CHAPTER 1 PURPOSE AND NEED

1.1 Introduction

Mitsubishi Cement Corporation (MCC) has submitted to the U.S. Department of Agriculture, Forest Service (Forest Service) and the County of San Bernardino (County) a Plan of Operations and Reclamation Plan for the proposed South Quarry. An environmental review of the proposed Mitsubishi Cement Corporation South Quarry Project (Project) must be conducted under both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Implementation of the Project would require approvals from federal, state, and local agencies and, therefore, this Project is subject to the environmental review requirements of both CEQA and NEPA.

To ensure coordination between the CEQA and NEPA processes, and to avoid duplication of effort, a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) is being prepared as recommended by CEQA Guidelines Section 15222 and 40 CFR 1506.25. The County will be the CEQA Lead Agency and the Forest Service will be the NEPA Lead Agency for the EIR/EIS.

1.2 EIR/EIS Organization

The EIR/EIS is organized as follows.

The Cover Sheet provides a summary of the pertinent information on the Project and how to comment on the Draft EIR/EIS, including the listing of the responsible agencies; the name, address, and telephone number of the person at the agency who can supply further information and the name, title, and address of the responsible official; a one paragraph abstract of the EIR/EIS, including a listing of the alternatives considered and identification of the preferred alternative; and the date by which comments must be received.

The Summary provides information on the major conclusions of the EIR/EIS, areas of controversy, and the issues to be resolved.

Chapter 1 provides general background on the Project; identifies the purpose and need for action; describes the roles of the Forest Service, County, and other agencies, and authorities regulating various aspects of the Project; and summarizes the public involvement process for the Project.

Chapter 2 describes the alternatives development and screening process conducted for the Project. It also presents a range of reasonable Project alternatives that address the stated purpose and need for the Project, including the Proposed Action and No Action/No Project Alternative. This section identifies and explains why some alternatives were considered but not analyzed in detail. This chapter presents a comparison of alternatives, and describes the Forest Service’s agency-preferred alternative and the Environmentally Superior Alternative pursuant to CEQA requirements.

Chapter 3 describes the regulatory setting, affected environment (existing conditions), and impact analysis approach for each environmental resource. Each resource section also contains a comprehensive analysis and assessment of impacts (direct, indirect, and cumulative) of the Proposed Action and other alternatives.
Chapter 4 describes other aspects of compliance with NEPA procedures, including a description of unavoidable adverse impacts, the relationship between short-term use and long-term productivity, and any irreversible or irretrievable commitments of resources (40 CFR 1502.16), as well as addressing CEQA requirements including identifying significant impacts and mitigation measures to reduce or minimize significant impacts, and a description of growth-inducing impacts.

Chapter 5 provides a list of preparers, including Forest Service, County, and consultants.

Chapter 6 identifies the persons, groups, agencies and other governmental bodies that were consulted or that contributed to the preparation of the EIR/EIS and lists agencies, organizations, and persons to whom the EIR/EIS will be sent or has been sent.

Chapter 7 provides the references used in preparing the EIR/EIS.

Chapter 8 includes list of acronyms and abbreviations used in the EIR/EIS.

Chapter 9 provides an index for key words in the EIR/EIS.

Appendices contain information that supplements or supports the analyses in the body of the EIR/EIS.

Additional documentation may be found in the project planning record located at the San Bernardino National Forest Supervisor’s Office, 602 S. Tippecanoe Avenue, San Bernardino, CA 92408 and at the County of San Bernardino Land Use Services Department, 385 N. Arrowhead Ave., San Bernardino, CA 92415.

