

## CHAPTER 1 PURPOSE AND NEED

### 1.1 Introduction

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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

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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. Appendix L provides copies of the comment letters received on the Draft EIR/EIS and the responses to those comments.

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**

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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).

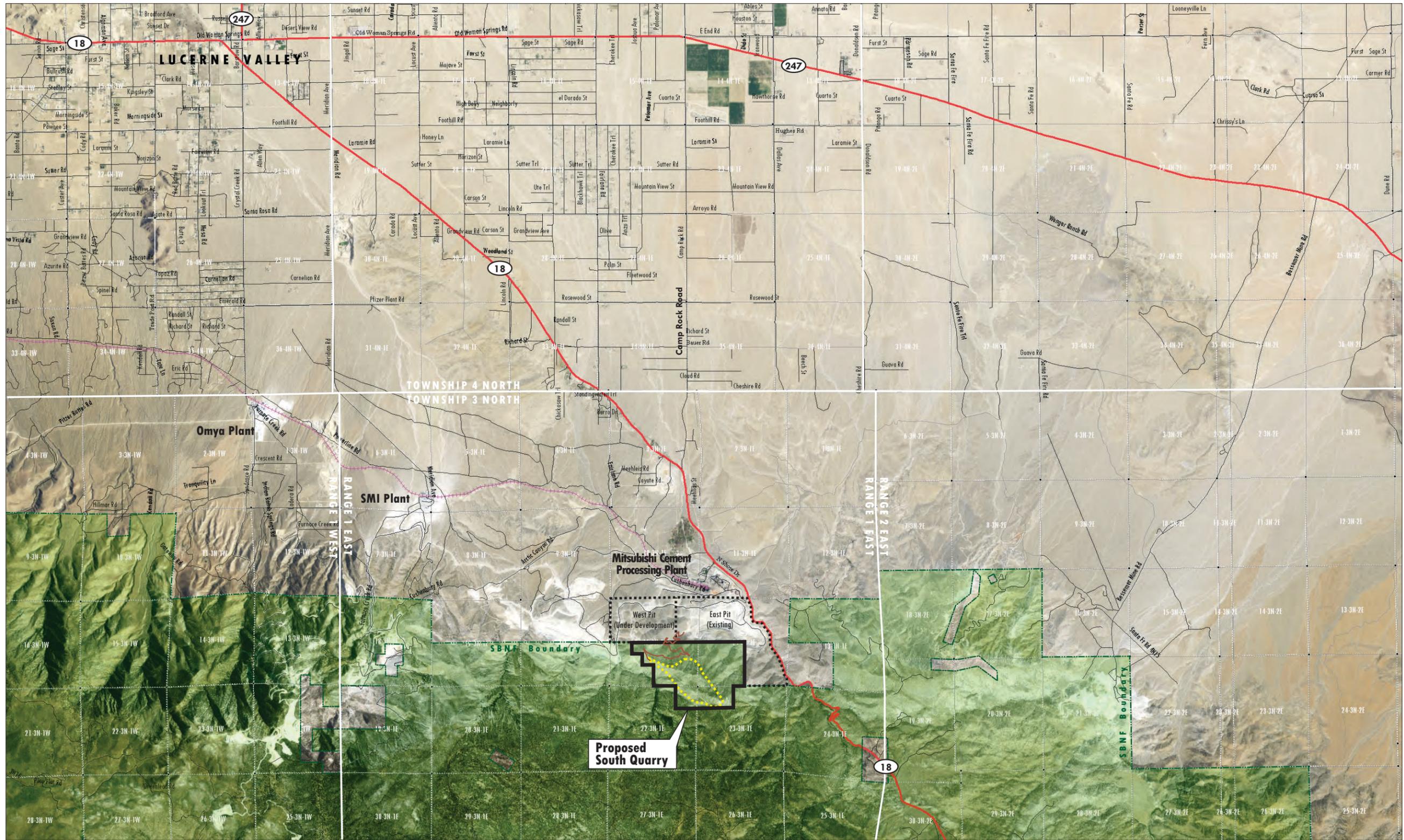


Location: N:\2012\2012-017 Mitsubishi Cement Corporation South Quarry\MAPS\Site\_Vicinity\MCCSouthQuarry\_Vicinity.mxd, 9/6/2013  
 Map Date: 9/6/2013  
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**Figure 1-1 Regional Location**

