (Tier I), 0.44 acre of southern cottonwood-willow riparian forest (including

disturbed, Tier I), 0.13 acre of southern willow scrub, 0.01 acre of tamarisk scrub, 0.01 acre of arundo-dominated riparian (Tier I), and 1.2 acres of Diegan coastal sage scrub (including disturbed, Tier II). Potentially significant indirect impacts to these habitats could occur through inadvertent intrusion into these adjacent areas by construction vehicles, equipment, and personnel. (Final EIR, 2.2-60.)

Mitigation Measures: To address Impact BIO-8, Mitigation Measures M-BIO-16 and M-BIO-17 have been identified. These measures are described above and incorporated herein by reference.

These measures will reduce indirect impacts by human intrusion to a level of less than significant through the installation of temporary environmental fencing and pre-construction training sessions for construction personnel. (Final EIR, 2.2-102.)

Impact BIO-9: The Project will result in potentially significant impacts to jurisdictional waters and wetlands, and wetland and non-wetland waters of the United States. (Final EIR, 2.2-61.) Impacts to jurisdictional waters and wetlands include 0.60 acres of wetland and 0.36 acre of non-wetland waters of the U.S. (Figure 2.2-10, Waters of the U.S./Impacts), 18.20 acres of CDFW jurisdictional areas (including 0.44 acre of southern cottonwood-willow riparian forest, 0.002 acre of freshwater marsh, 0.13 acre of southern willow scrub, 0.56 acre of disturbed wetland, 0.01 acre of arundominated riparian, and 17.06 acres of streambed). Impacts to jurisdictional waters and wetlands would be considered potentially significant. (Final EIR, 2.2-61.)

Mitigation Measures: To address Impact BIO-9, Mitigation Measures **M-BIO-16**, **M-BIO-17**, **M-BIO-18**, **M-BIO-19**, and **M-BIO-20** have been identified. Measures M-BIO-16 and M-BIO-17 are identified above and incorporated herein by reference. Measures M-BIO-18, M-BIO-19 and M-BIO-20 read as follows:

M-BIO-18 Impacts to 0.60 acre of U.S. Army Corps of Engineers (USACE) wetland waters of the U.S. shall be mitigated a minimum 3:1 ratio and 0.36 acre of USACE nonwetland waters of the U.S. shall be mitigated at a minimum 1:1 ratio through one or a combination of the following: on- and/or off-site establishment, re-establishment, rehabilitation, and/or enhancement of 2.16 acres waters of the U.S.; and/or off-site purchase of waters of the U.S. credits at an approved mitigation bank, or other location deemed acceptable by the USACE. Any mitigation completed through purchase of mitigation credits shall be provided prior to issuance of a grading permit, and prior to use of the premises in reliance of this permit. Any applicant-initiated mitigation must be implemented prior to or concurrent with impacts to waters of the U.S. Impacts to waters of the U.S. would require issuance of a Section 404 CWA permit from the USACE prior to impacts. (Final EIR, 2.2-87.)

M-BIO-19 Impacts to 1.14 acres of California Department of Fish and Wildlife (CDFW) jurisdictional riparian habitat (0.44 acre of southern cottonwood-willow riparian forest, 0.13 acre of southern willow scrub, 0.002 acre of freshwater marsh, 0.01 acre of arundo-dominated riparian, and 0.56 acre of disturbed wetland) shall be mitigated at a 3:1 ratio,

totaling 3.42 acres of riparian habitat mitigation. Impacts to 17.06 acres of CDFW streambed shall be mitigated at a minimum 1:1 ratio through one or a combination of the following: on- and/or off-site establishment, re-establishment, rehabilitation, and/or enhancement of 17.06 acres of riparian and/or stream habitat; and/or off-site purchase of riparian and/or stream credits at an approved mitigation bank, or other location deemed acceptable by the CDFW. Combined mitigation for CDFW riparian habitat and streambed totals 20.48 acres. Any mitigation completed through purchase of mitigation credits shall be provided prior to the issuance of a grading permit, and prior to use of the premises in reliance of this permit. Any applicant-initiated mitigation must be implemented prior to or concurrent with impacts to CDFW habitat. Impacts to CDFW jurisdictional habitat would require issuance of a CFG Code Section 1602 Streambed Authorization Agreement from the CDFW prior to impacts. (Final EIR, 2.2-88.)

M-BIO-20 *The Project requires preparation of a wetland mitigation plan for impacts to wetland habitat and jurisdictional waters to be approved by the County (wetland impacts only) and U.S. Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), and Regional Water Quality Control Board (RWQCB) (impacts to waters of the U.S. and State, and CDFW riparian habitat and streambed), as applicable. Approval of the plan and/or acceptance of mitigation bank credits by the USACE, CDFW, and RWQCB shall be a condition of the associated wetland permits for the Project. (Final EIR, 2.2-88.)*

Incorporation of the above measures will reduce impacts to jurisdictional waters and wetlands, and wetland and non-wetland waters of the United States to a level of less than significant. This is done so by requiring the full compensation of loss of habitat, proposed at mitigation ratios consistent with those required by the County, Wildlife Agencies, and Resource Agencies. (See also, MUP Condition of Approval BIO#6, BIO#8; Reclamation Plan Condition of Approval BIO#6, BIO#8.)

Impact BIO-10: Indirect impacts to adjacent jurisdictional waters and wetlands through inadvertent intrusion into these areas by construction vehicles equipment, and personnel are potentially significant. (Final EIR, 2.2-64.)

Mitigation Measures: To address Impact BIO-10, Mitigation Measures **M-BIO-16** and **M-BIO-17** have been identified. These measures are described above and incorporated herein by reference.

These measures reduce the potential for indirect impacts on adjacent jurisdictional waters and wetlands to a less than significant level by requiring the installation of environmental fencing, including silt fencing where determined necessary by the Project SWPPP, would be installed at the edges of the impact limits prior to the initiation of grading. Further, these measures require monitoring of the environmental fencing by a qualified biologist. (Final EIR, 2.2-102.)

Impact BIO-11: Impacts to MSCP narrow endemic species, including Palmer's goldenbush, peregrine falcon, and least Bell's vireo are potentially significant. As described

above, Palmer's goldenbush was observed in some portions of the Project. While the Project site lacks suitable breeding habitat for peregrine falcon, it does contain suitable foraging habitat for this species. Further, least Bell's vireo was detected within the riparian habitat onsite. (Final EIR, 2.2-75.) As such, the Project would result in potentially significant impacts to these MSCP narrow endemic species.

Mitigation Measures: To address Impact BIO-11, Mitigation Measures **M-BIO-4** and **M-BIO-7** were identified. These measures are described above and incorporated herein by reference.

Incorporation of these measures will reduce potential impacts to MSCP narrow endemic species to a level of less than significant by requiring pre-construction surveys, and postponement of construction activities if active nests or nesting birds are identified.

Impact BIO-12: Indirect impacts on the survival and recovery of gnatcatchers and vireos, in relation to noise, are potentially significant. Two listed species were detected within the Project site: coastal California gnatcatcher and least Bell's vireo. The Project would impact 1.2 acres of disturbed Diegan coastal sage scrub habitat that provides potential foraging habitat for the coastal California gnatcatcher and 0.58 acre of riparian forest with potential to support least Bell's vireo. Impacts to suitable gnatcatcher and vireo foraging and breeding habitat would not adversely affect the recovery of either species in the wild as these impacts are minimal and larger blocks of the habitat for the species would be avoided by Project activities and preserved within the Project's BOS. Furthermore, following reclamation the Project would result in a substantial net gain in suitable gnatcatcher and vireo foraging and breeding habitat within the expanded Sweetwater River floodplain contributing to the species recovery. However, removal of vegetation during the breeding season for gnatcatcher (March 1 to August 15) or vireo (March 15 to September 15) could result in significant impacts to nesting gnatcatcher and vireo. Additionally, if mining and reclamation activities took place within 500 feet of suitable gnatcatcher or vireo habitat during the gnatcatcher or vireo breeding season, indirect impacts related to noise to nesting gnatcatchers and vireos would be potentially significant. These impacts would be considered potentially significant. (Final EIR, 2.2-76.)

Mitigation Measures: To address Impact BIO-12, Mitigation Measures **M-BIO-1**, **M-BIO-2**, **M-BIO-3**, **M-BIO-4**, **M-BIO-5**, and **M-BIO-8** have been identified. These measures are described above and incorporated herein by reference.

These measures will reduce noise-related indirect impacts on gnatcatcher and vireo to a level of less than significant. They do so by ensuring that the Project ultimately provides a net increase in Diegan coastal sage scrub habitat. Providing additional foraging habitat for gnatcatcher will ensure the habitat is reestablished, rectify the impact through restoration and compensate for the impact by providing mitigation at a greater than 1:1 ratio. Further, these measures require pre-construction surveys to determine whether there are any gnatcatchers nesting within 500 feet of the proposed impact area, and mandates the postponement of impactful activities unless and until the nesting has ceased. The measures also require the installation of noise barriers or berms if necessary to ensure that noise levels are reduced within gnatcatcher-occupied areas. (Final EIR, 2.2-97 through -99.)

Impact BIO-13: Impacts on migratory birds or destruction of active migratory bird nests and/or eggs would be potentially significant. Implementation of the Project could potentially result in the killing of migratory birds or destruction of active migratory bird nests and/or eggs protected under the MBTA. Project construction could directly impact individuals or cause breeding birds to temporarily or permanently leave their territories, which could lead to reduced reproductive success and increased mortality. These impacts would be significant. (2.2-76.)

Mitigation Measure: To address Impact BIO-13, Mitigation Measure **M-BIO-7** has been identified. This measure is described above and incorporated herein by reference.

M-BIO-7 reduces potential impacts on migratory birds to a level of less than significant by requiring preconstruction surveys to determine if active bird nests are present in the affect areas, and then postponing construction where active nests are identified. (Final EIR, 2.2-99.)

B. CULTURAL RESOURCES

1. Archaeological Sites

Threshold: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines?

Finding: Less than significant impact with mitigation (Final EIR, 2.3-10, -11, -14 through -16, -18.)

Impact CR-1: Impacts to unknown archaeological resources are potentially significant. Five sites containing cultural resources were identified within the Project area in the record search conducted for the Project: CA-SDI-4765 (P-37-004765), CA-SDI-5468 (P-37-005468), CA-SDI14767 (P-37-016257), CA-SDI-17943 (P-37-027624), and P-37-027625. Following the field investigation, it was determined that site CA-SDI-5468 (P-37-005468) had been previously mapped incorrectly and did not occur within the Project area. Of the four remaining sites previously identified to occur within the Project area, only site CA-SDI17943 (P-37-027624) was relocated within the Project boundaries during the field investigation. Site CA-SDI-4765 (P-37-004765) was identified as present adjacent to the Project site and is located near an area that would be retained in its existing condition. Archaeologists found that the portion of site CA-SDI-14767 (P-37-016257) that had once crossed into the Project boundaries has been destroyed. Site P-37-027625 could not be relocated during the field survey and was formerly documented outside of the area proposed for mining and within an area that would be retained in its existing condition. As such, impacts to sites CA-SDI-4765 (P-37-004765)) CA-SDI14767 (P-37-016257), and P-37-027625 would be less than significant. In addition to relocating site CA-SDI-17943 (P-37-027624), two additional prehistoric archaeological sites were identified within the Project area during the field survey: sites CA-SDI22864 (P-37-038837) and CA-SDI-22865 (P-37-038838). Each of the three sites has been tested to assess significance. All three of the sites are sparse lithic and shell scatters with limited material and situated in disturbed areas of the golf course. The three sites have poor integrity due to the consistent construction and maintenance of the golf course over the last 50 years. As such, all are not significant and not eligible for listing

in the CRHR or Local Register under CEQA; however, all archaeological sites are considered important under County guidelines. Impacts to these three archaeological resources have been reduced to less-than-significant levels through testing, recording, and documentation undertaken as part of the archaeological inventory and assessment conducted for the Project. Because the general area of the Project is sensitive in terms of archaeological resources, however, direct impacts would occur if Project mining activities disturb undiscovered archaeological resources. Impacts to unknown archaeological resources are identified as potentially significant. (Final EIR, 2.3-11.)

Mitigation Measures: To address Impact CR-1, Mitigation Measures **M-CR-1**, **M-CR-2**, and **M-CR-3** were identified. These measures read as follows:

***M-CR-1** Cultural Resources Treatment Agreement and Preservation Plan. A single Cultural Resources Treatment Agreement and Preservation Plan shall be developed between the applicant or their representative and the culturally-affiliated Kumeyaay Native American tribe(s) prior to the commencement of sand extraction operations, including the removal of any trees or vegetation. The Cultural Resources Treatment Agreement and Preservation Plan shall be reviewed and agreed to by the County prior to final signature and authorization. The Cultural Resources Treatment Agreement and Preservation Plan shall include but is not limited to the following:*

- *Parties entering into the agreement and contact information.*
- *Responsibilities of the Property Owner or their representative, Principal Investigator, archaeological monitors, Kumeyaay Native American monitors, and consulting tribes.*
- *Requirements of the Pre-Grade Survey and Data Recovery Program and Archaeological Monitoring Program including unanticipated discoveries.*
- *Requirements of tree removal monitoring.*
- *Identification of areas for archaeological and Native American monitoring during earth-disturbing activities related to sand extraction operations.*
- *Treatment of identified Native American cultural materials.*
- *Treatment of Native American human remains and associated grave goods.*
- *Confidentiality of cultural information including location and data.*
- *Negotiation of disagreements should they arise during the implementation of the Agreement and Preservation Plan.*
- *Regulations that apply to cultural resources that have been identified or may be identified during construction.*

***M-CR-2** Pre-Grade Survey and Data Recovery Program. Prior to sand extraction operations, a Pre-Grade Survey and Data Recovery Program shall be implemented, consistent with the Cultural Resources Treatment Agreement and Preservation Plan and criteria outlined below.*

- *Pre-Construction A pre-grade survey shall be implemented due to the sensitivity of the area. The pregrade and data recovery program shall include the following:*
 - *Tree Removal: Removal of trees shall be monitored by an Archaeological Monitor and Kumeyaay Native American Monitor for the presence of cultural resources.*

- *Pre-Grade: Upon completion of grubbing and vegetation removal, and prior to sand extraction activities, a pre-grade survey shall be conducted in all areas identified for development. Development shall be defined as construction, extraction, or any other grading activity. The pre-grade survey shall include both an Archaeological Monitor and Kumeyaay Native American Monitor.*
- *Identified Resources. In the event that cultural resources are identified:*
 - *Both the Project Archaeologist and Kumeyaay Native American monitor(s) have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.*
 - *The Project Archaeologist shall contact the County Archaeologist. The Project Archaeologist in consultation with the County Archaeologist and Kumeyaay Native American monitor(s) shall determine the significance of discovered resources.*
 - *Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Kumeyaay Native American monitor(s) may collect the cultural material for transfer to a Tribal curation facility or repatriation program.*
 - *If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American monitor(s) and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources or Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).*
- *Human Remains*
 - *The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.*
 - *Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. Should the human remains need to be taken offsite for evaluation, they shall be accompanied by a Kumeyaay Native American monitor.*
 - *If the remains are determined to be of Native American origin, the MLD, as identified by the NAHC, shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.*
 - *The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.*

- *Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.*
- *Vegetation Removal Completion*
 - *Upon completion of grubbing and vegetation removal for each phase, a monitoring report shall be prepared identifying whether resources were encountered during the removal of trees or Pre-Grade Survey. A copy of the monitoring report shall be provided to any culturally-affiliated tribe who requests a copy. If resources were encountered, the analysis shall be included in the final archaeological monitoring report and shall comply with all requirements of that condition.*

M-CR-3 *Archaeological Monitoring Program.*

- *Pre-Construction*
 - *Contract with a County approved archaeologist to perform archaeological monitoring and a potential data recovery program during earth-disturbing activities in areas identified in the Treatment and Preservation Agreement described in M-CR-1. The Project Archaeologist shall perform the monitoring duties before, during and after construction.*
 - *Pre-construction meeting to be attended by the Project Archaeologist and Kumeyaay Native American monitor to explain the monitoring requirements.*
- *Construction*
 - *Monitoring: Both the Project Archaeologist and Kumeyaay Native American monitor are to be onsite during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American monitor.*
 - *Identified Resources. In the event that cultural resources are identified: Both the Project Archaeologist and Kumeyaay Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.*
 - *The Project Archaeologist shall contact the County Archaeologist at the time of discovery.*
 - *The Project Archaeologist in consultation with the County Archaeologist and Kumeyaay Native American shall determine the significance of discovered resources.*
 - *Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation. Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.*
 - *If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American monitor and approved by the County Archaeologist. The program*

shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

- *Human Remains*
 - *The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.*
 - *Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Kumeyaay Native American monitor.*
 - *If the remains are determined to be of Native American origin, the MLD, as identified by the NAHC, shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.*
 - *The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.*
 - *Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.*
- *Rough Grading*
 - *Monitoring Report: Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered. A copy of the monitoring report shall be provided to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy.*
- *Final Grading*
 - *Final Report: A final monitoring report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the South Coastal Information Center, and any culturally-affiliated tribe who requests a copy.*
 - *Cultural Material Conveyance:*
 - *The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or Tribal curation facility that meets federal standards per 36 Code of Federal Regulations (CFR) Part 79, or alternatively have been repatriated to a culturally affiliated tribe.*
 - *The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.*

The above measures will reduce impacts to unknown archaeological resources to a level of less than significant. They do so by requiring preparation of a cultural resources treatment agreement and preservation plan, subject to several performance criteria, development of a pre-grade survey and data recovery program, again implemented pursuant to performance criteria, and the development of an archeological monitoring program. Each of these programs must include specific specified criteria for the pre-construction, construction, and final stages of the Project. (Final EIR, 2.3-14 through -18; see also MUP Condition of Approval CUL#1, CUL#2, CUL#GR-1, CUL#GR-2, CUL#GR-3, CUL#GR-4, CUL#GR-5.)

2. Human Remains

Threshold: Would the project disturb any human remains, including those interred outside of formal cemeteries?

Finding: Less than significant impact with mitigation (Final EIR, 2.3-11, -14 through -16, -18.)

Impact CR-2: The Project has the potential to result in significant impacts to human remains. During the current archaeological evaluation, no evidence of human remains, including those interred outside of formal cemeteries, was identified during the records search, literature review, field survey, or site testing and evaluation program. However, the general area of the Project is within a tribally culturally significant area. An archaeological monitoring program would be included in the mitigation monitoring and reporting program which includes California State law requirements should human remains be identified during ground disturbing activities. While the discovery of human remains is considered unlikely, the potential for unknown remains exists. Therefore, if human remains were to be unexpectedly unearthed during the Project's ground-disturbing activities, impacts could be significant. (Final EIR, 2.3-11.)

Mitigation Measures: To address Impact CR-2, Mitigation Measure M-CR-3 has been identified. This measure is described above and incorporated herein by reference.

Measure M-CR-3 would reduce the potential for impacts to unknown human remains to a level of less than significant, through archeological monitoring, the presence of a Kumeyaay Native American monitor, and the identification of performance criteria specifying how the significance of discovered resources will be determined and the process by which the County Coroner will be notified, or, if the remains are determined to be of Native American origin, the MLD will be notified. (Final EIR, 2.3-17, -18; see also MUP Conditions of Approval CUL#2, CUL#GR-1, CUL#GR-3, CUL#GR-4, CUL#GR-5.)

C. NOISE

1. Excessive Noise Levels (Operational Noise)

Threshold: Would the project result in the exposure of any on- or off-site, existing or reasonably foreseeable future NSLUs to exterior or interior noise (including noise generated by the project, together with noise from roads, railroads, airports, heliports and all other noise

sources) in excess of 60 dB CNEL or an increase of 10 dB CNEL over pre-existing noise in areas where ambient noise levels are 49 dB CNEL or less for exterior locations, or in excess of 45 dB CNEL in interior locations?

Threshold: Would the project result in a one-hour average noise levels in excess of 75 dBA LEQ at the property line of the project site, per the County of San Diego Noise Ordinance?

Finding: Less than significant impact with mitigation (Final EIR, 2.4-4 through -8.)

Impact N-1: Noise impacts from the Project's mining activities to exterior use areas at noise sensitive land uses (NSLUs) are potentially significant. (Final EIR, 2.4-6.)

The Project would generate elevated noise levels during operation of its individual components that would have the potential to affect nearby NSLUs. Prominent operational noise sources would include processing plant activities (on-site haul truck loading and stationary plant machinery); excavation area grading activities, including vegetation clearing, topsoil removal, and stockpile creation, and backfilling (dozer); raw material extraction, including loading and transport activities (off-road equipment and conveyor belts); and on-road haul truck activities. Processing plant activities would be in a constant location over the 10-year mining period. However, grading and material extraction would occur sequentially for each subphase, and noise sources from each activity would not occur at the same time and location; because of the Project's proposed phased approach to mining operations, individual receivers surrounding the Project site would not be exposed to noise from the Project's most substantial noise generating activities (grading and material extraction) for the entire 10-year Project period.

While the processing plant would be stationary, noise levels from operation of the processing plant would be below the applicable thresholds of 60 dB CNEL at nearby NSLUs and 75 dBA LEQ at the Project site property line. Because equipment used for reclamation would be limited to a skid steer loader, which is a relatively small piece of equipment that does not generate substantial noise (approximately 65 dBA at 100 feet), noise levels from reclamation activities would be minimal and impacts associated with reclamation are not further analyzed.

Potential NSLUs immediately surrounding the Project site that would be subject to noise from the Project's mining operations include single-family residences, Hilton Head County Park, and the Adeona Healthcare facility. As shown in Final EIR, Table 2.4-1, Mining Operation Noise Levels, noise at modeled receiver locations within residential groups 1 through 5, 8, 10, and 11, as well as Isolated Residence 2, Isolated Residence 3, and the Adeona Healthcare facility would exceed the applicable 60 dB CNEL noise threshold and impacts to receivers in these areas would be potentially significant. Generally, the receiver locations that exceed the 60 dB CNEL limit are located near Project site areas where material extraction would occur. For the purpose of conservative analysis, extraction activities were modeled adjacent to receivers. Actual extraction activities during mining operations would not occur within these areas for the entire duration of the active mining phase. In addition, extraction activities were modeled to occur at-grade, while during actual mining operations a substantial amount of extraction would occur below-grade, thus providing noise attenuation between the equipment and off-site NSLUs. It can therefore be reasonably assumed that noise levels at a given receiver would not exceed the 60 CNEL

threshold for the entire phase duration. However, because nine of the receiver locations exceed the applicable 60 dB CNEL limit, noise impacts from mining activities to exterior use areas at NSLUs are conservatively assessed as potentially significant. (Final EIR, 2.4-6.)

Mitigation Measure: To address Impact N-1, Mitigation Measure **M-N-1** has been identified. This measure reads as follows:

***M-N-1 Below-Grade Excavation and Noise Barriers:** Raw material extraction equipment operating within 400 feet of off-site NSLU useable space areas shall be located at the lowest feasible elevation within the Project's excavation areas such that the topography shall provide noise attenuation to off-site properties. To achieve the lowest feasible elevation, initial at-grade excavation activities shall be performed at least 400 feet from off-site NSLU usable space areas, as indicated in Figures 2.4-3a-c, Noise Barriers. Following this initial excavation to the lowest feasible elevation, excavation can extend outward and toward the NSLUs while maintaining the lowest feasible elevation at the active working face where extraction equipment is operating.*

For NSLUs located at residential group 8 (as shown on Figure 2.4-2), Isolated Residence 2, Isolated Residence 3, and the Adeona Healthcare facility, an 8-foot-high noise barrier, constructed to the specifications identified below, shall be provided between excavation activities and the off-site NSLUs, when excavation is occurring within 400 feet of each location. When mining activities are occurring at distances greater than 400 feet from a given receiver location, a barrier would not be required adjacent to that receiver location. The barriers shall be located as shown on Figures 2.4-3a-c and break the line-of-sight (i.e., interrupt the straight-line path) between the excavation activities and receivers. For the barriers adjacent to residential group 8 (as shown on Figure 2.4-2), Isolated Residence 2, Isolated Residence 3, and the Adeona Healthcare facility, an 8-foot-high noise barrier, constructed to the specifications identified below, shall be provided between excavation activities and the off-site NSLUs, when excavation is occurring within 400 feet of each location. When mining activities are occurring at distances greater than 400 feet from a given receiver location, a barrier would not be required adjacent to that receiver location. The barriers shall be located as shown on Figures 2.4-3a-c and break the line-of-sight (i.e., interrupt the straight-line path) between the excavation activities and receivers. For the barriers adjacent to residential group 8, the required barrier height (8 feet) shall be measured relative to the adjacent Project site property line elevation. If the barrier is constructed at a location with an elevation lower than that of the adjacent property line, the total barrier height would be greater than the required barrier height in order to provide adequate noise attenuation (e.g., if the barrier with a required height of 8 feet is to be located at a surface elevation 5 feet below the adjacent Project site property line elevation, the total barrier height would be 13 feet).

For NSLUs located at residential groups 1, 2, 3, 4, 5, 10, and 11 (as shown on Figure 2.4-2), a 12-foot-high noise barrier, constructed to the specifications identified below, shall be provided between excavation activities and the off-site NSLUs, when excavation is occurring within 400 feet of each location. When mining activities are occurring at

distances greater than 400 feet from a given receiver location, a barrier would not be required adjacent to that receiver location. The barriers shall be located as shown on Figures 2.4-3a-c and break the line-of-sight (i.e., interrupt the straight-line path) between the excavation activities and receivers. For the barriers adjacent to residential groups 1, 2, 3, 4, and 5, the required barrier height (12 feet) shall be measured relative to the adjacent Project site property line elevation. If the barrier is constructed at a location with an elevation lower than that of the adjacent project site property line, the total barrier height would be greater than the required barrier height in order to provide adequate noise attenuation (e.g., if the barrier with a required height of 12 feet is to be located at a surface elevation 5 feet below the adjacent project site property line elevation, the total barrier height would be 17 feet).

The noise barriers must be solid. They can be constructed of soil (in the form of a berm or stockpile), masonry, wood, plastic, fiberglass, steel, or a combination of those materials, as long as there are no cracks or gaps, through or below the walls. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least one-inch total thickness or have a density of at least 3.5 pounds per square foot. Sheet metal of 18-gauge (minimum) may be used if it meets the other criteria and is properly supported and stiffened so that it does not rattle or create noise itself from vibration or wind. Any door(s) or gate(s) must be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. The gate(s) may be of wood with a thickness of at least one-inch, solid-sheet metal of at least 18-gauge metal, or an exterior-grade solid-core steel door with prefabricated doorjamb. Stockpiles must be continuous and maintain the required height along their entire length.

Measure M-N-1 reduces impacts from operational noise to a level of less than significant, as confirmed through noise modeling. Implementation of M-N-1 would require the construction of a 12-foot noise barrier for NSLUs at residential groups 1, 2, 3, 4, 5, 10, and 11 between the excavation activities and the NSLUs when excavation is occurring within 400 feet of these locations, and the construction of an 8-foot barrier for NSLUs at Isolated Residence 2, Isolated Residence 3, the Adeona Healthcare facility, and residential group 8 between excavation activities and the NSLUs when excavation is occurring within 400 feet of these locations. The noise barriers would be solid and would follow the strict provisions outlined in M-N-1 to ensure they attenuate noise. In addition to the construction of the sound barriers, M-N-1 requires all raw material excavation equipment operating within 400 feet of off-site NSLU useable space areas to be located at the lowest feasible elevation within the Project's excavation areas to provide noise attenuation to offsite properties. This allows the topography to block noise from extraction activities occurring below grade at the active working face. As a result, noise impacts associated with the operation of the Proposed Project would be lowered to less than significant levels with mitigation. (Final EIR, 2.4-15; see also MUP Condition of Approval NOISE#1, NOISE#3, NOISE#5, NOISE#6, NOISE#8, NOISE#10.)

2. Combined Operation and Existing Ambient Noise

Threshold: Would the project result in an increase of 3 dB CNEL over existing conditions when noise levels exceed 60 dB CNEL at any on- or off-site, existing, or reasonably foreseeable future NSLU?