1.3 Project Location

MCC is proposing to develop and reclaim a new high-grade limestone quarry to the south of its existing East Pit, its West Pit (under development), and MCC’s existing Cushenbury Cement Plant. The proposed South Quarry is located approximately 6 miles south of the community of Lucerne Valley in San Bernardino County, California (Figure 1-1). The Project as proposed in the Plan of Operations would total approximately 153.6 acres consisting of a 128-acre quarry, a 2.7-acre landscape berm, a 22.2-acre haul road 1.8 miles in length, and a temporary construction road of 0.7 acre. The South Quarry and haul road would be located almost entirely (147 acres) on 440 acres of unpatented claims owned by MCC on public federal land in the San Bernardino National Forest (SBNF) with approximately 6.6 acres of the haul road located on MCC fee land where it enters the existing East Pit (MCC 2012).
Figure 1-1 Regional Location

2012-017 Mitsubishi Cement Corporation South Quarry Project
The proposed South Quarry is within portions of Sections 14, 15, 22, and 23 Township 3 North, Range 1 East SBBM. MCC’s existing Cushenbury Cement Plant and related quarries are accessed directly from State Highway 18 south of Lucerne Valley (Figure 1-2). The proposed South Quarry site and the adjacent surrounding land uses consist of vacant public lands administered by the Forest Service. MCC currently operates two quarries on private land just north of the proposed South Quarry site, the existing East Pit on 214 acres and the West Pit (under development) on 191 acres (Figure 1-2). The Specialty Minerals, Inc. Marble Canyon Quarry is located to the west of the proposed South Quarry on 132 acres, and other quarries, waste rock stockpiles, and a process plant operated by Specialty Minerals, Inc. are located to the northwest of the proposed South Quarry (Figure 1-2).

1.4 Project Background

The Cushenbury area has been mined since 1861, and limestone mining has occurred since the early 1950s. In 1988, MCC acquired the Cushenbury Cement Plant and the existing East Pit from Kaiser Cement Corporation. The cement produced at the Cushenbury plant has been used to meet local southern California and southern Nevada building and infrastructure needs. In 1999, planning to identify a source of limestone to replace diminishing reserves in the East Pit was initiated. During this process the location for a new quarry, the West Pit, was identified. The West Pit project required approval of a Mine Reclamation Plan (2004 M-001) by the County of San Bernardino and associated CEQA review, which was completed in 2004.

As part of the CEQA review and approval for the West Pit, several mitigation measures were incorporated into the West Pit project. To mitigate for the removal of four federally-listed carbonate endemic plant species, land was set aside through conservation easement at a ratio of 3 acres for each acre of occupied habitat that was disturbed (Figure 1-3), and 1 acre on the site was reclaimed with a comparable plant community for each acre that was disturbed. A Habitat Conservation Plan (HCP) and consultation with the U.S. Fish & Wildlife Service (USFWS) pursuant to the federal Endangered Species Act (ESA) was not required for the project because the law does not require an HCP or consultation for the take of listed plant species from private land when there is no Federal nexus (such as a Federal permit or funding). MCC was, however, active in the development of the Carbonate Habitat Management Strategy (CHMS), a regional planning effort aimed at protecting these rare plant species.

To compensate for the loss of foraging habitat for the bighorn sheep, MCC set aside land for conservation easement (Figure 1-3), agreed to create new water sources for the sheep, and committed funds to collaring efforts intended to help the California Department of Fish and Game (now California Department of Fish and Wildlife [CDFW]) better understand the habits and needs of the local population. A number of additional measures were incorporated, addressing issues such as traffic, air quality, and water quality.

Geologic reconnaissance during completion of the final plans for the West Pit confirmed the projected supply of low-grade limestone, but also identified a shortage of the anticipated high-grade material needed for cement production. MCC initiated a comprehensive survey of properties near existing operations in the Burnt Flats area to identify high-grade limestone sources. In addition to relying on the traditional exploration approaches of examination of historic data and geologic inference, MCC twice conducted a two-week drilling program on the Project site, in 2009 and 2010. The first phase used a track-mounted drill to create six test holes in the centerline of the existing Forest Road 3N02. The second phase drilled eight test holes near
Forest Road 3N02. For the second phase, drilling rigs were delivered to inaccessible areas using helicopter transit. Both phases were approved through the Forest Service Plan of Operation process, and Categorical Exclusions were prepared for each phase to comply with NEPA. As part of these processes, resource protection design features were incorporated in the Plans of Operation (USDA Forest Service 2009). Analysis of samples gathered during the drilling program confirmed both quality and quantity of the high-grade limestone resource in the location of the proposed South Quarry.

