

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT**

**Sentinel Quarry Expansion
ENVIRONMENTAL ASSESSMENT**



San Bernardino National Forest, Mountain Top Ranger District
San Bernardino County, California

February 2002

Lead Agency:	USDA Forest Service
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ENVIRONMENTAL

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**DECISION NOTICE
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Sentinel Quarry Expansion

USDA Forest Service
San Bernardino National Forest
Mountain Top Ranger District
Fawnskin, California

I. DECISION

After carefully considering the analysis documented in the EA, comments provided by interested people, other agencies, and various groups, discussions with the Interdisciplinary Team (ID Team) and field trips, **I have selected Alternative 1** in the Environmental Analysis titled "...OMYA (CALIFORNIA) SENTINEL QUARRY EXPANSION PROPOSAL" that allows the present quarry to expand with adequate avoidance/minimization and environmental measures. This Decision Notice documents my decision and meets the purpose and need for action involving the Sentinel Quarry, a quarry under an existing Plan of Operation, mining locatable high-grade limestone since the 1970s.

II REASONS FOR THE DECISION:

The proposed action includes mining south of the existing pit 7.7 acres of valuable locatable lime rock. Any overburden or waste rock derived from this area will be back filled (stored) within the mined out quarry and on 24.4 acres of National Forest System (NFS) land on non-carbonate granitic bedrock, not suitable for threatened and endangered (T&E) plant species to grow. The waste is non-toxic essentially low-grade limestone, which may create suitable habitat for T&E plant species to grow. The primary crusher within the present quarry, now causing crusher fines migration into adjoining private property will be moved away to a new location.

The proposal is described in the Environmental Assessment for proposal to expand OMYA (California) Sentinel Quarry Expansion (EA, Proposed Action, pages I-1 through I-2). The project area is located in Township 3 North, Range 1 West, Sections 24, and 25, San Bernardino Base Meridian (SBM). The San Bernardino National Forest Plan provides management direction for the area, which I have considered in arriving at the decision for this project. The proposed action includes no new construction of haul or access roads nor would it change the prescribed management for the area as described in the SBNF Land and Resource Management Plan as prescribed under the National Forest Management Act of 1976.

The proposal is made under the authority of the United States mining laws (30 U.S.C. §21-54),

which confer a statutory right to enter upon the National Forest System lands to search for minerals. The 1897 Organic Act authorized the Secretary of Interior (now, the Secretary of Agriculture) to manage the forest reserves and to regulate mining activities 16 U.S.C. §479. The 1955 Surface Resource Act, also known as the Multiple Use Mining Act and Public Law §167, (30 U.S.C. 612) gave additional authority to the Forest Service to regulate these activities. The proposal also complies with the Endangered Species Act of 1973, 16 U.S.C. §§1531-1543(1988).

The Forest Service has the responsibility to make sure activities are conducted so as to minimize adverse environmental impacts on National Forest System surface resources (Title 36 Code of Federal Regulations (CFR 228, Subpart A)) and that the activities are reasonably incidental to the stage of the mining operations.

Issues were considered by sending several interested agencies, organizations, and individuals requesting comments on the proposed action. An inter-disciplinary team was formed to analyze the response and make an informed recommendation with the best possible information available.

This Decision Notice summarizes analyses leading to my decision. More information that is detailed is in the EA and project file located at the Mountain Top Ranger District office. This document will incorporate portions of, and make specific references to, the Decision Memo dated November 11, 1988 and the Sentinel Quarry Expansion Proposal EA of December 2001 in order to avoid duplication and reduce paperwork.

The effects analyses, comments from the public and other agencies, and field reviews have provided the information I need to make an informed decision. This Decision Notice documents my decision, associated rationale, and related findings. I have included maps to illustrate the general regional locality map, vicinity map and a project area map labeled Figures 1, 2, and 3 as follows:

Figure 2. Vicinity Map

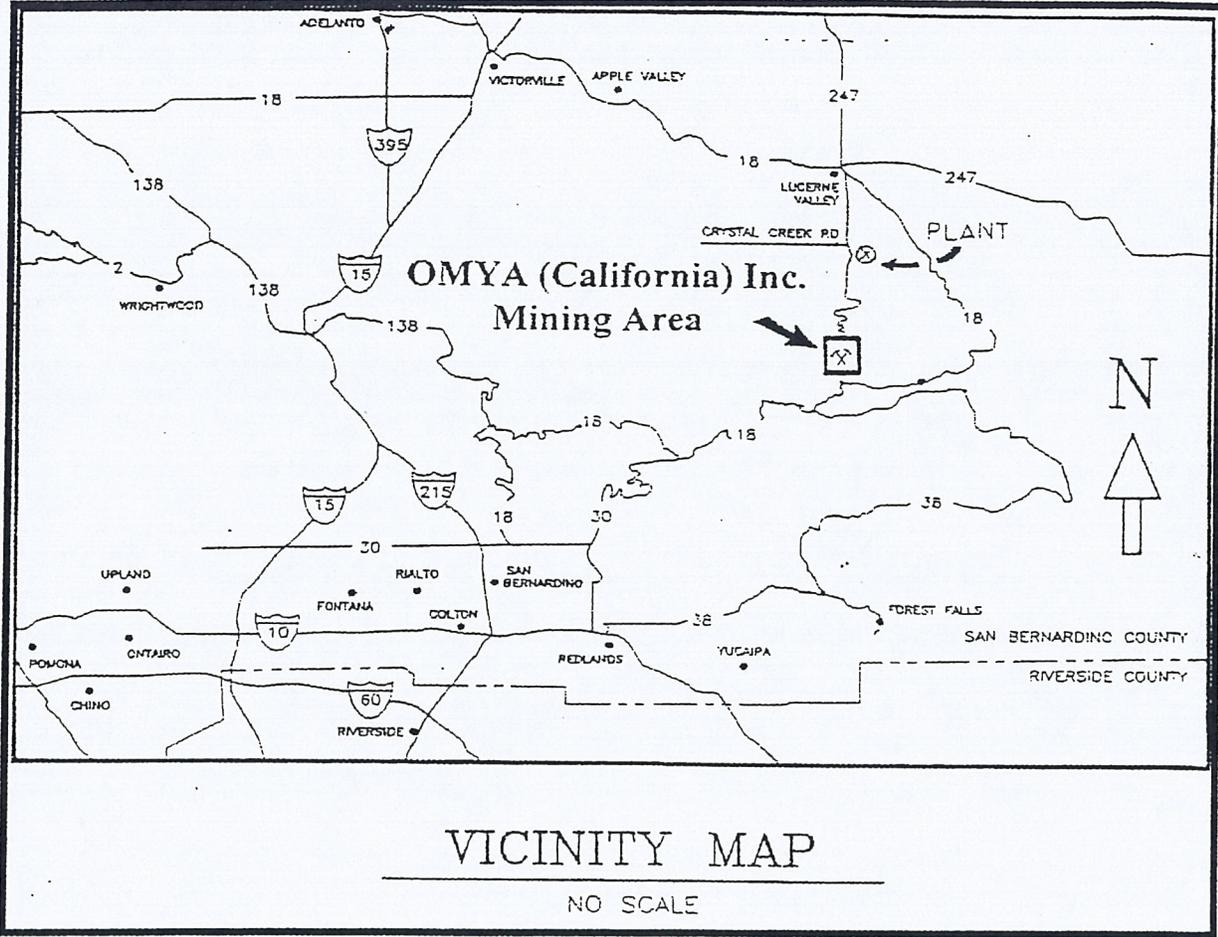
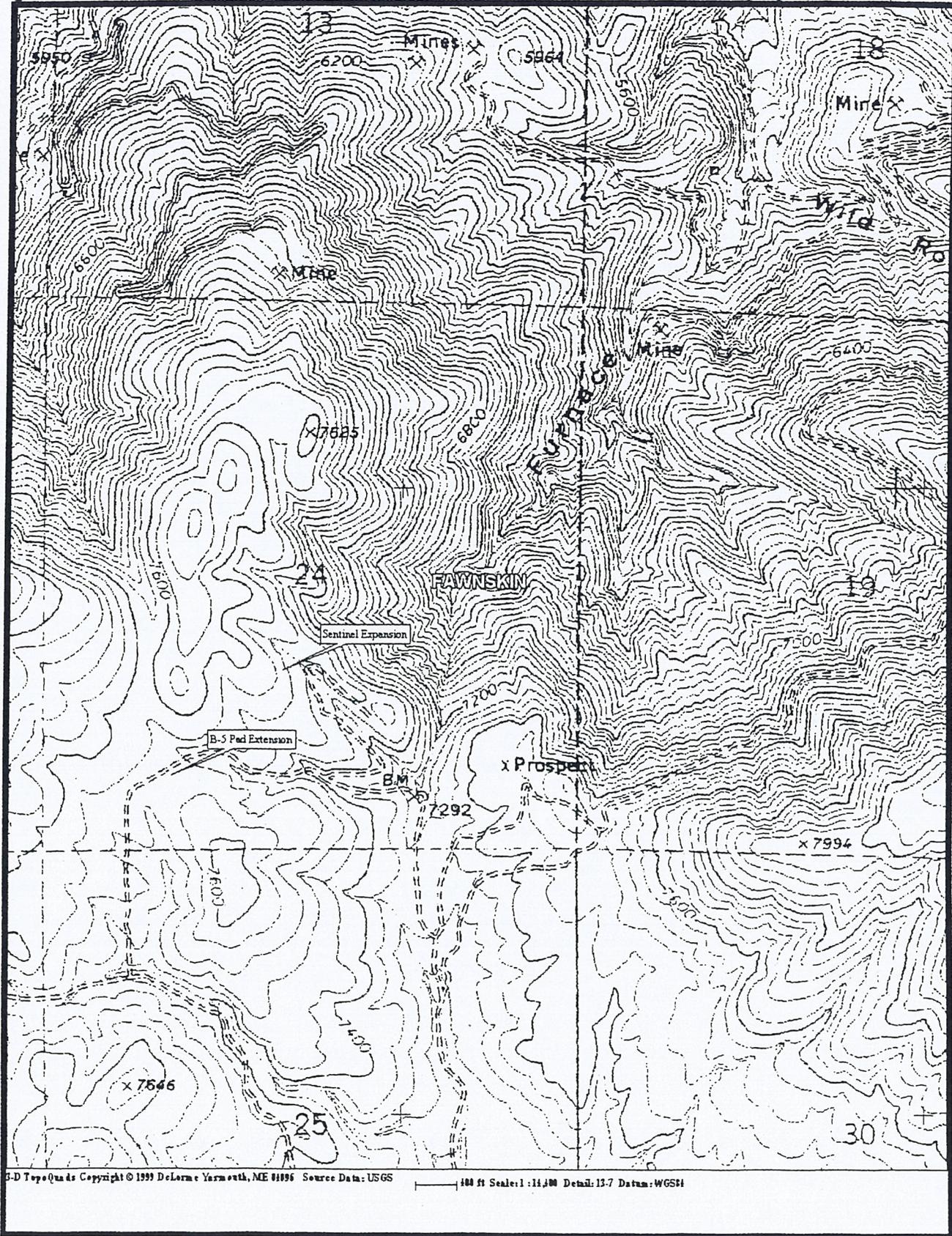


