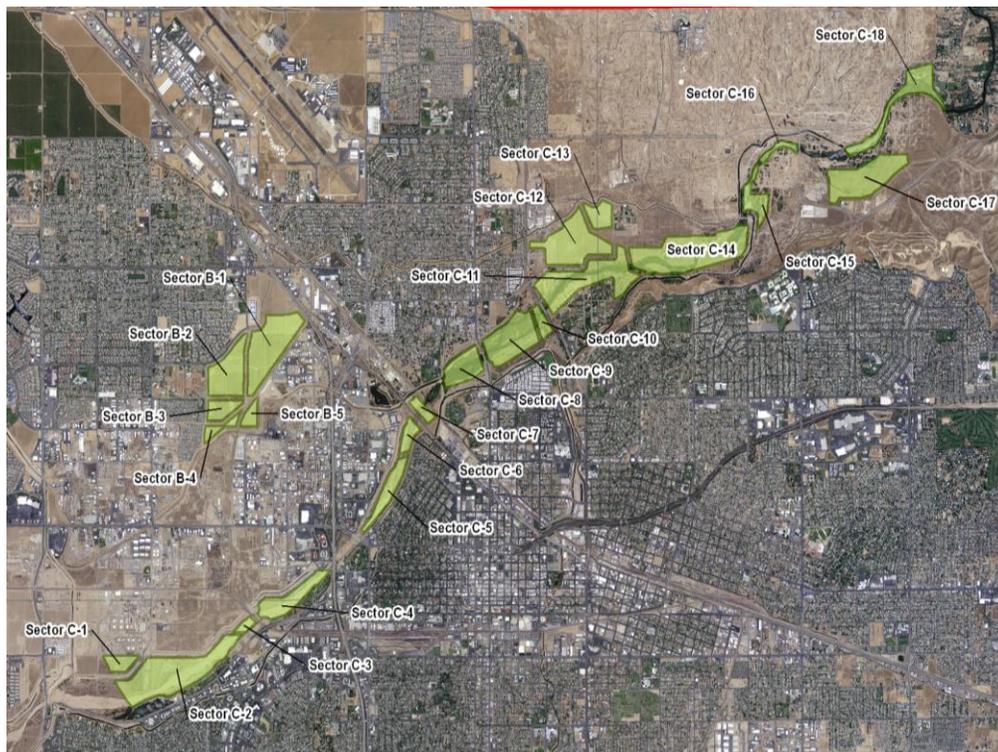




SMGB Designation Report No. 11

STATE MINING AND GEOLOGY BOARD

Designation of Regionally Significant Aggregate Resources in the Bakersfield Production-Consumption Region



Department of Conservation
Natural Resources Agency

November 2011

This Designation Report No. 11
by the State Mining and Geology Board
was prepared with assistance from the
California Department of Conservation California Geological Survey



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in the Bakersfield Production-Consumption Region**

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Stephen M. Testa
Executive Officer
State Mining and Geology Board

EXECUTIVE SUMMARY

Designation is the formal recognition by the State Mining and Geology Board (SMGB) of lands containing mineral resources of regional or statewide economic significance that are needed to meet the demands of the future. On August 30, 2011, regulations set forth by the State Mining and Geology Board (SMGB) for the designation of regionally significant aggregate resources in the Bakersfield Production-Consumption (P-C) Region in Kern County were enacted. This action followed the SMGB acceptance at its October 8, 2009, regular business meeting of California Geological Survey (CGS) Special Report 210 (SR 210) for Update of Mineral Land Classification, Aggregate Materials in the Bakersfield P-C Region.

CGS Special Report 210 titled "*Mineral Land Classification: Aggregate Materials in the Bakersfield Production-Consumption Region, Riverside County, California*" (Busch, 2009) updated information on portland cement concrete (PCC) aggregate in the original classification study of the Bakersfield P-C Region published in 1988 by CGS as Special Report 147 titled "*Mineral Land Classification: Aggregate Materials in the Bakersfield Production-Consumption Region, Riverside County, California*" (Cole, 1988). Special Report 147 identified 19,491 acres of land containing approximately 5.3 billion tons of PCC-grade aggregate resources. The reevaluation and update in Special Report 210 identified 20,193 acres of land containing an estimated 4.4 billion tons of PCC-grade aggregate resources. This included an additional 2,456 acres of newly identified land containing an estimated 442 million tons of PCC-grade resources in areas adjacent to the Bakersfield P-C Region (Sectors I, J and K). The areas are identified as Sectors A through K (including 62 individual sectors and sub-sectors). Four sectors, Sectors I, J-1, J-2 and K, are located outside the P-C Region boundary.

The SMGB accepted the State Geologist's recommendations to designate these areas at its regular business meeting held on November 12, 2009. Following acceptance, the 60-day public comment period commenced on July 1, 2010, and ended on August 30, 2010. In addition, a public hearing was held in Bakersfield on July 29, 2010. No comments were received during this comment period.

The SMGB subsequently adopted the regulatory language for the designation of mineral lands of regional or statewide significance in the Bakersfield P-C Region at its regular business meeting held on September 9, 2010, and directed the Executive Officer to proceed with the 45-day notice to adopt proposed regulations which would add Section

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3550.16 to Title 14, Article 2, of the California Code of Regulations, and provide a description of the locations of mineral resources areas designated to be of statewide significance. The new regulations were enacted and became effective on August 30, 2011.

INTRODUCTION

Designation is the formal recognition by the SMGB of lands containing mineral resources of regional or statewide economic significance that are needed to meet the demands of the future. At its October 8, 2009, regular business meeting, the SMGB accepted CGS Special Report 210 titled "*Update of Mineral Land Classification, Aggregate Materials in the Bakersfield P-C Region, Kern County, California*" (Busch, 2009). This report updated information on portland cement concrete (PCC) aggregate in the original classification study of the Bakersfield Production -Consumption Region published by CGS in 1988 as Special Report 147 titled "*Mineral Land Classification: Aggregate Materials in the Bakersfield Production-Consumption Region, Bakersfield County, California*" (Cole, 1988, SR 147).

The SMGB did not designate the mineral resources of the Bakersfield P-C Region subsequent to the completion of the original mineral land classification report in 1988. Therefore, this report describes the first designation of mineral resources in the Bakersfield area by the SMGB. The designation described in this report is based on information in the updated mineral land classification report, CGS Special Report 210 (2009).

Special Report 210 identified 20,193 acres of land containing an estimated 4.4 billion tons of PCC-grade aggregate resources; this included an additional 2,456 acres of newly identified land containing an estimated 442 million tons of PCC-grade resources in areas adjacent to the Bakersfield P-C Region (Sectors I, J and K). These areas are identified as Sectors A through K, and include 62 individual sectors and sub-sectors.

Following acceptance of CGS Special Report 210, the State Geologist recommended several candidates which met or exceeded the SMGB's threshold economic value. Each area may be considered by the SMGB for designation as an area of regional or statewide significance by the SMGB. These areas include candidate Sectors A through K (and their subsectors) as lands containing PCC-grade construction aggregate resources of regional significance. The SMGB accepted the State Geologist's recommendations at its regular business meeting held on November 12, 2009. Following acceptance, the 60-day public comment period commenced on July 1, 2010, and ended on August 30, 2010. No comments were received during this period. In addition, pursuant to PRC Section 2793, a public hearing was held on July 29, 2010, in Bakersfield. During that hearing, no comments were received.

The SMGB subsequently adopted the regulatory language for the designation of mineral lands of regional or statewide significance in the Bakersfield P-C Region at its regular

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business meeting held on September 9, 2010, and directed the Executive Officer to proceed with the 45-day notice to adopt proposed regulations which would add Section 3550.16 to Title 14, Article 2, of the California Code of Regulations, and provide a description of the locations of mineral resources areas designated to be of regional significance. The new regulations were enacted and became effective on August 30, 2011.

THE CLASSIFICATION - DESIGNATION PROCESS

The rapid growth of many of California communities, particularly during the past several decades, has served to emphasize the continuing importance of mineral resource conservation as a land-use issue. To support the maintenance of existing community structure, and state infrastructure, adequate supplies of a variety of mineral commodities must be available. Urban expansion, however, has been a major cause of a decline in the availability of many important minerals. In many areas, for example, pressure from competing land use has severely reduced or completely eliminated access to available construction mineral resources such as sand and gravel. This includes local permitting of land uses incompatible with mining activities. Land set aside for species and habitat conservation has also taken a significant toll in reducing access to mineral resources.

In an effort to mitigate this issue, the Surface Mining and Reclamation Act (SMARA) provides for a mineral lands inventory process termed "classification-designation". The Department of Conservation, its California Geological Survey, and the SMGB are the state agencies responsible for administering this process. The primary objective of this process is twofold. First is to provide local agency decision makers with information on the location, need and importance of mineral resources within their respective jurisdiction. Second is to assure that this information will be considered in local land-use planning decisions. This second objective is met through the lead agency adoption of local mineral resources management policies (MRMP).

Classification

During the first phase of this process, classification, the State Geologist is responsible for preparing a geological inventory of selected mineral commodities within a defined study region. This is accomplished by classifying areas into various Mineral Resource Zones (MRZs) based on their mineral resource potential. As set forth in Section 2761(b) of SMARA, the State Geologist classifies land solely on the basis of geologic factors and without regard to existing land use and economic factors according to the SMGB's Guidelines.

Areas subject to mineral land classification studies are divided by the State Geologist into various Mineral Resource Zone (MRZ) categories that reflect varying degrees of mineral resource potential. When the original mineral land classification study was completed in 1984, the nomenclature for mineral land classification consisted of four

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categories – MRZ-1, MRZ-2, MRZ-3, and MRZ-4 (Figure 1). Since then, the nomenclature has been expanded to include subdivision of the MRZ-2 and MRZ-3 categories into “a” and “b” subcategories, as explained in the Board’s Guidelines for Classification and Designation of Mineral Lands under Section I, part 3. However; in updating the mineral land classification for the region it was determined that the original mineral land classification categories remained valid and, for simplicity, they were retained in the updated mineral land classification report (Bush, 2009). In the updated mineral land classification report, lands within the study area were classified for three construction aggregate grades: PCC-grade, AC-grade, and base and fill. However; only those mineral resources classified for PCC-grade aggregate were recommended for designation. In the case of construction aggregate, “reserves” are deposits in land owned or controlled by an aggregate producer and permitted for mining. “Resources” are all deposits of aggregate, including the permitted reserves.

In many regions, large portions of the areas classified as MRZ-2 are already committed to various urban uses which limit or prohibit access to underlying resources. As an aid to local planning agencies, classification reports prepared for metropolitan areas also identify MRZ-2 areas that have not been urbanized. These non-urbanized areas, called resource sectors, are areas judged to contain a significant deposit of construction quality aggregate that is available, from a general land-use perspective, to meet future needs (50 years) of the region. In other words, areas currently permitted for mining and areas found to have land uses compatible with possible mining are identified as sectors.

Designation

Once a classification report, or updated classification report, has been completed, the SMGB may choose, based on recommendations from the State Geologist, to proceed with the second step in SMARA’s mineral land identification process. As part of this process, the SMGB considers designating those deposits that are of regional or statewide economic significance. In other words, deposits which are of economic significance beyond the boundary of the jurisdiction in which the deposits occur. In contrast to classification, which inventories mineral deposits without regard to land use or land ownership, the purpose of designation is to identify those deposits that are potentially available from a land-use perspective, and are of prime importance in meeting future needs of the region or the state. Areas considered for designation are those deposits situated within the resource sectors.