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Location: N:\2012\2012-017 Mitsubishi Cement South Quarry\MAPS\Borders\MCCSouthQuarry\_ProjectVicinity.mxd, O:\aguirre, 9/5/2013



Map Date: 11/25/2015  
Source: Lilburn Corporation

Figure 1-2 Project Vicinity

2012-017 Mitsubishi Cement Corporation South Quarry Project

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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

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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 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**

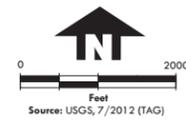
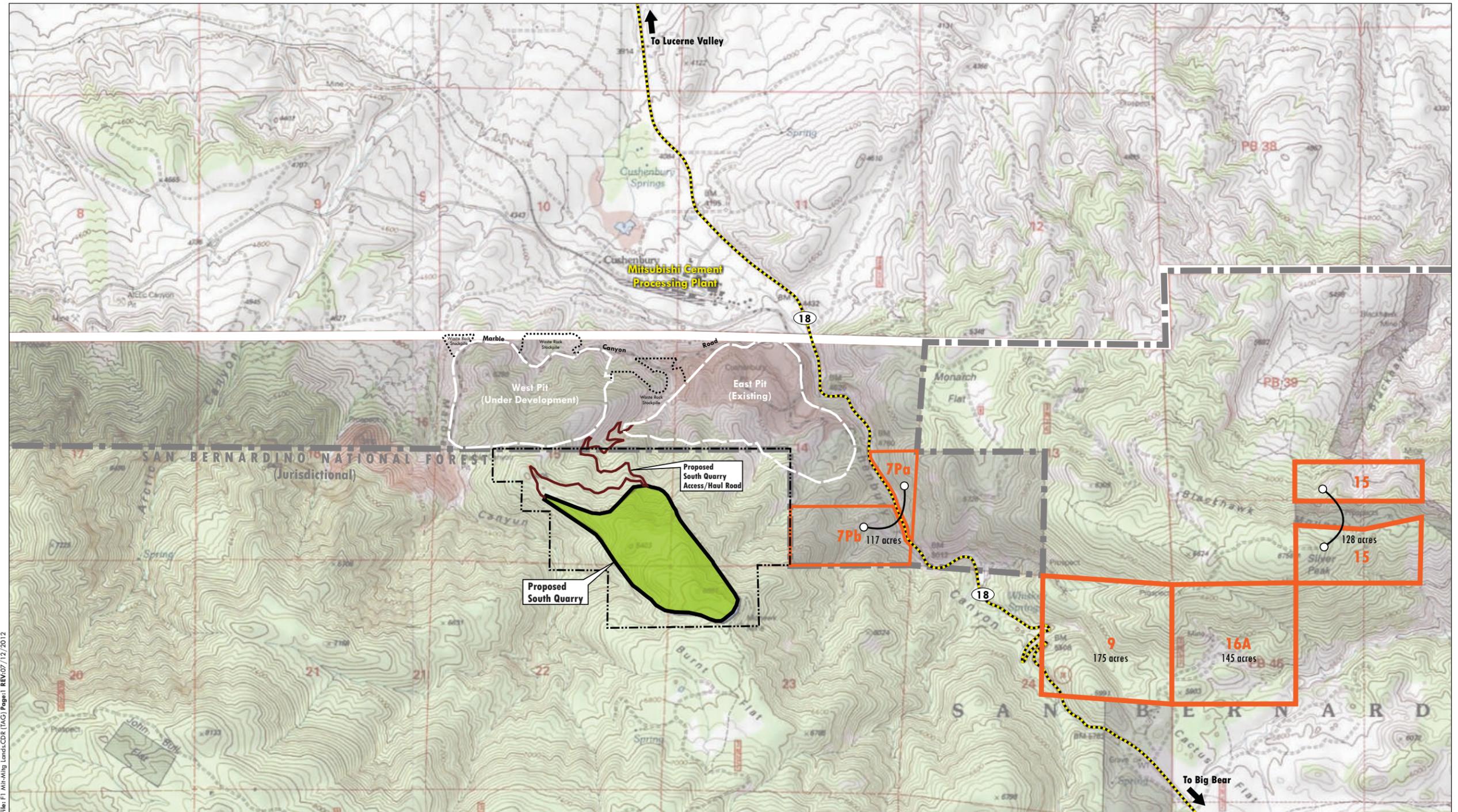
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### **1.5.1 Purpose and Need – NEPA**

The Council on Environmental Quality (CEQ) regulations for NEPA (40 CFR Section 1502.13), 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.