Figure 3: Project Area (U.S. Geological Survey, Fawnskin 7.5-minute topographic map)



III ALTERNATIVES CONSIDERED

I have selected **Alternative 1** in the EA, which would approve the proposed Plan of Operation, including supplement and Reclamation Plan. This plan was developed by OMYA after several modifications to the original proposal after an informal consultation with the U.S. Fish and Wildlife Service (USFWS). The proposal is outside the limits of a proposed Critical Habitat designated by USFWS on February 12, 2002. The proposal is also outside the limits of the proposed application for a withdrawal from mineral entry and location as of October 29, 2001.

Under the Proposed Action, the SBNF would approve the proposed Plan of Operation, including Supplement and Reclamation Plan. This plan was developed by OMYA after several modifications to the original proposal and after an informal consultation with the U.S. Fish and Wildlife Service. OMYA submitted the original proposed Plan of Operation to the Forest Service on January 8, 1998. OMYA subsequently modified this plan to design a storage pad for waste rock entirely on non-carbonate substrate to avoid T&E plant habitat. OMYA's final version of the proposed Plan of Operation was dated October 1999. The proposal documents OMYA's analysis and rationale for choosing a site to dispose waste rock in a non-sensitive area. The Proposed Action includes measures to avoid and minimize impacts to the T/E carbonate endemic plants and their habitat.

OMYA has been mining on NFS land since 1971. Six phases of mining have been previously approved for the Sentinel Quarry. The Proposed Action (**Figure 4**) includes three additional phases, one of which is already approved (Phase 9 allows the quarry to be mined to the 7150' level). This proposal includes the following actions: 1) expanding the northwest end of Sentinel Quarry 1.25-acres to the west; 2) relocation of the existing haul road to the far west side of the quarry (so a portion of the existing haul road can be mined); expansion of the south end of Sentinel quarry 6.54-acres to the south and east (including the existing crusher site); 3) moving the crusher to the Black Hole overburden site; 4) expanding the B-5 overburden pad from 3.5-acres to 27.9-acres (an additional 24.4 acres); and, 5) closing and restoring Forest Service road 3N87 from the junction of 3N16 on the west to the junction of 3N54 on the east (approximately 1 mile). This proposal is summarized in **Table A**.