Finding: Less than significant with mitigation incorporated. (Final EIR, 2.4-8, -9)

Impact N-2: Noise impacts associated with the combination of the Project's operations and existing noise levels would be considered potentially significant at three locations. There are nine NSLUs that would be potentially subject to combined noise associated with the proposed Project's operations (processing plant, grading, material extraction, and haul truck activities) and existing noise levels associated with traffic along Willow Glen Drive. These nine locations are residential groups 1 through 7, as well as at Hilton Head County Park and the isolated residence north of Willow Glen Drive (Isolated Residence 1). As shown in Table 2.4-2, Existing Plus Unmitigated Project Noise Levels, three of the NSLUs would experience an increase of 3 dB CNEL above existing conditions when noise levels exceed 60 dB CNEL. Specifically, residential group 1 would experience an increase of 4.2 dB CNEL and a noise level of 68.0 dB CNEL; residential group 2 would experience an increase of 3.1 dB CNEL and a noise level of 68.3 dB CNEL; and residential group 5 would experience an increase of 5.6 dB CNEL and a noise level of 65.0 dB CNEL. The Project would result in an increase of 3 dB CNEL above existing conditions when noise levels exceed 60 dB CNEL at three NSLUs; therefore, noise impacts associated with the combination of the Proposed Project's operations and existing noise levels associated with traffic along Willow Glen Drive would be considered potentially significant at these three locations (Impact N-2). While the Project would result in noise level increases of greater than 3 dB CNEL at residential groups 6 and 7, Isolated Residence 1, and Hilton Head County Park, overall noise levels would remain below 60 dB CNEL and, therefore, no impact would occur. (Final EIR, 2.4-9.)

There are nine NSLUs that would be potentially subject to combined noise associated with the proposed Project's operations (processing plant, grading, material extraction, and haul truck activities) and existing noise levels associated with traffic along Willow Glen Drive. These nine locations are residential groups 1 through 7, as well as at Hilton Head County Park and the isolated residence north of Willow Glen Drive (Isolated Residence 1). As shown in Table 2.4-2, Existing Plus Unmitigated Project Noise Levels, three of the NSLUs would experience an increase of 3 dB CNEL above existing conditions when noise levels exceed 60 dB CNEL. Specifically, residential group 1 would experience an increase of 4.2 dB CNEL and a noise level of 68.0 dB CNEL; residential group 2 would experience an increase of 3.13.0 dB CNEL and a noise level of 68.368.2 dB CNEL; and residential group 5 would experience an increase of 5.65.4 dB CNEL and a noise level of 65.064.8 dB CNEL (refer to Figure 2.4-2). The Project would result in an increase of 3 dB CNEL above existing conditions when noise levels exceed 60 dB CNEL at three NSLUs; therefore, noise impacts associated with the combination of the Proposed Project's operations and existing noise levels associated with traffic along Willow Glen Drive would be considered potentially significant at these three locations (Impact N-2). While the Project would result in noise level increases of greater than 3 dB CNEL at residential groups 6 and 7, Isolated Residence 1, and Hilton Head County Park, overall noise levels would remain below 60 dB CNEL and, therefore, no impact would occur.

Mitigation Measure: To address Impact N-2, Mitigation Measure **M-N-1** has been identified. This measure is described above and incorporated herein by reference.

This measure would reduce potential impacts associated with combined Project operations and existing ambient noise to a level of less than significant. This measure requires, in addition to excavation at low elevations, the installation of a 12-foot noise barrier. As shown in Final EIR, Table 2.4-6, Existing Plus Mitigated Project Noise Levels, the noise modeling results indicate that implementation of M-N-1 would cause the increase in CNEL in residential groups 1, 2, and 5 to be below the 3 dB CNEL increase threshold in NSLU locations with a CNEL of 60 dB or higher. Implementation of M-N-1 would reduce noise levels at residential groups 1, 2, and 5 to meet noise level standards. Therefore, noise impacts associated with mitigated Project noise and existing traffic noise along Willow Glen Drive would be less than significant with mitigation. (Final EIR, 2.4-15, -16.)

3. Cumulative Noise Impacts

Threshold: Would the project result in the exposure of any NSLU to an increase of 10 dB CNEL over pre-existing noise levels resulting in a combined exterior noise level of 60 dB CNEL or greater or if the project would contribute to an increase of 3 dB CNEL over existing conditions in the existing plus project plus cumulative scenario if that total is above 60 dB CNEL?

Finding: Less than significant with mitigation incorporated. (Final EIR, 2.4-12.)

Impact N-3: The potential for a cumulative noise impact can occur when noise from multiple projects combines to increase noise levels above thresholds. The noise levels from the combination of existing traffic noise levels, cumulative traffic noise levels, and unmitigated Project noise levels, shown in Table 2.4-3, Existing Plus Cumulative Plus Unmitigated Project Noise Levels, indicate that Project operations combined with cumulative project traffic noise would result in an increase of 3 dB CNEL or greater compared to existing conditions at receivers in residential groups 1, 2, 3, and 5, where noise levels would exceed 60 dB CNEL. Therefore, cumulative impacts would occur at these locations. Furthermore, because the Project would result in more than a 1 dBA increase over existing plus cumulative conditions at these same receiver locations, impacts are considered cumulatively considerable. Cumulative off-site noise impacts are identified as cumulatively significant. (Final EIR, 2.4-12.)

Mitigation Measure: To address Impact N-3, Mitigation Measure **M-N-1** has been identified. This measure is described above and incorporated herein by reference.

Incorporation of this measure would reduce the potential for cumulative noise impacts to a level of less than significant. This measure requires, in addition to excavation at low elevations, the installation of a 12-foot noise barrier. As shown in Final EIR, Table 2.4-6, Existing Plus Mitigated Project Noise Levels, the noise modeling results indicate that implementation of M-N-1 would cause the increase in CNEL in residential groups 1, 2, and 5 to be below the 3 dB CNEL increase threshold in NSLU locations with a CNEL of 60 dB or higher. Implementation of M-N-1 would reduce noise levels at residential groups 1, 2, and 5 to meet

noise level standards. Therefore, noise impacts associated with mitigated Project noise and existing traffic noise along Willow Glen Drive would be less than significant with mitigation. (Final EIR, 2.4-15, -16.)

D. PALEONTOLOGY

1. Paleontological Resources

Threshold: Would the project: (1) directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or (2) include activities, such as project-related grading or excavation, that disturbs the substratum or parent material below the major soil horizons in any paleontologically sensitive area of the County, as shown on the San Diego County Paleontological Resources Potential and Sensitivity Map?

Finding: Less than significant with the incorporation of mitigation. (Final EIR, 2.5-4 through -6.)

Impact PAL-1: The Proposed Project could result in significant impacts to paleontological resources from the excavation of previously undisturbed deposits exhibiting low resource potential (i.e., Quaternary alluvial deposits). Project activities would be anticipated to encounter all of the described on-site surficial and geologic units. Approximately 4.3 million cy of aggregate material are proposed to be extracted at an average depth of approximately 20 feet bgs across the site. Some areas would be excavated to a maximum depth of 40 feet bgs (refer to Figure 1-6a and 1-6b). Based on the described “low” sensitivity rating for Quaternary alluvial deposits, implementation of the Project could potentially result in significant impacts to paleontological resources from excavation and grading in previously undisturbed deposits. (Final EIR, 2.5-4.)

Mitigation Measures: To address Impact PAL-1, Mitigation Measures **M-PAL-1** and **M-PAL-2** have been identified. These measures read as follows:

M-PAL-1 *The Project site has low resource potential for paleontological resources. All excavation activities are subject to the County of San Diego Grading Ordinance Section 87.430, if any significant resources (fossils) are encountered during excavation activities.*

a. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact PDS before continuing grading operations.

b. If any paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the San Diego County Guidelines for Determining Significance for Paleontological Resources.

M-PAL-2 *One of the following letters shall be prepared upon completion of the excavation/mining activities that require monitoring:*

a. If no paleontological resources were discovered, submit a “No Fossils Found” letter from the grading contractor to PDS stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the San Diego County Guidelines for Determining Significance for Paleontological Resources.

b. If paleontological resources were encountered during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

Incorporation of these measures will reduce impacts on paleontological resources to a level of less than significant by mandating monitoring of grading activities for the presence of fossils and other paleontological resources, and requiring the monitoring and salvaging of such resources. With implementation of the above mitigation, the described impacts to sensitive paleontological resources would be less than significant because the fossils would be removed from the site and research and curation completed as necessary and appropriate. (Final EIR, 2.5-6; see also MUP Conditions of Approval PALEO#GR-1 and PALEO#GR-2.)

E. TRIBAL CULTURAL RESOURCES

1. Tribal Cultural Resources

Threshold: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as a site, feature, place, [or] cultural landscape that is geographically 2.6-3 Cottonwood Sand Mine Project Final Environmental Impact Report Subchapter 2.6 Tribal Cultural Resources defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or (b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

Finding: Less than significant with the incorporation of mitigation. (Final EIR, 2.6-4 through -6.)

Impact TCR-1: Impacts to buried tribal cultural resources (TCRs) are potentially significant. As indicated by the Sacred Lands File search, Native American cultural sites have been identified within the Project area. No information has been obtained through Native American consultation or communication with Native American monitors during fieldwork that any of the archaeological sites previously identified within the Project area are culturally or spiritually significant. No TCRs that currently serve religious or other community practices are known to exist within the Project area. No artifacts or remains were identified or recovered during the archaeological evaluation that could be reasonably associated with such practices. Prehistoric artifactual material consisted of common flaked stone and ecofacts, and those in very limited quantities. All areas of past cultural use are of cultural importance to the Native

American community, even if they do not meet the significance criteria for archaeological resources. Additionally, the Project site has been identified by several of the tribes that are consulting to be within a culturally significant area. Based on these considerations, implementation of proposed mining and reclamation activities has the potential to impact buried TCRs, particularly within the alluvial soils of the Sweetwater floodplain. (Final EIR, 2.6-4.)

Mitigation Measures: To address Impact TCR-1, Mitigation Measures **M-CR-1**, **M-CR-2**, and **M-CR-3** have been identified. These measures are addressed above and incorporated herein by reference.

These measures reduce the potential for impacts to TCRs to a level of less than significant. The above measures will reduce impacts to unknown archaeological resources to a level of less than significant. They do so by requiring preparation of a cultural resources treatment agreement and preservation plan, subject to several performance criteria, development of a pre-grade survey and data recovery program, again implemented pursuant to performance criteria, and the development of an archeological monitoring program. Each of these programs must include specific specified criteria for the pre-construction, construction, and final stages of the Project. (Final EIR, 2.3-14 through -18; see also MUP Condition of Approval CUL#1, CUL#2, CUL#GR-1, CUL#GR-2, CUL#GR-3, CUL#GR-4, CUL#GR-5.)

SECTION 4: FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The County hereby finds that, despite the incorporation of Mitigation Measures outlined in the EIR and in this Resolution, the following impacts from the proposed Project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

A. AESTHETICS

1. Visual Character

Threshold: Would the project introduce features that would detract from or contrast with the existing visual character and/or quality of a neighborhood, community, or localized area by conflicting with important visual elements or the quality of the area (such as theme, style, setbacks, density, size, massing, coverage, scale, color, architecture, building materials, etc.) or by being inconsistent with applicable design guidelines?

Finding: Significant and unavoidable. (Final EIR, 2.1-24 though -44;

Impact AES-1: The Project would result in potentially significant impacts to visual character. Mining and reclamation activities would result in adverse changes to vegetation and terrain that would substantially alter the existing visual character and composition of the visual environment. The unity, intactness, and vividness of the existing visual environment would be strongly reduced during mining and reclamation. The overall visual quality of the site during

mining and reclamation would be moderately low due to the introduction of new encroaching elements that would noticeably contrast with the existing composition of the Project site and quality of the visual environment. Visibility of the processing plant and subphase 2A and 2B activities would be reduced by the installation of screening mesh and landscaping along portions of Willow Glen Drive and Steele Canyon Road and by the installation of 36-inch box Mexican elderberry trees around the western and southern boundary of the processing plant. However, the adverse visual impacts that would occur during mining including the walled effects associated with the installation of mesh screening along segments of Willow Glen Drive and Steele Canyon Road would be experienced over a period of approximately 10 years. While unobstructed views are possible to portions of the Project site from KV 1 and 4, the volume of sensitive receptors is limited to a small portion of the overall population that would encounter the Project. Adverse visual impacts and strong visual contrast would persist beyond the active mining timeframe and would continue during reclamation of subphase areas and the establishment and maturation of revegetated areas. Due to the severity of anticipated visual change (and contrasts in form, line, and texture), the proximity of public vantage points to the Project site, and the 10-year duration of mining activities, impacts to visual resources would be considered potentially significant. (Final EIR, 2.1-43, -44.)

Mitigation Measures: No feasible and effective mitigation measures are available to reduce the potential for aesthetic impacts to a less than significant level. This impact would remain significant and unmitigable until reclaimed and revegetated areas reach mature vegetation densities and height. Several Project design considerations would be implemented during the mining and reclamation phases of the Project to reduce aesthetics effects, including retaining approximately 64 acres where no mining activities would be permitted, adhering to the proposed subphase plan, timely installation and removal of appropriate screening vegetation, use of screening mesh in selective locations on fencing along Willow Glen Drive and the Steele Canyon Road bridge, use of shielded/downward-oriented lighting, and painting mining equipment in a light color to help diminish the contrasting quality of these features. A landscape screening and entrances plan would also be implemented to provide additional vegetative screening along Willow Glen Drive. (Final EIR, 2.1-53 through -56.)

2. Valued Visual Elements

Threshold: Would the project result in the removal or substantial adverse change of one or more features that contribute to the valued visual character or image of the neighborhood, community, or localized area, including but not limited to landmarks (designated), historic resources, trees, and rock outcroppings?

Finding: Significant and unavoidable. (Final EIR, 2.1-44 through -45.)

Impact AES-2: Implementation of the Project would result in the loss of certain features during mining which would be considered a potentially significant impact. No designated landmarks (i.e., a visual feature or element designated or identified in an adopted land use plan as an important visual or scenic resource) or identified visual resources such as unique topographical features, designated historic resources, or prominent rock outcroppings or ridgelines occur on site. The Project site is primarily comprised of a golf course landscaped with

low grass and ornamental trees. There are few areas of the site that support notable stands of trees or large areas of sensitive vegetation. No trees within these areas were identified as heritage trees. Occurrences of potentially important trees located on site primarily occur along the southern border of the Project site, east of Steele Canyon Road at the southeast corner. Most of the mapped southern Cottonwood willow riparian forest and southern willow scrub areas would not be mined. Rather, these areas would be subject to removal of invasive species or left in the current condition. As such, these areas would be retained and would continue to contribute diverse visual elements to landscape views. No trees within these areas were identified heritage trees. Riparian vegetation communities are valued for both biological value and visual aspects, and most of these resources would be retained during Project implementation. Nonetheless, while impacts to sensitive vegetation communities would be limited, the riparian corridor of the Sweetwater River including the golf course is a major scenic resource of the community and the golf course and mature trees within the corridor would be considered features that contribute to the valued visual character and image of the neighborhood, community. Implementation of the Project would result in the loss of these features during mining which would be considered a potentially significant impact. (Final EIR, 2.1-45.)

Mitigation Measures: No feasible and effective mitigation measures are available to reduce the potential for aesthetic impacts to a less than significant level. This impact would remain significant and unmitigable until reclaimed and revegetated areas reach mature vegetation densities and height. Several Project design considerations would be implemented during the mining and reclamation phases of the Project to reduce aesthetics effects, including retaining approximately 64 acres where no mining activities would be permitted, adhering to the proposed subphase plan, timely installation and removal of appropriate screening vegetation, use of screening mesh in selective locations on fencing along Willow Glen Drive and the Steele Canyon Road bridge, use of shielded/downward-oriented lighting, and painting mining equipment in a light color to help diminish the contrasting quality of these features. A landscape screening and entrances plan would also be implemented to provide additional vegetative screening along Willow Glen Drive. (Final EIR, 2.1-53 through -56.)

3. Scenic Vistas

Threshold: Would the project substantially obstruct, interrupt, or detract from a valued focal and/or panoramic vista from: a. a public road, b. a trail within an adopted County or State trail system, c. a scenic vista or highway, or d. a recreational area?

Finding: Significant and unavoidable. (Final EIR, 2.1-45 through -49.)

Impact AES-3a: Impacts to existing views from Willow Glen Drive during mining and reclamation would be potentially significant. Views to the fairways and mature trees of the maintained Ivanhoe Course and the jumbled landscape of the closed Lakes Course would be partially screened by new fencing and landscaping to be installed along Willow Glen Drive. However, as mining activities advance from west to east across the site, vegetation on the Ivanhoe Course would be removed and the predominant features of the site would no longer occur. Despite the discordant elements on the Lakes Course compared to the Ivanhoe Course, the removal of vegetation, exposure of soils, excavation of terrain and presence of an active sand

extraction operation would further impact landscape intactness and unity. While views to Project elements would be partially screened, narrow views to the Project site (and visible contrasts) would detract from the scenic landscape visible from a designated scenic highway corridor. Further, the presence of mesh screening near the processing plant would interrupt and obstruct views and would create a partially “walled” experience for road users. Views to more distant ridgelines and mountainous terrain would not be obscured by the fence and mesh screening; however, the inclusion of fast-growing trees and shrubs in the landscape screening and entrances plan (designed to screen Project components from view) would gradually obstruct views to distant mountains visible from the westbound travel lane near the processing plant location. Thus, impacts to existing views from Willow Glen Drive during mining and reclamation would be potentially significant. (Final EIR, 2.1-47.)

Mitigation Measures: No feasible and effective mitigation measures are available to reduce the potential for aesthetic impacts to a less than significant level. This impact would remain significant and unmitigable until reclaimed and revegetated areas reach mature vegetation densities and height. Several Project design considerations would be implemented during the mining and reclamation phases of the Project to reduce aesthetics effects, including retaining approximately 64 acres where no mining activities would be permitted, adhering to the proposed subphase plan, timely installation and removal of appropriate screening vegetation, use of screening mesh in selective locations on fencing along Willow Glen Drive and the Steele Canyon Road bridge, use of shielded/downward-oriented lighting, and painting mining equipment in a light color to help diminish the contrasting quality of these features. A landscape screening and entrances plan would also be implemented to provide additional vegetative screening along Willow Glen Drive. (Final EIR, 2.1-53 through -56.)

Impact AES-3b: Impacts to existing views from elevated portions of the Wildlife Refuge Loop Trail would be potentially significant. (Final EIR, 2.1-47 and -48.) Panoramic views are available from the two SDNWR trails within the Project viewshed (Wildlife Refuge Loop and McGinty Mountain). Simulations from these viewpoints are presented in Final EIR, Figures 2.1-5b and 2.1-5c, and illustrate anticipated Project changes that would be visible from the upper trail during mining/reclamation and post reclamation, respectively. As illustrated, the exposed soil, excavation equipment/conveyor, and recently reclaimed areas within Phase 1 would be visible in the middle-ground from this trail and would create strong contrasts in form, line, and color on the Project site. Areas of exposed soils, the overreaction pit, and presence of mining equipment and mobile vehicles would detract from and interrupt the existing view as these components would grab the attention of viewers. Phase 2 mining activities and operations at the processing plant would be visible but distant.

Until revegetation within the reclaimed subphase areas reaches maturity, the visual effects of Phase 1 mining activities would generally persist and be experienced at these trail viewpoints. Assuming a 10- to 15-year period for plant communities in the revegetation plan to reach maturity, the Phase 1 area would visually blend with retained areas of riparian and coastal sage scrub vegetation within approximately 10 years post-initiation of mining activities in subphase 1A. Further, the wide swath of grass seeded terrain would draw attention from the river corridor and mountains and reduce landscape intactness, unity, and overall visual quality.

Therefore, impacts to existing views from elevated portions of the Wildlife Refuge Loop Trail would be considered potentially significant. (Final EIR, 2.1-48.)

Mitigation Measures: No feasible and effective mitigation measures are available to reduce the potential for aesthetic impacts to a less than significant level. This impact would remain significant and unmitigable until reclaimed and revegetated areas reach mature vegetation densities and height. Several Project design considerations would be implemented during the mining and reclamation phases of the Project to reduce aesthetics effects, including retaining approximately 64 acres where no mining activities would be permitted, adhering to the proposed subphase plan, timely installation and removal of appropriate screening vegetation, use of screening mesh in selective locations on fencing along Willow Glen Drive and the Steele Canyon Road bridge, use of shielded/downward-oriented lighting, and painting mining equipment in a light color to help diminish the contrasting quality of these features. A landscape screening and entrances plan would also be implemented to provide additional vegetative screening along Willow Glen Drive. (Final EIR, 2.1-53 through -56.)

Impact AES-3c: The Project will result in significant impacts to views across the Project site from the Sweetwater Regional Trail. In the Project area, the Sweetwater Regional Trail parallels Jamacha Road from approximately Cuyamaca College Drive East to Willow Glen Drive; an approximately 200 foot-long, north-south segment of the trail borders the western boundary of the Project site. Vegetation removal and mining activities in subphases 1B and 1C would be visible from the trail. Existing easterly views from the trail segment are primarily comprised of the unmaintained Lakes Course in the foreground and mountainous terrain in the background. Despite the low visual quality displayed by elements on the Lakes Course, the removal of all vegetation, alteration of terrain, and presence of mining equipment and vehicles would sharply contrast with the existing character of the site. Further, foreground Project elements would be visually prominent during active mining and maturation of vegetation and as a result, would substantially detract from available views to local hills and mountains. Impacts to views across the Project site from the Sweetwater Regional Trail would be considered potentially significant. (Final EIR, 2.1-48.)

Mitigation Measures: No feasible and effective mitigation measures are available to reduce the potential for aesthetic impacts to a less than significant level. This impact would remain significant and unmitigable until reclaimed and revegetated areas reach mature vegetation densities and height. Several Project design considerations would be implemented during the mining and reclamation phases of the Project to reduce aesthetics effects, including retaining approximately 64 acres where no mining activities would be permitted, adhering to the proposed subphase plan, timely installation and removal of appropriate screening vegetation, use of screening mesh in selective locations on fencing along Willow Glen Drive and the Steele Canyon Road bridge, use of shielded/downward-oriented lighting, and painting mining equipment in a light color to help diminish the contrasting quality of these features. A landscape screening and entrances plan would also be implemented to provide additional vegetative screening along Willow Glen Drive. (Final EIR, 2.1-53 through -56.)

4. Compliance with Goals, Policies and Requirements

Threshold: Would the project fail to comply with applicable goals, policies or requirements of an applicable County Community Plan, Subregional Plan, or Historic District's Zoning?

Finding: Significant and unavoidable. (Final EIR, 2.1-49 through -50.)

Impact AES-3c: Applicable land use plans governing visual character and quality include the County General Plan and the Valle De Oro Community Plan, as well as the County LPC, as described in Section 2.1.1. Specific goals and policies have been identified directed at visual quality and community character, and address development within the Rancho San Diego Specific Plan area. A Project consistency evaluation of these applicable goals and policies is provided in Appendix B and Section 3.1.6 of this EIR. In summary, the Project would be inconsistent with several goals and policies related to aesthetics contained within the County General Plan COS Element and Open Space Element, as well as the Valle De Oro Community Plan. During mining and reclamation, Project components and the visual effects of mining and reclamation activities would be visually incompatible with the existing visual setting and natural features of the surrounding area. Proposed activities and effects to landforms and vegetation would contrast with the existing character of the community. Proposed fencing and landscaping would help screen the visual effects of the Project from the largest viewer group in the surrounding area (motorists); however, due to the duration of mining activities (up to 10 years), the visible removal of vegetation from the site, the installation of linear screening mesh that would limit views and reduce visual quality, and resulting contrasts between actively mined (and newly reclaimed and revegetated) lands and the adjacent riparian corridor of the Sweetwater River, impacts would be adverse. While the Project would comply with applicable goals and policies to the extent feasible for an extractive use and would implement a comprehensive reclamation plan to ensure that mined areas are backfilled and revegetated with appropriate plant communities, impacts would be considered potentially significant. (Final EIR, 2.1-50.)

Mitigation Measures: No feasible and effective mitigation measures are available to reduce the potential for aesthetic impacts to a less than significant level. This impact would remain significant and unmitigable until reclaimed and revegetated areas reach mature vegetation densities and height. Several Project design considerations would be implemented during the mining and reclamation phases of the Project to reduce aesthetics effects, including retaining approximately 64 acres where no mining activities would be permitted, adhering to the proposed subphase plan, timely installation and removal of appropriate screening vegetation, use of screening mesh in selective locations on fencing along Willow Glen Drive and the Steele Canyon Road bridge, use of shielded/downward-oriented lighting, and painting mining equipment in a light color to help diminish the contrasting quality of these features. A landscape screening and entrances plan would also be implemented to provide additional vegetative screening along Willow Glen Drive. (Final EIR, 2.1-53 through -56.)

5. Cumulative Aesthetic Impacts

Threshold: Would the project result in cumulative aesthetic impacts?

Finding: Significant and unavoidable. (Final EIR, 2.1-51, -52.)

Impact AES-5: The Ivanhoe Ranch project site includes approximately 122 acres immediately southeast of the eastern portion of the Project site, adjacent to the existing Steele Canyon Estates. The project proposes the development of 119 single-family residences and the designation of open space areas. The project is in the early stages of planning and no environmental analysis is currently available. Relative to potential visual impacts, the project would introduce a large number of buildings and suburban elements adjacent to an existing residential development (Steele Canyon Estates) within the open space area between the Project site and the Steele Canyon Golf Course. Visual changes associated with this development are anticipated to be relatively minor as experienced from public viewpoints such as roadways and trails, since the proposed structures would be located on relatively flat terrain that currently displays visual qualities consistent with that of graded pads. In addition, the new structures would be located adjacent to an existing rural residential neighborhood and as such, would visually blend with similar surrounding uses. For private views from nearby residential areas, particularly the Steele Canyon Estates, visual impacts associated with construction of the residential development would not be compounded by the visual impacts associated with implementation of the Proposed Project. Temporarily, there may be some overlaps in timing between the two projects (e.g., site grading for the Ivanhoe Ranch Project could overlap with Phase 3 mining activities and both projects would be visible from the Wind River Road lookout. While the Ivanhoe Ranch Project would result in the construction of new structures and the primary visual effects of the Proposed Project would include vegetation removal, excavation, and equipment operations, the combined visual change associated with the projects would temporarily create strong contrast in the landscape. Given the duration of Project activities and potential overlap with construction of the Ivanhoe Ranch project, a potential cumulative impact would occur and the Project's contribution would be cumulatively considerable. (Final EIR, 2.1-52.)

Mitigation Measures: No feasible and effective mitigation measures are available to reduce the potential for aesthetic impacts to a less than significant level. This impact would remain significant and unmitigable until reclaimed and revegetated areas reach mature vegetation densities and height. Several Project design considerations would be implemented during the mining and reclamation phases of the Project to reduce aesthetics effects, including retaining approximately 64 acres where no mining activities would be permitted, adhering to the proposed subphase plan, timely installation and removal of appropriate screening vegetation, use of screening mesh in selective locations on fencing along Willow Glen Drive and the Steele Canyon Road bridge, use of shielded/downward-oriented lighting, and painting mining equipment in a light color to help diminish the contrasting quality of these features. A landscape screening and entrances plan would also be implemented to provide additional vegetative screening along Willow Glen Drive. (Final EIR, 2.1-53 through -56.)

SECTION 5: FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

State CEQA Guidelines Section 15127 requires irreversible changes be evaluated in EIRs prepared for projects that would involve: (a) the adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency; (b) the adoption by a Local Agency Formation Commission of a resolution making determinations; and (c) the requirement for preparing an environmental impact statement pursuant to the National Environmental Policy Act. None of these circumstances applies to the Proposed Project; therefore, analysis of significant and irreversible environmental changes is not required.

SECTION 6: FINDINGS REGARDING GROWTH-INDUCING IMPACTS

Section 15126.2(d) of the State CEQA Guidelines requires an EIR to discuss the ways the proposed Project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. Growth-inducing impacts include the removal of obstacles to population growth (e.g., the expansion of a wastewater treatment plant allowing more development in a service area) and the development and construction of new service facilities that could significantly affect the environment individually or cumulatively. In addition, growth must not be assumed as beneficial, detrimental, or of little significance to the environment.

As addressed in the Final EIR, the Project does not propose the development of housing, businesses, or other components that would directly induce population growth, nor does the Project site's zoning permit residential development. The Project would support existing construction jobs, but would not create a demand for increased population or induce substantial population growth. The Project would also not remove obstacles to population growth. While the Project would mine PCC-grade sand and aggregates necessary for construction, without the Project such construction materials would continue to be imported. Thus, the project does not directly result in any significant growth-inducing impacts.

In addition, the nine mining employees that would be required for the Project are anticipated to be from the existing population of the surrounding region. As such, the Proposed Project would not generate population growth nor remove barriers to population growth.

SECTION 7: FINDINGS REGARDING ALTERNATIVES

A. PROJECT OBJECTIVES

The purpose of the Project is to extract construction aggregate resources and reclaim the site to a usable condition for beneficial end uses consistent with those allowed under the current General Plan and zoning designations for the site.

