

Memorandum

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Date: October 15, 2014

Subject: Permanente Quarry EMSA Vegetation Removal Woodrat Midden Removal Results

Introduction and Project Description

Lehigh Permanente Quarry plans to remove vegetation (i.e., grub) in the north eastern portion of the East Material Storage Area (EMSA; Figure 1 “Disturbance Area”). The purpose of the grubbing is to prepare the EMSA for regrading according to the Reclamation Plan Amendment (RPA). The maximum length of the entire EMSA regrading disturbance area is approximately 1,000 feet and its maximum width is approximately 130 feet. The disturbance area is located within the RPA disturbance limits and generally north of the existing EMSA access haul road and south of the RPA disturbance limit boundary. Vegetation removal will be followed by grading according to the Reclamation Plan Amendment. This memorandum describes the requirements and dusky-footed woodrat (*Neotoma fuscipes*) midden removal and inspection results for the EMSA Regrading Project.

Conditions of Approval Requirements

Conditions of Approval (COA) numbers 46 through 54 of the Santa Clara County Final Conditions of Approval specify the measures to be taken to protect sensitive wildlife species when clearing vegetated areas. In summary, the mine operator shall have qualified biologists perform surveys during the times of year when sensitive species have potential to be present. Table 1 shows the timing requirements for each survey.

Based on the expected start date of no sooner than October 25, the only wildlife resource surveys required is for the dusky-footed woodrat (COA 53). Because the grubbing will occur after September 1 and be complete prior to October 31, the project will fall outside any dates requiring nesting bird and roosting and maternity bat surveys. If vegetation removal continues beyond October 31, 2014, the relevant surveys will be required for nesting birds and roosting

bats. If the start of vegetation removal is delayed beyond November 14, 2014, the area will be resurveyed for woodrat nests and an updated memo will be submitted.

Conditions of Approval (COA) number 53 of the Santa Clara County Final Conditions of Approval specify the measures to be taken to protect sensitive wildlife species when clearing vegetated areas. In summary, woodrat midden surveys and removal will be required. The work must also begin within 30 days of the woodrat midden survey; otherwise that survey and removal of any new middens will need to be repeated. Because the vegetation removal is occurring during the month of October, no avian or bat surveys are required.

Table 1. Wildlife Resources Surveys Required Timing

Wildlife Resource	Survey Requirement	Survey Completion Date	Survey Submittal Date	Ground Disturbance Commencement Period	
				Start After (5 Business Days after Submittal)	Start By (within Survey Requirement)
Nesting Birds	Not Required Sept 1 – Jan 30	None	None	N/A	N/A
Woodrat Nests	Within 30 days prior to construction	10/14/2014	10/17/2014	10/24/2014	11/14/2014
Roosting Bats	Not Required Sept 1 – Oct 31	None	None	N/A	N/A

Each of the relevant COAs is summarized below:

COA 53. San Francisco Dusky Footed Woodrat.

Within 30 days prior to initial ground disturbance in woodland or scrub/chaparral communities, (as identified in the Draft EIR Figures 4.4-1 through 4.4-4), conduct pre-construction surveys for active woodrat stick nests that could be directly impacted. Surveys should take place in all suitable habitat types within the Project Area. Any stick nests within active work areas will be flagged and dismantled under the supervision of a biologist. If young are encountered during the dismantling process, the material shall be placed back on the nest and remain unmolested for three (3) weeks in order to give the young enough time to mature and leave of their own accord. After that period, the nest dismantling process may begin again. Nest material shall be moved to suitable adjacent areas (oak woodland, scrub, or chaparral) that will not be disturbed. If construction does not occur within 30 days of the pre-construction survey, surveys shall be repeated. The pre-construction surveys shall be submitted to the Planning Manager no later than five (5) business days prior to the start of initial ground disturbance.

Woodrat Nest Surveys and Removal

A WRA biologist surveyed the disturbance area for occurrence of woodrat middens on October 14, 2014. WRA's biologist found a total of 5 middens within the disturbance area. The five middens encountered during the survey were located on the ground and occurred at the base of coast live oak trees (*Quercus agrifolia*) and within large thick stands of black sage (*Salvia mellifera*), white sage (*Salvia apiana*) and poison oak (*Toxicodendron diversilobum*). All middens on the ground were cleared and disassembled. Before a midden or material was removed from the site, WRA biologists disassembled the midden to inspect for presence of young. Once a midden was cleared, the materials were relocated, to the extent feasible, to adjacent suitable habitat. No young were observed during nest inspections and both middens were successfully dismantled. All woodrat midden removal and material relocation efforts were completed by October 14, 2014.