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File: F1 Mit-Mitg Lands.CDR (TAG) Page: 1 REV: 07/12/2012



- LEGEND**
-  Proposed Carbonate Plant Mitigation Lands
  -  Proposed South Quarry Project Site
  -  Proposed South Quarry Claim Boundary
  -  U.S.G.S. Section
  -  Patented or Private Land

Map Date: 6/7/2016  
Source: Lilburn Corporation

**Figure 1-3 Proposed Mitigation Land**  
2012-017 Mitsubishi Cement Corporation South Quarry Project

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### 1.5.1.1 Purpose

The purpose of the action is to respond to MCC's Plan of Operations 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

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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). After further deliberation of the proposed withdrawal boundary, the Forest Service revised the area of its proposed withdrawal request, reducing the area to approximately 3,055 acres of land in the SBNF from location and entry under U.S. mining laws. Approximately 540.4 acres of that 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. An environmental assessment for the requested withdrawal was completed pursuant to NEPA in September 2018 and was transmitted to the BLM in October 2018.

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**

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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* 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 Scoping 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.

**Table 1-1**  
**List of Scoping Comment Letters**

Letter Number	Sender	Date Received
1	County of San Bernardino Department of Public Works	3/6/2012
2	Mojave Desert Air Quality Management District	3/7/2012
3	Roger Peterson	3/13/2012
4	Ron, JoAnne, Lauren, and John Thompson	3/20/2012
5	Center for Biological Diversity	3/23/2012
6	California Department of Fish and Game - Jeff Brandt	3/29/2012
7	Danny Bogner	4/1/2012
8	California Department of Fish and Game - Jeff Villepique	4/6/2012
9	California Native Plant Society	4/6/2012

Letter Number	Sender	Date Received
10	Linda Quiroz	4/6/2012
11	Lucerne Valley Economic Development Association (LVEDA)	4/6/2012
12	South Coast Air Quality Management District	4/10/2012
13	Friends of Fawnskin	4/15/2012
14	United States Environmental Protection Agency Region IX	5/14/2012

### 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:

<ul style="list-style-type: none"> <li>• Air Quality</li> <li>• Biological Resources</li> <li>• Cultural/Heritage Resources</li> <li>• Geology, Soils, and Mineral Resources</li> <li>• Greenhouse Gases</li> </ul>	<ul style="list-style-type: none"> <li>• Hazards and Hazardous Materials</li> <li>• Hydrology and Water Quality</li> <li>• Noise</li> <li>• Recreation</li> <li>• Scenery Resources</li> </ul>
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### 1.7.4 Summary of Draft EIR/EIS Comments

The Notice of Availability (NOA) for the Draft EIR/EIS was filed at the San Bernardino County Clerk and California State Clearinghouse on December 15, 2016, and published in the San Bernardino County *Sun* on December 19, 2016, reflecting a February 1, 2017 end period for the public comment period. The NOA was published in the *Federal Register* on December 30, 2017, which extended the public comment period to February 13, 2017. A corrected NOA was published in the San Bernardino County *Sun* on January 11, 2017 notifying the public of the extended comment period. A list of public agencies, organizations, and individuals that provided comments on the Draft EIR/EIS during the public comment period is provided in Table 1-2. Nineteen comment letters were received during the public comment period. Four comment letters were received after the public comment period had closed; these letters are listed in Table 1-3. Copies of these letters and the responses to the comments provided in the letters received during the public comment period are provided in Appendix L.