The objectives of the Project are as follows:

1. Recover and process construction aggregates in a financially sound and efficient manner while meeting all local, state, and federal safety requirements.
2. Provide an open space resource within the County, that ultimately protects and enhances the Sweetwater River channel.
3. Provide reliable, high-quality, aggregate product in the amount of 570,000 tons per year (approximately one-quarter of San Diego County's annual sand demand).
4. Maintain the existing low-flow channel of the Sweetwater River during and after mining operations to accommodate water transfers from Loveland Reservoir to Sweetwater Reservoir and existing Sweetwater River middle watershed natural water flows.
5. Widen the existing flood channel of the Sweetwater River to more closely mimic conditions prior to golf course construction.
6. Reclaim areas of extraction to uses consistent with the County General Plan and Zoning Ordinance.

B. SIGNIFICANT AND UNAVOIDABLE IMPACTS

As identified above, the Project as proposed results in the following significant and unavoidable impacts, even after the incorporation of all feasible mitigation measures: impacts to visual character (Impact AES-1), impacts to valued visual elements (Impact AES-2), impacts to scenic vistas (Impacts AES-3a, AES-3b, and AES-3c), impacts associated with compliance with plans and policies relating to aesthetics (Impact AES-4), and cumulative aesthetic impacts (Impact AES-5).

C. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/ PROJECT PLANNING PROCESS

Among the factors that are used to consider project alternatives for detailed consideration in an EIR are whether they would meet most of the basic Project objectives, be feasible, and whether they would avoid or substantially reduce the significant environmental impacts of the Project. (State CEQA Guidelines section 15126(c).)

Alternatives considered but rejected from further study for the Project include the Visual Screening Alternative, Reduced Footprint/Deeper Excavation Alternative, and Reduced Annual Mining Production/Increased Mining Duration Alternative.

1. Visual Screening Objective

Description: Under the Visual Screening Alternative, visual screening barriers would be provided along Project site property lines from which public views to the Project site are afforded, including along the entirety of the Project site's frontage along Willow Glen Drive and along the portion of Steele Canyon Road that runs through the Project site. The purpose of the barriers would be to block public views to on-site mining activities. Under this alternative, mining and reclamation activities would be identical to the Proposed Project. This alternative was rejected from further consideration because the barriers themselves would represent a significant aesthetic impact and would thus not avoid the significant and unmitigable aesthetic

impact that would occur under the Proposed Project. This alternative would also not reduce or avoid other impacts that would occur under the Proposed Project, as mining activities would be the same. (Final EIR, 4-3.)

Finding: The County rejects this alternative on the following grounds, which provides a full and independent justification for rejection of the alternative: (1) the alternative will not reduce or eliminate the Project's significant and unavoidable aesthetic impacts; (2) the alternative would increase significant and unavoidable aesthetic impacts.

2. Reduced Footprint/Deeper Excavation Alternative

Description: Under the Reduced Footprint/Deeper Excavation Alternative, 4.3 million cubic yards (cy) of material would be extracted over a 10-year period within a reduced area of the Project site. This is the same extraction quantity as the approximately 4.3 million cy of material proposed to be extracted (approximately 3.8 million cy produced for market use) with the Proposed Project. Extraction operations would be limited to a maximum production of 380,000 cy (570,000 tons) of construction grade aggregate per calendar year. To extract 4.3 million cy of material within a reduced area, the depth of mining would be increased. Backfill material would be imported to achieve the final landform for reclamation of the site to an end use of open space, multi-use trails, and land suitable for uses allowed by the General Plan and existing zoning classifications. This alternative was rejected from further consideration because the import of backfill material would result in increased air pollutant and GHG emissions, noise, and VMT associated with haul truck operations. The increased depth of mining would also have greater impacts on the hydrologic system of the site as related to the Sweetwater River floodplain. Further, mining activities under this alternative would result in the exposure of more groundwater than the Proposed Project, which would result in higher levels of evaporation and water loss. (Final EIR, 4-3.)

Finding: The County rejects this alternative on the following grounds, each of which provides a full and independent justification for rejection of the alternative: (1) the alternative is technically infeasible due to groundwater levels impeding deeper excavation levels; (2) the alternative will not reduce the Project's significant impacts, and is likely to increase impacts; (3) the alternative would fail to meet several Project objectives given the reduced amount of aggregates that would be produced.

3. Reduced Annual Mining Product/Increased Mining Duration Alternative

Description: Under the Reduced Annual Mining Production/Increased Mining Duration Alternative, 4.3 million cy of material would be extracted over a 15-year period at the Project site, for an average of approximately 313,333 cy of aggregate extraction per year. The total amount of extraction under this alternative would be the same as the Proposed Project but would occur over a longer period of time (15 years instead of 10 years). The area proposed for mining and reclamation would be identical to the Proposed Project. As mining is completed in phases, the site would be reclaimed to an end use of open space, multi-use trails, and land suitable for uses allowed by the General Plan and existing zoning classifications. Reclamation activities would be the same as the Proposed Project and would extend the total project duration by two

additional years. This alternative was rejected from further consideration because it would not avoid or substantially reduce one or more impacts of the Proposed Project, and therefore would not meet CEQA requirements for an alternative. (Final EIR, 4-4.)

Finding: The County rejects this alternative on the following grounds, each of which provides a full and independent justification for rejection of the alternative: (1) the alternative will not reduce the Project's significant impacts; (2) the alternative would extend the life of the Project and therefore extend the duration of time during which impacts would be experienced.

C. ALTERNATIVES SELECTED FOR ANALYSIS IN THE EIR

The following Project Alternatives were considered in detail in the Final EIR. These alternatives are rejected for various reasons as set forth below.

1. Alternative 1: No Project/No Development Alternative

Description: Section 15126.6(e)(1)(2) of the CEQA Guidelines requires EIRs to evaluate a No Project Alternative to provide a comparison of the environmental impacts that would result if the proposed project were approved versus if it were not approved. The No Project Alternative should discuss the existing conditions at the time the NOP is published, and the circumstance under which the Project does not proceed, considering what would reasonably be expected to occur in the foreseeable future by others. The No Project Alternative assumes the Proposed Project would not occur. Under the No Project Alternative, a Major Use Permit (MUP) would not be issued, mining activities would not occur at the site, and a Reclamation Plan would not be implemented. The site would not be restored to an end use of open space, multi-use trails, and land suitable for uses allowed by the General Plan and existing zoning classifications, including residential, essential services, fire protection services, or agriculture. The property would continue to be occupied by the Cottonwood Golf Club, with the Ivanhoe Course remaining as an operational golf course and the Lakes Course remaining as a decommissioned golf course. (Final EIR, 4-4.)

Impacts: The No Project Alternative would avoid all the significant and less than significant impacts associated with implementation of the Proposed Project. However, under the No Project Alternative, 570,000 tons of sand per year would not be produced at the Project site and this amount of sand would continue to be imported from sources north and south of the County, and VMT reductions would not be achieved. Although the No Project Alternative would not increase VMT and GHG emissions from current conditions, it would not achieve the reductions the Proposed Project may achieve. The Project as proposed would result in an overall net reduction in mobile source GHG emissions. Under the No Project Alternative, this mobile-source GHG reduction would not be achieved. As such, under the No Project Alternative, regional VMT and GHG emissions would be greater than under the Proposed Project (GHG emissions would remain at current levels and then increase as anticipated demand increases). (Final EIR, 4-4, -5.) Further, under the No Project Alternative, none of the biological benefits of the Project would occur. No land would be revegetated with native habitat, or protected in perpetuity under a permanent biological open space easement.

Objectives and Feasibility: The No Project Alternative would fail to meet any of the Project objectives.

Finding: The County rejects Alternative 1, the No Project on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 1 fails to meet any of the Project objectives; (2) even though Alternative 1 would avoid impacts relating to mining, it would also fail to result in reduce VMT and GHG emissions in the region. Therefore, Alternative 1 is eliminated from further consideration.

2. Alternative 2: Biological Resources Avoidance Alternative

Description: Under Alternative 2, or the Biological Resources Avoidance Alternative, the proposed mining footprint would be set back 50 feet from the Sweetwater River channel and 500 feet from the riparian habitat to the south and west of the Project site (see Figure 4-1, Biological Resources Avoidance Alternative). The total area mined under this alternative would be 117.6 acres and the total extraction volume would be approximately 2.9 million cy, an approximately 33-percent reduction compared to the Proposed Project. This alternative would involve the same overall annual extraction and marketable product of 380,000 cy (570,000 tons) as the Proposed Project but mining activities would occur over a period of approximately six years rather than 10 years. As with the Proposed Project, Alternative 2 would include the reclamation of the site to an end use of open space, including the Sweetwater River and its floodplain, multi-use trails, and land suitable for uses allowed by the General Plan and existing zoning classifications following mining activities. (Final EIR, 4-5.)

Impacts: Alternative 2 would result in similar significant and unavoidable aesthetic impacts as the Project. While the footprint of excavation activities would be reduced, mining would still occur in areas visible from roadways, residences, and trails. Alternative 2 may reduce some of the Project's biological impacts, the Project's biological impacts are already reduced to a level of less than significant through the imposition of mitigation measures. Alternative 2 would also result in similar cultural resources, noise, paleontological, and tribal cultural resources impacts as the Project. When compared against the Project, Alternative 2 would not reduce VMT or GHG emissions to the same extent as the Project, given that less aggregate would be mined and a greater amount of imported sand would be needed to satisfy existing construction demands. (Final EIR, 4-5 through -10.)

Objectives and Feasibility: While Alternative 2 would still result in the recovery of construction aggregates (Objective 1) and still provide an open space resource within the County (Objective 2), it would not provide reliable high-quality aggregate to the same extent that the Project would (Objective 3). Alternative 2 would still maintain the existing low-flow channel of the Sweetwater River (Objective 4), widen the flood channel (Objective 5), and reclaim areas of extraction consistent with the General Plan and Zoning Ordinance (Objective 6).

Finding: The County rejects Alternative 2 on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 2 fails to meaningfully reduce the significant and unavoidable aesthetic impacts of the proposed

Project; and (2) Alternative 2 meets the Project objectives to a lesser extent than the proposed Project. Therefore, Alternative 2 is eliminated from further consideration.

3. Alternative 3: Noise Receptor Setback Alternative

Description: Under Alternative 3, or the Noise Receptor Setback Alternative, the proposed mining footprint would be set back 400 feet from residential properties surrounding the Project site, as well as from the Adeona Healthcare facility (see Figure 4-2, Noise Receptor Setback Alternative). The total area mined under this alternative would be 119.1 acres (approximately 95 acres less than the Proposed Project) and the total overall extraction volume would be approximately 3.5 million cy, an approximately 26-percent reduction compared to the Proposed Project. This alternative would involve the same overall annual extraction of 380,000 cy (570,000 tons) of marketable product as the Proposed Project, but mining activities would occur over a period of approximately seven years rather than 10. As with the Proposed Project, Alternative 3 would involve the reclamation of the site to an end use of open space, including the Sweetwater River and its floodplain, multi-use trails, and land suitable for uses allowed by the General Plan and existing zoning classifications following mining activities. (Final EIR, 4-10, -11.)

Impacts: Alternative 3 would involve similar mining activities that would impact the existing visual character of the site, but within a reduced footprint. Aesthetics impacts would be lessened compared to the Proposed Project; however, impacts would remain significant and unmitigable. Alternative 3 would also involve similar biological, cultural resources, paleontological, and tribal cultural resources impacts as the Project. Alternative 3 may reduce noise impacts for some sensitive receptors, it would nonetheless require similar mitigation measures as the Project. Both the Project and Alternative 3 result in less than significant noise impact with mitigation. Finally, because this alternative would produce less sand overall than the Proposed Project, a greater amount of imported sand would be needed under this alternative, and the overall reduction in regional VMT and GHG emissions would not be as high as if the Project were implemented.

Objectives and Feasibility: While Alternative 3 would still result in the recovery of construction aggregates (Objective 1) and still provide an open space resource within the County (Objective 2), it would not provide reliable high-quality aggregate to the same extent that the Project would (Objective 3). Alternative 3 would still maintain the existing low-flow channel of the Sweetwater River (Objective 4), widen the flood channel (Objective 5), and reclaim areas of extraction consistent with the General Plan and Zoning Ordinance (Objective 6).

Finding: The County rejects Alternative 3, the Reduced Project Alternative on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 3 fails to meaningfully reduce the significant and unavoidable aesthetic impacts of the proposed Project; and (2) Alternative 3 meets the Project objectives to a lesser extent than the proposed Project. Therefore, Alternative 3 is eliminated from further consideration.

4. Alternative Location Alternative

Description: In accordance with Section 15126.6(f)(2), an alternative location should be considered if development of another site is feasible and if development of another site would substantially lessen one or more significant impacts of the Proposed Project. Factors that may be considered when identifying an alternative site include the size of the site, its location, the General Plan (or Community Plan) land use designations, and availability of infrastructure. Section 15126.6(f)(2)(A) states that a key question in looking at an offsite alternative is “whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location.” The potential for alternative locations for the Project within the County is limited. The alternate site would need to have known alluvial sand resources; be of similar acreage to the Proposed Project site to allow for an extraction amount sufficient to provide reliable, high-quality, aggregate product that would be economically feasible and help meet regional demand; and have a zoning designation that allows for mineral extraction. Alluvial sand that could serve as high-quality aggregate product is generally located within the main river drainages of the County. Much of this land has been placed in open space preserves or has been mined out and is now developed or proposed for development (e.g., El Corazon former open-pit sand mine in Oceanside, RCP Block & Brick former sand mining operations in Santee, H.G. Fenton Material Co. former quarry in Mission Valley, Hanson Aggregates Pacific Southwest former quarry in Mira Mesa). If the alternate project site would not produce the same amount of aggregate as the Proposed Project, the Project could be economically infeasible to implement. Based on the review and analysis of the GIS data, two sites are currently identified as having available and extractable sand resources, which are the Proposed Project site and the El Monte site. The El Monte site is currently undergoing a permit application process with the County and is not considered a potential alternative location for the Proposed Project. There are no other known sites within the County that have available alluvial sand resources or are of similar size as the Proposed Project site that would be suitable for construction aggregate recovery. Therefore, no feasible alternative locations were determined to exist for the Proposed Project.

Objectives and Feasibility: An alternative location alternative would not meet many of the Project’s objectives, including Objective 2 relating to protecting and enhancing the Sweetwater River channel, Objective 3, maintaining the existing low-flow channel of the Sweetwater River, and Objective 5, widening the existing flood channel of the Sweetwater River to more closely mimic conditions prior to golf course construction.

Finding: The County rejects the Alternative Location Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) it is technically infeasible, as no alternative site with similar sand aggregate resources is present in unincorporated San Diego County; (2) it is legally infeasible, given that the Applicant does not own or otherwise control any similar properties; (3) it fails to meet most of the Project Objectives; (4) it would likely result in similar impacts as the Project, depending on its location.

D. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The potential for alternative locations for the Project within the County is limited. The alternate site would need to have known alluvial sand resources; be of similar acreage to the Proposed Project site to allow for an extraction amount sufficient to provide reliable, high-quality, aggregate product that would be economically feasible and help meet regional demand; and have a zoning designation that allows for mineral extraction. Alluvial sand that could serve as high-quality aggregate product is generally located within the main river drainages of the County. Much of this land has been placed in open space preserves or has been mined out and is now developed or proposed for development (e.g., El Corazon former open-pit sand mine in Oceanside, RCP Block & Brick former sand mining operations in Santee, H.G. Fenton Material Co. former quarry in Mission Valley, Hanson Aggregates Pacific Southwest former quarry in Mira Mesa). If the alternate project site would not produce the same amount of aggregate as the Proposed Project, the Project could be economically infeasible to implement. Based on the review and analysis of the GIS data, two sites are currently identified as having available and extractable sand resources, which are the Proposed Project site and the El Monte site. The El Monte site is currently undergoing a permit application process with the County and is not considered a potential alternative location for the Proposed Project. There are no other known sites within the County that have available alluvial sand resources or are of similar size as the Proposed Project site that would be suitable for construction aggregate recovery. Therefore, no feasible alternative locations were determined to exist for the Proposed Project.

Alternatives 2 and 3 would meet most of the Project Objectives and would lessen impacts to several resource areas. Alternative 2 would avoid some of the potentially significant impacts to biological resources; mitigation would still be required for some potentially significant biological resource impacts. Alternative 3 would avoid the potentially significant impact associated with noise from mining activities. With their reduced footprints, Alternatives 2 and 3 would reduce the potential for impacts to cultural resources, paleontological resources, and tribal cultural resources but the potential for significant impacts would still exist and mitigation would still be required. Similarly, aesthetics-related impacts would be reduced under Alternatives 2 and 3 but would remain significant and unmitigable.

While Project-generated GHG emissions and VMT would be reduced under Alternatives 2 and 3 as a result of reduced mining activity and sand production, overall regional GHG emissions and VMT would also be reduced though not to the extent of the Proposed Project because less sand would be produced within the County and greater levels of continued sand import would occur. Based on the consideration of adverse environmental impacts resulting from each alternative, Alternative 3 is considered the environmentally superior alternative.

However, as determined above, the County rejects the Alternative 3 on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 3 fails to meaningfully reduce the significant and unavoidable aesthetic impacts of the proposed Project; and (2) Alternative 3 meets the Project objectives to a lesser extent than the proposed Project. Therefore, Alternative 3 is eliminated from further consideration.

SECTION 8: STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to State CEQA Guidelines, section 15092, a public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:

1. The project as approved will not have a significant effect on the environment, or
2. The agency has:
 - A. Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and
 - B. Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

Pursuant to State CEQA Guidelines, sections 15092 and 15093, having reduced the adverse potentially significant environmental effects of the Project to the extent feasible by adopting the Mitigation Measures identified in the Final EIR, the Mitigation Monitoring and Reporting Program (“MMRP”), and the CEQA Findings of Fact; having considered the entire administrative record on the Project; and having weighed the benefits of the Project against its single unavoidable and potentially significant aesthetic impact after mitigation, the County of San Diego has determined that several social, economic, legal, and environmental benefits of the Project outweigh its environmental impact.

Specifically, the County has determined that the Project’s significant and unavoidable aesthetics impact, which will occur during the extraction phase of the Project, is outweighed by each individual social, economic, legal and environmental benefit that will result from the Project’s approval and implementation. Each of these individual benefits provide an independent basis for overriding the significant and unavoidable adverse aesthetic impact identified in the Final EIR and CEQA Findings of Fact. The County considers this impact to be acceptable in light of the Project’s benefits, consistent with State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), section 15093. These individual benefits include:

1. **The Project will provide a reliable, local, and high-quality source of construction aggregate product in the amount of 570,000 tons per year.** The extraction of PCC-grade sand is a declared public necessity in San Diego County. As codified in County Code, section 87.701, the County Board of Supervisors has formally recognized that mineral extraction “is essential to the continued economic well-being of the County of San Diego.” These materials are foundational to the construction of roads, homes, schools, hospitals, and other critical infrastructure that support San Diego County’s population. The County’s General Plan EIR confirms that PCC-grade sand is the scarcest and most valuable form of aggregate in the County, and that environmental and regulatory constraints have made it increasingly difficult to permit new extraction sites. The mineral resources available for extraction within the County have reduced from 25 active sand mine sites in San Diego County in 1980, to 8 by 1995, to two by 2015, to just one currently in 2025. As a result, locally permitted construction aggregate supply has not kept up with demand and San Diego County has the highest aggregate prices in

California, driven in part by a shortage of local supply and the need to import sand from distant sources, including Mexico.

The Cottonwood Sand Mine Project offers a rare opportunity to secure a long-term, local source of PCC-grade sand that can meet approximately 25% of the County's annual demand. By doing so, it will stabilize prices, reduce environmental impacts from transportation, and ensure that the County can continue to meet its infrastructure and housing needs in a cost-effective and environmentally responsible manner.

2. **The Project will create approximately 148 acres of new permanent open space, preserved in perpetuity through recordation of an biological open space easement.** While the majority of the Project site is currently zoned as Open Space, the site is presently developed as two private golf courses, and not natural open space. Currently, significant portions of the Project site are vegetated with a mixture of native and non-native species, and the site presents a choke point for water flowing through the Sweetwater River. The Project would progressively reclaim the Project site and restore it to an end use of natural and permanent open space. The revegetation and restoration would include approximately 11 acres of coastal sage scrub and approximately 107 acres of wetland- and riparian-associated habitat, with an additional approximately 7 acres of wetland- and riparian-associated habitat that would be rehabilitated. The project also would preserve approximately 23 acres of existing on-site habitat. The newly created open space would be preserved via recordation of a biological open space easement to be held by the County. The biological open space easement would apply to the land in perpetuity and restrict future uses to protect the biological value of the site. The land would be managed by a long-term resource manager, in conformance with the final Resource Management Plan, and ultimately result in a significant net environmental benefit to the region, connecting existing open space and preserve areas to the north and south of the Project site.
3. **The Project improves and protects in perpetuity a ecologically functional open space corridor.** Upon completion of mining and implementation of the Resource Management Plan, the Project will transform a degraded, intensively managed golf course into a biologically rich and ecologically functional open space corridor. This transformation will result in a net environmental benefit by restoring native habitats, improving hydrological function, and enhancing regional wildlife connectivity.
4. **The Project is conditioned to offer the County the 148 acres of newly created, and permanently protected, open space area, for a purchase price of \$0, and for inclusion in the County's open space network.** The Applicant has agreed to offer a significant portion of the Project site to the County for use as County open space. Specifically, upon approval, the Applicant will commit to offering at least 148 acres of the Project site to the County for a purchase price of \$0, and the County may choose to accept or reject the offer when it is made. The terms of this offer are detailed in the Project's conditions of approval, specifically MUP Condition of Approval GEN#4-LAND

DEDICATION OFFER and MUP Condition of Approval GEN#7-COUNTY RIGHT OF FIRST OFFER.

The Applicant's commitment to donate nearly 150 acres of restored open space to the County presents a rare and valuable opportunity to expand the County's open space network at no cost to County taxpayers. The property, once it is fully reclaimed and revegetated under the Project's Resource Management Plan, will consist of high-quality riparian, wetland, and upland habitats that support regional biodiversity and enhance ecological connectivity. Strategically located along the Sweetwater River corridor, the site will serve as a critical linkage between existing open space areas, including the San Diego National Wildlife Refuge, and will facilitate wildlife movement and trail connectivity consistent with the County Trails Master Plan. The perpetual biological open space easement will ensure long-term conservation of these restored habitats, while the land's integration into the County park system will provide new recreational opportunities for the public, including multi-use trails and nature viewing areas. This donation represents a lasting environmental legacy and a significant public benefit aligned with the County's conservation and recreation goals. As noted above, the Applicant has engaged the San Diego Habitat Conservancy as its long-term resource manager for the reclaimed areas. The Applicant is also currently seeking an additional nonprofit partner with specialization in water quality, monitoring, and Clean Water Act compliance, to further support its long-term management of the restored property.

5. **The Project will restore and enhance the Sweetwater River flood channel to a more natural condition, improving water flow, flood protection, and wildlife connectivity.** The Project will widen and restore the Sweetwater River floodplain, which does not currently mimic natural conditions as a result of the prior development of the two private golf courses on the Project site. Restoring the Sweetwater River channel will provide myriad benefits, including improving the channel's ability to accommodate natural water flow, improving the channel's ability to handle and dissipate energy from large storm events, and improving habitat and wildlife connectivity in the area.

Because of the prior development of the two private golf courses, the Sweetwater River channel, which is artificially narrow and vegetated with a mix of native and non-native vegetation, currently presents a choke point for water flowing through the channel. This Project will remove this choke point and restore the channel to its natural condition: a low-flow channel within a relatively flat plain that is revegetated to support wetland/riparian habitat. This widened flood channel, more similar to conditions occurring before the two private golf courses were developed, would improve the channel's ability to accommodate natural flows and would better dissipate water energy during large storm events.

Further, post-reclamation, the Project site will provide a biologically superior condition for the Sweetwater River, when compared to the site's current developed condition. As a

result of the Project, the Sweetwater River floodplain will be substantially widened and revegetated with native wetland and riparian habitat along the channel's bottom and with coastal sage scrub along the constructed channel slopes. These revegetated and restored riparian areas would then be placed within a permanent biological open space easement. This easement area will be contiguous to existing native habitat located to the east and west, including preserved areas within the San Diego National Wildlife Refuge ("SDNWR"). The revegetated channel will re-establish connectivity between upstream and downstream riparian areas by providing increased native vegetative cover. This improved connectivity will improve wildlife access to higher quality resources and promote and facilitate wildlife use and movement in the local area and surrounding region—movement that is currently constrained by the existing golf courses.

6. **The Project is projected to provide the County with \$2,500,000 in additional sales tax revenue.** Based on an annual extraction rate of 570,000 tons per year, an anticipated and conservative sales price of \$25 per ton, and applying the County sales tax rate of 1.75%, County sales tax revenue from the Project will be approximately \$249,375 per year during the extraction phase of the Project. This will result in a total of \$2,500,000 in additional tax revenue over the life of the Project.
7. **The Project will significantly reduce water demand and consumption on the Project site.** The Project would significantly reduce water demand at the Project site, which is currently necessary to maintain the two developed private golf courses. The water demand during the Project's mining period would reduce water consumption by approximately 83% when compared against the historic water consumption rates for the two courses. While one golf course is currently closed, in the absence of the Project, the course could be reopened at any time. After mining ceases and the restoration of the mining areas is completed, no ongoing water consumption would be required, meaning that the water consumption of the Project site would be reduced 100%. This would result in a substantial improvement in the amount of groundwater storage, and benefit regional water supplies.
8. **The Project will be restored on a rolling basis, ensuring continuous environmental enhancement, as opposed to requiring the community to wait until the end of the 10-year extraction phase to see any open space benefit.** As explained in the Final EIR, "[a]reas disturbed by mining activities would be progressively reclaimed and revegetated as mining proceeds across the Project site. Mining activities are planned to occur in smaller subphase areas to limit disturbance and implement phased reclamation and revegetation. Mining activities in each subphase area would occur over an approximate duration of one year each, so that the entire Project site or phase areas would not be disturbed at one time." (EIR, p. 2.1-27.) Because the Project will be required to reclaim, restore, and enhance the site on a continuous basis, the community will not be required to wait until the end of the 10-year mining period to benefit from the open space restoration. The Applicant will be required to offer the reclaimed lands to County Parks as a donation,

free of charge to the County. This donation could occur on a rolling basis, providing open space benefits to the community in the relative near term.

9. **The Project will reduce overall greenhouse gas emissions and vehicle miles traveled within the County.** The Project will reduce regional and statewide mobile source greenhouse gas emissions by reducing the truck miles associated with importing construction aggregate into San Diego County from Mexico and other states. As described in the Final EIR, replacing 570,000 tons of imported sand with locally sourced sand from the Project site has the potential to *reduce vehicle miles traveled associated with meeting San Diego County's near-term sand demand by 35.8 percent*. Such a reduction in vehicle miles traveled would result in an overall reduction of greenhouse gas emissions from those vehicle miles.
10. **The Project will construct a new pedestrian pathway and regional multi-use trail.** The Project includes the construction of a new pedestrian pathway along the northern frontage of the Project site, to improve pedestrian access within the vicinity of the Project, where there are currently no sidewalks. The public pathway would range from five to eight feet in width, and it would connect to a new publicly accessible community trail within the Project site. The multi-use community trail would be completed in segments, across the Project site as the site is reclaimed in phases.
11. **The Project will improve Willow Glen Drive.** The Project will provide several improvements to Willow Glen Drive, including restriping the roadway to provide Class II buffered bicycle lanes on both sides of the roadway, the installation of a dedicated right-turn lane, and the installation of a two-way left turn lane. These improvements will be installed before mining activities are permitted to begin. The Project will also provide an Irrevocable Offer of Dedication along the Project frontage to accommodate the ultimate roadway width of Willow Glen Drive.
12. **The Project will implement myriad County General Plan Goals and Policies.** As a mining project that provides a local source of high-quality and in-demand construction aggregate, the Project implements several mineral and aggregate-related goals and policies of the San Diego County General Plan. For example:
 - Goal COS-10, Protection of Mineral Resources, requires the County to ensure long-term production of mineral materials adequate to meet local annual demand. Currently in San Diego County, local demand for sand aggregate far outpaces local supply, an imbalance that this Project would directly address.
 - Policy COS-10.1, Protection of State-Classified or Designated Lands, discourages the development or incompatible development of lands classified or designated as having important mineral resources, and requires that the County consider the potential for substantial resource extraction in making land use decisions. This

Project site is State-designated as Mineral Resource Zone (“MRZ”) 2, which is defined as an area where “significant mineral deposits are present” or likely to be present.

- Policy COS-10.6, Conservation of Construction Aggregate, requires the County to “[e]ncourage the continued operation of existing mining facilities *and streamline the permitting of new mining facilities consistent with the goal to establish permitted aggregate resources that are sufficient to satisfy 50 years of County demand.*” This Project will provide a newly permitted mining facility producing local aggregate resources.
- Policy COS-10.8, New Mining Facilities, recognizes the “public necessity for available mineral resources adequate to meet local demand.” The primary purpose of this Project is to meet local demand for sand aggregate.

