

1 them in order. Is there a permit that deals with the
2 traffic that can ingress or egress the site?

3 A I believe it's part and parcel to the
4 California Environmental Quality Act permit that you
5 have been provided. And this is a rail-haul facility,
6 so I'm sure that there is a more complex document
7 pertaining to that --

8 Q But you --

9 A -- that I -- I do not have with me.

10 Q Is there a permit pertaining to the overall
11 design of the plant in its current utilization?

12 A Overall, no.

13 Q Okay. In document Request Number 2, there on
14 Exhibit 2, the next one was, "All CEQA documents,"
15 C-E-Q-A, "for the Big Rock Creek operation."

16 Did you -- are there any such documents
17 besides this application relating to the surface mining
18 permit?

19 A No. That is the negative declaration in
20 compliance with California Environmental Quality Act.

21 Q Okay. Number 3:

22 "All writings relating to the
23 proposed move of the Sun Valley
24 operations to Big Rock Creek."
25 Do any such documents exist?

1 A You have been provided them.

2 Q Just those two documents?

3 A Yes.

4 Q Number 4:

5 "All writings relating to the
6 proposed facilities at Big Rock
7 Creek, including plant production
8 capacities."

9 Are there any such documents?

10 A It's part of the California Environmental
11 Quality Act documents.

12 Q So you're saying the only documents are the
13 ones I already have?

14 A No. I'm not saying those are the only
15 documents. I'm saying those are the only documents
16 that I'm aware of that would articulate in a permitted
17 form the quantity and capacity capable of being
18 produced from Big Rock Creek.

19 Q Okay. And you said all the documents you're
20 aware of. Did you do any investigation as far as what
21 documents existed?

22 A Yes.

23 Q What did you do?

24 A Queried the computer system to find out if
25 there were additional documents and looked in the Big

1 Q Do you understand, then, that both meters were
2 malfunctioning in 2012?

3 A Yes.

4 Q And is your answer the same for the years 2000
5 and 2001?

6 A Yes.

7 Q Okay. I want to spend most of our time on
8 your other declaration which is labeled "Big Rock."

9 And this declaration refers to a number of properties
10 owned by Vulcan or at least a number of assessor's
11 parcel numbers.

12 Is it correct that all of those parcels
13 together constitute the Big Rock facility?

14 A Yes.

15 Q So if I refer to the Big Rock facility and use
16 that to mean all of those properties, that won't cause
17 any confusion, will it?

18 A No.

19 Q Okay. I'm going to show you your declaration
20 and ask you to read to yourself paragraph 10 because
21 that's what I'm going to be asking my questions about.

22 A Okay.

23 Q What is Vulcan's claim as to its current
24 reasonable and beneficial use of water at the Big Rock
25 facility? How much are you claiming?

1 just --

2 MR. BUNN: Off the record.

3 THE WITNESS: -- I want to make sure --

4 MR. BUNN: Off the record. Confer away.

5 (Discussion held off the record.)

6 MR. BUNN: Back on the record.

7 BY MR. BUNN:

8 Q My question was what Vulcan's claim is to
9 current reasonable and water -- and beneficial water
10 use.

11 Do you have that number now?

12 A Yes. It's 2046 acre feet for Big Rock
13 property alone.

14 Q And what is the claim for the Palmdale
15 property?

16 A 600 acre feet.

17 Q Let me just ask for Palmdale how that -- and
18 then I'll go back to Big Rock -- but for Palmdale, how
19 is that 600 acre feet derived?

20 A I believe it's an average of a long-term use.

21 Q Can you be more specific?

22 A Yes. We took the years of production and the
23 amount of water used between the two wells and gave you
24 an average.

25 Q An average of the years that are reported in

1 your declaration?

2 A Yes. If you -- if -- I mean, some years the
3 usage was substantially higher. And some years during
4 less demand for aggregate products, the usage was
5 lower. And so we took an average.

6 Q Very well. Going back to Big Rock, how was
7 the 2,046 acre feet derived?

8 A It is a similar type average based on
9 production estimates.

10 Q Now, when we were off the record, you were
11 referring to a document that was produced with
12 discovery. It's called "AGWA," all caps, A-G-W-A,
13 "Information Responsive to Court's Phase 4 Discovery
14 Order Dated 12/21/12." It's four pages long; and this
15 number, 2,046, appears on this document.

16 Is that what refreshed your recollection for
17 your testimony just now?

18 A Yes.

19 Q And you say that this claim was an average of
20 the groundwater use, but the only two groundwater use
21 numbers shown on that chart are 2011 and 2012 being 30
22 acre feet and 22 acre feet respectively.

23 Those don't average to 2,000. Can you explain
24 that?

25 A I don't know what you're referring to or

1 looking at.