Summary

In anticipation of vegetation removal work required to regrade the EMSA according to the RPA, WRA performed woodrat midden inspections and removal of the five middens in the disturbance area on October 14, 2014. No young of woodrats were observed in the middens.

Per the Final Conditions of Approval and mitigation measures with the Environmental Impact Report, all requirements for proceeding with vegetation removal and ground disturbance have been met and the project may proceed on October 25, 2014..

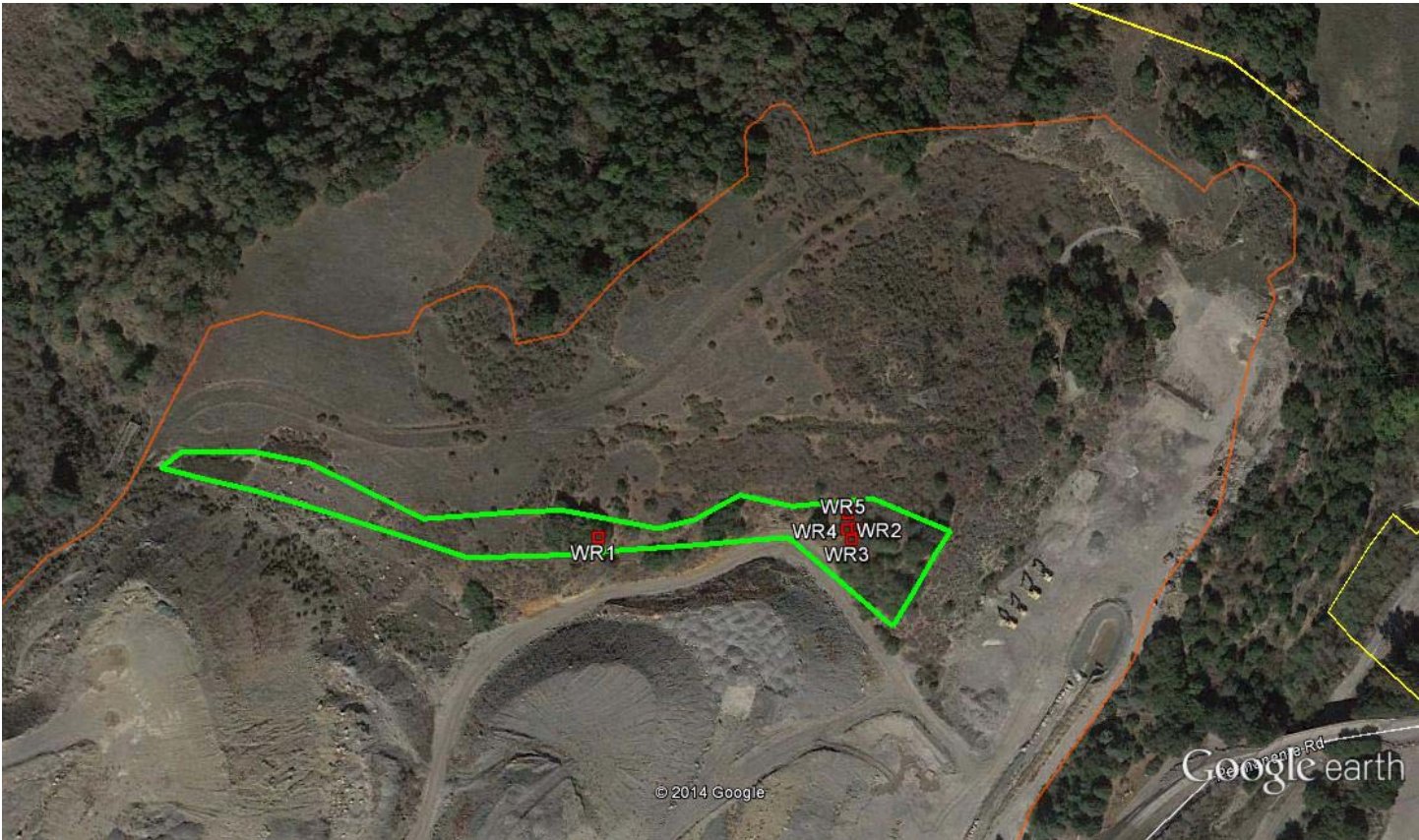


Figure 1. EMSA Disturbance Area and woodrat middens.