Because the Project will improve and restore the Sweetwater River channel, the Project also implements General Plan policies relating to floodplain protection. For example:

- Policy S-9.2, Development in Floodplains, discourages development in floodplains, and discourages the artificial channelization of river beds. This Project will remove existing development within the floodplain (structures associated with the existing private golf courses) and return the Sweetwater River channel to a more natural and widened state, revegetated with natural wetland and riparian habitat.

Finally, by providing approximately 180 acres of optimally located open space and parkland to the County Parks system, free of charge, the Project implements the General Plan’s open space and network connectivity goals and policies. For example:

- Policy LU-6.7, Open Space Network, requires that projects design contiguous open space areas that protect wildlife habitat and corridors, and connect with existing or planned recreational opportunities.

13. The Project will eliminate long-term potential for intensive development on the Project site. The Project will reclaim the site on a rolling basis, with each subphase of 30-acres or less reclaimed, revegetated, and converted to high-quality, natural open space as mining progresses across the site. At the close of the extraction and reclamation phases, approximately 148 acres of the Project site will have been converted to improved and enhanced natural open space, protected in perpetuity through the recordation of an open space easement and the offer to donate the land to County Parks, free of charge, for use as publicly accessible open space and parkland. This end use will eliminate any potential for this large site to be converted to housing, affordable housing, commercial or mixed use, or intensive recreational uses, in the future.

SECTION 9: CERTIFICATION OF THE FINAL EIR

The County finds that it has been presented with the Final EIR, which it has reviewed and considered, and further finds that the Final EIR is an accurate and objective statement that has been completed in full compliance with CEQA and the State CEQA Guidelines and that the EIR reflects the independent judgment and analysis of the County.

The County declares that no evidence of new significant impacts as defined by the State CEQA Guidelines section 15088.5 have been received by the County after circulation of the Draft EIR and Recirculated Draft EIR which would require further recirculation.

Therefore, the County certifies the EIR based on the entirety of the record of proceedings.

SECTION 10: CUSTODIAN OF RECORD

The documents and materials that constitute the record of proceedings on which these CEQA Findings of Fact have been adopted and the Final EIR has been certified, are located at 5510 Overland Avenue, Suite 210, San Diego, CA. The custodian for these records is the San Diego County Planning & Development Services Department. This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 11: NOTICE OF DETERMINATION

A Notice of Determination shall be filed with the County of San Diego and the State Clearinghouse within five (5) working days of final Project approval.

**Attachment D Mitigation Monitoring and
Reporting Program**

COTTONWOOD SAND MINE PROJECT

**MITIGATION MONITORING AND REPORTING
PROGRAM**

SCH# 2019100513

PDS2018-MUP-18-023
PDS2018-RP-18-001
PDS2018-ER-18-19-007

Prepared for:

COUNTY OF SAN DIEGO
PLANNING AND DEVELOPMENT SERVICES
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Project Proponent:

NEW WEST INVESTMENT GROUP, INC.
565 N. Magnolia Avenue
El Cajon, CA 92020

Prepared by:

HELIX ENVIRONMENTAL PLANNING, INC.
7578 El Cajon Boulevard
La Mesa, CA 91942

May 2025 | 02975.00002.002

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MITIGATION MONITORING AND REPORTING PROGRAM

The following Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines to provide for the monitoring of mitigation measures required of the Cottonwood Sand Mine Project.

Section 21081.6 of the California Public Resources Code and Section 15091(d) and 15097 of the CEQA Guidelines require public agencies “to adopt a reporting or monitoring program for changes to the project which it has adopted or made conditions of project approval in order to mitigate or avoid significant effects on the environment.” An MMRP is required for the Project because the EIR for the Project identified potentially significant adverse impacts related to construction and operation of the Project, and mitigation measures have been identified to reduce most of those impacts to a less-than-significant-level.

This MMRP will be adopted by the County of San Diego Board of Supervisors when it approves the Project and will be kept on file at the County of San Diego Planning & Development Services Department, 5510 Overland Ave, Suite 210, San Diego, CA 92123.

This MMRP is to be used by the County of San Diego to ensure that adopted mitigation measures identified in the Final EIR are implemented and that implementation is documented. The MMRP is presented in tabular format. The table columns contain the following information:

Mitigation Measures and Project Design Features: Provides the text of the mitigation measures and project design features (by issue area), as provided in the Final EIR, each of which has been adopted and incorporated into the Project.

Approving Agency: Identifies the agency responsible for approving the respective mitigation measure and ensuring that the mitigation requirements are satisfied.

Responsible Party: Identifies the party responsible for implementation of the mitigation measure.

Timing: Identifies the timing of implementation of the mitigation measure.

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COTTONWOOD SAND MINE PROJECT
(PDS2018-MUP-18-023; PDS2018-RP-18-001; PDS2018-ER-18-19-007)
MITIGATION MONITORING AND REPORTING PROGRAM

MM#	Mitigation Measure	Approving Agency	Responsible Party	Timing
M-BIO-1	Mitigation for impacts to 1.2 acres of potential foraging habitat for coastal California gnatcatcher, comprised solely of Diegan coastal sage scrub, shall occur at a 1.5:1 ratio for a total mitigation requirement of 1.8 acres. Mitigation shall occur through on-site preservation of 0.6 acre of Diegan coastal sage scrub and on-site revegetation of 11.3 acres of Diegan coastal sage scrub for a total of 11.9 acres of Diegan coastal sage scrub to be preserved within the biological open space easement.	County of San Diego (County)	Applicant	To be implemented prior to Project impacts.
M-BIO-2	If clearing or grading would occur within 500 feet of suitable coastal California gnatcatcher habitat during the gnatcatcher breeding season (March 1 through August 15), a qualified biologist shall conduct a pre-construction survey no more than three days (72 hours) prior to commencement of activities to determine whether gnatcatchers occur within 500 feet of the proposed impact area(s). If there are no gnatcatchers nesting (includes nest building or other breeding/nesting behavior) within that area, grading and clearing shall be allowed to proceed. If any gnatcatchers are observed nesting or displaying breeding/nesting behavior during the pre-construction survey or additional surveys within the area, construction shall be postponed within 500 feet of any location at which gnatcatchers have been observed until a qualified biologist has determined that all nesting (or breeding/nesting behavior) has ceased or until after August 15.	County and U.S. Department of Fish and Wildlife (USFWS)	Applicant	Prior to any clearing, grubbing, trenching, grading, or land disturbing activities.
M-BIO-3	Mitigation for impacts to 0.58 acre of potential nesting and foraging habitat for least Bell's vireo (southern cottonwood-willow riparian forest, disturbed southern willow scrub, and tamarisk scrub) shall occur at a minimum 3:1 ratio with at least 1:1 creation (establishment/re-establishment) for a total mitigation requirement of 1.74 acres. Mitigation shall occur through on-site preservation of 13.85 acres of wetland and riparian habitat, on-site rehabilitation of 7.36 acres of riparian habitat, and on-site re-establishment and revegetation of 107.63	County	Applicant	To be implemented prior to Project impacts.

COTTONWOOD SAND MINE PROJECT
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MITIGATION MONITORING AND REPORTING PROGRAM

MM#	Mitigation Measure	Approving Agency	Responsible Party	Timing
	acres of riparian habitat for a total of 128.84 acres of wetland riparian habitat to be preserved within the biological open space easement.			
M-BIO-4	If clearing or grubbing occurs within 500 feet of suitable least Bell's vireo habitat during the breeding season (March 15 through September 15), a qualified biologist shall conduct a pre-construction survey no more than three days (72 hours) prior to commencement of activities to determine whether vireos occur within 500 feet of proposed impact area(s). Impacts to occupied habitat shall be avoided. If there are no vireos nesting (includes nest building or other breeding/nesting behavior) within that area, grading and clearing shall be allowed to proceed. If any vireos are observed nesting or displaying breeding/nesting behavior during the pre-construction survey or additional surveys within that area, construction shall be postponed within 500 feet of any location at which vireos have been observed until a qualified biologist has determined that all nesting (or breeding/nesting behavior) has ceased or until after September 15.	County and USFWS	Applicant	Prior to any clearing, grubbing, trenching, grading, or land disturbing activities.
M-BIO-5	If operation of construction or excavation equipment is initiated within 500 feet of suitable habitat during the breeding seasons for the coastal California gnatcatcher (March 1 to August 15), nesting raptors (January 15 to July 15), or least Bell's vireo (March 15 to September 15), pre-construction survey(s) shall be conducted by a qualified County biologist to determine whether these species occur within the areas potentially impacted by noise, with the final survey occurring within three days (72 hours) of the proposed start of construction, mining, or reclamation activities. If it is determined at the completion of pre-construction survey(s) that active nests belonging to these sensitive species are absent from the potential impact area, activities shall be allowed to proceed. If pre-construction surveys determine the presence of active nests belonging to these sensitive species, then activities shall: (1) be postponed until a qualified biologist determines the nest(s) is no longer active or until after the respective breeding season; or (2) not	County and Wildlife Agencies	Applicant	Prior to any clearing, grubbing, trenching, grading, or land disturbing activities.

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MM#	Mitigation Measure	Approving Agency	Responsible Party	Timing
	occur until a temporary noise barrier or berm is constructed at the edge of the impact footprint and/or around the piece of equipment to ensure that noise levels are reduced to below 60 A-weighted decibels (dBA) or ambient, whichever is greater. The type(s) and location(s) of noise barrier(s) shall be provided to the County and Wildlife Agencies (USWFS and the California Department of Fish and Wildlife [CDFW]) along with the associated noise measurements demonstrating compliance with required noise level reductions. Decibel output would be confirmed by a County-approved noise specialist and intermittent monitoring by a qualified biologist to ensure that noise levels remain below 60 dBA at occupied areas.			
M-BIO-6	Impacts to 234 individuals of Palmer's goldenbush shall be mitigated at a 1:1 ratio. Mitigation shall occur through planting and/or seeding of the species within on-site native revegetation areas in accordance with a revegetation plan to be approved by the County and Wildlife Agencies.	County and Wildlife Agencies	Applicant	To be implemented prior to Project impacts.
M-BIO-7	If grubbing, clearing, or grading occurs during the general avian breeding season (February 15 through August 31) within 300 feet of general bird nesting habitat or during the raptor breeding season (January 15 through July 15) within 500 feet of nesting raptor habitat, a qualified biologist shall conduct a pre-construction survey no more than three days (72 hours) prior to the commencement of activities to determine if active bird nests are present in the affected areas. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, clearing, grubbing, and grading shall be allowed to proceed. Furthermore, if construction activities are to resume in an area where they have not occurred for a period of seven or more days during the breeding season, an updated survey for avian nesting will be conducted. If active nests or nesting birds are observed within the area, the biologist shall flag the active nests and construction activities shall avoid active nests until a qualified biologist has	County	Applicant	Prior to any grubbing, clearing, or grading activities.

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MM#	Mitigation Measure	Approving Agency	Responsible Party	Timing
	determined that nesting behavior has ceased, nests have failed, or young have fledged.			
M-BIO-8	Upon completion of all extraction activities, reclamation, and final grading to establish the final landform shall occur in accordance with the approved Reclamation Plan. Revegetation with native species will occur within the expanded Sweetwater River floodplain and constructed bordering slopes according to a revegetation plan to be approved by the County and Wildlife Agencies.	County and Wildlife Agencies	Applicant	Following the completion of mining activities.
M-BIO-9	Mitigation for impacts to 0.44 acre of southern cottonwood-willow riparian forest, 0.13 acre of disturbed southern willow scrub, 0.01 acre of tamarisk scrub, 0.01 acre of arundo-dominated riparian, and 0.55 of disturbed wetland shall occur at a 3:1 ratio with at least 1:1 creation for a total mitigation requirement of 3.42 acres. Mitigation shall occur through on-site preservation of 13.85 acres of wetland and riparian habitat, on-site rehabilitation of 7.36 acres of riparian habitat, and on-site re-establishment and revegetation of 107.63 acres of riparian habitat for a total of 128.84 acres of wetland riparian habitat to be preserved within the biological open space easement.	County	Applicant	To be implemented prior to Project impacts.
M-BIO-10	Mitigation for 1.2 acres of impacts to Diegan coastal sage scrub shall occur at a 1.5:1 ratio through the on-site preservation of 1.8 acres of Tier II or Tier I habitat in the South County Multiple Species Conservation Program (MSCP) area within a biological resource core area. Mitigation shall occur through on-site preservation of 0.6 acre of Diegan coastal sage scrub and on-site revegetation of 11.3 acres of Diegan coastal sage scrub for a total of 11.9 acres of Tier II Diegan coastal sage scrub to be preserved within the biological open space easement.	County	Applicant	To be implemented prior to Project impacts.

COTTONWOOD SAND MINE PROJECT
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MM#	Mitigation Measure	Approving Agency	Responsible Party	Timing
M-BIO-11	Prior to any vegetation removal, grading, and/or other ground disturbing activities, a qualified biologist familiar with special status reptile and amphibian species behavior and life history shall conduct a pre-construction survey no more than two weeks prior to commencement of activities to determine whether reptile and amphibian species designated as sensitive by CDFW, but not covered under the County's MSCP, occur within proposed impact area(s). If special status reptile or amphibian species are detected during the pre-construction survey, consultation with CDFW shall be initiated to prepare species-specific protocols for proper handling and relocation procedures.	County and CDFW	Applicant	Prior to any vegetation removal, grading, and/or other land disturbing activities.
M-BIO-12	If western spadefoot toads, tadpoles, or egg masses are identified within the proposed impact area(s), the following measures shall be implemented: (1) A suitable relocation site(s) outside the proposed impact area(s) shall be identified by a qualified biologist. The relocation site(s) shall be located a minimum of 50 feet outside of the proposed impact area(s), or 100 feet if available, and shall be approved by CDFW; (2) All western spadefoot adults, tadpoles, and egg masses encountered in the proposed impact area(s) shall be collected and released in the identified relocation site(s); (3) The relocation site(s) shall be monitored annually for five years during and immediately following peak breeding season (late winter to March), such that surveys can be conducted for adults as well as for egg masses and tadpoles. The results of annual monitoring shall be provided to CDFW in an annual report.	CDFW	Applicant	Prior to any vegetation removal, grading, and/or other land disturbing activities.
M-BIO-13	Prior to the removal of mature trees or existing buildings/structures with potential to support roosting bats, a qualified biologist shall conduct an initial pre-construction survey no more than 30 days and no less than two weeks prior to commencement of tree removal or demolition activities to determine if roosting bats are present in the proposed impact area(s). A letter report summarizing the survey methods and results of the survey, including negative findings, shall be submitted to	County and CDFW	Applicant	Prior to the removal of mature trees or existing buildings/structures with potential to support roosting bats.

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	the County and CDFW for review at least two weeks prior the commencement of Project activities. If bats are detected within the proposed impact area(s) during the initial pre-construction survey, the letter report will identify measures to be implemented to avoid and minimize potential direct and indirect impacts to roosting bats, including those identified in this measure. A final pre-construction survey shall be conducted no more than three days (72 hours) prior to tree removal or demolition activities within the proposed impact area(s). If bats are not detected during the final pre-construction survey or determined to be absent from the proposed impact area, construction activities shall be allowed to proceed, and no additional measures would be necessary. If bats are detected during the final pre-construction survey, the following avoidance measures shall be implemented, depending on the time of year, including additional measures identified in the letter report. If an active maternity roost is detected during the bat maternity season (April 15 through August 15), the biologist shall flag the active roost site and construction activities shall avoid the roost site until after the maternity season (August 16), or until the qualified biologist has determined young are self-sufficiently volant (able to fly). If bats are detected and determined to be roosting within the proposed impact area(s) outside of the bat maternity season (August 16 through April 14), the biologist shall flag the active roost site and construction activities shall avoid roost sites until bats are no longer determined to be roosting as determined by the qualified bat biologist. Exclusion of roost sites, where feasible, outside of the bat maternity season may be conducted with approval of the County and CDFW. Methods of roost exclusion shall be determined in consultation with the County and CDFW.			

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M-BIO-14	The applicant shall dedicate 149.0 acres of biological open space to be managed by a long-term manager approved by the County in accordance with a Resource Management Plan (RMP). The biological open space easement shall include native habitat revegetation areas located within the expanded Sweetwater River floodplain and bordering constructed slopes. Permanent open space fencing and signage shall be installed around the perimeter of the biological open space as detailed in the final RMP.	County	Applicant	Prior to issuance of any permits.
M-BIO-15	The Project requires preparation of a RMP for onsite biological open space to be approved by the County and Wildlife Agencies. The RMP would provide direction for the permanent preservation and management of the on-site biological open space in accordance with County regulations.	County and Wildlife Agencies	Applicant	Prior to issuance of any permits.
M-BIO-16	To help ensure errant impacts to sensitive vegetation communities outside of the impact footprint are avoided during construction, temporary environmental fencing (including silt fencing where determined necessary by the Storm Water Pollution Prevention Plan [SWPPP]), would be installed at the edges of the impact limits prior to initiation of grading. All construction staging shall occur within the approved limits of construction.	County	Applicant	Prior to any vegetation removal, grading, and/or other land disturbing activities.
M-BIO-17	A qualified biologist shall monitor the installation of environmental fencing wherever it would abut sensitive vegetation communities, jurisdictional waters or wetlands, or open space. Prior to the installation of temporary fencing, the placement design should carefully consider potential impacts to wildlife movement patterns between the upstream and downstream riparian habitats adjacent to the Project site. The biologist also would conduct a pre-construction environmental training session for construction personnel prior to all phases of construction to inform them of the sensitive biological resources on site and avoidance measures to remain in compliance with Project approvals. The biologist	County	Applicant	Prior to the installation of temporary fencing and prior to each mining phase.

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	shall monitor initial vegetation clearing, grubbing, and grading activities to ensure that activities occur within the approved limits of work and avoid impacts to nesting birds. The biologist shall periodically monitor the limits of construction and mining operations to ensure that mining and avoidance areas are delineated with temporary fencing and that fencing remains intact.			
M-BIO-18	Impacts to 0.60 acre of U.S. Army Corps of Engineers (USACE) wetland waters of the U.S. shall be mitigated a minimum 3:1 ratio and 0.36 acre of USACE non-wetland waters of the U.S. shall be mitigated at a minimum 1:1 ratio through one or a combination of the following: on- and/or off-site establishment, reestablishment, rehabilitation, and/or enhancement of 2.16 acres waters of the U.S.; and/or off-site purchase of waters of the U.S. credits at an approved mitigation bank, or other location deemed acceptable by the USACE. Any mitigation completed through purchase of mitigation credits shall be provided prior to issuance of a grading permit, and prior to use of the premises in reliance of this permit. Any applicant-initiated mitigation must be implemented prior to or concurrent with impacts to waters of the U.S. Impacts to waters of the U.S. would require issuance of a Section 404 Clean Water Act permit from the USACE prior to impacts.	USACE	Applicant	Any mitigation completed through purchase of mitigation credits shall be provided prior to issuance of a grading permit, and prior to use of the premises in reliance of this permit. Any applicant-initiated mitigation must be implemented prior to or concurrent with impacts to waters of the U.S.
M-BIO-19	Impacts to 1.14 acres of CDFW jurisdictional riparian habitat (0.44 acre of southern cottonwood-willow riparian forest, 0.13 acre of southern willow scrub, 0.002 acre of freshwater marsh, 0.01 acre of arundo-dominated riparian, and 0.56 acre of disturbed wetland) shall be mitigated at a 3:1 ratio, totaling 3.42 acres of riparian habitat mitigation. Impacts to 17.06 acres of CDFW streambed shall be mitigated at a minimum 1:1 ratio through one or a combination of the following: on- and/or off-site establishment, re-establishment, rehabilitation, and/or	CDFW	Applicant	Any mitigation completed through purchase of mitigation credits shall be provided prior to the issuance of a grading permit, and prior to use of the premises in reliance of this

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	enhancement of 17.06 acres of riparian and/or stream habitat; and/or offsite purchase of riparian and/or stream credits at an approved mitigation bank, or other location deemed acceptable by the CDFW. Combined mitigation for CDFW riparian habitat and streambed totals 20.48 acres. Any mitigation completed through purchase of mitigation credits shall be provided prior to the issuance of a grading permit, and prior to use of the premises in reliance of this permit. Any applicant-initiated mitigation must be implemented prior to or concurrent with impacts to CDFW habitat. Impacts to CDFW jurisdictional habitat would require issuance of a California Fish and Game Code Section 1602 Streambed Authorization Agreement from the CDFW prior to impacts.			permit. Any applicant-initiated mitigation must be implemented prior to or concurrent with impacts to CDFW habitat.
M-BIO-20	The Project requires preparation of a wetland mitigation plan for impacts to wetland habitat and jurisdictional waters to be approved by the County (wetland impacts only) and USACE, CDFW, and Regional Water Quality Control Board (RWQCB) (impacts to waters of the U.S. and State, and CDFW riparian habitat and streambed), as applicable. Approval of the plan and/or acceptance of mitigation bank credits by the USACE, CDFW, and RWQCB shall be a condition of the associated wetland permits for the Project.	County, USACE, CDFW, and RWQCB	Applicant	Prior to issuance of any permits.
M-CR-1	<u>Cultural Resources Treatment Agreement and Preservation Plan</u> A single Cultural Resources Treatment Agreement and Preservation Plan shall be developed between the applicant or their representative and the culturally-affiliated Kumeyaay Native American tribe(s) prior to the commencement of sand extraction operations, including the removal of any trees or vegetation. The Cultural Resources Treatment Agreement and Preservation Plan shall be reviewed and agreed to by the County prior to final signature and authorization. The Cultural	County	Applicant and the culturally-affiliated Kumeyaay Native American tribe(s)	Prior to the commencement of sand extraction operations, including the removal of any trees or vegetation.

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	Resources Treatment Agreement and Preservation Plan shall include but is not limited to the following: • Parties entering into the agreement and contact information. • Responsibilities of the Property Owner or their representative, Principal Investigator, archaeological monitors, Kumeyaay Native American monitors, and consulting tribes. • Requirements of the Pre-Grade Survey and Data Recovery Program and Archaeological Monitoring Program including unanticipated discoveries. • Requirements of tree removal monitoring. • Identification of areas for archaeological and Native American monitoring during earth-disturbing activities related to sand extraction operations. • Treatment of identified Native American cultural materials. • Treatment of Native American human remains and associated grave goods. • Confidentiality of cultural information including location and data. • Negotiation of disagreements should they arise during the implementation of the Agreement and Preservation Plan. • Regulations that apply to cultural resources that have been identified or may be identified during construction.			
M-CR-2	<u>Pre-Grade Survey and Data Recovery Program</u> Prior to sand extraction operations, a Pre-Grade Survey and Data Recovery Program shall be implemented, consistent with the Cultural Resources Treatment Agreement and Preservation Plan and criteria outlined below.	County	Applicant and Project Archaeologist	The Pre-Grade and Data Recovery Program shall be approved prior to the issuance of any

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	• Pre-Construction A pre-grade survey shall be implemented due to the sensitivity of the area. The pre-grade and data recovery program shall include the following: ○ Tree Removal: Removal of trees shall be monitored by an Archaeological Monitor and Kumeyaay Native American Monitor for the presence of cultural resources. ○ Pre-Grade: Upon completion of grubbing and vegetation removal, and prior to sand extraction activities, a pre-grade survey shall be conducted in all areas identified for development. Development shall be defined as construction, extraction, or any other grading activity. The pre-grade survey shall include both an Archaeological Monitor and Kumeyaay Native American Monitor. ○ Identified Resources. In the event that cultural resources are identified: ▪ Both the Project Archaeologist and Kumeyaay Native American monitor(s) have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery. ▪ The Project Archaeologist shall contact the County Archaeologist. ▪ The Project Archaeologist in consultation with the County Archaeologist and Kumeyaay Native American monitor(s) shall determine the significance of discovered resources. ▪ Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Kumeyaay Native American monitor(s)			permits. The Program shall be implemented throughout all pre-construction activities such as grubbing and vegetation removal and prior to sand extraction operations.

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	may collect the cultural material for transfer to a Tribal curation facility or repatriation program. ▪ If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American monitor(s) and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources or Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance). ○ Human Remains ▪ The Property Owner or their representative shall contact the County Coroner and the Planning and Development Services Department (PDS) Staff Archaeologist. ▪ Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. Should the human remains need to be taken offsite for evaluation, they shall be accompanied by a Kumeyaay Native American monitor. ▪ If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.			

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	▪ The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. ▪ Public Resources Code Section 5097.98, California Environmental Quality Act (CEQA) Section 15064.5 and Health & Safety Code Section 7050.5 shall be followed in the event that human remains are discovered. ○ Vegetation Removal Completion ▪ Upon completion of grubbing and vegetation removal for each phase, a monitoring report shall be prepared identifying whether resources were encountered during the removal of trees or Pre-Grade Survey. A copy of the monitoring report shall be provided to any culturally-affiliated tribe who requests a copy. If resources were encountered, the analysis shall be included in the final archaeological monitoring report and shall comply with all requirements of that condition.			
M-CR-3	<u>Archaeological Monitoring Program</u> • Pre-Construction ○ Contract with a County approved archaeologist to perform archaeological monitoring and a potential data recovery program during earth-disturbing activities in areas identified in the Treatment and Preservation Agreement described in M-CR-1. The Project Archaeologist shall perform the monitoring duties before, during and after construction. ○ Pre-construction meeting to be attended by the Project Archaeologist and Kumeyaay Native American monitor to explain the monitoring requirements.	County	Applicant and Project Archaeologist	The Archaeological Monitoring Program shall be approved prior to the issuance of any permits. The plan shall be implemented throughout all pre-construction and construction activities.

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	• Construction ○ Monitoring: Both the Project Archaeologist and Kumeyaay Native American monitor are to be onsite during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American monitor. ○ Identified Resources. In the event that cultural resources are identified: ▪ Both the Project Archaeologist and Kumeyaay Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery. ▪ The Project Archaeologist shall contact the County Archaeologist at the time of discovery. ▪ The Project Archaeologist in consultation with the County Archaeologist and Kumeyaay Native American shall determine the significance of discovered resources. ▪ Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation. ▪ Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program. ▪ If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the			

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	Kumeyaay Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance). ○ Human Remains ▪ The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist. ▪ Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Kumeyaay Native American monitor. ▪ If the remains are determined to be of Native American origin, the MLD, as identified by the NAHC, shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains. ▪ The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. ▪ Public Resources Code Section 5097.98, CEQA Section 15064.5 and Health & Safety Code Section 7050.5 shall be followed in the event that human remains are discovered.			

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	○ Rough Grading ▪ Monitoring Report: Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered. A copy of the monitoring report shall be provided to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy. ○ Final Grading ▪ Final Report: A final monitoring report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the South Coastal Information Center, and any culturally-affiliated tribe who requests a copy. ○ Cultural Material Conveyance ▪ The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or Tribal curation facility that meets federal standards per 36 Code of Federal Regulations (CFR) Part 79, or alternatively have been repatriated to a culturally affiliated tribe. ▪ The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.			
M-N-1	<u>Below-Grade Excavation and Noise Barriers</u>: Raw material extraction equipment operating within 400 feet of off-site noise-sensitive land uses (NSLU) useable space areas shall be located at the lowest feasible elevation within the Project's excavation areas such that the topography shall provide noise attenuation to off-site properties. To achieve the lowest feasible elevation, initial at-grade excavation activities shall be performed at least 400 feet from off-site NSLU usable space areas, as indicated in Figures 2.4-3a-c, <i>Noise Barriers</i>. Following this initial	County	Applicant	Prior to the commencement of any mining activities.