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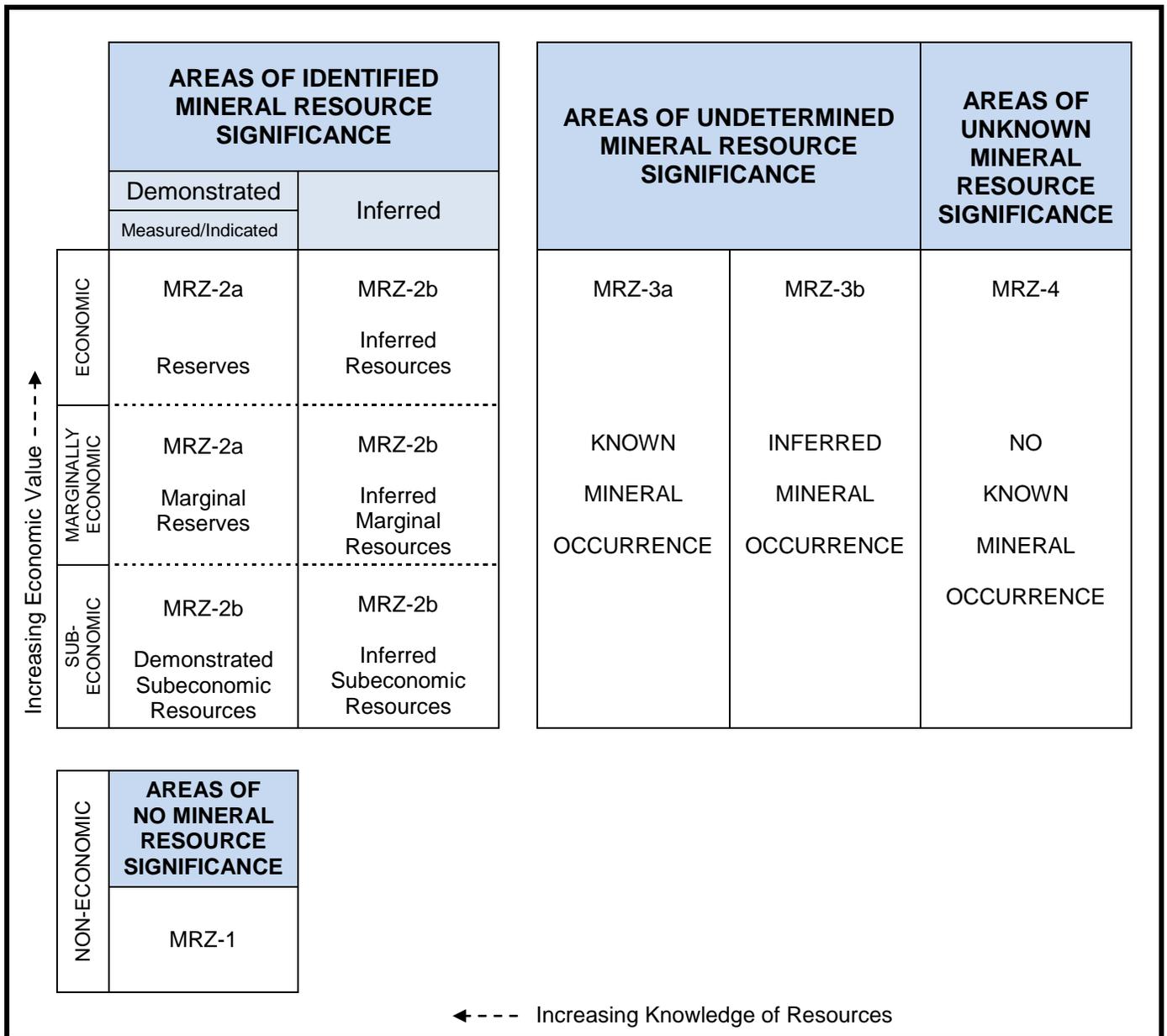


Figure 1. Relationship of MRZ categories to the resource/reserve classification system (Adapted from U.S. Bureau of mines/USGS, 1980).

LEAD AGENCY RESPONSIBILITIES

General Plan Recognition

Classification and designation reports are transmitted to the appropriate affected agency (county and/or city). Within 12 months of the receipt of this information,

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local lead agencies are required by PRC Section 2762(a) to establish mineral resource management policies (MRMP) in their general plans. The MRMP: 1) recognizes the mineral information classified by the State Geologist and transmitted to the SMGB; 2) assist in the management of land use that affects areas of statewide and regional significance (designated areas); and 3) emphasize the conservation and development of the identified mineral deposit. Every lead agency is required to submit proposed MRMP to the SMGB for review and comment prior to adoption. Any subsequent amendment of the MRMP previously reviewed by the SMGB shall also require review and comment by the SMGB.

If an area is classified by the State Geologist, and the lead agency either has designated that area in its general plan as having important minerals to be protected, or otherwise has not yet acted, then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare, in conjunction with preparing any environmental document required by Division 13 (commencing with Section 21000), or in any event if no such document is required, a statement specifying its reasons for permitting the proposed use, and shall forward a copy to the State Geologist and the board for review.

If the proposed use is subject to the requirements of Division 13 (commencing with Section 21000), the lead agency shall comply with the public review requirements of that division. Otherwise, the lead agency shall provide public notice of the availability of its statement by 1) publishing the notice at least one time in a newspaper of general circulation in the area affected by the proposed use, and 2) directly mailing the notice to owners of property within one-half mile of the parcel or parcels on which the proposed use is located as those owners are shown on the latest equalized assessment role.

The public review period shall not be less than 60 days from the date of the notice and shall include at least one public hearing. The lead agency shall evaluate comments received and shall prepare a written response. The written response shall describe the disposition of the major issues raised. In particular, when the lead agency's position on the proposed use is at variance with recommendations and objections raised in the comments, the written response shall address in detail why specific comments and suggestions were not accepted.

Prior to permitting a use which would threaten the potential to extract minerals in an area classified by the State Geologist as an area containing mineral deposits but the significance of which requires further evaluation, the lead agency may cause to be prepared an evaluation of the area in order to ascertain the significance of the mineral deposit located therein. The results of such evaluation shall be transmitted to the State Geologist and the SMGB.

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PPR Section 2763 notes that if an area is designated by the SMGB as an area of regional significance, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant to PRC Section 2762(a), or otherwise has not yet acted pursuant PRC Section 2762(a), then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare a statement specifying its reasons for permitting the proposed use, in accordance with the requirements set forth in PRC Section 2762(d). Lead agency land use decisions involving areas designated as being of regional significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of these minerals to their market region as a whole and not just their importance to the lead agency's area of jurisdiction.

If an area is designated by the board as an area of statewide significance, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant PRC Section 2762(a), or otherwise has not yet acted pursuant to PRC Section 2762(a), then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare a statement specifying its reasons for permitting the proposed use, in accordance with the requirements set forth in PRC Section 2762(d). Lead agency land use decisions involving areas designated as being of statewide significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of the mineral resources to the state and nation as a whole.

PPR Section 2764 further notes that upon the request of a surface mining operator or other interested person and payment by the requesting person of the estimated cost of processing the request, the lead agency having jurisdiction shall amend its general plan, or prepare a new specific plan or amend any applicable specific plan. The amended general plan or new specific plan, with respect to the continuation of the existing surface mining operation for which the request is made, must address future land uses in the vicinity of, and access routes serving, the surface mining operation in light of the importance of the minerals to their market region as a whole, and not just their importance to the lead agency's area of jurisdiction.

In adopting amendments to the general plan, or adopting or amending a specific plan, the lead agency shall make written legislative findings as to whether the future land uses and particular access routes will be compatible or incompatible with the continuation of the surface mining operation, and if they are found to be incompatible, the findings include a statement of the reasons why they are to be provided for, notwithstanding the importance of the minerals to their market region as a whole or their previous designation by the SMGB, as the case may be. Any evaluation of a mineral deposit prepared by a lead agency shall be transmitted to

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the State Geologist and the SMGB. These procedures are not to be undertaken in any area that has already been designated and if a MRMP has been established and incorporated in the lead agency's general plan.

OVERVIEW OF AGGREGATE PRODUCTION IN THE BAKERSFIELD P-C REGION

Bakersfield Production-Consumption Region

Production-Consumption (P-C) Regions reflect the extent of the market region served by a particular production district. However, study areas may be a county, a portion of a county, or a P-C region that may contain part(s) of one or more counties. P-C regions were originally selected such that the majority (95 percent) of the construction aggregate produced in the region was consumed in the region. When a P-C Region is updated, the situation may change and the 95% criteria are no longer valid, either due to depletion of resources or consolidation of companies in the region. P-C Regional boundaries may then be changed. The Bakersfield P-C Region is shown in Figure 2.

When the determination of the study boundary for the Bakersfield P-C Region originally was made in the mid-1980s, the region produced at least 95 percent of the aggregate consumed within the region. Since then, supply patterns have changed slightly. Based on discussions with aggregate operators, it is estimated that for the time period from 2002 through 2007, approximately 8 percent of the construction aggregate consumed in the Region was imported from outside of Kern County. Some of the new areas fall outside of the original Bakersfield P-C Region boundary but they are included because they either supply, or have the potential to supply, aggregate to the P-C Region and they fall under the permitting jurisdiction of the county.

Discussion of the updated estimate of the 50-year consumption of aggregate, correlation between aggregate production and population, population and aggregate demand projections through the year 2058, and comparison of the 50-year aggregate demand with current PCC-grade aggregate reserves, are discussed by Busch (2009). The impact of potential alternative sources of aggregate and recycled aggregate is also discussed by Busch (2009).

The SMGB, as specified in its *Guidelines for Classification and Designation of Mineral Lands* (SMGB, 2000), requires that mineral land classification reports for regions containing construction materials classified as MRZ-2 include, "*An estimate of the total quantity of each such construction material that will be needed to supply the requirements of both the county and the marketing region in which it occurs for the next 50 years. The marketing region is defined as the area within which such material is usually mined and marketed. The amount of each construction material mineral resource needed for the next 50 years shall be projected using past consumption rates adjusted for anticipated changes in market conditions and mining technology.*"

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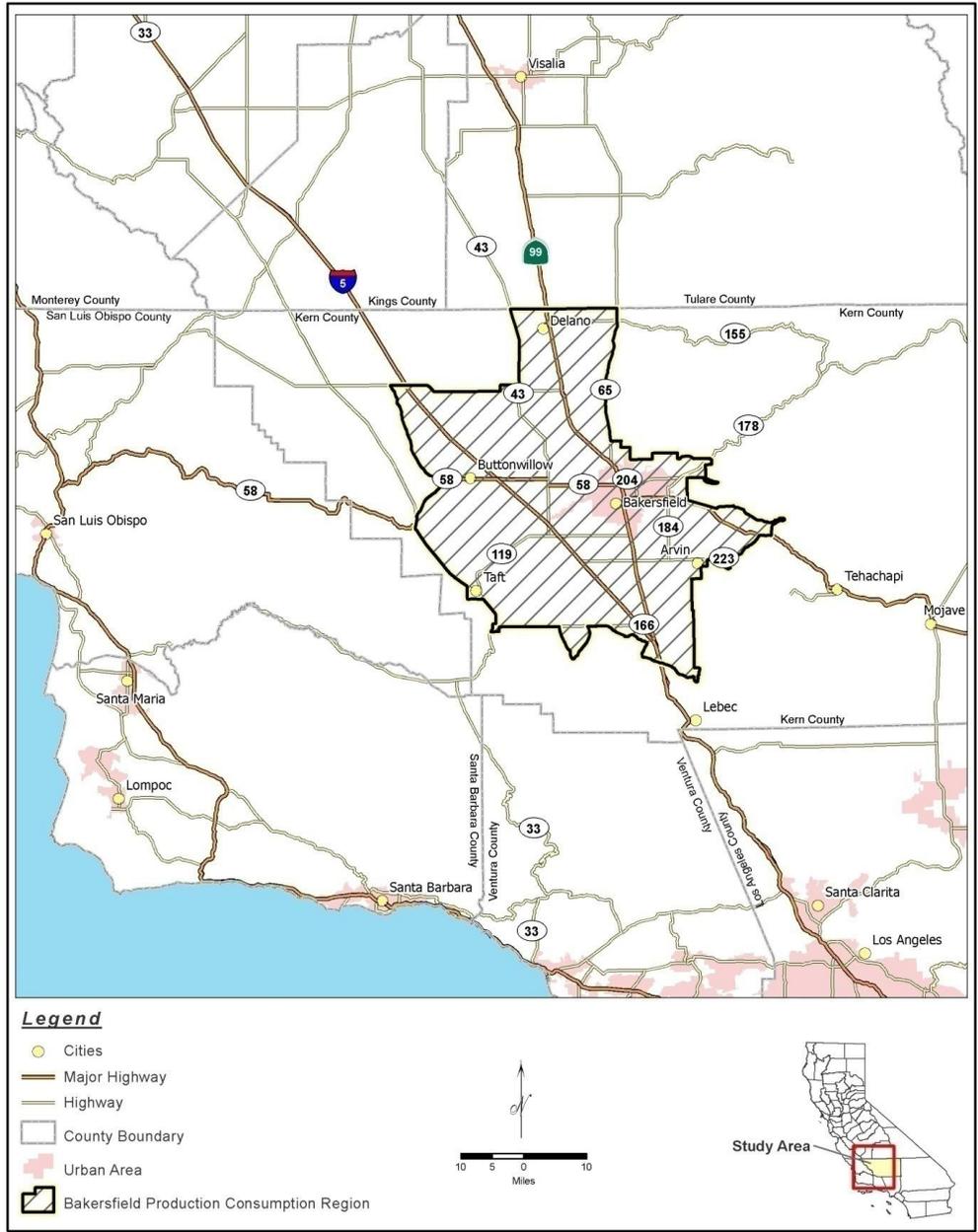


Figure 2. Bakersfield Production-Consumption Region Location Map.

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Aggregate Production

As of December 2008, two companies operated three surface mining operations producing PCC-grade aggregate in the Bakersfield P-C Region: Vulcan Materials Company (Vulcan) which operates two mines and the Griffith Company. Vulcan operates the Wheeler Ridge Mine in Sector G, 25 miles south of Bakersfield, west of Interstate Highway 5 and south of State Highway 166. PCC-grade aggregate is produced from an uplifted ridge of Pleistocene sand and gravels of the Tulare Formation. Vulcan also operates the San Emigdio Mine in Sector F, 25 miles southwest of Bakersfield, south of State Highway 166, where it produces PCC-grade aggregate from sand and gravel deposits of the alluvial fan of San Emigdio Creek. Griffith Company operates the Pastoria Creek Mine in Sector H, 30 miles southeast of Bakersfield north of the Edmonston Pumping Plant Road, where it produces PCC-grade aggregate from sand and gravel deposits of the alluvial fan of Pastoria Creek.