MCC has identified that the most efficient and effective means to continue Cushenbury Cement Plant operations would be to combine low-grade material from the West Pit with high-grade material from the proposed South Quarry at a ratio of approximately 50/50 to meet the limestone specifications necessary to feed the Cushenbury Cement Plant. Current estimates project that the South Quarry, in combination with the West Pit, could feed the cement plant for approximately 120 years (MCC 2012).

MCC’s Cushenbury Cement Plant requires a limestone feed of approximately 2.6 million tons per year (MTPY) of a specific blend of limestone to manufacture cement. In 2004, as the existing East Pit neared its exhaustion of cement-grade limestone, the West Pit expansion was approved by the County of San Bernardino on 191 acres to the west of the existing East Pit, with approximately 217 million tons of limestone reserves. Based on subsequent limestone testing, the amount of high-grade limestone to blend with the lower grades of limestone to meet the feed requirement for the cement plant will not be adequate for the life of the mine. Based on drilling sampling conducted during 2009 and 2010, the proposed South Quarry site has estimated proven and inferred reserves of more than 200 million tons of high- to medium-grade limestone rock. This higher-grade limestone rock would be blended with lower-grade limestone excavated from the East and West Pits at a ratio of approximately 50/50 to meet the limestone specifications to feed the adjacent Cushenbury Cement Plant. Should a source of high-quality limestone not be developed near the existing cement plant, the high-quality limestone for blending would need to be mined elsewhere in the region and trucked to the plant to ensure the proper blend to manufacture cement.

In November 2010, MCC submitted a Plan of Operations and Reclamation Plan for the South Quarry to the Forest Service and to the County. A revised application was submitted in July 2011 and the Plan of Operations and Reclamation Plan was revised in January 2012 in response to Forest Service and County comments (MCC 2012). This EIR/EIS evaluates the potential environmental effects from implementing the Plan of Operations and Reclamation Plan.

1.5 Purpose and Need and Project Objectives ___________________

1.5.1 Purpose and Need – NEPA

The Council on Environmental Quality (CEQ) regulations for NEPA (40 CFR Section1502.13), require an EIS to identify the underlying purpose and need to which the lead agency is responding in proposing the alternatives, including the proposed action.
1.5.1.1 Purpose

The purpose of the action is to respond to MCC’s Plan of Operations and Reclamation Plan to mine high-grade limestone in an area where MCC has a possessory interest in unpatented mining claims.

Pursuant to U.S. Department of Agriculture regulations 36 CFR 228 Part A, MCC must conduct mining operations under a Plan of Operations approved by the Forest Service. Pursuant to Federal mining laws and Forest Service regulations, the Forest Service is required to respond to a Plan of Operations for conducting mining operations. Under 36 CFR 228.5, the Forest Service must decide whether to approve the Plan of Operations as submitted by MCC or to require changes or additions that are necessary for the Plan of Operations to meet the requirements of the regulations for environmental protection in 36 CFR 228.8. These include conducting all operations so as to, where feasible, minimize adverse environmental impacts on National Forest surface resources including:

- Compliance with Federal and State air quality standards including the requirements of the Clean Air Act, as amended (42 United States Code [USC] 1857 et seq.).
- Compliance with applicable Federal and State water quality standards, including regulations issued pursuant to the Federal Water Pollution Control Act, as amended (33 USC 1151 et seq.).
- Compliance with applicable Federal and State standards for the disposal and treatment of solid wastes.
- To the extent practicable, harmonizing operations with scenic values through such measures as the design and location of operating facilities, including roads and other means of access, vegetative screening of operations, and construction of structures and improvements which blend with the landscape.
- Taking all practicable measures to maintain and protect fisheries and wildlife habitat that may be affected by the operations.
- Constructing and maintaining all roads so as to assure adequate drainage and to minimize or, where practicable, eliminate damage to soil, water, and other resource values.
- Reclamation of the surface disturbed in operations upon exhaustion of the mineral deposit or at the earliest practicable time during operations, or within 1 year of the conclusion of operations, unless a longer time is allowed by the authorized officer.