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	excavation to the lowest feasible elevation, excavation can extend outward and toward the NSLUs while maintaining the lowest feasible elevation at the active working face where extraction equipment is operating. For NSLUs located at residential groups 5 and 8 (as shown on Figure 2.4-2, <i>Receivers and Residential Groups</i>), as well as Isolated Residence 2, Isolated Residence 3, and the Adeona Healthcare facility, an 8-foot-high noise barrier, constructed to the specifications identified below, shall be provided between excavation activities and the off-site NSLUs, when excavation is occurring within 400 feet of each location. When mining activities are occurring at distances greater than 400 feet from a given receiver location, a barrier would not be required adjacent to that receiver location. The barriers shall be located as shown on Figures 2.4-3a-c, and break the line of sight between the excavation activities and receivers. For the barriers adjacent to residential groups 5 and 8, the required barrier height (8 feet) shall be measured relative to the adjacent project site property line elevation. If the barrier is constructed at a location with an elevation lower than that of the adjacent property line, the total barrier height would be greater than the required barrier height in order to provide adequate noise attenuation (e.g., if the barrier with a required height of 8 feet is to be located at a surface elevation 5 feet below the adjacent project site property line elevation, the total barrier height would be 13 feet). For NSLUs located at residential groups 1, 2, 3, 4, 10, and 11 (as shown on Figure 2.4-2), a 12 foot-high noise barrier, constructed to the specifications identified below, shall be provided between excavation activities and the off-site NSLUs, when excavation is occurring within 400 feet of each location. When mining activities are occurring at distances greater than 400 feet from a given receiver location, a barrier would not be required adjacent to that receiver location. The barriers shall be located as shown on Figures 2.4-3a-c and break the line of sight			

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	between the excavation activities and receivers. For the barriers adjacent to residential groups 1, 2, 3, and 4, the required barrier height (12 feet) shall be measured relative to the adjacent project site property line elevation. If the barrier is constructed at a location with an elevation lower than that of the adjacent project site property line, the total barrier height would be greater than the required barrier height in order to provide adequate noise attenuation. (e.g., if the barrier with a required height of 12 feet is to be located at a surface elevation 5 feet below the adjacent project site property line elevation, the total barrier height would be 17 feet). The noise barriers must be solid. They can be constructed of soil (in the form of a berm), masonry, wood, plastic, fiberglass, steel, or a combination of those materials, as long as there are no cracks or gaps, through or below the walls. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least one-inch total thickness or have a density of at least 3.5 pounds per square foot. Sheet metal of 18-gauge (minimum) may be used if it meets the other criteria and is properly supported and stiffened so that it does not rattle or create noise itself from vibration or wind. Any door(s) or gate(s) must be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. The gate(s) may be of wood with a thickness of at least one-inch, solid-sheet metal of at least 18-gauge metal, or an exterior-grade solid-core steel door with pre-fabricated doorjambs. Stockpiles must be continuous and maintain the required height along their entire length.			

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M-PAL-1	The Project site has low resource potential for paleontological resources. All excavation activities are subject to the <i>County of San Diego Grading Ordinance Section 87.430</i>, if any significant resources (fossils) are encountered during excavation activities. a. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact PDS before continuing grading operations. b. If any paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the <i>San Diego County Guidelines for Determining Significance for Paleontological Resources</i>.	County	Applicant	Ongoing for the duration of mining operations.
M-PAL-2	One of the following letters shall be prepared upon completion of the excavation/mining activities that require monitoring: a. If no paleontological resources were discovered, submit a “No Fossils Found” letter from the grading contractor to PDS stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the <i>San Diego County Guidelines for Determining Significance for Paleontological Resources</i>. b. If paleontological resources were encountered during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.	County	Applicant	Following completion of the excavation/mining activities that require monitoring.

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PDF-AES-1	The Project shall retain a minimum of 23 percent of the Project property acreage (approximately 64 acres) where no mining activities would be permitted. Within these areas that occur outside of the subphase boundaries (see Environmental Impact Report [EIR] Figure 1-4), removal of exotic and invasive species and planting of riparian and/or upland habitat may occur.	County	Applicant	Ongoing for the duration of mining operations.
PDF-AES-2	The Project shall adhere to the proposed subphase plan and sequence of subphase mine operations (see Plot Plan, EIR Figures 1-5a and 1-5b; and EIR Figure 1-4).	County	Applicant	Ongoing for the duration of subphase mine operations.
PDF-AES-3	The Project shall remove sections of conveyor (see Plot Plan, EIR Figures 1-5a and 1-5b) and other stationary equipment in a timely manner once this equipment is no longer required within the subphase area.	County	Applicant	Ongoing for the duration of subphase mine operations.
PDF-AES-4	Prior to initiation of Phase 1, the conceptual landscape screening and entrances plan (see Conceptual Landscape Screening and Entrances Plan, EIR Figures 1-11a-e) shall be implemented within select areas of the property boundary along Willow Glen Drive.	County	Applicant	Prior to the initiation of Phase 1 construction activities.
PDF-AES-5	Prior to initiation of Phase 1, minimum 36-inch box Mexican elderberry shrubs (or similar native species approved by the County) shall be planted along the western and southern boundary of the processing plant area prior to commencement of processing plant operations. Supplemental box trees would be irrigated in a similar manner as vegetation associated with the conceptual landscape screening and entrances plan.	County	Applicant	Prior to the initiation of Phase 1 construction activities.
PDF-AES-6	Six-foot high chain link fencing with screening mesh shall be selectively installed along Willow Glen Drive and 3-foot-high fencing with screening mesh shall be installed on the northbound Steele Canyon Road Bridge railing to help screen the processing plant and	County	Applicant	Prior to the commencement of

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	exposed soils and mining activities in Phases 1 and 2 from motorists and cyclists (see Plot Plan, EIR Figures 1-5a and 1-5b). These screens may be installed and removed sequentially during the adjacent actively mined subphase areas (subphases 1A and 2A).			each subphase mine operation.
PDF-AES-7	Removal of screen fence shall occur as soon as feasible following attainment of reclamation goals and vegetation performance standards.	County	Applicant	Immediately following the termination of each subphase mine operation.
PDF-AES-8	Lighting shall be of the lowest illumination allowed for human safety and designed in compliance with the County Light Pollution Code, shielded and oriented downward, and shall not spill onto open space or off-site areas.	County	Applicant	Ongoing for the duration of mining operations.
PDF-AES-9	Mining equipment shall be selected or painted in a light color to help diminish the contrasting quality of these features.	County	Applicant	Ongoing for the duration of mining operations.
PDF-AES-10	Aggregate material being processed and stored within the processing plant area (see EIR Figure 1-7) shall be limited to stockpiles up to 25 feet in height.	County	Applicant	Ongoing for the duration of mining operations.
PDF-BIO-1	Only non-invasive plant species (species not listed on the California Invasive Plant Inventory prepared by the California Invasive Plant Council [Cal-IPC; 2020]) are included in the landscape plan for the site (see Conceptual Landscape Screening and Entrances Plan, EIR Figures 1-11a-e).	County	Applicant	Prior to the approval of final landscape plans.
PDF-BIO-2	The existing Sweetwater River channel and the majority of native habitat that currently exists on the site will be retained (see Plot Plan, EIR Figures 1-5a and 1-5b; and EIR Figure 2.2-7).	County	Applicant	Ongoing for the duration of mining operations.

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PDF#	Project Design Features	Approving Agency	Responsible Party	Timing
PDF-BIO-3	Mining activities will be phased and once mining is complete in an area, it will be reclaimed to its end use, with approximately 142.8 acres of the site proposed to be preserved in on-site open space (see Revegetation Plan, EIR Figure 1-10).	County	Applicant	Ongoing for the duration of mining operations.
PDF-BIO-4	Reclamation will include planting with native species. Only non-invasive plant species would be included in the landscape plan (i.e., species not listed on the California Invasive Plant Inventory prepared by the Cal-IPC [2020]). Revegetated and restored habitat will be maintained and monitored for a minimum of five years, or until the Project's performance standards are met.	County	Applicant	Following the completion of each mining phase.
PDF-BIO-5	Weed control measures will be implemented during mining and reclamation activities in accordance with the Project's Reclamation Plan. The occurrence of weeds on-site would be monitored by quarterly visual inspection during mine operations and removal would be initiated if the inspection reveals that weeds have become, or are becoming, established.	County	Applicant	Ongoing for the duration of mining operations and reclamation activities.
PDF-BIO-6	Off-leash pets will not be allowed on multi-use trails or public areas and signs will be posted along trails notifying pet owners of this regulation.	County	Applicant	Ongoing for the duration of mining operations.
PDF-BIO-7	An Infectious Disease Management Plan would be prepared and implemented to address the potential for contagious tree diseases to spread during removal of existing trees.	County	Applicant	Prior to the commencement of removal of any existing trees
PDF-NOI-1	Sand excavation and processing is proposed to occur Monday through Friday, between the hours of 7:00 A.M. and 5:00 P.M. No material sales or trucking will occur on weekends or major holidays.	County	Applicant	Ongoing for the duration of mining operations.

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PDF#	Project Design Features	Approving Agency	Responsible Party	Timing
PDF-AQ-1	The Project's designated mine operations manager (operator) will prepare, submit to the San Diego Air Pollution Control District (SDAPCD) for approval, and implement the approved Fugitive Dust Control Plan for the project (refer to Appendix I of this EIR).	SDAPCD	Applicant	Prior to the commencement of mining operations.
PDF-AQ-2	Diesel exhaust emissions from on- and off- road equipment rated at 50 horsepower or greater will be required to implement Best Available Control Technology for reduction of exhaust particulate matter (PM), involving replacement of older equipment with equipment meeting the United States Environmental Protection Agency Tier-4 specifications or retrofitting equipment with diesel particulate filters, in accordance with California Air Resources Board (CARB) regulations and implementation schedules. Prior to issuing permits, the County shall verify that construction contracts specify the off-road equipment certification or retrofit requirements. The operator will maintain and submit to the County an inventory of equipment to be used on the Project site and evidence of Tier 4, or equivalent PM filter retrofit, certification.	County	Applicant	Prior to the issuance of any County permits.
PDF-AQ-3	The Project will comply with CARB's Regulation for In-Use Off-Road Diesel-Fueled Fleets (13 California Code of Regulations [CCR] Section 2449) and Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Vehicle Idling (13 CCR Section 2484), which restrict idling diesel equipment and vehicles, respectively, to five minutes.	County	Applicant	Ongoing for the duration of mining operations.
PDF-AQ-4	Training will be provided to all employees on potential risks associated with site work regarding Coccidioidomycosis. As part of that training each employee shall be provided the fact sheet entitled "Preventing Work-Related Coccidioidomycosis (Valley Fever)" by the California Department of Public Health.	County	Applicant	Prior to any employee taking part in mining activity.

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PDF#	Project Design Features	Approving Agency	Responsible Party	Timing
PDF-HAZ-1	A Hazardous Materials Business Plan (HMBP) will be prepared for the Project to implement a plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Section 25503 of the Health and Safety Code. The HMBP will address the applicable items listed below.	County	Applicant	Prior to the commencement of mining operations.
PDF-HAZ-2	All petroleum hydrocarbons (e.g., fuels and lubricants) currently utilized within the Project site for golf course maintenance will be removed from the property and disposed of in accordance with State and County regulations. The two aboveground storage tanks currently used to store diesel and gasoline will be removed under permit through the Department of Environmental Health and Quality Hazardous Materials Division acting as the Certified Unified Program Agency for the County.	County	Applicant	Prior to the commencement of mining operations.
PDF-HAZ-3	All existing on-site structures proposed to be demolished will be surveyed for asbestos-containing materials (ACMs) and lead by certified individuals prior to demolition. After the results of the surveys are provided, demolition permits would be obtained through the County PDS Building Division. If ACMs or lead are present in the structure scheduled for demolition, a licensed abatement contractor will remove hazardous materials from the structure prior to the demolition contractor dismantling the structure.	County	Applicant	Prior to any demolition activities.
PDF-HAZ-4	Ground protection and spill containment, which will include plastic sheeting to line a bermed sump and absorbent pads, will be put in place prior to work being conducted on equipment.	County	Applicant	Prior to any equipment maintenance activities.
PDF-HAZ-5	All used oils, fuels, and solvents will be collected in accordance with Department of Toxic Substances Control regulations and removed from the site by an approved hauler for materials recycling.	County	Applicant	Ongoing for the duration of mining operations.

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PDF#	Project Design Features	Approving Agency	Responsible Party	Timing
PDF-HAZ-6	Mine Safety and Health Administration and California Division of Occupational Safety and Health rules, regulations, and standards will be employed to protect both the public and on-site employees from potential hazards related to mining activities.	County	Applicant	Ongoing for the duration of mining operations.
PDF-HAZ-7	A Vector Management Plan (refer to Appendix U of this EIR) will be implemented to ensure that water collected in the mining areas, process settling ponds, and Sweetwater River does not propagate the breeding of vectors.	County	Applicant	Ongoing for the duration of mining operations.
PDF-HYD-1	The bottom of the existing Sweetwater River trapezoidal channel will be undisturbed, except for the two temporary channel crossings that would be used during the dry season, in order to allow the Sweetwater Authority water transfers to continue within the existing low-flow channel (see Plot Plan, EIR Figures 1-5a and 1-5b).	County	Applicant	Ongoing for the duration of mining operations.
PDF-HYD-2	To ensure that excavation activities would not substantially affect Sweetwater Authority water transfers between the Loveland and Sweetwater reservoirs, mining activities proposed during the rainy season (November through March) will be located away from the river channel, to the extent feasible. If mining would occur within 10 feet of the low-flow channel, berms approximately five feet in height will be constructed to separate the operations areas from the channel, as needed. The berm locations will be adjusted as necessary as mining progresses and will be set back from mining activities. Berms may also be incorporated upon final reclamation, where needed, to reduce potential loss of water during scheduled transfers.	County	Applicant	Ongoing for the duration of mining operations.
PDF-HYD-3	Three excavation pit areas where groundwater may be encountered are planned for the Project (see Plot Plan, EIR Figures 1-5a and 1-5b). The first pit will be excavated during Phase 1 on the northern side of the river channel and south of Willow Glen Drive (subphase 1C area on EIR Figure 1-4). The second pit will start to be excavated in the eastern half of the Phase 2 area (subphase 2C area on EIR Figure 1-4) and	County	Applicant	Ongoing for the duration of excavation in pit areas where groundwater may be encountered.

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PDF#	Project Design Features	Approving Agency	Responsible Party	Timing
	continue in a northeasterly direction toward the Phase 3 area (subphase 3C area on EIR Figure 1-4). The third pit will be completed in the northeastern corner of the Project site during Phase 3 (subphase 3A area on EIR Figure 1-4). These pits will be progressively backfilled as the excavation continues. Exposure of groundwater as a free water surface at any given time in each of the three pits will be limited to approximately five acres in size for.			
PDF-TRA-1	Trucking operations for material sales will occur during the week from 9:00 A.M. to 3:30 P.M. to avoid peak traffic periods in the area.	County	Applicant	Ongoing for the duration of mining activities.
PDF-TRA-2	The Project will restripe Willow Glen Drive between Steele Canyon Road and the Project ingress driveway to provide Class II buffered bike lanes on both sides of the roadway per the County Roadway Standards (see Plot Plan, EIR Figure 1-5b).	County	Applicant	Following the completion of paving activities during Project construction.
PDF-TRA-3	To facilitate deceleration of right-turning vehicles into the Project ingress driveway, a dedicated right-turn lane will be constructed, which will serve as the primary access for mining operations, material sales, employees, and vendors (see Plot Plan, EIR Figure 1-5b).	County	Applicant	Prior to the commencement of any mining activities.
PDF-TRA-4	The Project will construct a two-way left-turn lane between the ingress and egress driveways, which will serve as a refuge lane for trucks to complete their outbound maneuver (see Plot Plan, EIR Figure 1-5b).	County	Applicant	Prior to the commencement of any mining activities.
PDF-TRA-5	The Project will provide an Irrevocable Offer of Dedication along the Project frontage as needed to accommodate the ultimate roadway classification of Willow Glen Drive.	County	Applicant	Prior to the commencement of any mining activities.
PDF-TRA-6	The Project driveway at the Willow Glen Drive/Muirfield Drive intersection will be restricted to right-in/right-out movements only (see Plot Plan, EIR Figure 1-5b).	County	Applicant	Prior to the commencement of any mining activities.

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PDF#	Project Design Features	Approving Agency	Responsible Party	Timing
PDF-TRA-7	Appropriate traffic control plans will be prepared to the satisfaction of the County Engineer prior to the commencement of work in order to address roadway safety during construction. Traffic control plans will include the details such as work zones, staging areas, and other traffic control details, as necessary.	County	Applicant	Prior to the commencement of any mining activities.
PDF-GEO-1	The existing Sweetwater River channel will be avoided and silt fences will be installed five feet from the outer edge of each side of the channel. Specific requirements for the Project under the State Construction General Permit would be determined during SWPPP development, after completion of project plans and application submittal to the State Water Resources Control Board.	County	Applicant	Prior to the issuance of a State Construction General Permit.
PDF-GEO-2	Prior to mining excavation, approximately four inches of topsoil will be placed in stockpiles to be reapplied during reclamation (see Plot Plan, EIR Figures 1-5a and 1-5b). When possible, topsoil will be directly reapplied to areas that have reached final grade to avoid storing in stockpiles.	County	Applicant	Prior to the commencement of any mining activities.
PDF-GEO-3	The Project will include small de-siltation basins at the bottom of slopes to prevent sediment from leaving the site while allowing water to pass through to existing drainage features. Mining and reclamation grading will direct runoff from the disturbed areas towards the basins.	County	Applicant	Prior to the commencement of any mining activities.
PDF-GEO-4	Operations will implement erosion control measures in accordance with set criteria to reduce on- and off-site erosion. These measures will include monitoring soil movement, arresting gullies or rills using straw mulch and hay bales, and installing silt fencing, compacting soils with equipment, and re-grading as necessary.	County	Applicant	Prior to the commencement of any mining activities.
PDF-GEO-5	Permanent erosion control structures will include a drop structure at the eastern end of the site where the Sweetwater River enters the property, a riprap structure on the west side of the Steele Canyon Road bridge, and appropriate slopes, terraces, ditches, and down drains where	County	Applicant	Prior to the commencement of any mining activities.

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	needed (see Plot Plan, EIR Figures 1-5a and 1-5b). The drop structure would prevent head cutting of the channel during infrequent, high flow events.			
PDF-GEO-6	Following the completion of mining activities, the site will be reclaimed with native vegetation, which would stabilize the surface and minimize erosion (see Reclamation Plan, EIR Figures 1-6a and 1-6b; and Revegetation Plan, EIR Figure 1-10).	County	Applicant	Following the completion of mining activities.
PDF-GEO-7	The permanent slopes will be a maximum grade of 3:1 (horizontal to vertical) (see Plot Plan, EIR Figures 1-5a and 1-5b).	County	Applicant	Ongoing for the duration of grading and construction activities.
PDF-WM-1	A Construction and Demolition Debris Management Plan will be developed to divert debris from construction and demolition away from landfills. In accordance with County Ordinance Sections 68.508 through 68.518, 90 percent of inert materials and 70 percent of all other construction and demolition debris generated by the Project will be recycled.	County	Applicant	Prior to the issuance of any grading or construction permit.
PDF-WF-1	The Project will comply with all recommended measures in the Fire Protection Plan (FireWise 2021, Appendix Z to this EIR).	County	Applicant	Implement as a condition of Site Plan approval for each phase.

ACM = asbestos-containing material; Cal-IPC = California Invasive Plant Council; CARB = California Air Resources Board; CCR = California Code of Regulations; CDFW = California Department of Fish and Wildlife; CEQA = California Environmental Quality Act; CFR = Code of Federal Regulations; County = County of San Diego; dBA = A-weighted decibels; EIR = Environmental Impact Report; HMBP = Hazardous Materials Business Plan; MLD = most likely descendant; MSCP = Multiple Species Conservation Program; NAHC = Native American Heritage Commission; NSLU = noise-sensitive land use; PDS = Planning and Development Services; PM = particulate matter; RMP = resource management plan; SDAPCD = San Diego Air Pollution Control District; SWPPP = Storm Water Pollution Prevention Plan; USACE = U.S. Army Corps of Engineers; USFWS = U.S. Fish and Wildlife Service; Wildlife Agencies = USFWS and CDFW

**Attachment E Final EIR Appendix B,
Land Use Consistency Analysis**

Cottonwood Sand Mine Project
Appendix B – Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
Land Use Element			
LU-2.8: Mitigation of Development Impacts. Require measures that minimize significant impacts to surrounding areas from uses or operations that cause excessive noise, vibrations, dust, odor, aesthetic impairment and/or are detrimental to human health and safety.	During the mining and reclamation phase, noise, vibrations, dust, odor, and aesthetic impairment would occur; however, as discussed further in Chapters 2.1 and 2.4 and Section 3.1.1 of this EIR, these impacts would either be less than significant (air quality) or would require mitigation measures (aesthetics and noise) to reduce potentially significant impacts to less-than-significant levels. Specific to health risks resulting from localized concentrations of DPM and respirable crystalline silica, modeling was completed, as shown in EIR Table 3.1.1-8. No impacts to community health were identified. Also, impacts to sensitive receptors from CO hotspots were less than significant. All Project direct noise would be less than significant, and the Project's contribution to cumulative noise would be mitigated through sound barriers described in EIR Subchapter 2.4. Specific to aesthetic impairments that may be detrimental to human health and safety, such impacts have been identified as less than significant. Mining operations would be conducted during daylight hours, such that only safety lighting within the plant area would be required. All light fixtures would conform to the County Light Pollution Code (LPC), or Dark Skies Ordinance, and no highly reflective building materials would be	Once all mining and reclamation activities are completed at the end of year 12, all mining equipment and related structures would have been removed and the Project site revegetated with native vegetation. Activities at the Project site would be limited to some public recreation along trails in portions of the site. These activities would not cause excessive noise, vibrations, dust, odor, aesthetic impairment or other detrimental impacts to human health and safety.	Mining and Reclamation: Yes Post Reclamation: Yes

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Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
	used. As discussed in Section 3.1.4, implementation of the Proposed Project would not cause significant adverse effects related to hazards and hazardous materials. As such, the Project would not be detrimental to human health and safety and would be consistent with this policy.		
LU-5.5: Projects that Impede Non-Motorized Travel. Ensure that development projects and road improvements do not impede bicycle and pedestrian access. Where impacts to existing planned routes would occur, ensure that impacts are mitigated and acceptable alternative routes are implemented.	Proposed Project access points and improvements to Willow Glen Drive would be designed in accordance with County standards, such that bicycle and pedestrian access would not be impeded. The Project would restripe Willow Glen Drive between Steele Canyon Road and the Project ingress driveway to provide Class II buffered bicycle lanes on both sides of the roadway.	Once mining and reclamation is completed, planned uses of the site would be limited to recreation and no conflicts with bicycle or pedestrian access would occur. Rather, multi-use trails would provide safe access through the site.	Mining and Reclamation: Yes Post Reclamation: Yes
LU-6.1: Environmental Sustainability. Require the protection of intact or sensitive natural resources in support of the long-term sustainability of the natural environment.	The Project site was previously partially mined and has been developed as a golf course with landscaped and developed areas since the 1960s. As such, it does not currently include large amounts of intact or sensitive natural resources. Mining activities would avoid the existing <u>Sweetwater River</u> low-flow channel and the majority of native habitat that currently remains on site. As areas are reclaimed and restored with native vegetation during the reclamation phase, the site would be converted from golf course use to open space with sensitive natural resources that would support the long-term sustainability of the natural environment.	Final site configuration would include native vegetation plantings that would improve on-site riparian and associated habitats and continue in the long-term, consistent with this policy.	Mining and Reclamation: Yes Post Reclamation: Yes

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COUNTY GENERAL PLAN			
LU-6.7 Open Space Network. Require projects with open space to design contiguous open space areas that protect wildlife habitat and corridors; preserve scenic vistas and areas; and connect with existing or planned recreational opportunities.	The site contains two existing golf courses and would transition to phased mining activities over a 10-year period before being reclaimed as natural open space. The reclaimed open spaces on the Project site would be located adjacent to open space areas in the hills to the south, east, and west, including the San Diego National Wildlife Refuge (SDNWR) to the west.	Open spaces occur in the hills south, east, and west of the Project site and the SDNWR abuts the western end of the property along the Sweetwater River. After reclamation, the Project site would consist of open space areas with native vegetation that would connect to these adjacent open space areas that would protect wildlife habitat and corridors and preserve scenic vistas and areas. The multi-use trails would connect to an existing County trail at the northwestern corner of the site.	Mining and Reclamation: Yes Post Reclamation: Yes
LU-6.8: Oversight of Open Space. Require that open space associated with future development that is intended to be preserved in perpetuity either be: 1) Retained in private ownership of the property owner or a third party with a restrictive easement that limits use of the land as appropriate; or 2) Transferred into public ownership of an agency that manages preserved open space. The owner of the open space will be responsible for the maintenance and any necessary management unless those responsibilities are delegated through an adopted plan or agreement. Restrictive easements shall be dedicated to the County or a public agency	During the mining and reclamation phase, portions of the site would be under active mining operations followed by reclamation of the site into open space with native vegetation that would be maintained as open space under the ownership and management of an appropriate entity.	The end use of Project site after reclamation is to return the area to a vegetated site with native plantings. As such, the Project site would be maintained as open space under the ownership of an appropriate private entity. Approximately ~~122.4~~ 149.0 acres of the site would be either restored or revegetated with native habitat, the vast majority of which will be conserved in perpetuity through a conservation easement, restrictive easement, and/or other protective mechanism as	Mining and Reclamation: Yes Post Reclamation: Yes

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
(approved by the County) with responsibilities that correspond with the purpose of the open space. When transferred to a third party or public agency, a funding mechanism to support the future maintenance and management of the property should be established to the satisfaction of the County.		mitigation for Project impacts to biological resources and revegetation in accordance with the California Surface Mining and Reclamation Act of 1975 (SMARA) and County guidelines. The easement would be dedicated to an applicable land management entity for long-term management once restoration success criteria are met.	
LU-6.10: Protection from Hazards. Require that development be located and designed to protect property and residents from the risks of natural and artificially induced hazards.	The Project site is located downslope from surrounding residences. Proposed mining activities would not result in increased flood levels (refer to Section 3.1.5 for additional discussion) or otherwise increase risks from natural or artificially induced hazards.	No development or other physical changes would occur as the site would remain as open space after reclamation is completed. As a result, post-reclamation activities would not involve risks to property or residents from natural or man-induced hazards.	Mining and Reclamation: Yes Post Reclamation: Yes
LU-6.12: Flooding. Document and annually review areas within floodways and 100- and 200-year floodplains to ensure areas subject to flooding are accurately mapped in accordance with AB 162 (enacted January 1, 2008).	The pre-project hydraulic conditions are established by a Letter of Map Revision (LOMR) for the Cottonwood Golf Course, which has been approved by the County and is currently under review by FEMA. Proposed mining activities would not result in increased flood levels (refer to Section 3.1.5 for additional discussion).	The Project would widen the ~~river channel~~ floodplain, with the effects of widening partially offset by the increase in riparian vegetation on the site. At most locations, the post-reclamation condition would result in a lower water surface elevation during a 100-year flood. At the limited locations where the water surface elevation would increase, it would occur within	Mining and Reclamation: Yes Post Reclamation: Yes

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
		the boundaries of the subject property and thus would be consistent with the County's no-rise criterion (refer to Section 3.1.5 for additional discussion).	
LU-8.2: Groundwater Resources. Require development to identify adequate groundwater resources in groundwater dependent areas, as follows: - In areas dependent on currently identified groundwater overdrafted basins, prohibit new development from exacerbating overdraft conditions. Encourage programs to alleviate overdraft conditions in Borrego Valley. - In areas without current overdraft groundwater conditions, evaluate new groundwater-dependent development to assure a sustainable long-term supply of groundwater is available that will not adversely impact existing groundwater users.	The Project is not in Borrego Valley, and the 10-year timeframe would not affect long-term supply. Water for the existing golf courses includes eight groundwater wells on the Project site with a current (golf course) rate of use at approximately 803.4 acre-feet per year. This would be reduced to an estimated maximum of approximately 139.9 acre-feet per year during the proposed mining operations over an approximately 10-year period and would be further reduced during the reclamation phase. The reduced rate would neither exacerbate existing conditions nor adversely affect groundwater users.	Once the Project site has been revegetated, it must be demonstrated that there has been no human intervention, including irrigation, for a two-year period. Following resource agency approval, no additional irrigation would occur. As a result, post-reclamation activities would not utilize groundwater resources and no conflicts with this policy would occur.	Mining and Reclamation: Yes Post Reclamation: Yes
LU-8.3: Groundwater-Dependent Habitat. Discourage development that would significantly draw down the groundwater table to the detriment of groundwater-dependent habitat.	As stated above, water use would be reduced during the mining and reclamation phase when compared to existing conditions and the proposed temporary mining and reclamation activities would not significantly draw down the groundwater table to the detriment of groundwater-dependent habitat. After reclamation activities, water use would be temporarily necessary to irrigate installed	Following establishment, it must be demonstrated that no irrigation of revegetated areas was required for a continuous two-year period. After that, no additional irrigation would be needed, and vegetation would rely on runoff and groundwater.	Mining and Reclamation: Yes Post Reclamation: Yes

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Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
	vegetation, with such use substantially less than is needed for golf course operation.		
LU-10.4: Commercial and Industrial Development. Limit the establishment of commercial and industrial uses in Semi-Rural and Rural areas that are outside of Villages (including Rural Villages) to minimize vehicle trips and environmental impacts.	The Project site is currently zoned as Open Space (S80, with 8-acre minimum lot sizes), Specific Planning Area (S88), and Holding Area (S90), which are not considered Semi-Rural or Rural. Truck trips from the Project site would be reallocated trips from other mines that are located further away, and the Project would result in a reduction in vehicle miles traveled (VMT) of greater than 15 percent.	After reclamation, the site would remain as open space; no commercial or industrial uses are proposed that would generate adverse effects associated with vehicle trips.	Mining and Reclamation: Yes Post Reclamation: Yes
LU-12.2: Maintenance of Adequate Service. Require development to mitigate significant impacts to existing service levels of public facilities or services for existing residents and businesses. Provide improvements for Mobility Element roads in accordance with the Mobility Element Network Appendix matrices, which may result in ultimate build-out conditions that achieve an improved LOS but do not achieve a LOS of D or better.	The Project involves mining portions of the site over a 10-year period followed by reclaiming the site with open space uses. Trucking operations would occur between 9:00 a.m. and 3:30 p.m. to minimize traffic impacts. All intersections within the traffic study area would operate at an acceptable level of service (LOS), with the exception of the intersection of Willow Glen Drive and Muirfield Drive, which is calculated to operate at LOS E or worse (LOS F during AM and LOS E during PM peak period). However, no vehicular mobility deficiencies have been calculated to occur at study area intersections, since the Project's contribution would not exceed the allowable thresholds.	After reclamation, the site would remain as open space and would not result in generation of traffic or impacts to existing levels of service on Mobility Element roads or to public facilities or services. The Project proposes improvements to Willow Glen Drive between Steele Canyon Road and the Project egress driveway and construction of a two-way left-turn lane between the Project driveways, which would serve as a refuge lane for trucks to complete their outbound maneuver. To accommodate the potential future widening of Willow Glen Drive to the Mobility Element roadway classification, an Irrevocable	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
		Offer of Dedication would be provided along the Project frontage, as needed.	
LU-13.2: Commitment of Water Supply. Require new development to identify adequate water resources, in accordance with State law, to support the development prior to approval.	Mining operations would utilize eight groundwater wells on the Project site that currently provide approximately 803.4 acre-feet per year for golf course operations. Water use associated with mining would be reduced to approximately 139.9 acre-feet per year, thereby lowering water use to less than 20 percent of existing draw. Adequate water resources would be available to serve the Project.	After reclamation, wells not to be used by the property owner or for groundwater monitoring would be properly abandoned in accordance with County requirements and standards. Following establishment, it must be demonstrated that no irrigation of revegetated areas was required for a continuous two-year period. After that, no additional irrigation would be needed.	Mining and Reclamation: Yes Post Reclamation: Yes
LU-14.2: Wastewater Disposal. Require that development provide for the adequate disposal of wastewater concurrent with the development and that the infrastructure is designed and sized appropriately to meet reasonably expected demands.	The Project would utilize portable restroom(s). One portable restroom would be placed in the plant area and the second would be placed near the active excavation area and moved as needed. They would be serviced at appropriate intervals by contract vendors. No sewer connections or other permanent wastewater infrastructure is proposed.	After reclamation, no sewage would be generated on site and no wastewater infrastructure would be present.	Mining and Reclamation: Yes Post Reclamation: Yes
Mobility Element			
M-2.3: Environmentally Sensitive Road Design. Locate and design public and private roads to minimize impacts to significant biological and other environmental and visual resources. Avoid road alignments through floodplains to minimize impacts on floodplain habitats and limit the need for constructing flood control	No new off-site roads would be required, and all on-site roads would be private. Vehicles and haul trucks traveling to and from the Project site would utilize existing roadways. This heavy reliance on existing access would minimize effects to undisturbed resources. New ingress and egress driveways for the processing plant would be located between	Post reclamation site activities would consist of open space, with some trails that would support some recreational use of the property. The SDG&E towers and associated access road would remain but would not obstruct flows and the	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
measures. Design new roads to maintain wildlife movement and retrofit existing roads for that purpose. Utilize fencing to reduce roadkill and to direct animals to under crossings.	Willow Glen Drive and the existing parking lot, so would not adversely affect sensitive environmental resources. Additionally, much of the proposed activity would take place in disturbed (golf course) portions of the site, which also would minimize effects to sensitive resources. Phase 1 would include site development for the construction of the internal access road and processing plant pad, as well as installation of screening berms, and the conveyor line (used on site to minimize need for trucks and roads). It is noted that three existing transmission towers owned by SDG&E would be avoided during Phase 2 excavation, leaving an “island” for the towers. An access ramp would be constructed on the southwestern side of the island to connect to a 20-foot-wide access road within the existing SDG&E right-of-way easement extending from the towers to the southern Project boundary. Maintenance of this access road/ramp would ensure that SDG&E maintenance crews are able to access the towers during Project operations and would not obstruct river flows.	minimal use of the road for tower maintenance purposes would not adversely affect wildlife movement.	