**Table 1-2**  
**List of Comment Letters Received During the Comment Period**

<b>Letter Number</b>	<b>Sender</b>	<b>Date Received</b>
1	Teresa Pickard	12/21/2016
2	Johnny Kaczmarek	01/05/2017
3	Ronald Chapman	01/06/2017
4	Kaiser Retirees Benefit Trust/Cushenbury Mine Trust	01/09/2017
5	Center for Biological Diversity	01/10/2017
6	Department of Conservation/Division of Mine Reclamation	01/12/2017
7	Department of Toxic Substances Control	01/26/2017
8	Tim Gledich	01/28/2017
9	Golden State Environmental Justice Analysis	01/30/2017
10	CALFIRE	01/31/2017
11	Governor's Office of Planning and Research	01/31/2017
12	City of Big Bear Lake	02/01/2017
13	San Bernardino County Department of Public Works	02/01/2017
14	Mojave Desert Air Quality Management District	02/03/2017
15	Lucerne Valley Economic Development Association (LVEDA)	02/07/2017
16	Center for Biological Diversity/California Native Plant Society	02/13/2017
17	United States Environmental Protection Agency	02/13/2017
18	California Department of Fish and Wildlife	02/13/2017
19	Sandice Alaska	02/13/2017

**Table 1-3.**  
**List of Comment Letters Received After the Close of the Comment Period**

<b>Letter Number</b>	<b>Sender</b>	<b>Date Received</b>
20	Sandice Alaska	02/14/2017
21	Col. Paul Cook	02/14/2017
22	Jay Obernolte	02/16/2017
23	Caltrans	03/08/2017

## 1.8 Summary of Changes to Final EIR/EIS Based on Comments to Draft EIR/EIS

Several minor changes have been made to this Final EIR/EIS in response to comments received on the Draft EIR/EIS. These changes are summarized in Table 1-4.

**Table 1-4**  
**Summary of Changes to EIR/EIS**

<b>Location In Final EIR/EIS</b>	<b>Summary of Change</b>
Summary Section, Contact Information	The contact information for the Forest Service process has been updated.
Section S.2.1	Additional information on the process for the project-specific Forest Plan Amendment has been added.
Section S.4, Table S-2	The table has been updated to reflect the changes in the Final EIR/EIS.
Section 1.2	The description of the appendices has been modified to state that Appendix L provides copies of the comment letters and comment responses.
Section 1.6	The date of the completion of the Environmental Assessment for minerals withdrawal was added.
Section 1.7.1.4	Subsection title has been revised to indicate that this section refers to written scoping comments.
Section 1.7.4	Section has been added to provide a summary of the Draft EIR/EIS comment period as well as comments received on the Draft EIR/EIS.
Section 1.8	Section has been revised to remove information on how to comment on the Draft EIR/EIS and add information on changes to the Final EIR/EIS based on comments on the Draft EIR/EIS.
Section 2.3.2.1	A reference to additional analysis in Section 3.11 related to the proposed Land Management Plan amendment has been added.
Section 2.3.2.13	Design Feature/Mitigation Measure AIR-2 has been modified to clarify the type and frequency of application for dust control methods.
Section 2.3.2.13	A typographic error in the numbering of the subsections of Design Feature/Mitigation Measure GEN-1 was corrected.
Section 2.3.2.13	Design Feature/Mitigation Measure GEN-1(d) has been revised to include rock staining for scenic mitigation.
Section 2.3.2.13	Design Feature/Mitigation Measure GEN-1(k) has been revised to clarify the timing of the Streambed Alteration Agreement (prior to the issuance of a grading permit). Additionally, options for mitigation for impacts to waters of the State have been clarified.
Section 2.3.2.13	Design Feature/Mitigation Measure GEN-4 has been revised to require coordination with CDFW and Forest Service biologists regarding the angled pathways and interlacing reclaimed benches to facilitate the movement of bighorn sheep and other wildlife through the quarries.
Section 2.3.2.13	Design Feature/Mitigation Measure GEN-5 has been revised to require a study to analyze the efficacy of long-term mammal usage of the haul road.
Section 2.3.2.13	Design Feature/Mitigation Measure GEN-11 has been modified to clarify the mine employee training, visual inspection procedures, and general blasting procedures.