The decision to be made is based on statutes, regulations, and policies that govern mining on National Forest System land, as follows:

- The General Mining Law of 1872 conferred a statutory right for claimants to enter upon public lands open to location, stake mining claims in pursuit of locatable minerals, and conduct mining activities in compliance with Federal and State statutes and regulations.
- The 1897 Organic Administration Act grants the Secretary of Agriculture the authority to regulate the occupancy and use of National Forest System lands. It provides the public with continuing rights to conduct mining activities under general mining laws and in compliance with rules and regulations applicable to National Forest System lands. It also
recognizes the rights of miners and prospectors to access National Forest System lands for prospecting, locating, and developing mineral resources.

- The Multiple-Use Mining Act of 1955 confirms the ability to conduct mining activities on public lands, locate necessary facilities, and conduct reasonable and incidental uses to mining on public lands, including National Forest System lands.

- The Multiple-Use Sustained-Yield Act of 1960 requires that National Forest System lands be administered in a manner that includes consideration of relative values of various resources as part of management decisions. Furthermore, it specifies that nothing in the act be construed to affect the use of mineral resources on National Forest System lands.

- The 1970 Mining and Minerals Policy Act established the Federal Government’s policy for mineral development “to foster and encourage private enterprise in the development of economically sound and stable industries and in the orderly development of domestic resources to help assure satisfaction of industrial, security, and environmental needs.”

Forest Service mining regulations at 36 CFR 228 Subpart A provide direction on the administration of locatable mineral operations on National Forest System lands.

With regard to mining, the San Bernardino National Forest Land Management Plan (LMP) (USDA Forest Service 2006) provides the following direction:

- “Emphasize processing and administration of exploration and development proposals and operations while providing adequate protection of surface resources, wildlife habitat, scenery and recreation settings. (ME 1 – Minerals Management)

- Permits, leases, and Plans of Operation will require that adverse environmental effects are minimized, or mitigated, and that mined lands are reclaimed in a timely manner to regain surface production and use. Reasonable access for approved mineral operations will be allowed. The emphasis will be consistent with the requirements of the Carbonate Habitat Management Strategy to sustain mineral production by providing refugia for resource protection. (ME 1 - Minerals Management and Lands 4 – Mineral Withdrawals)

- Staff expect to increase the carbonate plant habitat reserve by approximately 2,600 acres through land acquisition or exchange, allowing for future mining in other areas” (Lands 1 – Land Ownership Adjustment)

The Project is located in the Desert Rim Place. The LMP’s Desired Condition for the Desert Rim Place is “maintained as a modified to natural appearing landscape that functions as a sanctuary for a large number of federally-listed native plants and a highly valued area for limestone production.” (USDA Forest Service 2006).

1.5.1.2 Need

The Forest Service is preparing this EIR/EIS in accordance with its statutory obligation to respond to MCC’s Plan of Operations in a timely manner. The Forest Service need for action is the regulatory obligation under the mining laws of the United States to respond to a proposed Plan of Operations. It should be noted that the Plan of Operations is inconsistent with the LMP scenery objectives for the Desert Rim Place. A project-specific amendment to the LMP would be
needed should the Plan of Operations or another action alternative be selected (see Section 2.3.2.1 for a description of the project-specific LMP Amendment).

1.5.2 Project Objectives – CEQA

In accordance with Section 15124 of the State CEQA Guidelines, an EIR must present a statement of objectives sought by the proposed project. A description of the project’s objectives defines the project’s intent and facilitates the formation of project alternatives. In addition to the purpose and need of the Project described above, MCC identified the following objectives for the Project in the Plan of Operations and Reclamation Plan:

- To develop a high-grade limestone resource to blend with the existing East and approved West Pits’ limestone to supply the required feed specifications for the adjacent existing Cushenbury Cement Plant for an extended period;
- To supply cement for construction and other uses in an efficient and environmentally sound manner;
- To continue to realize the economic value from the investment made in the existing Cushenbury mine and cement plant and the limestone resource at the Project site;
- To avoid logistical and environmental costs associated with non-contiguous operations;
- To meet the Forest Service regulations to cause no undue and unnecessary degradation;
- To meet the State and County Surface Mining and Reclamation Act (SMARA) requirements;
- To be consistent with the intent of the SBNF’s CHMS in order to provide long-term protection for the rare carbonate endemic plants through contribution of lands to the Carbonate Habitat Reserve;
- To minimize impacts to rare plants and wildlife, such as the Cushenbury herd of Nelson’s bighorn sheep, through quarry design and offsite mitigation;
- To reclaim the site for post-mining uses, which will include open space and wildlife habitat;
- To contour mining features and revegetate disturbed areas to minimize aesthetic and erosion impacts; and
- To reclaim and maintain the site as necessary to eliminate hazards to public safety.