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Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
M-4.4: Accommodate Emergency Vehicles. Design and construct public and private roads to allow for necessary access for appropriately-sized fire apparatus and emergency vehicles while accommodating outgoing vehicles from evacuating residents.	Access roads within the Project site would be installed to accommodate mining activities and surrounding existing public roadways would continue to provide access to the site, including fire and emergency vehicles. All driveways into the Project site would be constructed of an all-weather surface a minimum of 24 feet wide, suitable for travel by a 75,000-pound fire apparatus. San Miguel Consolidated Fire Protection District staff reviewed the Project and did not identify access/egress concerns. During mining operations, approximately 9 staff would be present on site, resulting in minimal evacuation needs.	San Miguel Consolidated Fire Protection District staff reviewed the Project and did not identify access/egress concerns after reclamation activities are completed. The Project would be reclaimed to open space use, with no residents requiring evacuation.	Mining and Reclamation: Yes Post Reclamation: Yes
M-10.7: Parking Area Design for Stormwater Runoff. Require that parking areas be designed to reduce pollutant discharge and stormwater runoff through site design techniques such as permeable paving, landscaped infiltration areas, and unpaved but reinforced overflow parking areas that increase infiltration. Require parking areas located within or adjacent to preserve areas to also include native landscaping and shielded lighting.	Portions of the existing lower and upper parking lots (providing 320 parking spaces for golf course patrons) would be used during the mining and reclamation phase of the Project. During operations, runoff from these parking areas would be controlled via requirements that would be detailed in the Project Storm Water Pollution Prevention Program (SWPPP).	After reclamation, the Project would not result in impervious areas that do not currently exist. Existing parking areas would be reduced or removed entirely.	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
Conservation and Open Space Element			
COS-2.2: Habitat Protection through Site Design. Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design.	Mining activities would occur primarily in disturbed areas that have historically been used as a public golf course, minimizing impacts during mining through focus of mining activities in the least biologically sensitive areas. Mining activities would avoid the Sweetwater River <u>low-flow</u> channel and the majority of native habitat extant on the site. As mining is completed, the Project site would be reclaimed as open space and revegetated with native plants. Mining and reclamation activities would not conflict with this policy to minimize impacts to biological resources.	After reclamation, development would be limited to some recreational trails that would complement the revegetated site and no conflicts with this policy would result.	Mining and Reclamation: Yes Post Reclamation: Yes
COS-3.1: Wetland Protection. Require development to preserve existing natural wetland areas and associated transitional riparian and upland buffers and retain opportunities for enhancement.	Mining activities would primarily occur in disturbed areas that have historically been used as a public golf course. Specifically, the existing Sweetwater River <u>low-flow</u> channel and the majority of native habitat that currently exists on the site would be retained. Following mining, reclamation activities would convert the site to open space with native vegetation, including both wetland vegetation and upland buffers. As mitigation to limited impacts that would occur to natural wetland areas, wetland vegetation would be created, restored, and/or enhanced on site. As a result, the Project would largely preserve existing natural areas and would create/enhance others at the conclusion of mining activities, consistent with this policy.	After reclamation, the Project site would continue to provide open space areas with native vegetation and development would be limited to multi-use trails. No conflicts with this policy would result.	Mining and Reclamation: Yes Post Reclamation: Yes

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
COS-3.2: Minimize Impacts of Development. Require development projects to: - Mitigate any unavoidable losses of wetlands, including its habitat functions and values; and - Protect wetlands, including vernal pools, from a variety of discharges and activities, such as dredging or adding fill material, exposure to pollutants such as nutrients, hydromodification, land and vegetation clearing, and the introduction of invasive species.	The majority of jurisdictional areas on site would be avoided as a matter of Project design. As part of the Project entitlement process, permits from the resource agencies would be required for mining activities that are proposed in wetland areas. Mining activities would occur temporarily within jurisdictional wetland areas over a 10-year period, after which all areas would be reclaimed and revegetated as open space. As a result, there would not be unavoidable permanent losses of wetlands and discharge, dredging, or adding fill material would be reviewed and permitted by applicable regulatory agencies with mitigation implemented as required, consistent with this policy. Invasive, non-native species (e.g., weeds) would be continuously removed during mining and reclamation activities. The Project also would be subject to requirements to protect the quality of runoff draining to the Sweetwater River during mining operations.	Upon completion of reclamation activities, the amount of wetland habitat on site would be substantially increased relative to the current degraded condition of the site. Areas dedicated as mitigation for wetland impacts would be subject to management in perpetuity to maintain the newly established habitat values. Conceptual multi-use trails have been sited to be compatible with the proposed revegetation plan.	Mining and Reclamation: Yes Post Reclamation: Yes
COS-4.1: Water Conservation. Require development to reduce the waste of potable water through use of efficient technologies and conservation efforts that minimize the County's dependence on imported water and conserve groundwater resources.	Potable water use associated with the Project would be limited to bottled drinking water provided by a private vendor for mine staff. Groundwater use for materials processing and reclamation would be substantially less (approximately 139.9 acre-feet per year) than existing use rates (approximately 803.4 acre-feet per year).	After reclamation, the Project site would be kept as open space. No potable water use would occur and no irrigation of vegetation would be required.	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
COS-4.2: Drought-Efficient Landscaping. Require efficient irrigation systems and in new development encourage the use of native plant species and non-invasive drought tolerant/low water use plants in landscaping.	Site landscaping along the Willow Glen Road frontage would include native and non-invasive, drought-tolerant/low water use plants. Reclamation activities would be conducted with native plants. Plants would be irrigated until mature. Reclaimed areas would be subject to a five-year maintenance and monitoring program and would be required to survive at least two years without irrigation prior to sign-off that site reclamation requirements have been met.	Post reclamation, the non-irrigated vegetation on site would be retained.	Mining and Reclamation: Yes Post Reclamation: Yes
COS-5.1: Impact to Floodways and Floodplains. Restrict development in floodways and floodplains in accordance with policies in the Flood Hazards section of the Safety Element.	The Project would remove existing development within the floodplain (i.e., golf course clubhouse, maintenance facility, and restrooms) and replace it with limited facilities associated with the processing plant. The proposed facilities would be located outside of the floodway, would not require channel modifications, and would conform to federal flood protection policies.	No development is proposed on site following site reclamation. The Project would widen the ~~river channel~~ floodplain to conditions more similar to what occurred prior to channelization for the golf course. The increased flow capacity from widening would be partially offset by the increase in riparian vegetation on the site. At most locations, the post-reclamation condition would result in a lower water surface elevation during a 100-year flood. At the limited locations where the water surface elevation would increase, it would occur within the boundaries of the subject property and thus would be consistent with the County's no-rise criterion (refer to	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
		Section 3.1.5 for additional discussion).	
COS-5.2: Impervious Surfaces. Require development to minimize the use of directly connected impervious surfaces and to retain stormwater run-off caused from the development footprint at or near the site of generation.	Development associated with the proposed mining activities would remove existing impervious surfaces associated with golf course operations and involve minor addition of impervious surfaces on site, including a processing plant, storage containers, weigh scale, and modular scale house over an approximate 10-year period, as well as improvements to Willow Glen Drive. As areas are reclaimed, impervious surfaces would be removed from the site.	There would be minimal impervious surfaces once the Project site has been reclaimed. These would be limited to the existing SDG&E towers and potential associated riprap, Willow Glen Drive improvements, and potentially a portion of the existing parking lot. This would represent a substantial decrease in impervious surfaces on the site.	Mining and Reclamation: Yes Post Reclamation: Yes
COS-5.3: Downslope Protection. Require development to be appropriately sited and to incorporate measures to retain natural flow regimes, thereby protecting downslope areas from erosion, capturing runoff to adequately allow for filtration and/or infiltration, and protecting downstream biological resources.	The Project involves mining portions of the Project site over three mining phases and reclaiming mined areas as each sub-phase is completed. These areas would be set back from existing Sweetwater River channel. Soil stabilization BMPs, silt fences, and desiltation would minimize potential effects from erosion and sedimentation. Reclamation would include some grading, would widen the ~~river channel~~ <u>floodplain</u> to approximately ~~250 to 300~~ <u>400 to 700</u> feet in width, and would revegetate with native plants to create a natural environment that would protect downslope areas from erosion, capture runoff, and protect downstream biological resources.	Areas restored during the mining and reclamation phase would not be altered in the post-reclamation phase. The protection of downslope areas from erosion, the capture of runoff, and the protection of downstream biological resources would continue under the post-reclamation phase of the Project.	Mining and Reclamation: Yes Post Reclamation: Yes

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Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
COS-5.5: Impacts of Development to Water Quality. Require development projects to avoid impacts to the water quality in local reservoirs, groundwater resources, and recharge areas, watersheds, and other local water sources.	Avoidance of potential significant impacts to water quality is required through mandatory regulatory compliance as documented in the Project Water Quality Technical Report and Section 3.1.5 of this EIR. A SWPPP would be prepared and submitted to the State Water Resources Control Board prior to construction in accordance with the Industrial General Permit Order 2014-0057-DWQ, effective July 1, 2015.	Post reclamation, the site would contain multi-use trails and revegetated open space. Significant impacts to water quality in local reservoirs, groundwater resources, and recharge areas, watersheds, and other local water sources would not result from these passive uses.	Mining and Reclamation: Yes Post Reclamation: Yes
COS-7.1: Archaeological Protection. Preserve important archaeological resources from loss or destruction and require development to include appropriate mitigation to protect the quality and integrity of these resources.	Detailed records searches and on-site survey identified three on-site resources (CA-SDI-17943, CGC-S-001 and CDC-S-002) that would be affected by Project grading. All three are sparse lithic and shell scatters with limited material located in disturbed areas of the golf course, and all three were identified as not important/ significant. Although their limited artifact coverage and research potential indicate that these sites are not important, monitoring during mining has been identified as mitigation. If additional resources are located, they would be evaluated and curated as appropriate in accordance with EIR Mitigation Measures M-CR-1 through M-CR-3.	Post reclamation, no additional ground disturbance would occur beyond that addressed under Mining and Reclamation. There is not known potential for loss or destruction of archaeological resources.	Mining and Reclamation: Yes Post Reclamation: Yes
COS-7.3: Archaeological Collections. Require the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner.	As described under COS-7.2, above, mitigation is required due to the potential for important archaeological sites located within the golf course. Any collections made during evaluation of these resources would be curated as appropriate in accordance with EIR	Post reclamation, no additional ground disturbance would occur beyond that addressed under Mining and Reclamation. Collections would not be gathered and preservation/ curation of them would not be	Mining and Reclamation: NA/Yes Post Reclamation: NA

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Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
	Mitigation Measures M-CR-1 through M-CR-3.	required. This policy is not applicable to this phase of the Project.	
COS-9.1: Preservation. Require the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes.	The site contains formations with no, or low, paleontological resource sensitivity. As described in EIR Subchapter 2.5, “low resource sensitivity” is assigned to geologic formations that, based on their relatively young age and/or high-energy depositional history, are judged unlikely to produce unique fossil remains. Although infrequent, when fossils are found in these formations, they often comprise significant additions to the geologic understanding of the area. Mitigation has been identified to ensure that appropriate fossils identified during mining would be removed from the site, with research and curation completed as necessary and appropriate.	Post reclamation, the site would comprise open space, without earth moving actions. Potentially fossil-bearing formations of low sensitivity would not be impacted.	Mining and Reclamation: Yes Post Reclamation: NA/Yes
COS-10: Protection of Mineral Resources. The long-term production of mineral materials adequate to meet the local County average annual demand, while maintaining permitted reserves equivalent to a 50-year supply, using operational techniques and site reclamation methods consistent with SMARA standards such that adverse effects on surrounding land uses, public health, and the environment are minimized.	In accordance with the Project objectives, the Project has been designed to allow for the recovery and processing of construction aggregates in a financially sound and efficient manner, while taking into account environmental considerations. The Project would extract aggregate resources for local uses. Providing an additional local supply of aggregate material would reduce the need to import material from more distant mines and support the County’s demand for aggregate resources.	Post reclamation, no additional ground disturbance would occur beyond that addressed under Mining and Reclamation. This policy is not applicable to this phase of the Project.	Mining and Reclamation: Yes Post Reclamation: NA/Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
COS-10.2: Protection of State-Classified or Designated Lands. Discourage development or the establishment of other incompatible land uses on or adjacent to areas classified or designated by the State of California as having important mineral resources (MRZ-2), as well as potential mineral lands identified by other government agencies. The potential for the extraction of substantial mineral resources from lands classified by the State of California as areas that contain mineral resources (MRZ-3) shall be considered by the County in making land use decisions.	The Project proposes mining of a known mineral resource; the site would be reclaimed in accordance with the Reclamation Plan for uses that would be allowed by the zoning classification. The mineral resources classification has been considered in the selection of this site for the proposed extraction facility.	Reclaimed areas would be restored in accordance with the Project Reclamation Plan to an end use of open space, but could support land suitable for uses allowed by the existing land use designation and zoning classifications. Future development of the site is not included in the Proposed Project and would require subsequent environmental review. No conflicts with this policy would result.	Mining and Reclamation: Yes Post Reclamation: Yes
COS-10.5: Reclamation Plans. Require all mining projects to be conducted in accordance with a reclamation plan that meets the minimum reclamation standards required by the California Surface Mining and Reclamation Act and the associated State Mining and Geology Board regulations. Require the reclamation plan to include a phasing plan that provides for the completion of the surface mining on each segment of the mined lands so that the reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.	As described under COS-10.2, above, proposed mining and reclamation activities would be implemented pursuant to the Reclamation Plan prepared for the Project. The Reclamation Plan specifies the standards to which the site must be reclaimed upon completion of mining activities in accordance with SMARA regulations. The extraction process would occur in three phases, with three to four subphases of less than 30 acres each in each phase, and a fourth phase for cleanup, equipment removal, and final reclamation. Reclamation would be an ongoing process starting in the second year as mining proceeds to the east and would continue in each 20- to 30-acre subphase over an approximately 10-year period, concluding two years after the completion of mining.	Post reclamation, no additional ground disturbance would occur beyond that addressed under Mining and Reclamation. This policy is not applicable to this phase of the Project.	Mining and Reclamation: Yes Post Reclamation: NA/Yes

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
COS-10.6: Conservation of Construction Aggregate. Encourage the continued operation of existing mining facilities and streamline the permitting of new mining facilities consistent with the goal to establish permitted aggregate resources that are sufficient to satisfy 50 years of County demand.	In accordance with the Project objectives, the Project has been designed to allow for the recovery and processing of construction aggregates in a financially sound and efficient manner, while taking into account environmental considerations. The Project would extract aggregate resources for local uses. Providing an additional local supply of aggregate material would reduce the need to import material from more distant mines and support the County's demand for aggregate resources.	Post reclamation, no additional ground disturbance would occur beyond that addressed under Mining and Reclamation. This policy is not applicable to this phase of the Project.	Mining and Reclamation: Yes Post Reclamation: NA/Yes
COS-10.7 Recycling of Debris. Encourage the installation and operation of C&D debris recycling facilities as an accessory use at permitted (or otherwise authorized) mining facilities to increase the supply of available mineral resources.	No construction or demolition recycling is proposed as a component of the Project; however, a Construction and Demolition Debris Management Plan would be developed to divert debris from construction and demolition away from landfills. In accordance with County Ordinance Sections 68.508 through 68.518, 90 percent of inert materials and 70 percent of all other construction and demolition debris generated by the Project would be recycled.	This policy is not applicable to this phase of the Project.	Mining and Reclamation: Yes Post Reclamation: NA/Yes
COS-10.8: New Mining Facilities. Develop specific permit types and procedures for the authorization of new mining facilities that recognize the inherent physical effects of mining operations and the public necessity for available mineral resources adequate to meet local demand, in accordance with PRC Section 2762.	In accordance with the Project objectives, the Project has been designed to allow for the recovery and processing of construction aggregates in a financially sound and efficient manner, while taking into account environmental considerations.	This policy is not applicable to this phase of the Project.	Mining and Reclamation: Yes Post Reclamation: NA/Yes

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
GOAL COS-11: Preservation of Scenic Resources. Require the protection of scenic highways, corridors, regionally significant scenic vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes.	The Project is located in a river valley surrounded by prominent scenic features including hillsides, ridgelines, and mountainous terrain. The Project would not affect any of these features. No designated landmarks (i.e., a visual feature or element designated or identified in an adopted land use plan as an important visual or scenic resource) or identified visual resources such as unique topographical features, designated historic resources, or prominent rock outcroppings or ridgelines occur on site. Willow Glen Drive is included in the County's Scenic Highway System. The Project proposes to implement a landscape screening and entrances plan to supplement existing screening vegetation along Willow Glen Drive to aid in the screening of the processing plant and mining activities from road users. Approximately 67 existing trees would be removed to construct the Project entrance and Willow Glen Drive improvements. Further, six-foot-high, chain-link fencing with mesh screening is proposed to be installed along the property boundary that would further block views of project components and visual effects. While Project components and contrasts would be partially screened from view near the processing plant, new fencing and mesh screening would restrict available views and	Long-term changes within the Project site post reclamation would contribute positively to the valued views experienced along Willow Glen Drive. At maturity (approximately five to seven years post-installation), trees and shrubs of the revegetation plan would improve the visual character of the Project site. Visual quality and particularly, intactness and unity, would also be improved with mature vegetation that would cover the subphase areas. Scenic views experienced along the segment of the roadway bordering the Project site would be an extension of the continuous pattern elements of the surrounding visual environment within the river valley.	Mining and Reclamation: No Post Reclamation: Yes

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
	reduce visual quality along the Willow Glen Drive corridor. Views towards the Project site along the approximately 0.14-mile-long parking lot frontage of Willow Glen Drive are limited in length by mature landscaping installed near the clubhouse. However, visual change on the Project site and seen landscape experienced from Willow Glen Drive would be notable, strong, and perceived negatively by users of Willow Glen Drive. Thus, the Project would not protect and enhance the appearance of the scenic landscape experience from Willow Glen Drive.		
COS-11.1: Protection of Scenic Resources. Require the protection of scenic highways, corridors, regionally significant scenic vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes.	The General Plan identifies Willow Glen Drive as a scenic highway corridor. The Project proposes to implement a landscape screening and entrances plan to supplement existing screening vegetation in along Willow Glen Drive and help screen the plant from viewers north of the site. Six-foot-high, chain-link security fencing would be installed along the property boundary with Willow Glen Drive; screening mesh would be utilized along segments of the fence that lack the existing mature trees and screening vegetation to screen Project operations, and where no landscape screening is proposed. While a screening element would be added into views from the roadway, existing views to the golf course are partially screened by existing mature trees. Relatively clear albeit short-duration views to the golf course are available from the road but are routinely interrupted by	Long-term changes within the Project site post reclamation would contribute positively to the local scenic resources, as well as to valued views experienced along Willow Glen Drive, a County-designated scenic highway corridor. Once post-reclamation vegetation reaches maturity (approximately five to seven years post reclamation for each phase), the visual quality of the viewshed would improve over existing conditions. Views experienced from Willow Glen Drive bordering the Project site would improve as site vegetation would enhance the existing riparian corridor on the	Mining and Reclamation: No Post Reclamation: Yes

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
	trees and shrubs. New fencing would shorten the existing narrow available views to the golf course from Willow Glen Drive. Views towards the Project site along the approximately 0.14-mile long parking lot frontage of Willow Glen Drive are limited in length by mature landscaping installed near the clubhouse. Still, visual change associated with Project fencing in views from the scenic roadway would be notable. While existing views along the Project frontage are partially screened and consist of a golf course, the Project would limit and shorten available views from the Willow Glen Drive corridor. As proposed, the Project would introduce a phased mining operation to the visual environment of the Project site (i.e., the Cottonwood Golf Club) and surrounding setting. The Project would alter the composition of the existing visual environment by removing vegetation in subphases, exposing underlying soils, grading and excavation, and by the presence of mining equipment, vehicles, a processing plant area, and stockpiles. These features would be experienced from public vantage points and create visible contrast in the landscape visible from Willow Glen Drive (a scenic highway). Mining and reclamation activities would create notable physical changes in the composition of the visual environment, as viewed from Willow Glen	Project site and expand characteristic features of the Sweetwater River corridor (off-site segments) including dense and mature vegetation to sub-phase areas.	

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
	Drive, Steele Canyon Road, and surrounding recreational and residential areas that would result in reduced visual quality of the site and surrounding area.		
COS-11.2: Scenic Resources Connections. Promote the connection of regionally significant natural features, designated historic landmarks, and points of regional historic, visual, and cultural interest via designated scenic corridors, such as scenic highways and regional trails.	See response to GOAL COS-11, above. While project components and contrasts would be partially screened from view near the processing plant, new fencing and mesh screening would restrict available views and reduce visual quality along the Willow Glen Drive corridor. Views towards the Project site along the approximately 0.14-mile-long parking lot frontage of Willow Glen Drive are limited in length by mature landscaping installed near the clubhouse. However, visual change on the Project site and seen landscape experienced from Willow Glen Drive would be notable, strong, and perceived negatively by users of Willow Glen Drive. Thus, the Project would not protect and enhance the appearance of the scenic landscape experience from Willow Glen Drive.	See response to GOAL COS-11, above. Long-term changes within the Project site post reclamation would contribute positively to the valued views experienced along Willow Glen Drive. At maturity (approximately five to seven years post-installation), trees and shrubs of the revegetation plan would improve the visual character of the Project site. Visual quality and particularly, intactness and unity, would also be improved with mature vegetation that would cover the subphase areas. Scenic views experienced along the segment of the roadway bordering the Project site would be an extension of the continuous pattern elements of the surrounding visual environment within the river valley.	Mining and Reclamation: No Post Reclamation: Yes

COS-11.3: Development Siting and Design. Require development within visually sensitive areas to minimize visual impacts and to preserve unique or special visual features, particularly in rural areas, through the following: • Creative site planning • Integration of natural features into the project • Appropriate scale, materials, and design to complement the surrounding natural landscape • Minimal disturbance of topography • Clustering of development so as to preserve a balance of open space vistas, natural features, and community character. • Creation of contiguous open space networks	Regarding creative site planning, existing on-site landscaping and mature trees along Willow Glen Drive and the southern boundary of the Project site would be maintained as part of the Proposed Project to provide vegetative screening for adjacent residences. In addition, the Project would implement a Landscape Screening and Entrances Plan to provide landscaping adjacent to the Project entrances and additional screening of the plant area from Willow Glen Drive. Lastly, mining and reclamation activities are proposed on a developed property/use (i.e., the Cottonwood Golf Club) including the unmaintained Lakes Course. As such, the Project would not be located on a natural, previously undisturbed site. During mining and reclamation activities, the existing Sweetwater River ~~channel~~ <u>channel-floodplain</u> would be modified but the majority of native habitat that currently exists on the site would be protected in place <u>and the low-flow channel maintained</u>. In addition, the southwestern corner of the Project site would be retained in its existing conditions and would not be altered by mining activities. However, the balance of the Project site would be subject to visual disturbance including the removal of vegetation, grading, and excavation that would create noticeable contrast where visible. In addition, the Project consists of mining and reclamation activities that would create contrast with the	No industrial activities would occur during the post-reclamation phase of the Project. Existing landscape vegetation and mature trees along Willow Glen Drive would be retained. Riparian and upland vegetation would be sequentially planted following subphase mine operations and reclamation to create an enhanced and widened riparian and upland corridor. Long-term changes within the Project site in the post-reclamation scenario would contribute positively to the valued views experienced along Willow Glen Drive and visual quality of the area. At maturity (approximately five to seven years post reclamation for each phase), the visual character of the Project site would be enhanced with native vegetative cover and appropriate landforms for site drainage. Reclaimed areas would be restored to an end use of open space, but could also support land suitable for uses allowed by the existing land use designation and zoning classifications. Future development of the site is not	Mining and Reclamation: Yes Post Reclamation: Yes

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
	surrounding natural landscape over a 12-year period. As a mining project, the Project would modify the existing topography of the site. Specifically, approximately four inches of topsoil would be stripped from the surface and placed in low berms or windrows. When feasible, topsoil would be stripped from the surface and directly reapplied to areas that have reached final grade to avoid storing soil. The maximum excavation depth is proposed to be 40 feet below the existing ground surface (bgs) outside the existing Sweetwater River <u>low-flow</u> channel. The average depth of excavation is expected to be approximately 30 feet bgs. While the Project would utilize existing street trees and introduce new landscaping to aid in site screening the Project would not compliment the surrounding natural landscape during mining and reclamation. In addition, the average depth of excavation is expected to be approximately 30 feet bgs. As a mining project, minimal disturbance of topography would be difficult to achieve while also achieving project objectives.	included in the Proposed Project and would require subsequent environmental review. Implementation of the proposed Reclamation Plan and retention of approximately ~~125.4~~149.0 acres of preserved, rehabilitated, and restored habitat in on-site open space would ensure that the Project would be in conformance with this policy.	