In addition to these three surface mining operations, Granite Construction Company produces AC-grade, and other construction aggregates from its Arvin Pit. The Edison Sand Company and the Caliente Sand and Mineral Company produce fill sand from their respective mines on Caliente Ridge. Syndex LLC produces sand, base, and fill materials from its Buttonwillow Compaction Products mine situated south of Buttonwillow. Beyond the P-C Region boundary, the B & B Company produces PCC-grade, and other aggregates, from the La Liebre mine two miles east and four miles north of Quail Lake, east of Lebec.

DESIGNATION OF RESOURCE AREAS IN THE BAKERSFIELD PRODUCTION-CONSUMPTION REGION

The resource areas designated are shown on two Plates: Plate 1, *Regionally Significant Construction Aggregate Resource Areas in the Bakersfield Production-Consumption Region, Kern County California, Northern Area*; and Plate 2, *Regionally Significant Construction Aggregate Resource Areas in the Bakersfield Production-Consumption Region, Kern County California, Southern Area*. A description of each Sector is provided below and summarized on Table 1.

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Table 1
Tabulated List of Designated Sectors

Sector	Acres	Location	Resources (million tons)	Lead Agency
A	247	Sections 28 and 29, T28S, R27E, MDBM. North of Bakersfield, west of State Route 65, south of James Rd.	9.0	Kern County
B-1	108	Sections 14 and 15, T29S, R27E, MDBM. Northwest of Bakersfield, north of State Route 58 and west of Highway 99.	9.3	City of Bakersfield
B-2	70	Section 15, T29S, R27E, MDBM. West of Highway 99 and north of State Route 58.	6.9	City of Bakersfield
B-3	24	Section 22, T29S, R27E, MDBM. West of Highway 99 and north of State Route 58.	1.7	City of Bakersfield
B-4	14	Section 22, T29S, R27E, MDBM. West of Highway 99 and north of State Route 58.	0.6	City of Bakersfield
B-5	15	Section 22, T29S, R27E, MDBM. West of Highway 99 and north of State Route 58.	0.9	Kern County
C-1	20	Sections 33, T29S, R27E, MDBM. North of Kern River. West of Highway 99 and south of State Route 58.	1.3	City of Bakersfield
C-2	149	Sections 27, 33 and 34, T29S, R27E, MDBM. Kern River. West of Highway 99 and south of State Route 58.	11.2	City of Bakersfield
C-3	8	Section 27, T29S, R27E, MDBM. Kern River. West of Highway 99 and south of State Route 58.	0.5	City of Bakersfield
C-4	51	Sections 26 and 27, T29S, R27E, MDBM. Kern River. West of Highway 99 and south of State Route 58.	3.6	City of Bakersfield
C-5	36	Sections 23, 24 and 26, T29S, R27E, MDBM. Kern River. East of Highway 99 and west of State Route 204.	2.1	City of Bakersfield
C-6	18	Section 24, T29S, R27E, MDBM. Kern River. East of Highway 99 and west of State Route 204.	1.2	City of Bakersfield
C-7	14	Sections 13 and 24, T29S, R27E, MDBM. Kern River. East of State Route 204 and west of Chester Ave.	0.9	City of Bakersfield
C-8	46	Section 13, T29S, R27E, MDBM and Section 18, T29S, R28E, MDBM Kern River. East of State Route 204 and west of Chester Ave.	3.4	City of Bakersfield
C-9	85	Section 18, T29S, R28E, MDBM. Kern River. East of Chester Avenue and west of Manor St.	6.4	City of Bakersfield
C-10	15	Section 18 T29S, R28E MDBM. Kern River. East of Chester Avenue and west of Manor St.	1.0	City of Bakersfield
C-11	124	Sections 8, 17 and 18, T29S, R28E, MDBM. Kern River. East of Manor St.	8.5	City of Bakersfield
C-12	104	Section 7 and 8, T29S, R28E, MDBM. North of Kern River. East of Manor St.	7.2	Kern County
C-13	26	Section 8, T29S, R28E, MDBM. North of Kern River. East of Manor St.	1.8	Kern County
C-14	163	Sections 8, 9, 16 and 17, T29S, R28E, MDBM. Kern River. East of Manor St.	12.1	City of Bakersfield
C-15	32	Section 9, T29S, R28E, MDBM. Kern River. East of Manor St.	1.6	City of Bakersfield
C-16	12	Section 9, T29S, R28E, MDBM. Kern River. West of China Grade Bridge.	0.5	City of Bakersfield
C-17	101	Section 10, T29S, R28E, MDBM. South of Kern River. North of Alfred Harrell Highway.	5.8	Kern County

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Sector	Acres	Location	Resources (million tons)	Lead Agency
C-18	70	Sections 2, 3 and 10, T29S, R28E, MDBM. Kern River. South of Round Mountain Rd.	3.5	City of Bakersfield
C-19	80	Section 36, T28S, R28E, MDBM Section 31, T28S, R29E, MDBM and Section 6, T29S, R29E, MDBM. Northeast of Kern River. East of Hart Memorial Park.	5.9	Kern County
C-20	11	Section 5, T29S, R29E, MDBM. South of Kern River. North of Alfred Harrell Highway.	0.7	Kern County
C-21	253	Sections 33 and 34, T28S, R29E, MDBM, and Sections 2, 3, 10 and 11, T29S, R29E, MDBM. North of Kern River. East of Kern River Golf Course.	19.4	City of Bakersfield
D-1	105	Sections 19 and 20, T29S, R30E, MDBM. Cottonwood Creek. South of Breckenridge Road.	4.9	Kern County
D-2	19	Section 24, T29S, R29E, MDBM. Cottonwood Creek. South of Breckenridge Road.	0.8	Kern County
D-3	101	Sections 12, 13 and 24, T29S, R29E, MDBM. Cottonwood Creek. South of State Route 178.	5.4	City of Bakersfield
D-4	131	Sections 1, 11 and 12, T29S, R29E, MDBM. Cottonwood Creek. South of State Route 178, north of Breckenridge Road.	7.2	City of Bakersfield
E-1	572	Sections 17, 18, 19 and 20, T30S, R30E, MDBM. Caliente Creek. South of State Route 58.	86.6	Kern County
E-2	1330	Sections 9, 10, 14, 15, 16, 17, 20 and 21, T30S, R30E, MDBM. Projected – Rancho El Tejon. Caliente Creek, north of State Route 58.	200.4	Kern County
E-3	357	Sections 9, 10, 11, 12, 13 and 14, T30S, R30E, MDBM. Projected – in Rancho El Tejon. Caliente Creek, north of Bena Road.	29.8	Kern County
E-4	171	Sections 13 and 24, T30S, R30E, MDBM and Sections 18, 19 and 20, T30S, R31E, MDBM. Projected – in Rancho El Tejon. Caliente Creek, north of Bena Road.	13.5	Kern County
E-5	18	Section 13, T30S, R30E, MDBM and Section 18, T30S, R31E, MDBM. Projected – in Rancho El Tejon. Caliente Creek, north of Bena Road.	1.1	Kern County
E-6	8	Section 19, T30S, R31E, MDBM. Projected – in Rancho El Tejon. Caliente Creek south of Bena Road.	0.4	Kern County
E-7	11	Section 27, T30S, R31E, MDBM. Caliente Creek west of Caliente.	0.4	Kern County
E-8	45	Section 27, T30S, R31E, MDBM. Caliente Creek west of Caliente.	2.1	Kern County
E-9	24	Section 26, T30S, R31E, MDBM. Caliente Creek south of Caliente.	1.3	Kern County
E-10	149	Sections 24, 25 and 26, T30S, R31E, MDBM and Section 19, T30S, R32E, MDBM. Caliente Creek east of Caliente.	7.4	Kern County
F-1	289	Sections 34, 35, and 36, T12N, R22W, SBBM and Sections 1, 2 and 3, T11N, R22W, SBBM. San Emigdio Creek. North of California Aqueduct.	37.9	Kern County
F-2	44	Section 36, T12N, R22W, SBBM, Section 6, T11N, R21W, SBBM, and Section 1, T11N, R22W, SBBM. San Emigdio Creek. North of California Aqueduct.	3.9	Kern County
F-3	782	Sections 1, 2 and 3, T11N, R22W, SBBM, and Sections 5 and 6, T11N, R21W, SBBM. San Emigdio Creek. South of California Aqueduct, north of State Route 166.	133.3	Kern County
F-4	142	Section 1, T11N, R22W, SBBM and	18.8	Kern County

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Sector	Acres	Location	Resources (million tons)	Lead Agency
		Sections 5 and 6, T11N, R21W, SBBM. San Emigdio Creek. South of California Aqueduct, north of State Route 166.		
F-5	1,468	Sections 1, 2, 3, 10, 11 and 12, T11N, R22W, SBBM and Sections 5, 6, 7 and 8, T11N, R21W, SBBM. San Emigdio Creek. South of California Aqueduct, north of State Route 166.	327.5	Kern County
F-6	347	Sections 10, 11 and 12, T11N, R22W, SBBM. San Emigdio Creek. South of State Route 166.	58.7	Kern County
F-7	183	Sections 7 and 8, T11N, R21W, SBBM. San Emigdio Creek. South of State Route 166.	34.0	Kern County
F-8	2,254	Sections 10, 11, 12, 13, 14 and 15, T11N, R22W, SBBM. San Emigdio Creek. South of State Route 166.	668.4	Kern County
F-9	1,566	Sections 7, 8, 17 and 18, T11N, R21W, SBBM. San Emigdio Creek. South of State Route 166.	514.7	Kern County
F-10	3,356	Sections 22, 23, 24, 25, 26, 35 and 36, T11N, R22W SBBM Sections 30 and 31, T11N, R21W, SBBM and Sections 1 and 2 T10N, R22W SBBM. San Emigdio Creek. South of State Route 166.	1,169.2	Kern County
F-11	840	Sections 19, 20, 29 and 30, T11N, R21W, SBBM. San Emigdio Creek. South of State Route 166.	299.7	Kern County
G	882	Sections 25, 35, 36, T11N, R20W, SBBM and Sections 30 and 31 T11N, R19W SBBM. Wheeler Ridge. West of Highways I-5 and 99.	120.6	Kern County
H-1	35	Sections 18 and 19, T10N, R18W, SBBM. Projected – in Rancho El Tejon. Pastoria Creek, south of California Aqueduct and Edmonston Pumping Plant Road.	2.5	Kern County
H-2	48	Section 19, T10N, R18W, SBBM Projected – in Rancho El Tejon. Pastoria Creek, south of California Aqueduct and Edmonston Pumping Plant Road.	5.3	Kern County
H-3	47	Sections 18 and 19, T10N, R18W, SBBM, Projected – in Rancho El Tejon. Pastoria Creek, south of California Aqueduct and Edmonston Pumping Plant Road.	6.7	Kern County
H-4	108	Sections 12 and 13 T10N, R19W, SBBM and Section 18, T10N, R18W, SBBM. Projected – in Rancho El Tejon. Pastoria Creek, north of California Aqueduct and Edmonston Pumping Plant Road.	19.6	Kern County
H-5	409	Sections 12 and 13, T10N, R19W, SBBM and Sections 7 and 18, T10N, R18W, SBBM. Projected – in Rancho El Tejon. Pastoria Creek, north of California Aqueduct and Edmonston Pumping Plant Road.	75.9	Kern County
I	2,151	Sections 16, 17, 18, 19, 20, 21, 28, 29 and 30, T11N R18W, SBBM. El Paso Creek. East of Rancho Drive, south of Sebastian Road.	425.6	Kern County
J-1	35	Sections 31 and 32, T9N, R19W, SBBM. Cuddy Creek. East of Frazier Park, south of Frazier Mountain Park Road, west of Highway I-5.	2.6	Kern County
J-2	145	Sections 32 and 33, T9N, R19W, SBBM. Cuddy Creek. East of Frazier Park, north of Frazier Mountain Park Road, west of Highway I-5.	6.9	Kern County
K	125	Sections 29 and 32, T9N, R17W, SBBM. La Liebre Ranch, Little Sycamore Canyon.	6.9	Kern County
TOTAL	20,193		4,428	

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Description of Designated Sectors

Sector Group A – Deposits of the James Road Resource Area, five miles north of Bakersfield and southwest of the intersection of James Road and State Highway 65, are in a small alluvial fan composed of reworked sediments derived from older alluvial fan deposits and the Kern River Formation (Figure 3 and Plate 1).

Sector A (247 acres) is in Sections 28 and 29, T28S, R27E, MDBM, five miles north of Bakersfield, west of State Route 65 and southwest of the intersection of James Road and State Route 65.