1.6 Decision Framework

Given the purpose and need and Project objectives, the Lead Agencies will review the proposed action, the alternatives, and the environmental consequences to make certain decisions regarding the Project. These decisions are described below.

1.6.1 Forest Service Decision To Be Made

The Forest Service has the authority to regulate surface uses associated with mining activities, but not the authority to deny the proponent’s right to mine valid claims on National Forest System lands. The Forest Service Responsible Official will decide whether to approve the Plan.
of Operations as submitted following the environmental analysis. The Responsible Official will also decide whether to approve a project-specific Amendment to the San Bernardino National Forest LMP for a reduction in the Scenic Integrity Objectives for the Project area in the Desert Rim Place.

1.6.2 County of San Bernardino Decision To Be Made

San Bernardino County will decide whether to approve or deny the proposed Reclamation Plan under SMARA. The Project will also require a minor revision to the Cushenbury Cement Mine and Reclamation Plan (2004M-001) to include the northern extension of the proposed South Quarry haul road into the East Pit. If the decision is made to approve the proposed Project, this decision would include certifying the EIR and adoption of the findings and Statement of Overriding Considerations.

1.6.3 Other Required Processes, Coordination, and Permits

On April 14, 2014 the Forest Service filed an application with the U.S. Department of the Interior, Bureau of Land Management (BLM) requesting that the Secretary of the Interior withdraw, for 20 years, subject to valid existing rights, approximately 4,203 acres of land in the SBNF from location and entry under U.S. mining laws to maintain and conserve habitat for four federally-listed as threatened or endangered plant species (Cushenbury buckwheat, Cushenbury milk-vetch, Cushenbury oxytheca, and Parish’s daisy). Approximately 540.4 acres of land has been identified to offset species and habitat losses specifically associated with this Project. The minerals withdrawal is a separate regulatory process requiring its own NEPA document.

Other permits, processes, and coordination required from other public agencies include:

- USFWS – Section 7 Consultation with Forest Service through the Carbonate Habitat Management Strategy Plan
- CDFW – 1602 Streambed Alteration Agreement

1.7 Public Involvement

Input was requested from the public, interested groups, and agencies during the scoping period for the EIR/EIS. Using the input received during the scoping process, a list of issues to address in the EIR/EIS was developed. This section summarizes that process.

1.7.1 Summary of Scoping

A Scoping Report has been prepared for this Project, which is provided in Appendix A-1 and summarized below.

1.7.1.1 Notice of Intent

The Forest Service published a Notice of Intent (NOI) to prepare a joint EIR/EIS on February 22, 2012 in the Federal Register Volume 77, Number 35(Appendix A). The NOI was also published as a legal notice in the San Bernardino County Sun on March 5, 2012 (Appendix A). Publication of the NOI in the Federal Register began a 44-day comment period that ended April 6, 2012.
1.7.1.2 Notice of Preparation

The County of San Bernardino Land Use Services Department published a Notice of Preparation (NOP) to prepare a joint EIR/EIS on March 5, 2012 in the daily publications of the San Bernardino County Sun and the Victorville Daily Press (Appendix A-1). The NOP was also published on March 7, 2012 in the weekly editions of the Big Bear Grizzly and the Lucerne Valley Leader (Appendix A-1). The NOP was also sent to the State Clearinghouse and a mailing list of 97 addresses of agencies, organizations, and interested parties.

1.7.1.3 Public Scoping Meetings

Two public scoping meetings were held to inform the public about the Project. Both meetings were held in an open house format with stations for various aspects of the Project: Plan of Operations, CEQA/NEPA processes, biological resources (including bighorn sheep and plants), visual resources, and documents. Attendees had a chance to talk to specialists, ask questions, review documents, and provide comments.