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
COS-13.1: Restrict Light and Glare. Restrict outdoor light and glare from development projects in Semi-Rural and Rural Lands and designated rural communities to retain the quality of night skies by minimizing light pollution.	The Project is not a traditional development project and does not include the construction of structures or the addition of long-term light sources such as exterior mounted light fixtures or streetlights. During mining operations, some shielded night lighting may be installed for security purposes. The lighting would be designed to minimize glare and reflection or spill onto neighboring areas, and would include pole-mounted sodium, metal halide, fluorescent or LED lighting that would be operated with cut-offs to reduce light pollution.	After reclamation, no site lighting is proposed and no on-site light and glare would be produced.	Mining and Reclamation: Yes Post Reclamation: Yes
COS-14.8: Minimize Air Pollution. Minimize land use conflicts that expose people to significant amounts of air pollutants.	Dust and other pollutant emissions could be generated during Project activities. As described in EIR Chapter 1.0, the Project has incorporated BMPs to reduce fugitive dust consistent with SDAPCD Rule 55 – Fugitive Dust Control during construction and mine operation and reclamation. In addition, dust would be controlled in the sand processing and washing facilities using best available control technology (BACT), primarily the application of sufficient water to eliminate visible emissions. Diesel exhaust emissions from on- and off- road equipment would be required to implement BACT for reduction of exhaust PM, involving replacement of older equipment with equipment meeting the United States Environmental Protection Agency (USEPA) Tier-4 specifications or retrofitting equipment with diesel particulate filters, in accordance with California Air	Post reclamation, the site would constitute revegetated open space, with multi-use trails. No on-site uses are proposed that would generate or expose people to significant amounts of air pollutants.	Mining and Reclamation: Yes Post Reclamation: Yes

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Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
	Resources Board (CARB) regulations and implementation schedules. All of these actions would minimize land use conflicts that could expose people to significant amounts of air pollutants and would reduce the pollutants to less than significant levels.		
COS-14.9: Significant Producers of Air Pollutants. Require projects that generate potentially significant levels of air pollutants and/or GHGs such as quarries, landfill operations, or large land development projects to incorporate renewable energy, and the best available control technologies and practices into the project design.	The Project is not a large land development project that can incorporate renewable energy. It has, however, incorporated BACT into Project design. These require replacement of older equipment with equipment meeting the USEPA Tier-4 specifications or retrofitting equipment with diesel particulate filters, in accordance with CARB regulations and implementation schedules as described in the evaluation of COS-14.8. The updated equipment types use lower amounts of non-renewable resources such as gas, as well as reducing pollutant emissions.	Post reclamation, the site would constitute revegetated open space, with multi-use trails. No on-site uses are proposed that would generate potentially significant levels of air pollutants or GHGs. This policy is not applicable to post-reclamation site uses.	Mining and Reclamation: Yes Post Reclamation: NA
COS-14.10: Low-Emission Construction Vehicles and Equipment. Require County contractors and encourage other developers to use low-emission construction vehicles and equipment to improve air quality and reduce GHG emissions.	As noted in the evaluation of COS-14.8, Project design requires replacement of older equipment with equipment meeting the USEPA Tier-4 specifications or retrofitting equipment with diesel particulate filters, in accordance with CARB regulations and implementation schedules. This would result in use of lower emission construction vehicles/equipment and would support improved air quality and reduced GHG emissions over projects without these BACT requirements.	Post reclamation, the site would constitute revegetated open space, with multi-use trails. No construction activities or equipment usage are proposed during this phase. This policy is not applicable to post-reclamation site uses.	Mining and Reclamation: Yes Post Reclamation: NA

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
COS-14.11: Native Vegetation. Require development to minimize the vegetation management of native vegetation while ensuring sufficient clearing is provided for fire control.	During mining, all vegetation within the active subphase area would be removed. Vegetation outside of the active subphase area would remain in place until prior to active mining of the area (e.g., vegetation within subphases 1B and 1C and phase 2 and 3 would remain in place during mining of the subphase 1A area except where clearing of vegetation and stockpiling of topsoil is needed for sound barrier construction.	Area vegetated with native plant communities would be managed with minimal oversight. These areas are intended to be preserved as natural open spaces.	
COS-15.6: Design and Construction Methods. Require development design and construction methods to minimize impacts to air quality.	As described under the evaluation of COS-14.8, above, and in EIR Chapter 1.0, the Project has incorporated BMPs to reduce fugitive dust consistent with SDAPCD Rule 55 during construction and mine operation and reclamation and would control dust in the sand processing and washing facilities using BACT (primarily the application of sufficient water to eliminate visible emissions). Diesel exhaust emissions from on- and off-road equipment would be required to implement BACT for reduction of exhaust PM through replacement of older equipment with equipment USEPA Tier-4 specifications or retrofitting equipment with diesel particulate filters, in accordance with CARB regulations and implementation schedules. All of these actions would minimize impacts to air quality.	Revegetation established as part of reclamation would be retained, which would control potential dust generation, and no on-site uses are proposed that would generate other emissions (post-reclamation site activities would consist of open space with multi-use trails).	Mining and Reclamation: Yes Post Reclamation: NA/Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
COS-17.2: Construction and Demolition Waste. Require recycling, reduction and reuse of construction and demolition debris.	As described in EIR Chapter 1.0, a Construction and Demolition Debris Management Plan would be developed to divert debris from construction and demolition away from landfills. In accordance with County Ordinance Sections 68.508 through 68.518, 90 percent of inert materials and 70 percent of all other construction and demolition debris generated by the Project would be recycled.	Post reclamation site activities would consist of open space. No on-site uses are proposed that would generate materials to be recycled, reduced, or reused.	Mining and Reclamation: Yes Post Reclamation: NA/Yes
Safety Element			
S-3.1: Defensible Development. Require development to be located, designed, and constructed to provide adequate defensibility and minimize the risk of structural loss and life safety resulting from wildland fires.	The FPP developed for the Proposed Project outlines recommendations for minimizing hazards related to wildfires (FireWise 2021). The FPP recommendations include guidance on fire access roads, property line setback distances, defensible space, vegetation management, and owner-maintained fuel modification. The Proposed Project would adhere to the recommendations within the FPP, minimizing potential impacts related to wildfire.	Post reclamation, the site would consist of open space, with no structures that require fire protection. This policy is not applicable to the Project post-reclamation phase.	Mining and Reclamation: Yes Post Reclamation: NA
S-3.6: Fire Protection Measures. Ensure that development located within fire threat areas implement measures that reduce the risk of structural and human loss due to wildfire.	The Project would adhere to measures identified in the FPP to reduce the risk of structural and human loss due to wildfire. These measures include considerations related to fire access roads, property line setback distances, defensible space, vegetation management, and owner-maintained fuel modification.	Post reclamation, the site would consist of open space, with no structures that require fire protection. This policy is not applicable to the Project post-reclamation phase.	Mining and Reclamation: Yes Post Reclamation: NA

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
S-3.7: Fire Resistant Construction. Require all new, remodeled, or rebuilt structures to meet current ignition resistance construction codes and establish and enforce reasonable and prudent standards that support retrofitting of existing structures in high fire threat areas.	Proposed structures to be located on site during mining activities would be a scale, office kiosk, and office trailer. Each of these facilities would meet current, applicable ignition resistance construction codes.	Post reclamation site conditions would consist of open space. No on-site structures are proposed that would need to meet fire code. This policy is not applicable to the Project post-reclamation phase.	Mining and Reclamation: Yes Post Reclamation: NA
S-9: Protection of Life and Property. Minimized personal injury and property damage losses resulting from flood events.	The Project proposes very few employees (nine), and no permanent structural uses during mining phases. It also would include sediment basins, few impermeable surfaces, setbacks from the river, etc. The type of project and its design result in minimal probability of personal injury or property damage resulting from flood events. During the final reclamation phase, the few temporary structures would be removed, the ~~riverbed would be widened to approximately 250 to 300 feet~~ floodplain would be expanded to approximately 400 to 700 feet and <u>revegetated with riparian vegetation</u> , and daily employees would no longer be on site. This would result in even further minimized potential for personal injury and would eliminate potential for property damage losses.	Post reclamation site activities would consist of open space, with multi-use trails that would support some recreational use of the property. The potential for structural property damage would not exist and potential for personal injury would be low, consistent with other open trail uses.	Mining and Reclamation: Yes Post Reclamation: Yes
S-9.2: Development in Floodplains. Limit development in designated floodplains to decrease the potential for property damage and loss of life from flooding and to avoid the need for engineered channels, channel improvements, and other flood control facilities. Require development to conform	The Project would remove existing development within the floodplain (i.e., golf course clubhouse, maintenance facility, and restrooms) and replace it with limited facilities associated with the processing plant. The proposed facilities would be located outside of the floodway, would not require	No development is proposed on site following site reclamation. The Project would widen the ~~river channel~~ floodplain to conditions more similar to what occurred prior to channelization for the golf course. The	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
to federal flood proofing standards and siting criteria to prevent flow obstruction.	channel modifications, and would conform to federal flood proofing standards and siting criteria to prevent flow obstruction.	increased flow capacity from widening would be partially offset by the increase in riparian vegetation on the site. At most locations, the post-reclamation condition would result in a lower water surface elevation during a 100-year flood. At the limited locations where the water surface elevation would increase, it would occur within the boundaries of the subject property and thus would be consistent with the County's no-rise criterion (refer to Section 3.1.5 for additional discussion).	
S-9.3: Development in Flood Hazard Areas. Require development within mapped flood hazard areas be sited and designed to minimize on and off-site hazards to health, safety, and property due to flooding.	The Project would remove existing development within the floodplain (i.e., golf course clubhouse, maintenance facility, and restrooms) and replace it with limited facilities associated with the processing plant. The proposed facilities would be located outside of the floodway, and would be sited and designed to minimize on- and off-site hazards due to flooding.	No development is proposed on site following site reclamation. The Project would widen the ~~river channel floodplain~~ to conditions more similar to what occurred prior to channelization for the golf course. The increased flow capacity from widening would be partially offset by the increase in riparian vegetation on the site. At most locations, the post-reclamation condition would result in a lower water surface elevation during a 100-year flood. At the limited locations where the	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
		water surface elevation would increase, it would occur within the boundaries of the subject property and thus would be consistent with the County's no-rise criterion (refer to Section 3.1.5 for additional discussion).	
S-10: Floodway and Floodplain Capacity. Floodways and floodplains that have acceptable capacity to accommodate flood events.	As mining occurs, the Project would widen the ~~river channel~~ floodplain to conditions more similar to what occurred prior to channelization for the golf course. The increased flow capacity from widening would be partially offset by the increase in riparian vegetation on the site through reclamation. At most locations, this would result in a lower water surface elevation during a 100-year flood. At the limited locations where the water surface elevation would increase, it would occur within the boundaries of the subject property.	Post reclamation, the ~~reclaimed~~ river channel would continue to have adequate capacity to accommodate flood events, with limited locations where the 100-year water surface elevation would increase within the boundaries of the subject property. <u>The expanded floodplain would improve the site's ability to accommodate both natural flows and high flows during storm events and would dissipate water energy during large storm events.</u>	Mining and Reclamation: Yes Post Reclamation: Yes
S-10.6: Stormwater Hydrology. Ensure development avoids diverting drainages, increasing velocities, and altering flow rates to off-site areas to minimize adverse impacts to the area's existing hydrology.	The Project would continue to allow flows to be directed to the Sweetwater River. As documented in the Project's Hydrology Study (Chang 2023 ~~4~~), the Project would not result in increased velocities or in increase in flow rates to off-site areas.	Post reclamation site conditions would consist of open space following a natural slope and drainage pattern, with native riparian vegetation. Thus, the reclaimed condition would not alter drainage patterns, increase velocities, or alter flow rates to off-site areas.	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
Noise Element			
N-1.2: Noise Management Strategies. Require the following strategies as higher priorities than construction of conventional noise barriers where noise abatement is necessary: • Avoid placement of noise sensitive uses within noisy areas • Increase setbacks between noise generators and noise sensitive uses • Orient buildings such that the noise sensitive portions of a project are shielded from noise sources • Use sound-attenuating architectural design and building features • Employ technologies when appropriate that reduce noise generation (i.e., alternative pavement materials on roadways)	The Project would employ a variety of design features, including using a conveyor belt rather than haul trucks for a majority of material hauling on site. Mitigation Measure NOI-1 requires that raw material extraction equipment operating within 400 feet of off-site NSLU useable space areas shall be located at the lowest feasible elevation within the Project's excavation areas, which would be accomplished by performing initial at-grade excavation activities at least 400 feet from off-site NSLU useable space areas. Where noise abatement is necessary, berms may be used rather than conventional barriers to the extent feasible.	Post reclamation site activities would consist of open space, with multi-use trails that would support some recreational use of the property. No notable or consistent noise is expected to be generated by passive users of these trails. This policy is not applicable to the Project post-reclamation phase.	Mining and Reclamation: Yes Post Reclamation: NA
N-2.1: Development Impacts to Noise Sensitive Land Uses. Require an acoustical study to identify inappropriate noise level where development may directly result in any existing or future noise sensitive land uses being subject to noise levels equal to or greater than 60 CNEL and require mitigation for sensitive uses in compliance with the noise standards listed in Table N-2.	The Project has completed an acoustical study, as described in EIR Subchapter 2.4. All potential significant impacts to noise-sensitive land uses have been addressed. The Project would be required to implement noise attenuation as necessary to meet these compatibility standards at adjacent land uses.	Post reclamation, the Project site would consist of open space that would not generate noise that might affect either on-site (e.g., potential future users of the trails implemented by the Project) or off-site (e.g., proximate residential users).	Mining and Reclamation: Yes Post Reclamation: NA/Yes

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
COUNTY GENERAL PLAN			
N-6.2: Recurring Intermittent Noise. Minimize impacts from noise in areas where recurring intermittent noise may not exceed the noise standards listed in Table N-2 but can have other adverse effects.	This policy guided development of the noise ordinance, which addresses specific noise generating sources. The Project would comply with noise standards listed in Table N-2. The Project does not propose equipment that would generate specific repetitive and intermittent noise such as a pile driver, or an equipment noise source that is not otherwise regulated. It is understood that some listeners may consider Project noise to be adverse, but this is considered to constitute “nuisance noise.”	Post reclamation site activities would consist of open space, with multi-use trails that would support some recreational use of the property. This policy is not applicable to the Project post-reclamation phase.	Mining and Reclamation: Yes Post Reclamation: NA
N-6.4: Hours of Construction. Require development to limit the hours of operation as appropriate for non-emergency construction and maintenance, trash collection, and parking lot sweeper activity near noise sensitive land uses.	Project construction, mining, and reclamation activities would occur within the allowable hours of operation. Sand excavation and processing is proposed to occur Monday through Friday, between the hours of 7:00 a.m. and 5:00 p.m.	Post reclamation site activities would consist of open space, with multi-use trails that would support some recreational use of the property. This policy is not applicable to the Project post-reclamation phase.	Mining and Reclamation: Yes Post Reclamation: NA

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Community Character Goal: Retain the unique balance of urban, semi-rural agricultural and open space land uses within the community, with open space and low-density buffers that separate the community from adjacent cities and unincorporated communities, while new development within the community conserves natural resources and topography.	The Project proposes to remove existing vegetation and golf course uses to conduct sand mining operations on ~~251~~<u>214.4</u> acres of an approximately 280-acre site. The remaining acreage that would not be mined would be subject to removal of invasive species or be left in their current condition. Implementation of the Proposed Project would transform existing recreational use and open spaces (i.e., the golf courses) into an extractive use operation that would operate over an approximately 10-year period. Following completion of the last subphase of mining, an additional two years would be required to fully implement the reclamation plan and bring on-site terrain to final elevations. During operations, the Project would install fencing with screening mesh and targeted landscaping to block views of the processing plant and mining activities from adjacent land uses and viewers. In addition, subphase areas disturbed by mining activities would be progressively reclaimed as mining moves to the next subphase, and reclaimed areas would typically be revegetated with plants from riparian or upland vegetation communities. While Project effects would be partially screened from select vantage points via screening mesh and shrubs and trees included in the landscape screening and entrances plan, and mined areas would be progressively	Post-reclamation, the Project site would be restored to an end use of open space, with multi-use trails that would support some recreational use of the property. Implementation of the proposed Reclamation Plan and placement of preserved, rehabilitated, and restored habitat into on-site open space, would ensure that the Project would be in conformance with this policy.	Mining and Reclamation: No Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
	reclaimed and revegetated, the Project entails the introduction of an extractive use that would be incongruous with the existing balance of urban, semi-rural agricultural and open space land uses within the community. Further, mining activities would create strong contrasts in form, line, and color that would degrade existing visual character.		
Community Character Policy 6: Require landscaping, including trees, along all Mobility Element roads.	Willow Glen Drive and Steele Canyon Road are Major Roads identified in the Valle De Oro Mobility Element Network. The majority of existing screening tree removal along the northern boundary of the Project site and paralleling Willow Glen Drive would occur between Steele Canyon Road east to the existing golf course parking lot. Replacement trees included in the landscape screening and entrances plan would be planted prior to initiation of Phase 1 activities to provide visual screening of processing and mining activities from Willow Glen Drive. While several existing trees would be maintained to screen the processing plant, mining activities and related visual effects from view of road users, tree removal and replanting would alter the existing character of the corridor which is partially defined by the presence of mature screening trees. Steele Canyon Road bisects Phase 1 and Phase 2 areas on the Project site and spans the	While approximately 67 trees along Willow Glen Drive would be removed to accommodate the project, the landscape screening and entrance plan includes installation of new trees to provide additional screening, including within areas where trees would be removed (15-gallon and 24-inch box size). In the post-reclamation scenario, new trees would be over ten feet high and while scale disparity with existing trees would be experienced, visual effects would not be significant. In addition, riparian and upland vegetation would be sequentially planted following the reclamation of mined subphase areas. The Project would be in conformance with this policy post reclamation.	Mining and Reclamation: No Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
	Sweetwater River corridor. The Project site borders Steele Canyon Road from Heatherwood Drive to Willow Glen Drive (approximately 0.30 mile). While a landscaping plan is not proposed along Steele Canyon Road, implementation of such a plan is not feasible where maximum visibility to project components and effects would occur (i.e., along the Sweetwater River Bridge segment). However, the planting of container trees in subphase 1A-1 areas to the west of the Steele Canyon Road just south of the bridge would enhance existing ornamental plantings in the area and partially screen subphases 1B and 1C activities from view. Further, existing on-site vegetation would be retained until just prior to the initiation of mining activities in the subphase area. Lastly, reclaimed subphase areas would be progressively revegetated with fast to slow growing riparian and upland container trees and shrubs, and seed mixtures. Over time (i.e., within approximately 7 to 14 years post-initiation of subphase 1A, container trees and shrubs, and seed mixtures in subphases 1A-1, 1A, 1C, and 2A may reach maturity. While the Project would implement a Landscape Screening and Entrances Plan to provide for replacement of existing landscaping adjacent to the Project entrances and additional screening of the processing plant area from Willow Glen Drive, the		

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
	Project would not implement a formal landscape plan for non-river corridor segments of Steele Canyon Road that parallel the Project site.		
Land Use Element			
Land Use Industrial Goal: Provide for the kind of industrial development that does not detract from the existing character of the community.	The Project would introduce a phased mining operation, including reclamation and revegetation of disturbed areas, to the visual environment of the Valle De Oro community. The Proposed Project would alter the quality and composition of the Project site through the phased removal of vegetation and exposure of underlying soils, introduction of mining operations, equipment, and vehicles, a processing plant facility, and stockpiles that would create strong contrast with existing features. As proposed, the Project would create notable physical changes in the composition of the visual environment and this change would be experienced from Willow Glen Drive, Steele Canyon Road, and surrounding recreational and residential areas. Due to anticipated visual contrast and the duration of mining and reclamation activities, the proposed extraction operation would detract from the existing character of the community and would conflict with this policy.	Under post-reclamation conditions, high quality native riparian and upland habitat would be established on site, and upon maturity, Project effects would be diminished such that the enhancement of the existing Sweetwater River corridor with riparian and upland vegetation communities on the Project site would improve upon the existing character and quality of the Project site. Once vegetation is mature, the Project would be in conformance with this policy post reclamation.	Mining and Reclamation: No Post Reclamation: Yes

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Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Industrial Policy 3: All industrial activities shall provide buffering or screening when located adjacent to residential areas.	Existing on-site landscaping and mature trees along Willow Glen Drive and the southern boundary of the Project site would be generally maintained as part of the Proposed Project to provide vegetative screening for adjacent residences. As previously stated, approximately 67 existing screening trees would be required to be removed to construct Project entrances and accommodate improvements to Willow Glen Drive. The Project would implement a Conceptual Landscape Screening and Entrances Plan to provide landscaping adjacent to the Project entrances and additional screening of the plant area and parking lot from Willow Glen Drive. The Project's plot plan incorporates buffering of nearby residential areas via subphase area setbacks from the Project boundary. Subphase boundaries would not be located directly adjacent to residential properties. Further, existing landscape features (including trees) between subphase boundaries and the nearest residential properties would be retained during Project operations.	No industrial activities would occur post reclamation. Riparian and upland vegetation installed following landform reclamation would mature over a period of five to seven years post-installation and would diminish/screen the visual effects of mining and reclamation activities.	Mining and Reclamation: Yes Post Reclamation: Yes
Industrial Policy 4: Require strict regulation of all extraction industries to minimize dust, noise, traffic, unsightly views, undesirable accumulation of water, and safety and health hazards.	Although the requirement for the County to strictly regulate extraction industries is a County obligation beyond the power of an individual project to ensure, as described in EIR Chapters 1.0, 2.0, and 3.0, the Proposed Project would be subject to applicable County regulations for minimizing dust, noise, traffic,	Post reclamation, no extraction would occur, and the no activities occurring within the rehabilitated open space would result in dust, noise, traffic, unsightly views, undesirable accumulation of water, and/or	Mining and Reclamation: Yes Post Reclamation: NA

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
	unsightly views, undesirable accumulation of water, and safety and health hazards during mining and reclamation. However, as documented in Subchapter 2.1, unsightly views of mining activities and related visual effects would be experienced from public vantage points in the surrounding area. Available views to the project site would be minimized to the extent feasible through the maintenance of existing screening trees, planting of new landscaping, phased mining, progressive revegetation of mined areas, and installation of mesh screening on fencing.	safety and health hazards that would require such regulatory conformance.	
Industrial Policy 5: Require specific guidelines for extraction operations and rehabilitation of the landscape.	Although the requirement for the County to prepare specific guidelines for extraction operations and landscape rehabilitation is a County obligation beyond the power of an individual project to ensure, the Project would comply with applicable County guidelines for these actions. The Project would include approval of a Major Use Permit to allow mining activities, as well as a Reclamation Plan to specify the standards to which the site must be reclaimed upon completion of mining activities in accordance with the California Surface Mining and Reclamation Act of 1975. The Project includes the implementation of a revegetation plan to ensure that mined and reclaimed areas are revegetated with appropriate native species. The Revegetation Plan is subject to the approval of the County.	Post reclamation, no activities are proposed that would require conformance with County guidelines for extraction operations and rehabilitation of the landscape.	Mining and Reclamation: Yes Post Reclamation: NA

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Industrial Policy 6: Support strict regulation of all extraction industries to ensure proper rehabilitation of the landscape.	Please see Land Use – Industrial Policy 5, above. In this instance, the compliance of the Project with the County’s (and state’s) regulations regarding mining and reclamation would support the County’s regulations.	Please see Land Use – Industrial Policy 5, above.	Mining and Reclamation: Yes Post Reclamation: NA
Open Space Policy 4: Limit land uses in areas where natural hazards exist to very low residential densities, agriculture, or recreation.	The purpose of this policy is to restrict locating large numbers of people into locations with potentially hazardous natural conditions. The Project does not propose any change to land use designations, as mineral extraction is allowable under the current designations. The Project does not propose placing land uses with large numbers of people in areas that might flood due to the presence of the Sweetwater River.	Post reclamation, the only on-site land use proposed by the Project is open space, and the low-intensity recreational uses supported by multi-use trails constructed on the property. Recreational uses are expressly permitted in the policy.	Mining and Reclamation: Yes Post Reclamation: Yes
Open Space Policy 5: Utilize open space as a buffer between incompatible land uses.	Appropriate setbacks would be established from the property line, and existing and proposed vegetation would be used to provide buffering screening of the Project site from adjacent residential areas, and, at the western extent of the property, from the SDNWR. Approximately 32 ~~3~~ acres of the Project site, primarily located along the southern property boundary, would not be disturbed during mining and reclamation, providing a buffer between the short-term operational activities and the existing off-site land uses and ensuring conformance with these policies.	Post reclamation, the Project site would actually consist of open space (as opposed to constituting a buffer). This use would be compatible with surrounding land uses (residential and open space).	Mining and Reclamation: Yes Post Reclamation: Yes

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Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Open Space Policy 6: Buffer industrial and commercial land uses from surrounding residential uses.	See Open Space Policy 5, above.	See Open Space Policy 5, above.	Mining and Reclamation: Yes Post Reclamation: Yes
Open Space Policy 7: Require private development projects to provide open space dedications, which coincide or link with established or functional open space corridors, recreation locations, and conservation areas, as identified within this community plan.	As noted above, approximately 23 percent of the Project site (66 acres) would not be mined. These areas would be subject to removal of exotic and invasive species, riparian habitat restoration, or left in their existing condition. Only ~~1.632~~ <u>1.34</u> acres of sensitive habitat would be disturbed during mining and reclamation activities; the remainder of the site that is proposed for mining is characterized as developed/disturbed. Areas disturbed by resource extraction would be progressively reclaimed to open space as mining proceeds. As part of the Reclamation Plan, the Project would create new on-site trails that would be accessible by the public and local residents. On-site restored biological open space required for biological mitigation would be dedicated for preservation <i>in perpetuity</i> . Implementation of the proposed Reclamation Plan and placement of approximately ~~125.4~~ <u>149.0</u> acres of preserved, rehabilitated, and restored habitat into on-site open space would ensure that the Project would be in conformance with these policies.	Post-reclamation, the site would retain the end use of open space and, in limited areas, multi-use trail elements that have been dedicated to public use.	Mining and Reclamation: Yes Post Reclamation: Yes

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Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Open Space Policy 9. Encourage the preservation of open space areas in which potential natural hazards exist (flood plains, fault lines, mudslides, etc.).	The site contains the Sweetwater River drainage. The existing low-flow channel would not be impacted by mining activities. Following cessation of mining activities, the area would be returned to open space and multi-use trails. Biological open space areas and the trails would be dedicated for permanent preservation.	Post-reclamation, the site would retain the end use of open space and, in limited areas, multi-use trail elements dedicated to public use.	Mining and Reclamation: Yes Post Reclamation: Yes
Open Space Policy 11. Areas to be preserved as natural open space shall be included in open space easements.	Please see Open Space Policies 7, 8, and 9, above.	Please see Open Space Policies 7, 8, and 9, above.	Mining and Reclamation: Yes Post Reclamation: Yes
Community Design Policy 2. Mature trees, shrubs, and significant landforms should be conserved in all public and private development projects.	The Project site is primarily comprised of a golf course characterized by ornamental landscaping, with few areas of the site that contain notable tree copses or large areas of sensitive vegetation requiring conservation. Trees and shrubs located along the property boundary would be retained to the extent feasible to serve as shielding vegetation during mining activities. While approximately 67 trees (or 14 percent of the existing trees along Willow Glen Drive) would be removed to construct the Project entrance and Willow Glen Drive improvements, replacement trees would be planted prior to initiation of Phase 1 to provide visual screening. Ornamental mature trees and shrubs would be removed during the mining phase of the Project. The Proposed Project would result in impacts to	As noted in the mining and reclamation phase discussion, there are no significant landforms on site. Implementation of the proposed Reclamation Plan and placement of approximately ~~125.4~~ <u>149.0</u> acres of preserved, rehabilitated, and restored habitat into on-site open space would ensure that the Project would be in conformance with this policy.	Mining and Reclamation: Yes Post Reclamation: Yes

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
	approximately ~~0.32~~<u>0.44</u> acre of southern cottonwood-willow riparian forest located in the southwestern portion of the site. Impacts to riparian forest would be limited to the perimeter of existing habitat and are required to maintain proper drainage of the expanded Sweetwater River floodplain and prevent ponding and erosion where the widened floodplain meets existing riparian habitat within the project site and SDNWR. The impacted area would be restored with native riparian habitat following Project activities as part of site reclamation and Project's proposed mitigation. The proposed Reclamation Plan would include riparian and upland plant palettes that would establish native vegetation on site. Overall, the Project would be in compliance with this policy. The Project is located within the floodplain of the Sweetwater River, which flows in a northeast to southwest direction through the site. Elevations range from approximately 320 feet above mean sea level (amsl) to 380 feet amsl; no significant landforms requiring conservation occur on site. It is noted, however, that mining and reclamation-period buffers would preclude impacts to the river channel during this phase.		