Location In Final EIR/EIS	Summary of Change
Section 2.3.2.13	Design Feature/Mitigation Measure GEN-13 has been modified to correct a typographic error.
Section 2.3.2.13	Design Feature/Mitigation Measure GEN-15 has been added related to regular reviews of monitoring and reporting requirements.
Section 2.3.2.13	Design Feature/Mitigation Measure BHS-6 has been revised to remove the reference to Figure 3.3-1.
Section 2.3.2.13	Design Feature/Mitigation Measure BHS-7 has been revised to clarify the entity that will manage the North Slope Bighorn Sheep Conservation Fund.
Section 2.3.2.13	Design Feature/Mitigation Measure BHS-9 has been added to clarify training of mine employees for blasting procedures.
Section 2.3.2.13	Design Feature/Mitigation Measure BHS-10 has been added to require work boot contamination training for all quarry workers.
Section 2. 3.4	Additional information regarding the alternative sites for high grade limestone that could be used after year 40 has been added, including Table 2.3-3A and Figure 2.3-12 through 2.3-15.
Section 2.4	Additional information regarding the Forest Service’s preferred alternative was added.
Section 2.6.7	This section has been revised to clarify that three off-site alternatives for high grade limestone were evaluated in Alternative 2- Partial Implementation and Alternative 3 – No Action/No Project. The revision also clarifies why additional off-site locations were not evaluated, including other mines on Desert Rim Place.
Section 3.1	Text was added to the summary descriptions of Alternative 2 – Partial Implementation and Alternative 3 – No Action/No Project to indicate that three alternative locations for off-site sources of high-grade limestone have been identified.
Section 3.2.4.2 and 3.2.4.3	Design Feature/Mitigation Measure AIR-2 has been modified to clarify the type and frequency of application for dust control methods.
Sections 3.2.5.3 and 3.2.5.4	Information has been added regarding the potential emissions from traveling to off-site sources of high grade limestone.
Section 3.3.4.2	Figure 3.3-5 has been added to show the proposed shift in the boundary line between the Furnace and Helendale Units of the Carbonate Habitat Management Area.
Section 3.3.4.2	Text has been added to reflect the addition of Design Features/Mitigation Measures BHS-9 and BHS-10. Changes have been made to GEN-1(d), GEN-1(k), GEN-4, GEN-5 GEN-11, BHS-7, and AIR-2 to be consistent with the changes made to Section 2.3.2.13.
Sections 3.3.4.3, 3.3.4.4, 3.4.4.3, 3.4.4.4, 3.5.4.3, 3.5.4.4, 3.7.4.3, 3.7.4.4, 3.8.4.3, 3.8.4.4, 3.10.4.3, 3.10.4.4, 3.11.4.3, and 3.11.4.4	Text has been added to clarify the location of and effects from using off-site limestone resources.
Section 3.6.2	A discussion of the following policies and commitments has been added to this section: Executive Order B-30-15, Senate Bill 32, Paris Agreement, and California’s Cap and Trade program and Low Carbon Fuel Standard.