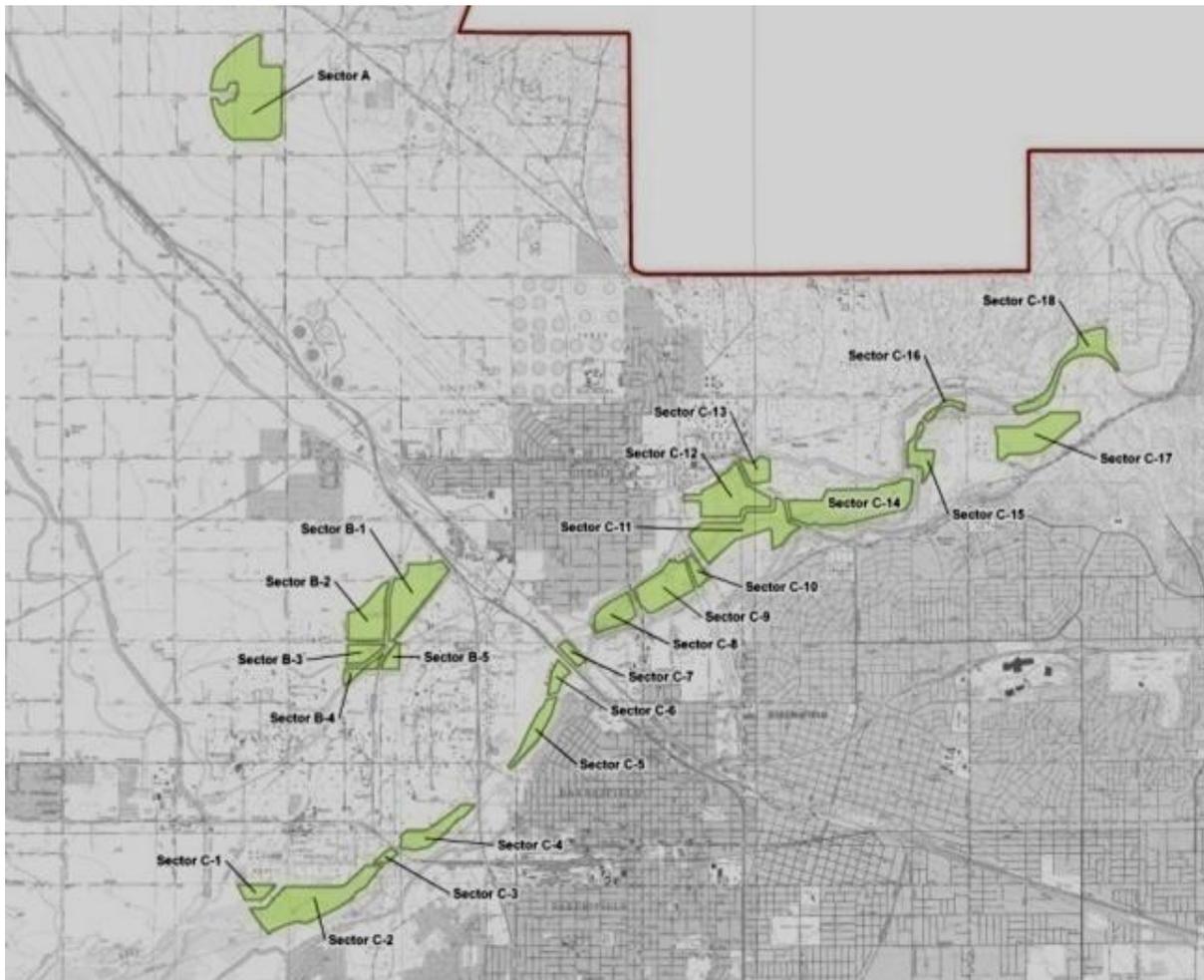


Figure 3a. Topographic map showing location of Sectors A, B-1 through B-5, and C-1 through C-18.

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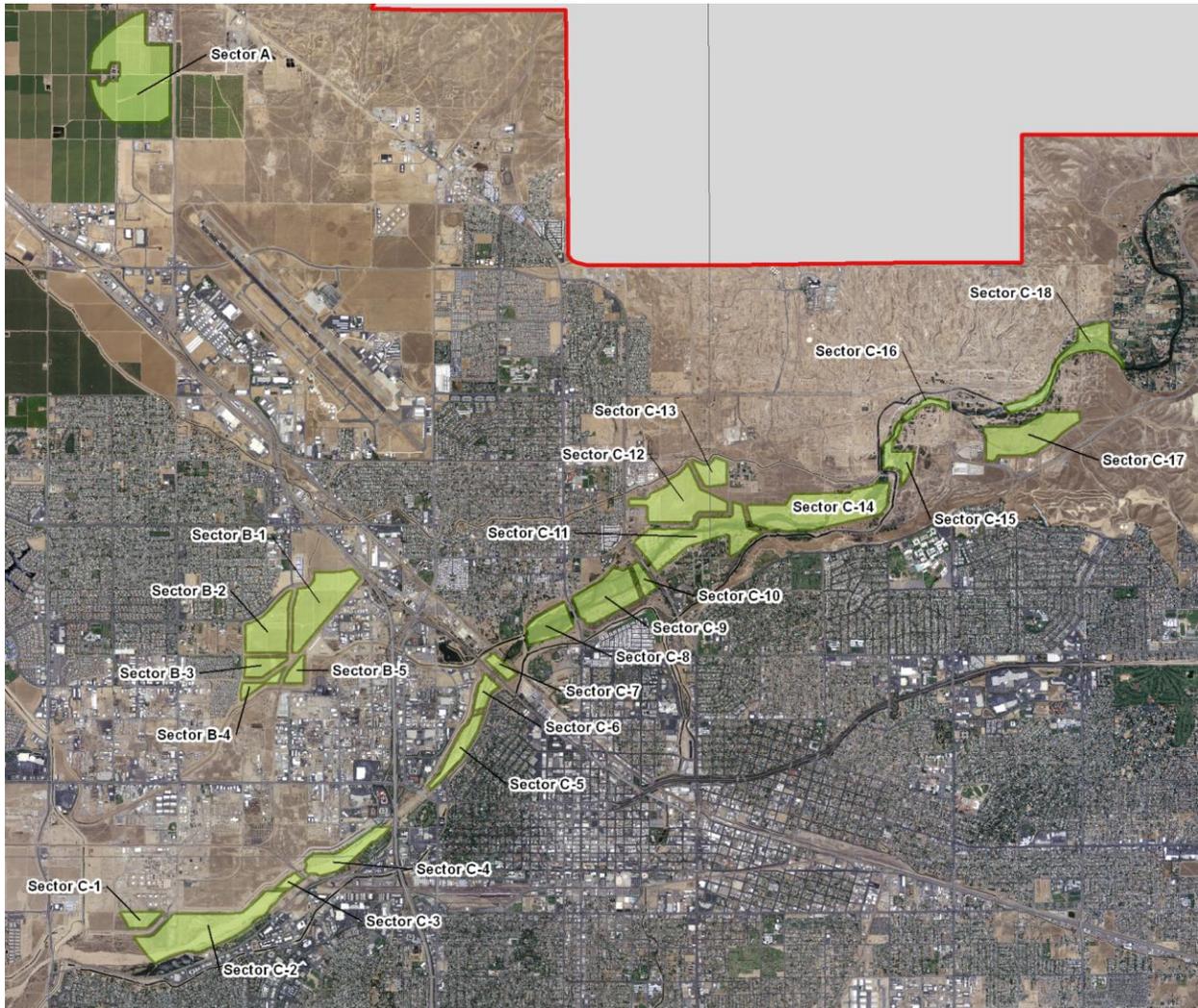


Figure 3b. Aerial image showing location of Sectors A, B-1 through B-5, and C-1 through C-18.

Sector Group B – Deposits of the Kern River floodplain and alluvial fan, north of State Route 58 (Rosedale Highway) and west of Highway 99. Sector B is divided into five subsectors identified as B-1 through B-5. The combined area of the subsectors of Sector B is 231 acres (Figure 3 and Plate 1).

Sector B-1 (108 acres) is in Sections 14 and 15, T29S, R27E, MDBM, northwest of Bakersfield, north of State Route 58 and west of Highway 99.

Sector B-2 (70 acres) is in Section 15, T29S, R27E, MDBM, west of and north of State Route 58.

Sector B-3 (24 acres) is in Section 22, T29S, R27E, MDBM, west of Highway 99 and north of State Route 58.

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Sector B-4 (14 acres) is in Section 22, T29S, R27E, MDBM, west of Highway 99 and north of State Route 58.

Sector B-5 (15 acres) is in Section 22, T29S, R27E, MDBM, west of Highway 99 and north of State Route 58.

Sector Group C – Deposits of the Kern River floodplain along the main course of the Kern River from Coffee Road east to Rio Bravo Ranch. Sector C is divided into 21 subsectors identified as C-1 through C-21. The combined area of Group C subsectors is 1,418 acres. (Figures 3 and 4, and Plate 1)

Sector C-1 (20 acres) is in Section 33, T29S, R27E, MDBM, north of Kern River, west of Highway 99 and south of State Route 58.

Sector C-2 (149 acres) is in Sections 27, 33 and 34, T29S, R27E, MDBM, west of Highway 99 and south of State Route 58.

Sector C-3 (8 acres) is in Section 27, T29S, R27E, MDBM, west of Highway 99 and south of State Route 58.

Sector C-4 (51 acre) is in Sections 26 and 27, T29S, R27E, MDBM, west of Highway 99 and south of State Route 58.

Sector C-5 (36 acres) is in Sections 23, 24 and 26, T29S, R27E, MDBM, east of Highway 99 and west of State Route 204.

Sector C-6 (18 acres) is in Section 24, T29S, R27E, MDBM, east of Highway 99 and west of State Route 204.

Sector C-7 (14 acres) is in Sections 13 and 24, T29S, R27E, MDBM, east of State Route 204 and west of Chester Ave.

Sector C-8 (46 acres) is in Section 13, T29S, R27E, MDBM and Section 18, T29S, R28E, MDBM, east of State Route 204 and west of Chester Ave.

Sector C-9 (85 acres) is in Section 18, T29S, R28E, MDBM, east of Chester Avenue and west of Manor St.

Sector C-10 (15 acres) is in Section 18, T29S, R28E MDBM, east of Chester Avenue and west of Manor St.

Sector C-11 (124 acres) is in Sections 8, 17 and 18, T29S, R28E, MDBM, east of Manor St.

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Sector C-12 (104 acres) is in Sections 7 and 8, T29S, R28E, MDBM, north of Kern River and East of Manor St.

Sector C-13 (26 acres) is in Section 8, T29S, R28E, MDBM, north of Kern River, east of Manor St.

Sector C-14 (163 acres) is in Sections 8, 9, 16 and 17, T29S, R28E, MDBM. Kern River, east of Manor St.

Sector C-15 (32 acres) is in Section 9, T29S, R28E, MDBM. Kern River, east of Manor St.

Sector C-16 (12 acres) is in Section 9, T29S, R28E, MDBM. Kern River, west of China Grade Bridge.

Sector C-17 (101 acres) is in Section 10, T29S, R28E, MDBM, south of Kern River and north of Alfred Harrell Highway.

Sector C-18 (70 acres) is in Sections 2, 3 and 10, T29S, R28E, MDBM. Kern River, south of Round Mountain Rd.

Sector C-19 (80 acres) is in Section 36, T28S, R28E, MDBM Section 31, T28S, R29E, MDBM and Section 6, T29S, R29E MDBM, northeast of Kern River and east of Hart Memorial Park.

Sector C-20 (11 acres) is in Section 5, T29S, R29E, MDBM, south of Kern River and north of Alfred Harrell Highway.

Sector C-21 (253 acres) is in Sections 33 and 34, T28S, R29E, MDBM and Sections 2, 3, 10 and 11, T29S, R29E, MDBM, north of Kern River and east of Kern River Golf Course.

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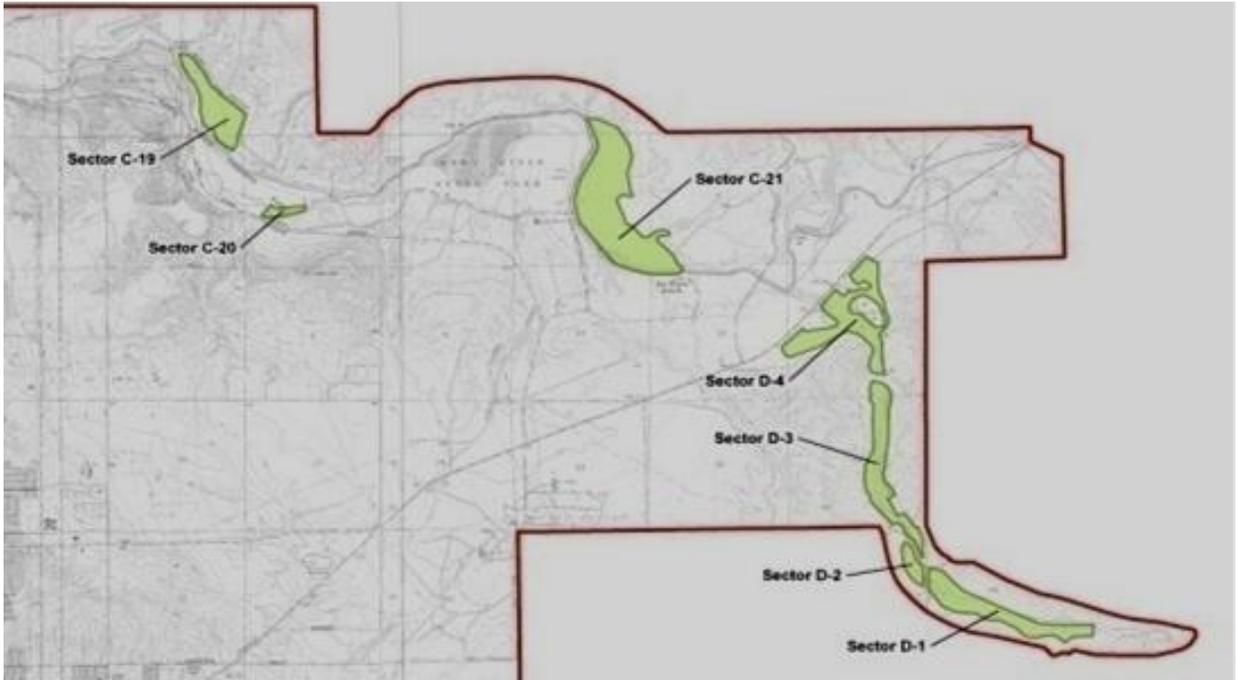


Figure 4a. Topographic map showing location of Sectors C-19, C-20, C-21, D-3 and D-4.