The expansion would add an additional 15 years of mining at an increased production rate in Sentinel Quarry. Quarry operations would occur year-round with mining of ore occurring for 8 months of the year and overburden and quarry development occurring during winter months. All of the National Forest system lands that are being actively mined by OMYA are currently closed to public recreation use and, under the Proposed Action, would continue to be so until mining is complete (2035) a total of 132.5 acres of NFS land.

OMYA estimates that between 1998-2035 (37 years) 18,000,000 tons of ore and waste rock (10,000,000 tons of ore grade limestone and 8,000,000 tons of overburden and waste rock) would be removed from the Sentinel Quarry. The proposed Sentinel Quarry expansion would begin by 2006 with final closure of the quarry occurring in 2035. Reclamation of the quarry and overburden site would be concurrent with mining so that the reclamation would be completed in 2037, with a ten-year monitoring period ending in 2046 (Table A). The entire expansion project totals 32.2 acres of new development (Table A and Figure 4). All other aspects of the

OMYA's operations including other quarries, overburden sites, haul roads, and reclamation are covered in the existing approved plans and would not change.

Figure 4. Existing and proposed new disturbance areas in Sentinel Quarry expansion.

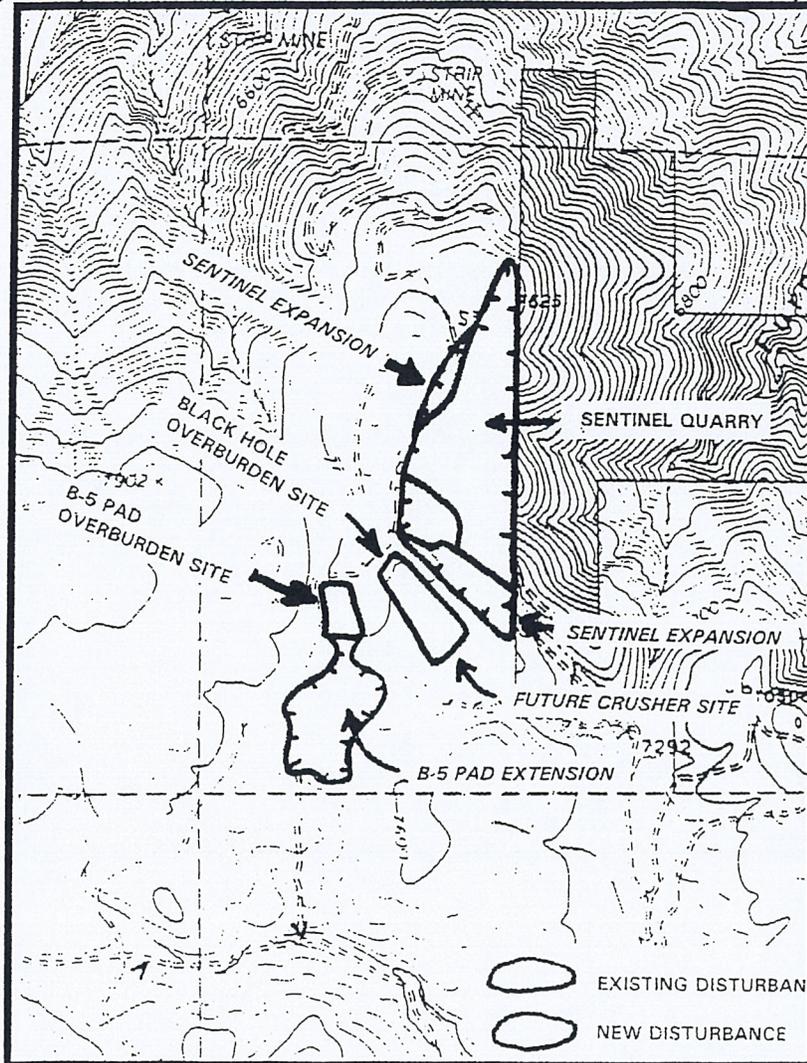


Table A. Project Detail

Location	Legal Description	Acres to be disturbed	Remarks
West Quarry Expansion (phase 6)	T3N, R1W, SE-¼ NW-¼ of Section 24	1.25 acres	Expands to the west. The permitted Crystal creek haul road (3N88) would be relocated to the west to allow mining to the west. Mining would start in 2006 and end in 2010.
South Quarry expansion (phase7)	T3N, R1W, NE-¼ SW-¼ of Section 24	6.54	Existing crusher would be moved to allow mining of existing site. Mining would start in 2011 and end in 2015. Phase 9, currently permitted, would allow mining to the 7150' level (the bottom limit of the pit).
Crusher Relocation to Black Hole (phase 8)	T3N, R1W, NE-¼ SW-¼ of Section 24	0	In 2015, the crusher would be moved to the Black Hole overburden site. This would delay the reclamation on the 6.5-acre site. The crusher would remain at site from 2015-2035. Reclamation would begin in 2035.
Forest Road 3N87 Closure and Rehab.	T3N, R1W, S-½ SW-¼ of Section 24	0	The road would be closed and rehabilitated after approval of the Proposed Action. Drainages would be re-established and the roadbed would be ripped and revegetated.
Crystal Creek Haul Road	T3N, R1W, Section 24	0	Hauling would end in 2035. Reclamation would begin in 2036 and end in 2046. There is a 10-year monitoring period ending in 2056.
B-5 Pad overburden Extension site	T3N, R1W, S-½ SW-¼ Section 24 and N-½ NW-¼ Section 25	24.4	Existing pad 3.5 acres. Start overburden dump upon approval of the Proposed Action and end in 2035. Reclamation would start in 2005-2037. Final monitoring 2037-2046.