Location In Final EIR/EIS	Summary of Change
Section 3.6.4.2	Additional information on the applicability of the County's <i>Greenhouse Gas Reduction Plan</i> to evaluating the Project's effects on the environment has been added.
Section 3.8.3	The description of Jurisdictional Waters has been modified to clarify the amount of CDFW and potential RWQCB jurisdiction that is present in the Project footprint.
Section 3.8.4.2	The text has been revised to reflect the revised amount of CDFW jurisdiction that would be affected by the Project as documented in a supplemental Jurisdictional Delineation conducted for the Project.
Section 3.8.4.2	The text was revised to reflect that an Industrial SWPPP is not required for the Project. The text was also revised to remove the Mojave Water Agency as the agency that manages waste discharge requirements for the Project.
Section 3.8.4.2	The text was revised to reflect that the South Quarry Project would result in a net increase in water demand of 56.6 af/yr and that the net increase in water demand associated with the South Quarry Project combined with the West Pit water demand would lead to a cumulative increase in water demand of 101.3 af/yr.
Section 3.11.3.3	The Pacific Crest Trail has been added to Figure 3.11-1.
Sections 3.11.4.2 and 3.11.4.3	An analysis of the proposed Land Management Plan amendment as it relates to the substantive requirements of 36 CFR 219.8 to 219.11 has been added.
Section 3.11.4.2, Cumulative Impacts	The typographic error that referenced Section 3.1.2 instead of Section 3.1.3 has been corrected.
Section 4.1.3	The text has been revised to reflect that the habitat removal from mining is an irretrievable commitment of resources.
Section 4.2.1	Additional information on the potential growth-inducing impacts of Alternative 1 and Alternative 2 has been added to this section.
Chapter 6	Acronyms, abbreviations, and references were added.
Chapter 7	The Index has been updated.
Appendix B-2	Additional air quality/greenhouse gas information has been added to the Final EIR/EIS as Appendix B-2.
Appendix B-3	Further additional air quality information has been added to the Final EIR/EIS as Appendix B-3.
Appendix C, Table 21	Threat Level 1 was indicated for domestic sheep and goats, to correct a typographic error.
Appendix D-2	Updated jurisdictional delineation information has been added to the Final EIR/EIS as Appendix D-2.
Appendix L	Appendix L – Comment Letters and Responses to Comments has been added to the Final EIR/EIS.
Appendix M	Appendix M - Mitigation Monitoring and Reporting Program has been added to the Final EIR/EIS.
Appendix N	Appendix N – Material Safety Data Sheets for Chemical Dust Suppressants has been added to the Final EIR/EIS.

In responding to comments from agencies, organizations, and the general public, information has been added to clarify and expand upon the impact discussions in the Draft EIR/EIS. In response to several comments, some mitigation measures have been refined or adjusted for clarity (AIR-2, GEN-1, GEN-4, GEN-5, GEN-11, GEN-13, BHS-6, BHS-7) and three Design

Feature/Mitigation Measures (GEN-15, BHS-9, BHS-10) have been added. Because this new information was added to the EIR/EIS prior to certification, the County considered the potential to recirculate the EIR/EIS.

Section 15088.5 of the CEQA Guidelines provides the criteria for recirculation of an EIR prior to certification. A Lead Agency must recirculate an EIR when significant new information is added to an EIR after public notice is given of the availability of the Draft EIR for public review, but before circulation. New information is not “significant” just because it is new. Section 15088.5 defines “significant new information” as information showing that:

- 1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- 2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- 3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required where the new information added to the EIR merely clarifies or makes insignificant modifications in an adequate EIR.

The additional analysis and information provided in the Final EIR/EIS, including but not limited to Appendix L, does not meet any of the above criteria for recirculation. The responses to comments provide information that supplements and elaborates on the analysis in the Draft EIR/EIS. However, this new analysis did not reveal any new significant environmental impacts or a substantial increase in the severity of any previously identified environmental impact. Additionally, no project alternatives or mitigation measures that were considerably different from those previously analyzed in the Draft EIR/EIS, and that would also clearly lessen the Proposed Project’s environmental impacts, were proposed in the comments. Further, although no new mitigation measures have been added, report preparers have considered suggested input regarding mitigation measures and made adjustments or refinements where needed to improve the effectiveness of previously proposed measures. Therefore, all of the revisions to the Draft EIR/EIS, including the comment responses, merely provide clarification and does not add “new significant information” as defined in CEQA Guidelines Section 15088.5. Therefore, recirculation is not required under CEQA.

A supplement to the Draft EIR/EIS is also not required under NEPA. (40 C.F.R. § 1502.9(c).) None of the comments resulted in a substantial change to the proposed action. Although some of the Design Features/Mitigation Measures have been modified, some new Design Features/Mitigation Measures were added, and some additional analysis was provided, these modifications and additions were clarifications and supplemental protections that do not represent substantial changes that are relevant to environmental concerns. There were no significant new circumstances or information provided in the comments on the Draft EIR/EIS. The responses to comments and minor changes in the Final EIR/EIS represent clarifications to the analysis and do not warrant publication of a supplemental EIR/EIS. Therefore, a supplement to the Draft EIR/EIS is not required under NEPA.

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