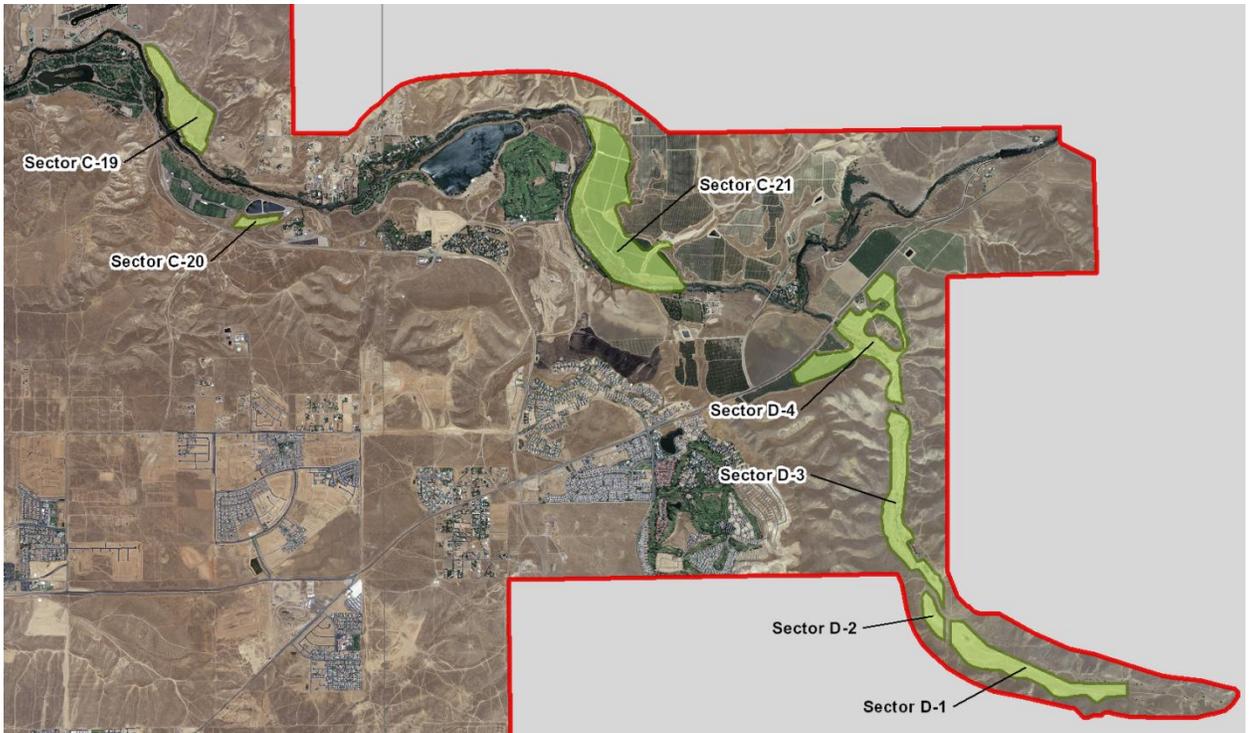


Figure 4b. Aerial image showing location of Sectors C-19, C-20, C-21, D-3 and D-4.

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Sector Group D – Deposits of the floodplain and alluvial fan of Cottonwood Creek, ten miles east of Bakersfield, south of State Highway 178. Sector D is divided into four subsectors identified as D-1 through D-4. The combined area of the subsectors is 356 acres (Figure 4 and Plate 1).

Sector D-1 (105 acres) is in Sections 19 and 20, T29S, R30E, MDBM. Cottonwood Creek, south of Breckenridge Road.

Sector D-2 (19 acres) is in Section 24, T29S, R29E, MDBM. Cottonwood Creek, south of Breckenridge Road.

Sector D-3 (101 acres) is in Sections 12, 13 and 24, T29S, R29E, MDBM. Cottonwood Creek, south of State Route 178.

Sector D-4 (131 acres) is in Sections 1, 11 and 12,, T29S, R29E, MDBM. Cottonwood Creek, south of State Route 178 and north of Breckenridge Road.

Sector Group E – Deposits of the floodplain of Caliente Creek, 15 to 20 miles east of Bakersfield, north of State Highway 58. Sector E is divided into 10 subsectors identified as E-1 through E-10. The combined area of the subsectors is 2,685 acres (Figure 5 and Plate 1).

Sector E-1 (572 acres) is in Sections 17, 18, 19 and 20, T30S, R30E, MDBM. Caliente Creek, south of State Route 58.

Sector E-2 (1,330 acres) is in Sections 9, 10, 14, 15, 16, 17, 20 and 21, T30S, R30E, MDBM (Rancho El Tejon). Caliente Creek, north of State Route 58.

Sectors E-3 (357 acres) is in Sections 9, 10, 11, 12, 13 and 14, T30S, R30E, MDBM (Rancho El Tejon). Caliente Creek, north of Bena Road.

Sector E-4 (171 acres) is in Sections 13 and 24, T30S, R30E, MDBM and Sections 18, 19 and 20, T30S, R31E, MDBM (Rancho El Tejon). Caliente Creek, north of Bena Road.

Sector E-5 (18 acres) is in Section 13, T30S, R30E, MDBM and Section 18 T30S, R31E, MDBM (Rancho El Tejon). Caliente Creek, north of Bena Road.

Sector E-6 (8 acres) is in Section 19, T30S, R31E, MDBM (Rancho El Tejon). Caliente Creek, south of Bena Road.

Sector E-7 (11 acres) is in Section 27, T30S, R31E, MDBM. Caliente Creek, west of Caliente.

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Sector E-8 (45 acres) is in Section 27, T30S, R31E, MDBM. Caliente Creek, west of Caliente.

Sector E-9 (24 acres) is in Section 26, T30S, R31E, MDBM. Caliente Creek, south of Caliente.

Sector E-10 (149 acres) is in Sections 24, 25 and 26, T30S, R31E, MDBM and Section 19, T30S, R32E, MDBM. Caliente Creek, east of Caliente.

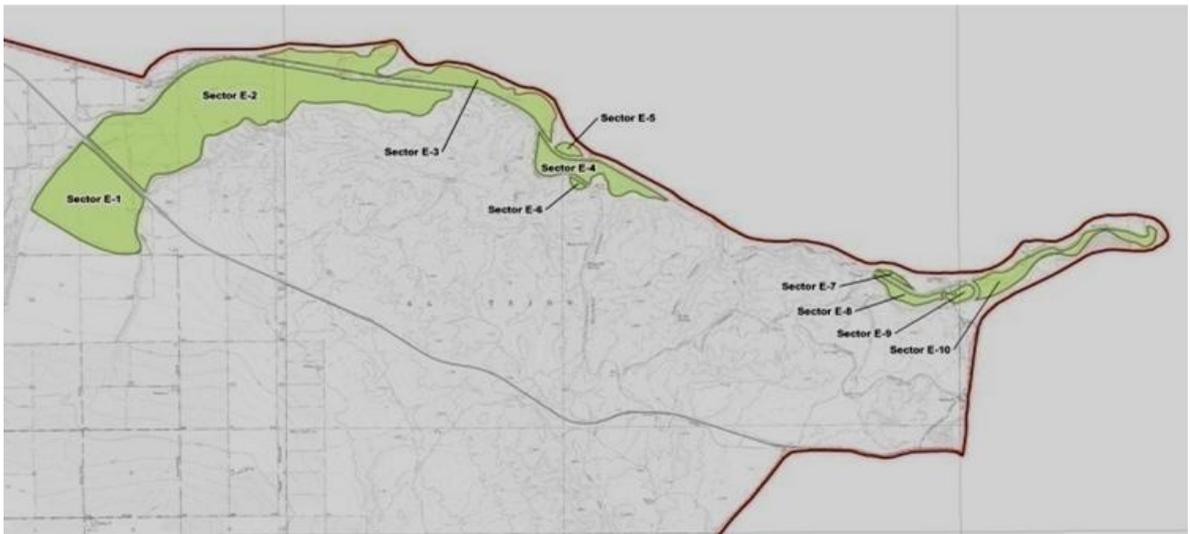


Figure 5a. Topographic map showing location of Sectors E-1 through E-10.



Figure 5. Aerial image showing location of Sectors E-1 through E-10.

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Sector Group F – Deposits of the alluvial fan of San Emigdio Creek, 25 miles southwest of Bakersfield, north and south of State Highway 166. Sector F is divided into eleven subsectors identified as F-1 through F-11. The combined area of the subsectors is 11,271 acres (Figure 6 and Plate 2).

Sector F-1 (289 acres) is in Sections 34, 35, and 36, T12N, R22W, MDBM and Sections 1, 2 and 3, T11N, R22W, SBBM. San Emigdio Creek, north of the California Aqueduct.

Sector F-2 (44 acres) is in Section 36, T12N, R22W, SBBM Section 6, T11N, R21W, SBBM and Section 1 T11N, R22W, SBBM. San Emigdio Creek, north of the California Aqueduct.

Sector F-3 (782 acres) is in Sections 1, 2 and 3, T11N, R22W, SBBM and Sections 5 and 6, T11N, R21W, SBBM. San Emigdio Creek, south of the California Aqueduct and north of State Route 166.

Sector F-4 (142 acres) is in Section 1 T11N, R22W, SBBM and Sections 5 and 6, T11N, R21W, SBBM. San Emigdio Creek, south of the California Aqueduct and north of State Route 166.

Sector F-5 (1,468 acres) is in Sections 1, 2, 3, 10, 11, and 12, T11N, R22W, SBBM and Sections 5, 6, 7 and 8, T11N, R21W, SBBM. San Emigdio Creek south of the California Aqueduct and north of State Route 166.

Sector F-6 (347 acres) is in Sections 10, 11 and 12, T11N, R22W, SBBM. San Emigdio Creek, south of State Route 166.

Sector F-7 (183 acres) is in Sections 7 and 8, T11N, R21W, SBBM. San Emigdio Creek, south of State Route 166.

Sector F-8 (2,254 acres) is in Sections 10, 11, 12, 13, 14 and 15, T11N, R22W, SBBM. San Emigdio Creek, south of State Route 166.

Sector F-9 (1,566 acres) is in Sections 7, 8, 17 and 18, T11N, R21W, SBBM. San Emigdio Creek, south of State Route 166.

Sector F-10 (3,356 acres) is in Sections 22, 23, 24, 25, 26, 35 and 36, T11N, R22W, SBBM Sections 30 and 31, T11N, R21W, and Sections 1 and 2, T10N, R22W, SBBM. San Emigdio Creek, south of State Route 166.

Sector F-11 (840 acres) is in Sections 19, 20, 29 and 30, T11N, R21W, SBBM. San Emigdio Creek, south of State Route 166.