Overburden materials generated by the Sentinel Quarry are presently being used as fill in the mined out Butterfield-5 (B-5) Quarry, which is expected to be filled by about 2003. Overburden material would also be placed as backfill into mined-out portions of the Sentinel Quarry, though logistics and volume necessitate an additional overburden site. This proposal includes an expansion of the B-5 overburden pad. It is expected to provide for disposal of all overburden material (in excess of backfill into the quarry) to be generated by existing and proposed OMYA operations on the SBNF. An additional 24.4-acres would be developed to form a southern extension of the existing 3.5-acre pad, located on the east side of the 3N88 Haul Road. The configuration of the B-5 pad extension was designed entirely on non-carbonate material, avoiding any potential future affects to colonization of carbonate endemic plants onto nearby carbonate substrates.

The proposal includes several measures to protect an occurrence of *Oxytheca* (an endangered plant species) and other carbonate plant habitat (described below). This proposal meets the Purpose and Need for action by providing for mining while protecting resources and ensuring reclamation.

The proposal is outside the limits of a newly designated Critical habitat by USFWL Service for T&E plant species and is outside the limits of a proposed withdrawal application from mineral entry and location.

Proposed Action—Reclamation Actions:

The proposed POO includes detailed descriptions of measures to reclaim the expanded quarry and overburden sites, including revegetation with native species on quarry benches and overburden areas. Reclamation within the Sentinel quarry is to be concurrent with ongoing

mining, beginning in the year 2009, and continuing beyond the completion of mining. Revegetation planning, implementation, and monitoring are designed to meet requirements of the California Surface Mining and Reclamation Act and the District Reclamation Standards.

My decision requires that OMYA submit a reclamation performance bond commensurate with reclamation bonds that are similar and customary to this mining district which is approximately \$10,000 per acre. OMYA will submit immediately after the date of this decision a bond for \$80,000 an amount that will cover the initial new disturbance of the present quarry. This amount is approximately 40% higher than the existing bond in the approved portion of the Sentinel Quarry.

OMYA would then submit the Reclamation Plan to the San Bernardino County to meet the State of California's requirement under the Surface Mining and Reclamation Act (SMARA). County approval of a Reclamation Plan is required to implement the Proposed Action.

Alternative 2- No action Alternative- I did not choose this alternative because it would not meet the Purpose and Need for Action and there would be no provision for mining which is a statutory right.

The two alternatives listed above were given detailed study. No other alternatives were proposed are studied in detail.

My approval is subject to the following avoidance/minimization and environmental protection measures:

1. OMYA will immediately quit claim 80 acres of unpatented mining claims held within the Bighorn Wilderness to the San Bernardino National Forest (SBNF).
2. Submit a reclamation bond for \$80,000 to cover approximately 7.7 acres of new disturbance in the Sentinel Quarry.
3. Within 6 months of the signing of this document, submit a Waste Rock Handling Plan (WRHP) that would limit dust impacts on air quality and adjacent vegetation. The plan should de-emphasize that portion of B-5 overburden site that is closest to a known T&E plant occurrence outside the proposal.
4. The Waste Rock Handling Plan (WRHP) shall emphasize using the B-5 site during the winter months than during the summer months.
5. The WRHP shall minimize use of the B-5 pad overburden site during the Oxytheca growing season (June through August).
6. The WRHP should emphasize conserving existing vegetation on the B-5 pad as long as possible before using for storage.
7. WRHP shall make reasonable attempts to classify and segregate carboanate rocks that may be suitable to other uses such as, cement manufacturing or other saleable common variety mineral uses.
8. Within 6 months of the signing of this document OMYA will develop a Dust Management Plan (DMP) which will emphasize:
 - Methods and means to reduce dust amounts.
 - Periodical use of dust suppressant on the entire operation.
 - Limiting amount of exposed disturbed sites at any one time.
 - Limiting amounts hauled or mined during windy seasons.
 - Install dust collector bag house at the screen on the crusher (to comply with EPA -AP42 manual).

- Immediately cease any crusher fines migration into adjoining private lands by building catchment basins and erecting barriers to prevent any new fines migration. Remove any crusher fines migration on private land by the end of summer 2002.
 - Water exposed dumpsites during windy days.
 - Restrict dumping at B-5 pad when wind is blowing towards adjacent Oxytheca occurrence.
 - On windy days employ water sprays on fill areas in order to reduce the volume of dust blowing from disposal areas towards the T&E plant habitat.
 - OMYA shall enter into an agreement with the SBNF to fund additional dust studies deemed necessary by appropriate forest staff.
 - OMYA to follow all sampling protocol and reporting found in the EA to prevent impacts to endangered Oxytheca occurrences. OMYA will build boulder barriers around the perimeter of the spoils buffer zone to prevent rocks from rolling into Oxytheca habitat.
9. Close and restore Forest Road 3N87 to natural habitat.
10. OMYA will develop an Employee Awareness Plan that will educate on the following:
- Mining near a proposed Critical Habitat for T&E Species in cooperation with USFWS and SBNF.
 - Mining in proximity to an area of NFS land segregated from mineral entry and location in cooperation with BLM and SBNF.
 - Increase employee awareness about desert tortoise and Bighorn sheep in cooperation with USFWS, CDFG, and SBNF.
 - Disadvantages of side casting waste from haul roads.
 - Benefits of preserving heritage resources in cooperation with the SBNF.
11. OMYA shall continue maintaining the water guzzler for the Bighorn sheep near the Sentinel quarry
12. OMYA will continue financial support of California Department of Fish and Game bighorn sheep studies during the entire mining plan.
13. OMYA shall delay backfilling of Sentinel Quarry for 5 years to reduce disturbance to bighorn sheep and their habitat and allow continued use of the water guzzler.
14. OMYA shall dispose off sediment pond fill to pre-approved sites and not side cast.
15. OMYA shall practice concurrent reclamation/vegetation of backfilled quarries with native plant species.
16. Any unexpected or unforeseen events will result in immediate notification to the SBNF. If conditions are encountered that vary significantly from the assumptions used in this analysis, operations will immediately cease, and an updated Plan of Operations will be submitted to address the situation.
17. Monitoring as described below is incorporated as a mitigation measure to be part of the approved Plan of Operations:
- Forest Mine Administrator, Certified Mineral Examiner, or other qualified specialists will document and assure the avoidance/minimization and environmental protection measures incorporated in EA, Plan of Operations and this Decision Notice are being followed and that they are effective in protecting the environment. Inspections will occur during the life of the project at least once a year to document the site conditions to assure Plan of Operations is being followed. If it is determined that a particular environmental protection measure is not adequately protecting the surface resources, the Plan of Operations will be modified to correct the situation. Significant changes may require additional analysis and documentation in compliance with the National Environmental Policy Act.

IV Public Involvement.

On February 19, 1999, the SBNF sent letters to sixteen interested agencies, organizations, and individual requesting comments on the proposed action. Included in the three letters of response were comments about bighorn sheep, reclamation plans, and the management of the Bighorn Wilderness.

There were several preliminary issues raised by the public during the scooping outreach. Each issue was considered non-significant in this analysis. Non-significant issues are not analyzed for potential effects in the EA.

After the EA was completed, approximately 200 copies were sent to various agencies, organizations, and individuals in a mailing list supplied by the Mountain Top District. The SBNF received eight letters and their comments were adequately addressed in the EA and were deemed non-significant. This analysis is herein attached (Appendix A).

V FINDING OF NO SIGNIFICANT IMPACT

I have determined that these actions will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination is based on the effects analysis documented in the attached environmental assessment, in light of the following factors listed in 40 CFR: §1508.27.