The first public scoping meeting was held on Tuesday, March 13, 2012 at the Lucerne Valley Community Center located at 33187 Old Woman Springs Road in Lucerne Valley, CA. Seven attendees were documented by signing in on a voluntary sign-in sheet at the Lucerne Valley Community Center scoping meeting. A second public scoping meeting was held on Tuesday March 20, 2012 at the Big Bear Discovery Center located at 40971 North Shore Drive (Highway 38), Fawnskin, CA. Eighteen attendees were documented by signing in on a voluntary sign-in sheet at the Big Bear Discovery Center scoping meeting.

1.7.1.4 Written Comments

Eleven comment letters were received within the comment period ending on April 6, 2012 (Table 1-1). Three comment letters were received after April 6, 2012. Copies of comment letters and a summary of issues identified in these comment letters are provided in Appendix A.

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1.7.2 Issues and Areas of Controversy

Issues and areas of controversy that have been identified through the scoping process include the potential for adverse effects to air quality, biological resources, cultural/heritage resources, geology and soils, greenhouse gas emissions/climate change, hazards and hazardous materials, mineral resources, noise/vibration, recreation, scenery resources, traffic, and water resources. Specific issues related to these categories are detailed in Appendix A-1.

1.7.3 Scope of the EIR/EIS

The lead agencies have determined that this Project could result in significant environmental impacts and/or have a significant impact on the quality of the human environment. As such, preparation of a joint EIR/EIS is appropriate. A CEQA Initial Study was prepared for the proposed Project (Appendix A-2).

Based on the evaluation of potential Project effects during scoping, the following environmental resources will be evaluated in this EIR/EIS:

- Air Quality
- Biological Resources
- Cultural/Heritage Resources
- Geology, Soils, and Mineral Resources
- Greenhouse Gases
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Recreation
- Scenery Resources

1.8 Commenting on the Draft EIR/EIS

Comments on this Project are welcome at any time during the environmental review process. However, to ensure that comments will be addressed in the Final EIR/EIS, the comments on the Draft EIR/EIS must be received by February 1, 2017. The Forest Service project-level predecisional review process (36 CFR 218.25) outlines the requirements for providing comments to the Forest Service. Only those who submit timely project-specific written comments during a public comment period are eligible to file an objection within 45 days following the publication date of the legal notice of the final EIS. Individuals or representatives of an entity submitting comments must sign the comments or verify identity upon request. It is the commenter’s responsibility to ensure timely receipt of comments (36 CFR 215.25). Comments and names of commenter will be part of the public record and subject to the Freedom of Information Act.

This project is subject to comment and predecisional administrative review pursuant to Forest Service Regulations at 36 CFR 218 and appeal under 36 CFR 214. Only those who submit timely project-specific written comments during a public comment period are eligible to file an objection during the objection filing period. Individuals or representatives of an entity submitting comments must sign the comments or verify identity upon request. Comments on this proposal will be accepted for 45 days following publication of the legal notice in the San Bernardino County Sun, which is the exclusive means for calculating the comment period. It is the commenter’s responsibility to ensure timely receipt of comments.

The proposed action also includes a project-specific Forest Plan amendment to reduce the Scenic Integrity Objectives in the project area. The review process referenced above, not the review process for Forest Plans, applies to this amendment (36 CFR 219).
Send written comments to San Bernardino National Forest, Mitsubishi Cement Corporation South Quarry Project, c/o Anne Surdzial, ECORP Consulting, Inc. 215 N. 5th Street, Redlands, CA 92374. Comments may also be sent via e-mail to asurdzial@ecorpconsulting.com (please put “Mitsubishi Cement Corporation South Quarry Project” in the subject line), or via facsimile to (909) 307-0056.

The County of San Bernardino will consider the Project at a Planning Commission hearing and potentially a Board of Supervisors hearing. Both meetings will be open to the public. The specific date(s), time(s), and location(s) for these hearings will be announced in a public notice prior to the hearings.
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