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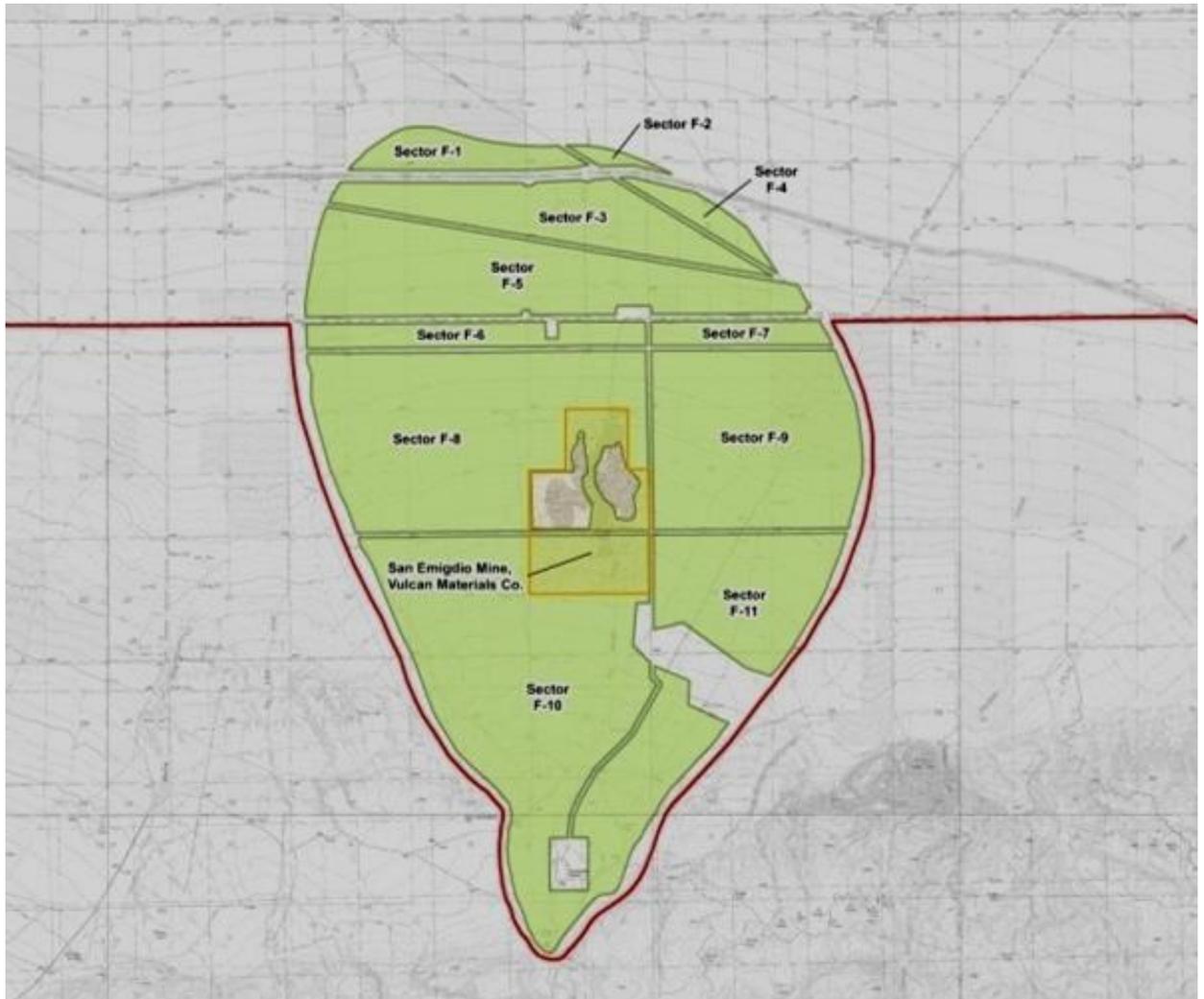


Figure 6a. Topographic map showing location of Sectors F-1 through F-11.

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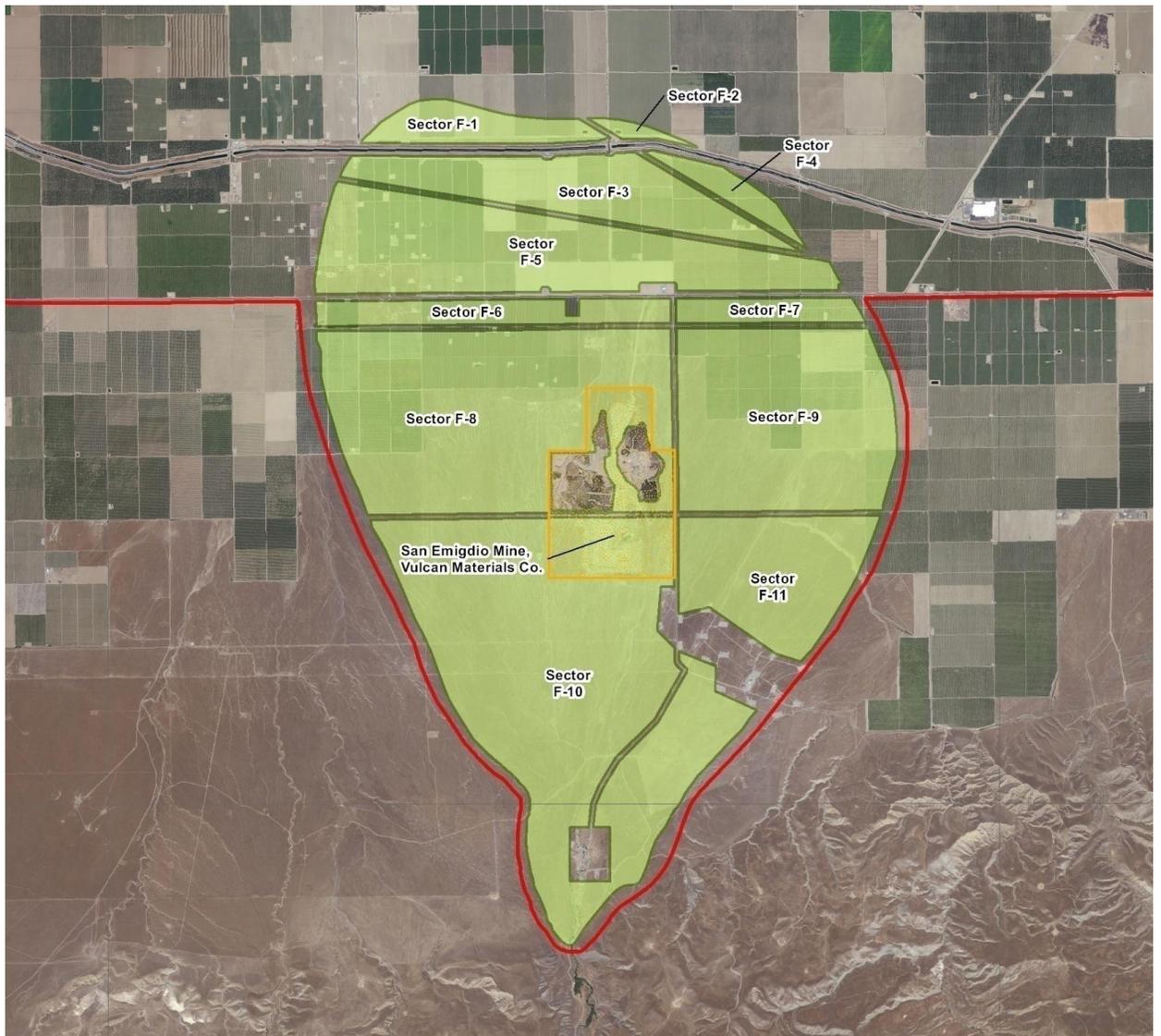


Figure 6b. Aerial image showing location of Sectors F-1 through F-11.

Sector Group G – Deposits of Wheeler Ridge, 25 miles south of Bakersfield, west of Interstate Highway 5, and south of State Highway 166. The deposits are in an uplifted ridge of Pleistocene sand and gravel of the Tulare Formation. The area of Sector G is 882 acres (Figure 7 and Plate 2).

Sector G (882 acres) is in Sections 25, 35, and 36, T11N, R20W, SBBM and Sections 30 and 31, T11N, R19W, SBBM, at Wheeler Ridge, west of Highways I-5 and 99.

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Figure 7a. Topographic map showing location of Sectors G, H-1 through H-5, and I.

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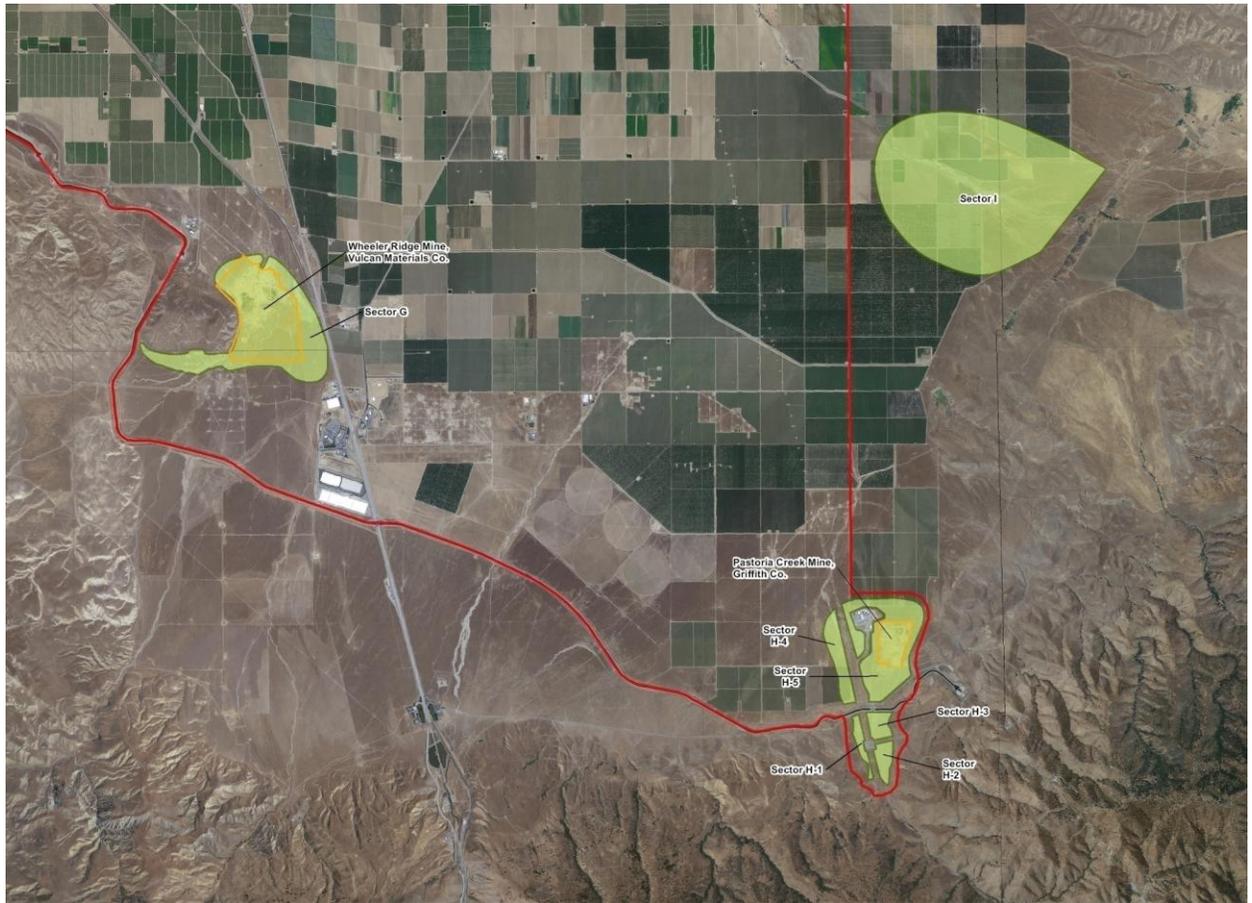


Figure 7b. Aerial image showing location of Sectors G, H-1 through H-5, and I.

Sector Group H – Deposits of the alluvial fan of Pastoria Creek, 30 miles southeast of Bakersfield, and north of Edmonston Pumping Plant Road. Sector H is divided into five subsectors identified as H-1 through H-5. The combined area of the subsectors is 467 acres (Figure 7 and Plate 2).

Sector H-1 (35 acres) is in Sections 18 and 19, T10N, R18W, SBBM, (projected – in Rancho El Tejon). Pastoria Creek, south of the California Aqueduct and Edmonston Pumping Plant Road.

Sector H-2 (48 acres) is in Section 19, T10N, R18W, SBBM, (projected – in Rancho El Tejon). Pastoria Creek, south of the California Aqueduct and Edmonston Pumping Plant Road.

Sector H-3 (47 acres) is in Sections 18 and 19, T10N, R18W, SBBM, (projected – in Rancho El Tejon). Pastoria Creek, south of the California Aqueduct and Edmonston Pumping Plant Road.

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Sector H-4 (108 acres) is in Sections 12 and 13, T10N, R19W, SBBM, and Section 18 T10N, R18W, SBBM, (projected – Rancho El Tejon). Pastoria Creek, north of the California Aqueduct and Edmonston Pumping Plant Road.

Sector H-5 (409 acres) is in Sections 12 and 13, T10N, R19W, SBBM, and Sections 7 and 18, T10N, R18W, SBBM (projected – in Rancho El Tejon). Pastoria Creek, north of the California Aqueduct and Edmonston Pumping Plant Road.

Sector Group I – Deposits of the alluvial fan of El Paso Creek, 25 miles southeast of Bakersfield, east of Rancho Road and south of Sebastian Road. The area of Sector I is 2,151 acres (Figure 8 and Plate 2).

Sector I (2,151 acres) is in Sections 16, 17, 18, 19, 20, 21, 28, 29 and 30, T11N, R18W, SBBM. El Paso Creek east of Rancho Drive and south of Sebastian Road.

Sector Group J – Deposits of the floodplain of Cuddy Creek located 40 miles south of Bakersfield, along Frazier Mountain Park Road, two miles west of Interstate Highway 5. Sector J is divided into two subsectors identified as J-1 and J-2. The combined area of the subsectors is 180 acres (Figure 8 and Plate 2).