The direct, indirect, and cumulative impacts of the actions outlined in Alternative 1 have been reviewed as documented in this Decision Notice, the Environmental Assessment (EA) and the project file.

Limestone mining activity for high-grade limestone on the north slope of the SBNF are significant and will likely to continue well into the 21 st. century. Approximately 30,000 acres of carbonate substrate occur on the north slope of the San Bernardino Mountains with most of it is under mining claims. Less than 15 percent of this acreage is valuable for mining. Prospectors and miners from the turn of the last century to the present have heavily altered the North Slope landscape of the SBNF. The approved plan of operations applies to a project of limited scope within a historic mining district but may very well last a long time. However, the project area is outside the limits of a newly proposed Critical Habitat Designation and it is outside the boundary of a proposed mineral withdrawal. The land has been set-aside for a period of 2 years from mineral entry and location. A total of 24.4 acres of disturbance is involved.

1. Impacts that may be both beneficial and adverse: Both beneficial and adverse effects have been taken into consideration when making this determination of significance. Beneficial effects have not, however, been used to offset or compensated for potential adverse effects.
2. The degree to which the selected alternative affects public health or safety: The immediate mining area is closed to public entry and the safety of mine personnel is under the jurisdiction of the U.S. Department of Labor Mine Safety and Health Administration regulations.
3. Unique characteristics of the geographic area: The proposal will not affect any unique areas. The site is not within designated or proposed wilderness area, critical habitat, lands segregated from mineral entry, wilderness study area or research natural area.
4. The degree to which the effects on the quality of the human environment are likely to be highly controversial: The effects of this action on the quality of the human environment are not highly controversial. The effects of this decision are predictable and consistent with the conclusions

reached in the EA. There is no professional or scientific disagreement on the scope and effects of these actions on various resources (EA).

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risk: This action is similar to other mining companies operating on the SBNF. There are no unique or unusual characteristics about the area that have been previously encountered.
6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about future considerations: This decision does not set a precedent for future decisions. Any future decisions will need to consider all relevant scientific and site-specific information available at that time.
7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts: This action does not represent potential cumulative adverse impacts when considered in combination with other past or reasonably foreseeable actions. The combined effects of past, other present, and reasonably foreseeable actions are disclosed in the EA.
8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources: The project has been inventoried for cultural resources. No cultural resources have been found within the project area as a result of this survey.
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973: My decision will not result in significant effects to any threatened, endangered, or sensitive wildlife or plant species. The potential effects of the proposal have been analyzed in the Biological Assessment and in the EA:
The botanical impact analysis determined that Cushenbury oxytheca and Cushenbury buckwheat (T&E Plant Species) might be affected by the proposed project, but are not likely to be adversely affected. Section 7 consultation with the Carlsbad Office of the USDI Fish and Wildlife Service was initiated and they concurred with that determination.
10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment: This action does not threaten a violation of any federal, state, or local environmental protection laws.

V. OTHER FINDINGS

Federal Laws and Orders

The key federal laws applicable to my decision include the following: The 1872 Mining Law, Organic Administration Act (1897), National Forest Management Act (1976), National Environmental Policy Act, Endangered Species Act (1973), National Historic Preservation Act (amended 1992), American Indian Religious Freedom Act, Native American Graves and Repatriation Act, Federal Water Pollution Control Act, Clean Air Act, and California's Surface Mining and Reclamation Act of 1975 (which gives the County of San Bernardino the Lead Agency Status for mined land reclamation).

1872 Mining Law - The mining proposal is made under the authority of the United States Mining Laws (30 U.S.C. 21-54), which confer a statutory right to enter upon the National Forest System lands to search for minerals. Under the General Mining Law of 1872, a citizen has a right to access Federal lands to search for and remove minerals and to obtain title upon discovery. Because of the rights associated with mining claims, the claimant has a right to develop the mineral resource.

The Organic Administration Act of 1897 - On lands administered by the Forest Service, the Organic Administration Act authorizes the Secretary of Agriculture to regulate occupancy and use of the National Forest System lands for the protection and management of forest resources. The Forest Service has the responsibility to make sure the activities are conducted so as to minimize adverse environmental impacts on National Forest System surface resources (36 CFR 228, Subpart A).

National Forest Management Act of 1976 - The National Forest Management Act (NFMA) and implementing regulations require specific findings to be made when implementing Forest Plans.

Consistency with the Forest Plan - A review of the San Bernardino National Forest Plan direction applicable to this project indicates that Alternative is consistent with that direction (Forest Plan, pp. 2-2,3-10, 4-3,4-39,4-44, and SG-24. 9 (Exemption based on reasonable petition and Decision by the District Ranger on advice from the Washington Office and the Regional Office). The mining activities meet the objectives for the Big Bear Management Area (4-44).