2 Q Well, take a look at the chart.

3 MR. FIFE: Can we go off the record so we can
4 confer?

5 MR. BUNN: Yes.

6 (Discussion held off the record.)

7 MR. FIFE: We're ready to go back on the
8 record.

9 BY MR. BUNN:

10 Q Can you answer my question?

11 A You're referring to two production numbers on
12 two production wells. I would not consider that
13 representative of actual water use, water produced or
14 water requirement for the aggregate activity.

15 Q Well, let me ask you this then: What numbers
16 did you average to get to 2,046?

17 A The production requirements for the aggregate
18 facility.

19 Q For various years?

20 A For the prior years; correct.

21 Q Do those numbers appear on the document
22 anywhere?

23 A Yes.

24 Q Which document?

25 A My declaration and I believe it is -- what do

1 Q Do you expect the current production -- well,
2 let me go back and do some background first.

3 Do I understand correctly from your
4 declaration that the processing of the product is going
5 to be moved from Sun Valley to Big Rock Creek sometime
6 in the future?

7 A Yes.

8 Q When would that be?

9 A I don't know. It's probably market driven.

10 Q Do you have any plans for doing that?

11 A Yes.

12 Q What kind of plans do you have? Talking about
13 documents now.

14 A I don't have any plans. Vulcan Materials
15 Company has, through CEQA documents and through
16 articulation of its intentions, intends to move the
17 production facilities from downtown Los Angeles to the
18 remote location in Los Angeles County of Big Rock.

19 Q You just gestured to what I had in front of
20 me. Are you referring to the two documents that were
21 produced to me that you discussed earlier?

22 A No. It was a general gesture. It was a
23 moving my hands from my chin to my midbody.

24 Q All right. That's why I asked.

25 So you say that there are documents disclosing

1 you up. I'm trying to tell you, you've got what I've
2 got. If there's something else that I am able to
3 locate, I'd be happy to provide it to you.

4 Q Well, here's my problem, Mr. Bowcock. You're
5 representing that such documents exist; and then when I
6 asked you if you had given them to me, you said yes.
7 And so I guess I'm going to ask you to look again at
8 this amended reclamation plan and tell me whether and
9 where it says anything about moving Sun Valley
10 operations to Big Rock.

11 A I don't believe that document does.

12 Q Okay. Is it in another document that you've
13 provided to me?

14 A It may be in the CEQA document, but I'm not
15 sure.

16 Q Do you want to look at that?

17 A If you'd like me to.

18 Q Well, I would like you to be able to give your
19 best answer to the question about whether the document
20 says anything about moving those operations?

21 A I believe I have, and I'm telling you that --

22 Q What is your answer? Does it say something or
23 not?

24 A I do not know if it talks about the move of
25 the production equipment.

1 Q Okay.

2 A Having -- having --

3 Q Do you know if it talks about moving the
4 operations?

5 A I do not believe it does.

6 Q Okay.

7 A You would not confuse one CEQA document with
8 another. There will be a separate CEQA document for
9 that activity. I have not provided that to you.

10 Q Can you explain what you meant when you said,
11 "there will be a separate CEQA document" for that?

12 A There would be. I would anticipate that there
13 would be.

14 Q Vulcan -- is -- let me see if I can restate
15 what you're saying, and you tell me if this is correct.

16 Are you saying that Vulcan is planning to do
17 additional CEQA documents specifically for moving the
18 Sun Valley operations to Big Rock?

19 A Yes.

20 Q Have those documents been prepared?

21 A Not to my knowledge. Once again, it's a
22 market-driven process. When the market demands it,
23 corporate America spends the money.

24 Q Are you saying, then, that there's no fixed
25 date for this movement from the Sun Valley operations;

1 but it will be determined in the future based on market
2 demands?

3 A I'm saying that had the market not collapsed
4 as it had, it would probably have already occurred.

5 Q Is there a date for moving these operations?

6 A It's imminent.

7 Q And what do you mean by that?

8 A As soon as the market says there's enough
9 demand to move it, it will be moved.

10 Q And when will that be?

11 A I -- if I had that, I wouldn't be sitting
12 here. I'd be -- have an apartment on Wall Street.

13 Q Well, but you believe it's imminent. What do
14 you mean by the word "imminent"?

15 A I think that the land values in downtown
16 Los Angeles will drive relocation from, you know,
17 several hundred-acre site to a less than 25-acre retail
18 delivery point. And the ease and convenience and mass
19 production of a new facility at Big Rock is imminent.

20 Q And by "imminent," do you mean the next ten
21 years, the next 20 years, the next five years, the next
22 one year?

23 MR. FIFE: Don't guess.

24 THE WITNESS: Yeah. Once again --

25 MR. FIFE: Give a reasonable answer.