Sector J-1 (35 acres) is in Sections 31 and 32, T9N, R19W, SBBM. Cuddy Creek, east of Frazier Park, south of Frazier Mountain Park Road.

Sector J-2 (145 acres) is in Sections 32 and 33, T9N, R19W, SBBM. Cuddy Creek, east of Frazier Park, north of Frazier Mountain Park Road.

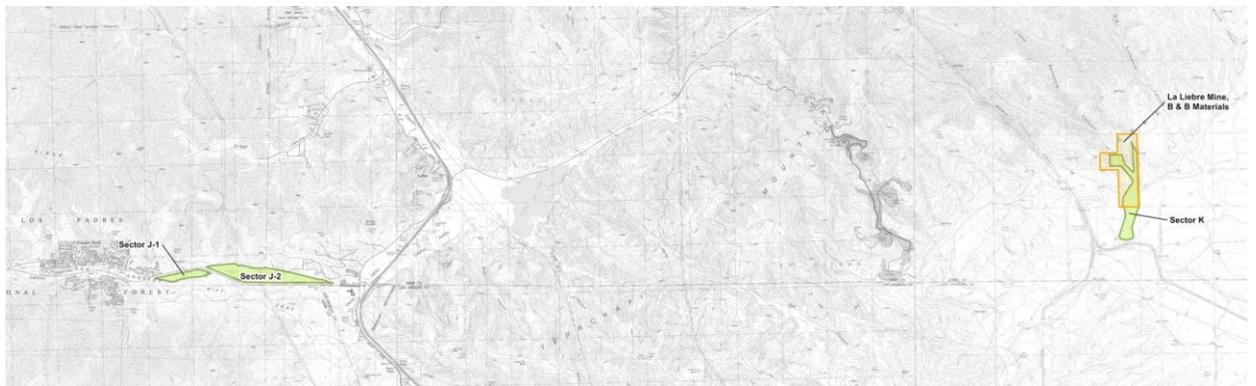


Figure 8a. Topographic map showing location of Sectors J and K.

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Figure 8b. Aerial image showing location of Sectors J and K.

Sector Group K – Basement outcrops and the alluvial fan and floodplain of Little Sycamore Creek (La Liebre Ranch area), 40 miles southeast of Bakersfield, east of Interstate Highway 5 and north of State Highway 138. The area of Sector K is 125 acres (Figure 8 and Plate 2).

Sector K (125 acres) is in Sections 29 and 32, T9N, R17W, SBBM, (projected – in Rancho La Liebre), Little Sycamore Canyon.

REFERENCES

Busch, Lawrence L., 2009, Update of Mineral Land Classification: Aggregate Materials in the Bakersfield Production-Consumption Region, Riverside County, California: California Geological Survey Special Report 210, 32 p., 3 plates.

Cole, Judy, W., 1988, Mineral Land Classification: Aggregate Materials in the Bakersfield Production-Consumption Region, Riverside County, California: Division of Mines and Geology Special Report 147, 27 p., 33 plates.

State Mining and Geology Board, 2000, Guidelines for Classification and Designation of Mineral Lands.

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APPENDIX A

Pertinent Statutory and Regulatory Authority

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APPENDIX A

Pertinent Statutory and Regulatory Authority

The SMGB's statutory authority to incorporate mineral lands classification information into state policy is provided pursuant to Division 2, Chapter 9, Article 4, State Policy for the Reclamation of Mined Lands, Public Resources Code (PRC) Section 2761(a), which states:

“§ 2761. (a) On or before January 1, 1977, and, as a minimum, after the completion of each decennial census, the Office of Planning and Research shall identify portions of the following areas within the state which are urbanized or are subject to urban expansion or other irreversible land uses which would preclude mineral extraction:

(1) Standard metropolitan statistical areas and such other areas for which information is readily available.

(2) Other areas as may be requested by the board.

(b) In accordance with a time schedule, and based upon guidelines adopted by the board, the State Geologist shall classify, on the basis solely of geologic factors, and without regard to existing land use and land ownership, the areas identified by the Office of Planning and Research, any area for which classification has been requested by a petition which has been accepted by the board, or any other areas as may be specified by the board, as one of the following:

(1) Areas containing little or no mineral deposits.

(2) Areas containing significant mineral deposits.

(3) Areas containing mineral deposits, the significance of which requires further evaluation.

The State Geologist shall require the petitioner to pay the reasonable costs of classifying an area for which classification has been requested by the petitioner.

(c) The State Geologist shall transmit the information to the board for incorporation into the state policy and for transmittal to lead agencies.

§ 2762. (a) Within 12 months of receiving the mineral information described in Section 2761, and also within 12 months of the designation of an area of statewide or regional significance within its jurisdiction, every lead agency shall, in accordance with state policy, establish mineral resource management policies to be incorporated in its general plan which will:

(1) Recognize mineral information classified by the State Geologist and transmitted by the board.

(2) Assist in the management of land use which affect areas of statewide and regional significance.

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(3) Emphasize the conservation and development of identified mineral deposits.

(b) Every lead agency shall submit proposed mineral resource management policies to the board for review and comment prior to adoption.

(c) Any subsequent amendment of the mineral resource management policy previously reviewed by the board shall also require review and comment by the board.

(d) If any area is classified by the State Geologist as an area described in paragraph (2) of subdivision (b) of Section 2761, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant to subdivision (a), or otherwise has not yet acted pursuant to subdivision (a), then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare, in conjunction with preparing any environmental document required by Division 13 (commencing with Section 21000), or in any event if no such document is required, a statement specifying its reasons for permitting the proposed use, and shall forward a copy to the State Geologist and the board for review.

If the proposed use is subject to the requirements of Division 13 (commencing with Section 21000), the lead agency shall comply with the public review requirements of that division. Otherwise, the lead agency shall provide public notice of the availability of its statement by all of the following:

(1) Publishing the notice at least one time in a newspaper of general circulation in the area affected by the proposed use.

(2) Directly mailing the notice to owners of property within one-half mile of the parcel or parcels on which the proposed use is located as those owners are shown on the latest equalized assessment role.

The public review period shall not be less than 60 days from the date of the notice and shall include at least one public hearing. The lead agency shall evaluate comments received and shall prepare a written response. The written response shall describe the disposition of the major issues raised. In particular, when the lead agency's position on the proposed use is at variance with recommendations and objections raised in the comments, the written response shall address in detail why specific comments and suggestions were not accepted.

(e) Prior to permitting a use which would threaten the potential to extract minerals in an area classified by the State Geologist as an area described in paragraph (3) of subdivision (b) of Section 2761, the lead agency may cause to be prepared an evaluation of the area in order to ascertain the significance of the mineral deposit located therein. The results of such evaluation shall be transmitted to the State Geologist and the board.

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§ 2763. (a) *If an area is designated by the board as an area of regional significance, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant to subdivision (a) of Section 2762, or otherwise has not yet acted pursuant to subdivision (a) of Section 2762, then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare a statement specifying its reasons for permitting the proposed use, in accordance with the requirements set forth in subdivision (d) of Section 2762. Lead agency land use decisions involving areas designated as being of regional significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of these minerals to their market region as a whole and not just their importance to the lead agency's area of jurisdiction.*

(b) *If an area is designated by the board as an area of statewide significance, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant to subdivision (a) of Section 2762, or otherwise has not yet acted pursuant to subdivision (a) of Section 2762, then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare a statement specifying its reasons for permitting the proposed use, in accordance with the requirements set forth in subdivision (d) of Section 2762. Lead agency land use decisions involving areas designated as being of statewide significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of the mineral resources to the state and nation as a whole.”*

§ 2764. (a) *Upon the request of an operator or other interested person and payment by the requesting person of the estimated cost of processing the request, the lead agency having jurisdiction shall amend its general plan, or prepare a new specific plan or amend any applicable specific plan, that shall, with respect to the continuation of the existing surface mining operation for which the request is made, plan for future land uses in the vicinity of, and access routes serving, the surface mining operation in light of the importance of the minerals to their market region as a whole, and not just their importance to the lead agency's area of jurisdiction.*

(b) *In adopting amendments to the general plan, or adopting or amending a specific plan, the lead agency shall make written legislative findings as to whether the future land uses and particular access routes will be compatible or incompatible with the continuation of the surface mining operation, and if they are found to be incompatible, the findings shall include a statement of the reasons why they are to be provided for,*

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notwithstanding the importance of the minerals to their market region as a whole or their previous designation by the board, as the case may be.

(c) Any evaluation of a mineral deposit prepared by a lead agency for the purpose of carrying out this section shall be transmitted to the State Geologist and the board.

(d) The procedure provided for in this section shall not be undertaken in any area that has been designated pursuant to Article 6 (commencing with Section 2790) if mineral resource management policies have been established and incorporated in the lead agency's general plan in conformance with Article 4 (commencing with Section 2755).

The SMGB's statutory authority to consider areas for designation is provided pursuant to Division 2, Chapter 9, Article 6, Areas of Statewide or Regional Significance, PRC Section 2790, which states:

"After receipt of mineral information from the State Geologist pursuant to subdivision (c) of Section 2761, the board may by regulation adopted after a public hearing designate specific geographical areas of state as areas of statewide or regional significance and specify the boundaries thereof. Such designation shall be included as a part of the state policy and shall indicate the reason for which the particular area designated is of significance to the state or region, the adverse effects that might result from premature development of incompatible land uses, the advantages that might be achieved from extraction of the minerals of the area, and the specific goals and policies to protect against the premature incompatible development of the area."

The statutory authority which allows the SMGB to terminate, in whole or in part, an area previously designated is provided pursuant to PRC Section 2793 which states:

"The board may, by regulation adopted after a public hearing, terminate, partially or wholly, the designation of any area of statewide or regional significance on a finding that the direct involvement of the board is no longer required."

Section 3675 of the California Code of Regulations, Article 6. Mineral Resource Management Policies provides definition of compatible and incompatible land use.

§ 3675. Definitions. The following definitions as used herein shall govern the interpretation of these regulations:

Compatible Land Use. Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically

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extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.

Incompatible Land Use. Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.

NOTE

Authority cited: Section 2755, Public Resources Code. Reference: Sections 2761-2762, Public Resources Code.

HISTORY

1. *New section filed 10-12-88; operative 11-11-88 (Register 88, No. 42).*

Section 3676 of the California Code of Regulations, Article 6. Mineral Resource Management Policies provides a summary of information to be provided as part of MRMP.

§ 3676. Mineral Resource Management Policies.

Lead agency mineral resource management policies adopted pursuant to the provisions of PRC Section 2762 shall include but not be limited to, the following:

(a) A summary of the information provided by the classification and/or designation reports, or incorporation of PRC Sections 2710 et seq., and state policy by reference, together with maps of the identified mineral deposits or incorporation by reference of the classification and/or designation maps provided by the Board.

(b) Statements of policy in accordance with the provisions of PRC Section 2762(a).

(c) Implementation measures that shall include:

(1) Reference in the general plan of the location of identified mineral deposits, and a discussion of those areas targeted for conservation and possible future extraction by the lead agency.

(2) Use of overlay maps or inclusion of information on any appropriate planning maps to clearly delineate identified mineral deposits and those areas targeted by the lead agency for conservation and possible future extraction.

(3) At least one of the following:

(A) Use of special purpose overlay zones, mineral resource/open space zoning, or any other appropriate zoning that identifies the presence of identified mineral deposits and restricts the encroachment of incompatible land uses in those areas that are to be conserved.

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(B) Record, on property titles in the affected mineral resource areas, a notice identifying the presence of identified mineral deposits.

(C) Impose conditions upon incompatible land uses in and surrounding areas containing identified mineral deposits for the purpose of mitigating the significant land use conflicts prior to approving a use that would otherwise be incompatible with mineral extraction.

NOTE

Authority cited: Section 2755, Public Resources Code. Reference: Sections 2757 and 2761-63, Public Resources Code.

HISTORY

1. *New section filed 10-12-88; operative 11-11-88 (Register 88, No. 42).*

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APPENDIX B

**Bakersfield Production-Consumption Region
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Bakersfield Production-Consumption Region Designation Regulations

§ Section 3550.16. Construction Aggregates Resources, Bakersfield Production-Consumption Region.

The areas for designation are shown on two plates: Plate 1, *Areas for Designation in the Bakersfield Production-Consumption (P-C) Region, Kern County California, Northern Area (2009)*, and Plate 2, *Areas for Designation in the Bakersfield Production-Consumption (P-C) Region, Kern County California (2009), Southern Area*, and are incorporated by reference into this regulation. These maps are available from the State Mining and Geology Board's office in Sacramento.

The construction aggregate deposits in the following area are designated as being of regional significance:

Sector A – Deposits of the James Road Resource Area, five miles north of Bakersfield and southwest of the intersection of James Road and State Highway 65, are in a small alluvial fan composed of reworked sediments derived from older alluvial fan deposits and the Kern River Formation. (Plate 1)

Sector A (247 acres) is in Sections 28 and 29, T28S, R27E, MDBM, five miles north of Bakersfield, west of State Route 65 and southwest of the intersection of James Road and State Route 65.