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Community Design Policy 6: Encourage the maintenance of all private property, including prompt disposal of trash and abandoned vehicles.	The Project would address mine maintenance, including disposal of trash, during mining operations and reclamation. It is not anticipated that abandoned vehicles would be left at the site due to property fencing and active operations, but if such should occur, they would also be removed.	On-site trails would be dedicated to the County and periodically maintained per County trail standards.	Mining and Reclamation: Yes Post Reclamation: Yes
Rancho San Diego Specific Plan: Continuing development of the Specific Plan area shall be developed under conditions A-E. See Valle de Oro Community Plan.	Two parcels in the southwestern portion of the Project site are included in the Specific Plan area, totaling approximately 32 acres – Assessor Parcel Numbers 506-021-19-00 (8.2 acres) and 519-011-03-00 (23.8 acres). These areas were incorporated into the Specific Plan area as an extension of the Cottonwood Golf Club in order to replace the fairways affected by the Steele Canyon Road bridge over the Sweetwater River (County 2013b). Only the 32-acre portion of the site located within the Specific Plan area is subject to the provisions of the Specific Plan. Relevant policies are addressed below.	Please see discussion under the Mining and Reclamation Phase.	Mining and Reclamation: Yes Post Reclamation: Yes
Rancho San Diego Specific Plan – Conservation D.1: Significant natural resources as identified in the community plan (see Resource Conservation areas) shall be conserved through open space easement dedication, limited recreation uses, or by any other appropriate means.	The portion of the Project site that is subject to the Rancho San Diego Specific Plan, which is also located within the County-designated Sweetwater River Floodplain (RCA 77), would be retained in open space. Activities during mining and reclamation would be limited to channel improvements and removal of non-native vegetation. Natural resources existing within this area would be conserved, and the Project would be in conformance with this policy.	The portion of the site subject to the Rancho San Diego Specific Plan would be retained in open space. Natural resources existing within this area would be conserved.	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Rancho San Diego Specific Plan – Conservation D.2: A system of open space, and recreation areas providing linkages, trails, and buffers within the specific planning areas shall be provided and protected.	No mining would occur within the area subject to the Specific Plan. Activities during mining and reclamation would be limited to channel improvements and removal of non-native vegetation, which would enhance the values of this area.	The portion of the site subject to the Rancho San Diego Specific Plan would be retained in open space. Natural resources existing within this area would be conserved. To provide protection for sensitive biological resources, no trails are proposed in this area.	Mining and Reclamation: Yes Post Reclamation: Yes
Rancho San Diego Specific Plan – Conservation D.5: AREA TO REMAIN UNDISTURBED. Based on the slope analysis submitted a fixed percentage of the land within each slope category shall remain undisturbed. The percent of undisturbed area required shall not be transferred from one category of slope to another, and areas devoted to roads, driveways, parking lots, patios or paved play areas shall not be included in the undisturbed area.	The Project site is relatively level, with slopes in excess of 10 percent limited to slopes associated with the channelized Sweetwater River east of Steele Canyon Road. Mining activities would be set back a minimum of five feet on each side of the <u>low-flow</u> channel, such that no slopes exceeding 10 percent slope would be impacted by the Project.	Post reclamation, the site would retain the end use of open space with no uses that would result in disturbance of slopes.	Mining and Reclamation: Yes Post Reclamation: Yes
Mobility Element			
Mobility Policy 4: Require design of all road improvements that maximizes environmental and aesthetic considerations consistent with safety needs.	Vehicles to and from the project site would utilize existing roadways during non-peak hours. The Project proposes improvements to Willow Glen Drive between Steele Canyon Road and the Project egress driveway, including restriping Willow Glen Drive between Steele Canyon Road and the Project ingress driveway to provide Class II buffered bicycle lanes on both sides of the roadway; construction of a dedicated right-turn lane into the primary Project ingress; and construction of a two-way left-turn lane	No additional roadway improvements would be made post reclamation.	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
	between the driveways, which would serve as a refuge lane for trucks to complete their outbound maneuver as they are exiting the site. A new egress point would be established in the approximate center of the existing parking lot. Landscaping along Willow Glen Drive is also proposed to provide aesthetic screening. No roadway hazards would result from these improvements and no adverse design features/physical configurations or other conflicting features that may adversely affect the safe movement of roadway users are proposed or present in the Project vicinity. Intersection sight distance (line of sight) per County Public Road Standards 6.1.E would be met.		
Mobility Policy 5: Where practical, landscaping shall be provided within the right-of-way of major roads and prime arterials.	Willow Glen Drive is identified as a Major Road in the County General Plan Valle de Oro Mobility Plan Network. The majority of Project-proposed landscaping along the road would be located outside of the right-of-way due to limited space; however, a coastal sage scrub seed mix would extend into the right-of-way at the new Project access point opposite Muirfield Drive.	No additional landscaping would be installed post reclamation.	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Mobility Policy 6: Require landscaping, including trees, along private property frontage of all Mobility Element roads wherever possible.	Existing trees along Willow Glen Drive would be maintained to the extent feasible to provide screening. While approximately 67 trees (or 14 percent of the total existing trees along Willow Glen Drive) would be removed to construct the Project entrance and Willow Glen Drive improvements, replacement trees would be planted prior to initiation of Phase 1 to provide visual screening. Additional landscaping would be provided adjacent to new private access points.	Post reclamation, the site would be returned to native vegetation.	Mining and Reclamation: Yes Post Reclamation: Yes
Mobility Policy 11: Eliminate safety hazards caused by direct access of traffic onto major arterial or collector streets when reviewing projects along such streets.	Please see Mobility Policy 4, above.	Please see Mobility Policy 4, above.	Mining and Reclamation: Yes Post Reclamation: Yes
Mobility Policy 14: Encourage the creation of a system of non-motorized recreational trails to connect appropriate recreational facilities and to integrate this system with existing and proposed trails within the San Diego region.	During reclamation portions of this phase, areas proposed for future open space set aside, trail use, etc., would be filled/graded and revegetated as appropriate. The reclaimed areas would include the 5-foot-wide trail through the site and tying into other planned and existing trail features, supporting an overall system of non-motorized recreational trails within the region.	The approximately multi-use trails completed by the Project would be retained, supporting an overall system of non-motorized recreational trails within the region.	Mining and Reclamation: Yes Post Reclamation: Yes

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Conservation Element			
Conservation – Water Resources Policy 3: Encourage the strict regulation of the uses of water bodies within the planning area to ensure that such uses are compatible with existing ecosystems.	The Project would be subject to applicable regulation and permits (from the County, CDFW, USACE and RWQCB) during mining and reclamation.	Post reclamation, the Project site would retain the end use of open space and, in limited areas, multi-use trail elements that have been dedicated to public use. These uses would be compatible with the existing natural ecosystems.	Mining and Reclamation: Yes Post Reclamation: Yes
Conservation – Water Resources Policy 6: Provide safe and efficient disposal of urban storm runoff to protect the Sweetwater Reservoir and floodplain areas of the Sweetwater River.	Project effects would be temporary rather than permanent, and would not require large areas of impermeable surface. Although the proposed actions would not result in urban runoff, it is noted that the Project would include de-siltation basins that would prevent sediment from leaving the site while allowing water to pass through to existing drainage features. Mining and reclamation grading would direct runoff from the disturbed areas towards the basins. The existing Sweetwater River low-flow channel would be avoided and silt fences would be installed 5 feet from the outer edge of each side of the channel. Operations would implement erosion control measures in accordance with set criteria to reduce on- and off-site erosion. These measures include monitoring soil movement, arresting gullies or rills using straw mulch and hay bales, and installing silt fencing, compacting soils with equipment, and re-grading, as necessary. Measures to avoid contamination from equipment operations and maintenance also would be enforced.	Post reclamation, the site would contain multi-use trails and revegetated open space. These are not urban uses and potential runoff would not contaminate the reservoir or groundwater supplies.	Mining and Reclamation: Yes Post Reclamation: Yes

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Conservation – Water Resources Policy 7: Protect existing groundwater reserves for potential emergency use.	Both existing and Project-related water draw would come from on-site groundwater resources. The Project would require substantially less water use than the golf courses require under existing conditions.	Post reclamation, the site would be left in open space, with no Project-related water draw. Groundwater reserves for potential emergency use would not be affected by the Project and would be improved over existing conditions.	Mining and Reclamation: Yes Post Reclamation: Yes
Conservation – Water Resources Policy 8: All commercial, industrial, and agricultural land uses in the Sweetwater River area shall be analyzed and monitored to ensure that groundwater deposits and flows are not contaminated by these activities.	The temporary on-site mining and reclamation actions would be subject to, and comply with, water quality regulations as described in EIR Chapter 1.0. Conformance with mandatory regulations result in compliance with this policy.	Post reclamation, the site would contain multi-use trails and revegetated open space. Significant impacts to groundwater deposits and flows are not expected from these passive uses.	Mining and Reclamation: Yes Post Reclamation: Yes
Conservation – Water Resources Policy 9: The quality of groundwater in the Sweetwater River Area shall be monitored and analyzed to ensure that groundwater deposits and flows are not contaminated by commercial, industrial, and agricultural activities.	The temporary mining and reclamation efforts associated with the Project are subject to regulation by the County, state, and federal agencies relative to water volume and quality, as appropriate, and would continue to be so. The Project would be subject to applicable regulation and permits (from the County, CDFW, USACE, and RWQCB) during mining and reclamation to ensure that groundwater deposits and flows are not contaminated by the industrial activity, and would be in conformance with this policy.	Post reclamation, the site would contain multi-use trails and revegetated open space. Significant contamination impacts to groundwater in the Sweetwater River Area deposits and flows would not result from these passive uses.	Mining and Reclamation: Yes Post Reclamation: Yes
Conservation – Water Resources Policy 12: Control urban runoff in the Sweetwater River basin in order to protect Sweetwater Reservoir and groundwater supplies from contamination.	Project effects would be temporary rather than permanent and would not require large areas of impermeable surface. Although the proposed actions would not result in urban runoff, it is noted that the Project would include de-siltation basins that would prevent	Post reclamation, the site would contain multi-use trails and revegetated open space. These are not urban uses and potential runoff would not contaminate	Mining and Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
	sediment from leaving the site while allowing water to pass through to existing drainage features. Mining and reclamation grading would direct runoff from the disturbed areas towards the basins. The existing Sweetwater River <u>low-flow</u> channel would be avoided and silt fences would be installed 5 feet from the outer edge of each side of the channel. Operations would implement erosion control measures in accordance with set criteria to reduce on- and off-site erosion. These measures include monitoring soil movement, arresting gullies or rills using straw mulch and hay bales, and installing silt fencing, compacting soils with equipment, and re-grading, as necessary. Measures to avoid contamination from equipment operations and maintenance also would be enforced.	the reservoir or groundwater supplies.	Post Reclamation: Yes
Conservation – Water Resources Policy 13: Only uses compatible with flooding, such as agriculture, parks, recreation, riding and hiking trails, and other open space activities shall be allowed in significant natural drainage areas.	The purpose of this policy is to restrict permanently locating people into locations with potential hazardous natural conditions such as flooding. The Project does not propose any change to land use designations, and does not propose placing land uses with large numbers of people in areas that might flood due to the presence of the Sweetwater River. After the short-term mining, reclamation would revegetate the property and install trails through the site.	Post reclamation, the only on-site land use proposed by the Project is open space, incorporating the low-intensity multi-use trails. Recreation and trail uses are expressly permitted in the policy.	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Conservation – Vegetation and Wildlife Habitats Policy 16: Require use of native species for landscaping where practical for public projects and private projects.	Project reclamation by sub-phase would include installation of native vegetation. Plants used in landscaping near the Project entryway also would be natives. Trees would include coast live oak (<i>Quercus agrifolia</i>), Fremont cottonwood (<i>Populus fremontii</i>), and Western redbud (<i>Cercis occidentalis</i>). Additional plants to be employed include shrubs (California lilac [<i>Ceanothus</i> x ‘Ray Hartman’], toyon [<i>Heteromeles arbutifolia</i>], lemonade berry [<i>Rhus integrifolia</i>], and California wild grape [<i>Vitis californica</i>]), groundcovers (dwarf coyote bush [<i>Baccharis pilularis</i>], and a coastal sage scrub seed mix.	Post reclamation, the site would be entirely vegetated with native species.	Mining and Reclamation: Yes Post Reclamation: Yes
Conservation – Vegetation and Wildlife Habitats Policy 18: Conserve unique functional plant and wildlife habitats, particularly those supporting rare, endangered, or threatened or depleted species.	Although the Project largely would be sited on disturbed golf course, it would conserve the majority of extant native habitat on site, including the larger area of habitat located at the western extent of the property and adjacent to the SDNWR.	Post reclamation, the site would retain the end use of open space and, in limited areas, multi-use trail elements. These uses would not conflict with conservation of unique functional habitats, and could support their conservation by retaining abutting similar habitat.	Mining and Reclamation: Yes Post Reclamation: Yes
Conservation – Vegetation and Wildlife Habitats Policy 20: Encourage the maintenance and enhancement of functional plant and wildlife habitats for threatened and endangered species.	Please see Wildlife Habitats Policy 18, above.	Please see Wildlife Habitats Policy 18, above.	Mining and Reclamation: Yes Post Reclamation: Yes

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Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Conservation – Vegetation and Wildlife Habitats Policy 21: Protect wildlife refuge areas from noise impacts, outdoor lighting impacts, and pollution impacts from stormwater runoff.	The Biological Resources Technical Report identified potentially significant noise impacts to upland and riparian birds. Mitigation is proposed that would lower impacts to less than significant levels. Proposed safety lighting would be associated with processing areas, and designed to adhere to the County LPC. This would minimize adverse impacts to wildlife in general. Specific to refuge areas, however, mining activities would be buffered from the SDNWR by existing vegetation. Project lighting would be both shielded and directed downward to minimize spill into adjacent areas. The Project would include de-siltation basins that would prevent sediment from leaving the site while allowing water to pass through to existing drainage features. Mining and reclamation grading would direct runoff from the disturbed areas towards the basins. The existing Sweetwater River <u>low-flow</u> channel would be avoided and silt fences would be installed 5 feet from the outer edge of each side of the channel. Operations would implement erosion control measures in accordance with set criteria to reduce on- and off-site erosion. These measures include monitoring soil movement, arresting gullies or rills using straw much and hay bales, and installing silt fencing, compacting soils with equipment, and re-grading, as necessary. The	Post-reclamation, the site would retain the end use of open space and, in limited areas, multi-use trail elements. Noise from intermittent/sporadic of use of on-site trails would not substantially affect animals/birds within the SDNWR (where trails are also located). No lighting is proposed as part of Project reclamation, and there would be no associated impacts. Post reclamation site activities would consist of open space reconstructed on a site following a natural slope and drainage pattern very similar to existing conditions. The natural vegetation installed and established during reclamation would stabilize the surface and minimize erosion. The lack of impervious surfaces would allow stormwater to naturally follow existing drainage patterns, and would minimize pollution impacts from stormwater runoff.	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
	mitigation and Project design features would ensure conformance with this policy.		
Conservation – Soil and Minerals Policy 23: Encourage strict standards to limit soil erosion and identify problem areas.	Mining and reclamation grading would direct runoff from the disturbed areas towards the desiltation basins. Operations would implement erosion control measures in accordance with set criteria to reduce on- and off-site erosion. These measures include monitoring soil movement, arresting gullies or rills using straw much and hay bales, and installing silt fencing, compacting soils with equipment, and re-grading, as necessary.	Post reclamation, the site would consist of open space with multi-use trails (consistent with the OS-R designation). As noted in EIR Chapter 1.0, all areas disturbed by Project activities would be planted or hydroseeded to aid in soil stabilization and erosion control, and erosion would be minimal.	Mining and Reclamation: Yes Post Reclamation: Yes
Conservation – Night Sky Protection Policy 24: All outdoor lighting fixtures shall be shaded on top so that all light will shine downward.	Proposed safety lighting would be designed to adhere to the County LPC; lighting would be shielded to direct light downward. Thus, the Project would be in conformance with this policy.	No lighting is proposed as part of Project reclamation.	Mining and Reclamation: Yes Post Reclamation: NA/Yes
Conservation – Air Quality Policy 28: Encourage the identification and reduction of sources of air pollution affecting Valle de Oro.	Project-related air pollution sources (dust and other emissions) have been identified and reduced through Project design. As described in the Air Quality Technical Report and EIR Chapter 1.0, the Project has incorporated BMPs to reduce fugitive dust consistent with SDAPCD Rule 55 – during construction and mine operation and reclamation. In addition, dust would be controlled in the sand processing and washing facilities using BACT, primarily the application of sufficient water to eliminate visible emissions. Diesel exhaust emissions from on- and off- road	Post reclamation, the site would constitute revegetated open space, with some trail uses. No pollution-generating sources would occur, and this policy is not applicable to the post-reclamation phase.	Mining and Reclamation: Yes Post Reclamation: NA/Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
	equipment would be required to implement BACT for reduction of exhaust PM, involving replacement of older equipment with equipment meeting the USEPA Tier-4 specifications or retrofitting equipment with diesel particulate filters, in accordance with CARB regulations and implementation schedules.		
Conservation – Air Quality Policy 29: Discourage new sources of air pollution in the Valle de Oro area.	Please see Conservation – Air Quality Policy 28.	Please see Conservation – Air Quality Policy 28.	Mining and Reclamation: Yes Post Reclamation: NA/Yes
Conservation – Air Quality Policy 30: Improve the air quality in the Valle de Oro Area by decreasing pollutants generated from or within the Valle de Oro area through implementation of the Regional Air Quality Strategy and the Community Plan.	As described in the Project Air Quality Technical Report, the Project would be consistent with the General Plan, the Valle De Oro Community Plan, and the Rancho San Diego Specific Plan and consistent with the growth projections from those plans used in development of the RAQS. The truck trips from the Project site also would be reallocated truck trips from other mines that are located further away, and would reduce VMT.	Please see Conservation – Air Quality Policy 28 and the Mining and Reclamation Phase response for this issue.	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Scenic Highways Element			
Scenic Highways Policy 1: Support the protection of the scenic highway corridors in Valle de Oro as designated in the County General Plan.	The Valle de Oro Community Plan identifies Willow Glen Drive as a unique and important scenic highway corridor. While approximately 67 trees (or 14 percent of the existing trees along Willow Glen Drive) would be removed to construct the Project entrance and Willow Glen Drive improvements, replacement trees would be planted prior to initiation of Phase 1 to provide visual screening. The Project also proposes to implement a landscape screening and entrances plan to aid in the screening of the processing plant and mining activities from road users. Further, six-foot-high, chain link security fencing is proposed to be installed along the property boundary with Willow Glen Drive and would block views of Project components and visual effects. While Project components and contrasts would be screened from view near the processing plant, new fencing and mesh screening would restrict available views and reduce visual quality along the Willow Drive corridor. Views towards the Project site along the approximately 0.14-mile-long parking lot frontage of Willow Glen Drive are limited in length by mature landscaping installed near the clubhouse. However, visual change on the Project site and seen landscape experienced from Willow Glen Drive would be notable, strong, and perceived negatively. Thus, the Project would not protect and enhance the	Long-term changes within the Project site post reclamation would contribute positively to the valued views experienced along Willow Glen Drive. At maturity (approximately five to seven years post installation), trees and shrubs of the revegetation plan would improve the visual character of the Project site. Visual quality and particularly, intactness and unity, would also be improved with mature vegetation that the cover the sub-phase areas. Scenic views experienced along the segment of the roadway bordering the Project site would be an extension of the continuous pattern elements of the surrounding visual environment within the river valley.	Mining and Reclamation: No Post Reclamation: Yes

Cottonwood Sand Mine Project

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Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
	appearance of the scenic landscape experience from Willow Glen Drive.		
Scenic Highways Policy 2: Scenic highway corridors in Valle de Oro are as follows: SR-94; SR-125 as an existing designated route; Jamacha Road/SR-54 from SR-94 to El Cajon; Fuerte Drive from I-8 to Chase Avenue; Willow Glen Drive, and Avocado Boulevard.	The only scenic corridor in proximity to the Project site is Willow Glen Drive. Please see Scenic Highways Policy 1, above.	Please see Scenic Highways Policy 1, above.	Mining and Reclamation: No Post Reclamation: Yes
Public Safety Element			
Public Safety Policy 6: Encourage the use of natural drainage areas and streambeds as flood control protection, thereby improving groundwater recharging.	During mining, the existing <u>Sweetwater River low-flow channel</u> would be protected by silt fencing, retaining its current flow volume/recharge capacity, and sediment basins would trap and slow on-site runoff, allowing for some additional incremental recharge. The existing Sweetwater River <u>low-flow channel</u> traversing the site would be maintained; <u>the floodplain</u> would be widened <u>to an average width of 250 to 300 in width from approximately 400 to 700 feet and would improve the site's ability to accommodate both natural flows and high flows during storm events and would dissipate water energy during large storm events, and would continue to flow into the Sweetwater River.</u> These improvements would continue to use the overall natural drainage pattern allowing for groundwater recharge.	Post reclamation, the site would constitute revegetated open space with multi-use trails. The drainage would flow freely and contain riparian vegetation, which would slow flooding, supporting groundwater discharge.	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Noise Element			
Noise Policy 2: Require site design and building design controls to minimize noise emissions from noise sources.	The site would be temporarily used for mining activities, with equipment usage that would generate sound. All Project noise would be mitigated to less than significant levels, as described in EIR Subchapter 2.4.	Post reclamation, the site would constitute revegetated open space, with multi-use trails. No noise requiring design control is anticipated from recreational trail users.	Mining and Reclamation: Yes Post Reclamation: NA/Yes
Noise Policy 3: Encourage land use and circulation patterns which will minimize noise in residential neighborhoods and sensitive wildlife habitat.	Please refer to Noise Policy 2.	Post reclamation, the site would constitute revegetated open space, with multi-use trails. Noise from recreational trail users is expected to be minimal, sporadic, and restricted to daytime hours, minimizing potential effects on either nearby residential neighborhoods or habitat containing sensitive wildlife.	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
<i>Rancho San Diego Specific Plan</i>			
Goal: Protect unique plant, wildlife, and cultural resources from destruction or incompatible adjacent uses.	No mining would occur within the area subject to the Specific Plan. Activities during mining and reclamation would be limited to channel improvements and removal of non-native vegetation, which would enhance the values of this area. The Project identifies on-site USFWS-designated critical habitat for San Diego ambrosia (a unique plant), coastal California gnatcatcher, and least Bell's vireo, and provides protection for these areas. Beyond avoidance and protection of critical habitat, the Project identifies specific mitigation for potential significant (primarily indirect) impacts that would mitigate such impacts, should they occur, to less than significant levels, in EIR Section 2.2.5.	The portion of the site subject to the Rancho San Diego Specific Plan would be retained in open space. Natural resources existing within this area would be conserved. To provide protection for sensitive biological resources, no trails are proposed in this area.	Mining and Reclamation: Yes Post Reclamation: Yes
Objective 4.2: Preserve the sensitive resources within the RCAs designated on the Valle De Oro Community Plan by regulating appropriate adjacent land uses through the environmental review process.	Although regulation of land uses is beyond the purview of a Project applicant, it is noted that the site contains portions of RCA 77 (Sweetwater River Floodplain). Substantial areas within the on-site portion of the RCA are currently in golf course and do not contain sensitive resources. As part of reclamation, approximately 110.25 acres of additional wetland/riparian habitat would be installed, increasing both sensitive habitat and the potential for associated sensitive species inhabiting such habitat. The Project would improve conditions over the existing condition.	Post reclamation, the site would constitute revegetated open space, including improved drainage and riparian habitat, with multi-use trails (outside of the Rancho San Diego Specific Plan). This would be an improved condition and more valuable RCA than under existing conditions.	Mining and Reclamation: Yes Post Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
Objective 4.6: Protect riparian habitat used by Least Bell's vireo from incompatible adjacent development and identify agencies or organization which could maintain habitat.	Approximately 10.42 acres of critical habitat for the least Bell's vireo occur in the southwestern portion of the Project site, which would be protected from disturbance/removal during the short-term mining on site. The Project would result in impacts to 1.2244 acres of least Bell's vireo critical habitat, consisting of 0.2346 acre of southern cottonwood-willow riparian forest, 0.002 acre of freshwater marsh, 0.8178 acre of disturbed habitat, 0.1820 acre of developed land associated with golf course development. All impacted areas would be restored with native riparian habitat following Project activities as part of site reclamation and the Project's proposed mitigation Riparian habitat would increase by approximately 110.27 acres during the reclamation phase, which would be conserved in perpetuity through a restrictive easement.	No "incompatible adjacent development" is proposed. On-site biological open space would be preserved and managed in perpetuity. Ownership would be transferred to a public or private non-profit entity to ensure that this occurs.	Mining and Reclamation: Yes Post Reclamation: Yes
Objective 4.7: Identify and protect Black-tailed gnatcatcher nesting areas in a natural condition appropriately buffered from adjacent development.	The Project site is within distribution area of the coastal California gnatcatcher (distinguished from the more broadly located black-tailed gnatcatcher in the late 1980s). Two small patches of suitable coastal sage scrub habitat occur within the extreme southwestern and southeastern portions of the site. These patches are contiguous with other coastal sage scrub habitat present within preserved lands, open space areas, or undeveloped habitat. A female gnatcatcher was observed foraging with and feeding one	Post reclamation, the site would constitute revegetated open space, with multi-use trails (outside of the Rancho San Diego Specific Plan). No "developed areas" are proposed that would require buffering.	Mining and Reclamation: Yes Post Reclamation: NA/Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
	fledgling in coastal sage scrub at the Project's southwestern boundary on June 11, 2019. Additional observations of the species include a single juvenile calling within the riparian habitat along Sweetwater River in the southwestern portion of the site on July 1, 2019, and another female/juvenile type foraging in the same general area on July 17, 2019. Appropriate mitigation measures have been incorporated to reduce potential impacts to the species to a level below significant (see EIR Section 2.2.5).		
Goal: Maximize leisure-time opportunities with both natural parks and improved recreation facilities which will encourage active lifestyles for residents of all ages.	During short-term mining activities, the Project would eliminate on-site private (for pay) golfing activities, which provides recreational opportunity for some users. An immediately adjacent golf course (Steele Canyon Golf Club) has greens located within approximately 0.1 mile of the eastern Ivanhoe Course, which would continue to provide golfing opportunities in the vicinity. Following mining, the reclamation phase of the Project (Phase 4) would revegetate open space and construct trails. This would provide publicly available passive recreational opportunity to all potential users and would support active lifestyles.	Post reclamation, the site would constitute revegetated open space, with multi-use trails. Available trails in an enhanced natural setting open to the public would support active lifestyles. To protect sensitive biological resources, these trails would not extend into the portion of the site subject to the Rancho San Diego Specific Plan.	Mining and Reclamation: Yes Post Reclamation: Yes
Goal: Open Space areas shall be maintained so as to enhance the overall scenic quality and protect the landform integrity of Rancho San Diego.	No unique topographical features, designated historic resources, or prominent rock outcroppings or ridgelines occur on site. The Project is, however, located in a river valley surrounded by prominent scenic features including hillsides, ridgelines, and	Post reclamation, the site would contribute positively to scenic quality through retention and enhancement of riparian vegetation.	Mining and Reclamation: Yes

Cottonwood Sand Mine Project

Land Use Consistency Analysis

Policy	Mining and Reclamation Phase	Post-Reclamation	Consistent?
VALLE DE ORO COMMUNITY PLAN			
	mountainous terrain. The Project would not affect any of these features. Mining and reclamation-period buffers would preclude impacts to the <u>Sweetwater River low-flow</u> channel during this phase. In particular, activities in the portion of the site subject to the Rancho San Diego Specific Plan would be limited to river channel improvements and removal of invasive species. Thus, the scenic qualities of this area would be protected.		Post Reclamation: Yes
Objective 7.2: Open space maintenance could be determined at the time of adjacent implementing permit action. Environmentally sensitive areas around and in the Sweetwater River floodplain should be transferred to public or private non-profit ownership. Other open space areas should be the responsibility of community or neighborhood associations. Individual homeownership of open space should be avoided unless no environmental harm from potential encroachment on open space areas is possible.	The Project requires preparation of a Resource Management Plan (RMP) for on-site biological open space to be approved by the County. The RMP provides direction for the permanent preservation and management of the on-site open space in accordance with County regulations. No other open space areas are proposed on site that would be the responsibility of a community or neighborhood association.	Please see the response to Mining and Reclamation Phase. As stated, the on-site biological open space would be preserved and managed in perpetuity. Ownership would be transferred to a public or private non-profit entity to ensure that this occurs.	Mining and Reclamation: Yes Post Reclamation: Yes