Sector Group B – Deposits of the Kern River floodplain and alluvial fan, north of State Route 58 (Rosedale Highway) and west of Highway 99. Sector B is divided into five subsectors identified as B-1 through B-5. The combined area of the subsectors of Sector B is 231 acres. (Plate 1)

Sector B-1 (108 acres) is in Sections 14 and 15, T29S, R27E, MDBM, northwest of Bakersfield, north of State Route 58 and west of Highway 99.

Sector B-2 (70 acres) is in Section 15, T29S, R27E, MDBM, west of Highway 99 and north of State Route 58.

Sector B-3 (24 acres) is in Section 22, T29S, R27E, MDBM, west of Highway 99 and north of State Route 58.

Sector B-4 (14 acres) is in Section 22, T29S, R27E, MDBM, west of Highway 99 and north of State Route 58.

Sector B-5 (15 acres) is in Section 22, T29S, R27E, MDBM, west of Highway 99 and north of State Route 58.

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Sector Group C – Deposits of the Kern River floodplain along the main course of the Kern River from Coffee Road east to Rio Bravo Ranch. Sector C is divided into 21 subsectors identified as C-1 through C-21. The combined area of Group C subsectors is 1,418 acres. (Plate 1)

Sector C-1 (20 acres) is in Section 33, T29S, R27E, MDBM, north of Kern River, west of Highway 99 and south of State Route 58.

Sector C-2 (149 acres) is in Sections 27, 33 and 34, T29S, R27E, MDBM, west of Highway 99 and south of State Route 58.

Sector C-3 (8 acres) is in Section 27, T29S, R27E, MDBM, west of Highway 99 and south of State Route 58.

Sector C-4 (51 acre) is in Sections 26 and 27, T29S, R27E, MDBM, west of Highway 99 and south of State Route 58.

Sector C-5 (36 acres) is in Sections 23, 24 and 26, T29S, R27E, MDBM, east of Highway 99 and west of State Route 204.

Sector C-6 (18 acres) is in Section 24, T29S, R27E, MDBM, east of Highway 99 and west of State Route 204.

Sector C-7 (14 acres) is in Sections 13 and 24, T29S, R27E, MDBM, east of State Route 204 and west of Chester Ave.

Sector C-8 (46 acres) is in Section 13, T29S, R27E, MDBM and Section 18, T29S, R28E, MDBM, east of State Route 204 and west of Chester Ave.

Sector C-9 (85 acres) is in Section 18, T29S, R28E, MDBM, east of Chester Avenue and west of Manor St.

Sector C-10 (15 acres) is in Section 18, T29S, R28E MDBM, east of Chester Avenue and west of Manor St.

Sector C-11 (124 acres) is in Sections 8, 17 and 18, T29S, R28E, MDBM, east of Manor St.

Sector C-12 (104 acres) is in Sections 7 and 8, T29S, R28E, MDBM, north of Kern River and East of Manor St.

Sector C-13 (26 acres) is in Section 8, T29S, R28E, MDBM, north of Kern River, east of Manor St.

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Sector C-14 (163 acres) is in Sections 8, 9, 16 and 17, T29S, R28E, MDBM. Kern River, east of Manor St.

Sector C-15 (32 acres) is in Section 9, T29S, R28E, MDBM. Kern River, east of Manor St.

Sector C-16 (12 acres) is in Section 9, T29S, R28E, MDBM. Kern River, west of China Grade Bridge.

Sector C-17 (101 acres) is in Section 10, T29S, R28E, MDBM, south of Kern River and north of Alfred Harrell Highway.

Sector C-18 (70 acres) is in Sections 2, 3 and 10, T29S, R28E, MDBM Kern River, south of Round Mountain Rd.

Sector C-19 (80 acres) is in Section 36, T28S, R28E, MDBM Section 31, T28S, R29E, MDBM, and Section 6, T29S, R29E MDBM, northeast of Kern River and east of Hart Memorial Park.

Sector C-20 (11 acres) is in Section 5, T29S, R29E, MDBM, south of Kern River and north of Alfred Harrell Highway.

Sector C-21 (253 acres) is in Sections 33 and 34, T28S, R29E, MDBM and Sections 2, 3, 10 and 11, T29S, R29E, MDBM, north of Kern River and east of Kern River Golf Course.

Sector Group D – Deposits of the floodplain and alluvial fan of Cottonwood Creek, ten miles east of Bakersfield, south of State Highway 178. Sector D is divided into four subsectors identified as D-1 through D-4. The combined area of the subsectors is 356 acres. (Plate 1)

Sector D-1 (105 acres) is in Sections 19 and 20, T29S, R30E, MDBM. Cottonwood Creek, south of Breckenridge Road.

Sector D-2 (19 acres) is in Section 24, T29S, R29E, MDBM. Cottonwood Creek, south of Breckenridge Road.

Sector D-3 (101 acres) is in Sections 12, 13 and 24, T29S, R29E, MDBM. Cottonwood Creek, south of State Route 178.

Sector D-4 (131 acres) is in Sections 1, 11 and 12,, T29S, R29E, MDBM. Cottonwood Creek, south of State Route 178 and north of Breckenridge Road.

Sector Group E – Deposits of the floodplain of Caliente Creek, 15 to 20 miles east of Bakersfield, north of State Highway 58. Sector E is divided into 10

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subsectors identified as E-1 through E-10. The combined area of the subsectors is 2,685 acres. (Plate 1)

Sector E-1 (572 acres) is in Sections 17, 18, 19 and 20, T30S, R30E, MDBM. Caliente Creek, south of State Route 58.

Sector E-2 (1,330 acres) is in Sections 9, 10, 14, 15, 16, 17, 20 and 21, T30S, R30E, MDBM (Rancho El Tejon). Caliente Creek, north of State Route 58.

Sectors E-3 (357 acres) is in Sections 9, 10, 11, 12, 13 and 14, T30S, R30E, MDBM (Rancho El Tejon). Caliente Creek, north of Bena Road.

Sector E-4 (171 acres) is in Sections 13 and 24, T30S, R30E, MDBM and Sections 18, 19 and 20, T30S, R31E, MDBM (Rancho El Tejon). Caliente Creek, north of Bena Road.

Sector E-5 (18 acres) is in Sections 13, T30S, R30E, MDBM and Section 18 T30S, R31E, MDBM (Rancho El Tejon). Caliente Creek, north of Bena Road.

Sector E-6 (8 acres) is in Section 19, T30S, R31E, MDBM (Rancho El Tejon). Caliente Creek, south of Bena Road.

Sector E-7 (11 acres) is in Section 27, T30S, R31E, MDBM. Caliente Creek, west of Caliente.

Sector E-8 (45 acres) is in Section 27, T30S, R31E, MDBM. Caliente Creek, west of Caliente.

Sector E-9 (24 acres) is in Section 26, T30S, R31E, MDBM. Caliente Creek, south of Caliente.

Sector E-10 (149 acres) is in Sections 24, 25 and 26, T30S, R31E, MDBM and Section 19, T30S, R32E, MDBM. Caliente Creek, east of Caliente.

Sector Group F – Deposits of the alluvial fan of San Emigdio Creek, 25 miles southwest of Bakersfield, north and south of State Highway 166. Sector F is divided into eleven subsectors identified as F-1 through F-11. The combined area of the subsectors is 11,271 acres. (Plate 2)

Sector F-1 (289 acres) is in Sections 34, 35, and 36, T12N, R22W, MDBM, and Sections 1, 2 and 3, T11N, R22W, SBBM. San Emigdio Creek, north of the California Aqueduct.

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Sector F-2 (44 acres) is in Section 36, T12N, R22W, SBBM Section 6, T11N, R21W, SBBM and Section 1 T11N, R22W, SBBM. San Emigdio Creek, north of the California Aqueduct.

Sector F-3 (782 acres) is in Sections 1, 2 and 3, T11N, R22W, SBBM, and Sections 5 and 6, T11N, R21W, SBBM. San Emigdio Creek, south of the California Aqueduct and north of State Route 166.

Sector F-4 (142 acres) is in Section 1 T11N, R22W, SBBM and Sections 5 and 6, T11N, R21W, SBBM. San Emigdio Creek, south of the California Aqueduct and north of State Route 166.

Sector F-5 (1,468 acres) is in Sections 1, 2, 3, 10, 11, and 12, T11N, R22W, SBBM, and Sections 5, 6, 7 and 8, T11N, R21W, SBBM. San Emigdio Creek south of the California Aqueduct and north of State Route 166.

Sector F-6 (347 acres) is in Sections 10, 11 and 12, T11N, R22W, SBBM. San Emigdio Creek, south of State Route 166.

Sector F-7 (183 acres) is in Sections 7 and 8, T11N, R21W, SBBM. San Emigdio Creek, south of State Route 166.

Sector F-8 (2,254 acres) is in Sections 10, 11, 12, 13, 14 and 15, T11N, R22W, SBBM. San Emigdio Creek, south of State Route 166.

Sector F-9 (1,566 acres) is in Sections 7, 8, 17 and 18, T11N, R21W, SBBM. San Emigdio Creek, south of State Route 166.

Sector F-10 (3,356 acres) is in Sections 22, 23, 24, 25, 26, 35 and 36, T11N, R22W, SBBM Sections 30 and 31, T11N, R21W, and Sections 1 and 2, T10N, R22W, SBBM. San Emigdio Creek, south of State Route 166.

Sector F-11 (840 acres) is in Sections 19, 20, 29 and 30, T11N, R21W, SBBM. San Emigdio Creek, south of State Route 166.

Sector G – Deposits of Wheeler Ridge, 25 miles south of Bakersfield, west of Interstate Highway 5, and south of State Highway 166. The deposits are in an uplifted ridge of Pleistocene sand and gravel of the Tulare Formation. The area of Sector G is 882 acres. (Plate 2)

Sector G (882 acres) is in Sections 25, 35, and 36, T11N, R20W, SBBM and Sections 30 and 31, T11N, R19W, SBBM, at Wheeler Ridge, west of Highways I-5 and 99.

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Sector Group H – Deposits of the alluvial fan of Pastoria Creek, 30 miles southeast of Bakersfield, and north of Edmonston Pumping Plant Road. Sector H is divided into five subsectors identified as H-1 through H-5. The combined area of the subsectors is 467 acres. (Plate 2)

Sector H-1 (35 acres) is in Sections 18 and 19, T10N, R18W, SBBM, (projected – in Rancho El Tejon). Pastoria Creek, south of the California Aqueduct and Edmonston Pumping Plant Road.

Sector H-2 (48 acres) is in Section 19, T10N, R18W, SBBM, (projected – in Rancho El Tejon). Pastoria Creek, south of the California Aqueduct and Edmonston Pumping Plant Road.

Sector H-3 (47 acres) is in Sections 18 and 19, T10N, R18W, SBBM, (projected – in Rancho El Tejon). Pastoria Creek, south of the California Aqueduct and Edmonston Pumping Plant Road.

Sector H-4 (108 acres) is in Sections 12 and 13, T10N, R19W, SBBM and Section 18 T10N, R18W, SBBM, (projected – Rancho El Tejon). Pastoria Creek, north of the California Aqueduct and Edmonston Pumping Plant Road.

Sector H-5 (409 acres) is in Sections 12 and 13, T10N, R19W, SBBM and Sections 7 and 18, T10N, R18W, SBBM (projected – in Rancho El Tejon). Pastoria Creek, north of the California Aqueduct and Edmonston Pumping Plant Road.

Sector I – Deposits of the alluvial fan of El Paso Creek, 25 miles southeast of Bakersfield, east of Rancho Road and south of Sebastian Road. The area of Sector I is 2,151 acres. (Plate 2)

Sector I (2,151 acres) is in Sections 16, 17, 18, 19, 20, 21, 28, 29 and 30, T11N, R18W, SBBM. El Paso Creek east of Rancho Drive and south of Sebastian Road.

Sector Group J – Deposits of the floodplain of Cuddy Creek located 40 miles south of Bakersfield, along Frazier Mountain Park Road, two miles west of Interstate Highway 5. Sector J is divided into two subsectors identified as J-1 and J-2. The combined area of the subsectors is 180 acres. (Plate 2)

Sector J-1 (35 acres) is in Sections 31 and 32, T9N, R19W, SBBM. Cuddy Creek, east of Frazier Park, south of Frazier Mountain Park Road.

Sector J-2 (145 acres) is in Sections 32 and 33, T9N, R19W, SBBM. Cuddy Creek, east of Frazier Park, north of Frazier Mountain Park Road.

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Sector K – Basement outcrops and the alluvial fan and floodplain of Little Sycamore Creek (La Liebre Ranch area), 40 miles southeast of Bakersfield, east of Interstate Highway 5 and north of State Highway 138. The area of Sector K is 125 acres. (Plate 2)

Sector K (125 acres) is in Sections 29 and 32, T9N, R17W, SBBM, (projected – in Rancho La Liebre), Little Sycamore Canyon.

NOTE

Authority: Section 2790, Public Resources Code. Reference: Sections 2207,2726, 2761-2763 and 2790-2791, Public Resources Code.