National Environmental Policy Act of 1969 (NEPA) - The NEPA has been followed as required under 40 CFR §1500 in the development of this project and this Decision Notice and Finding of No Significant Impact. The EA analyzed a reasonable and acceptable range of alternatives - two action alternatives, the "no-action" alternative, and four alternatives that were not given detailed study. The analysis disclosed the expected impacts of each alternative and various issues and concerns raised by ID Team members, publics, and other agencies. This Decision Notice describes the decision I have made and my rationale for making it.

Endangered Species Act of 1973 - Under Section 7 of the Endangered Species Act, each Federal agency must ensure that any action authorized, funded, or carried out is not likely to jeopardize the continued existence of any threatened or endangered species. This project complies with this Act through the completion of a Biological Assessment.

Heritage Program Laws (National Historic Preservation Act (amended 1992), American Indian Religious Freedom Act, and Native American Graves and Repatriation Act) - These laws essentially require that adequate and extensive review of these undertakings be conducted in order to assess the possible effects of these activities upon cultural resources.

Executive Order 12898 (Environmental Justice) - Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, and Departmental Regulation 5600-2 direct Federal agencies to integrate environmental justice considerations into federal programs and activities. Environmental justice means that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered on, are allowed to share in the benefits of, are not excluded from, and are not affected in a disproportionately high and adverse manner by government programs and activities affecting human health or the environment. I find this project, its NEPA analysis, and my decision are consistent with this Order. My decision sought and incorporated public involvement. My decision will not have a discernable effect on

minorities, American Indians, or women, or the civil rights of any United States citizen. Nor will it have a disproportionate adverse impact on minorities or low-income individuals.

Final Roadless Policy - On January 12, 2001, the Department of Agriculture published a final rule entitled 36 CFR part 294, Special Areas; Roadless Area Conservation (66 FR 3244). Originally scheduled to take effect on March 12, the Secretary of Agriculture extended the effective date until May 12, 2001 to permit the new Administration to review the rule (66 FR 8899; February 5, 2001). The Forest Service has issued two Interim Directives to its workforce, reserving to the Chief, with some exceptions, authority to approve timber harvest and road construction and reconstruction in roadless areas. Interim Directives No. 2400-2001-3 and 7710-2001-2 were issued July 27, 2001.

There are no proposals for road-building activities within inventoried roadless areas for Alternative 1.

State Laws

Surface Mining and Reclamation Act of 1975 (SMARA): The State Legislature in 1975 enacted this law to respond to society's need for a continuing supply of mineral resources, while preventing, as much as possible, damage from mining activities to public health, property, and the environment.

Based on a U.S. Supreme Court Decision, *California Coastal Commission v. Granite Rock Company* (1987) held the federal surface management regulations do not preempt state laws and regulations.

VI. IMPLEMENTATION

Implementation of Alternative 1 will begin as early as the end of June 2002. The mining activities may continue through the year 2035 with annual inspections.

VII. ADMINISTRATIVE REVIEW

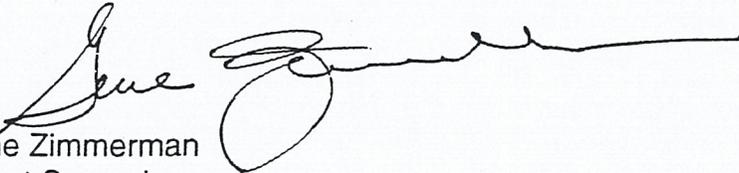
Appeal Rights

This decision is subject to administrative appeal in accordance with the Secretary of Agriculture Appeal Regulations 36 CFR 215. I am the Responsible Official. Appeals must be filed with the USDA Forest Service, ATTN: Regional Forester, Region 5 – Pacific South West Region/USDA, 1323 Club Drive, Vallejo, CA. Appeals must be postmarked and submitted to the Regional Forester within 45 days from the date the legal notice of this decision is published in *The Sun Newspaper*. Appeals must meet the content requirements of 36 CFR 215.14.

If no appeal is received, implementation of this decision may occur on, but not before five (5) business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

FURTHER INFORMATION AND CONTACTS

Copies of the Sentinel Quarry Expansion Environmental Assessment and this decision are available at the Mountain Top Ranger Station, in Fawnskin, and the San Bernardino National Forest Supervisor's Office in San Bernardino, California. For additional information or questions concerning this decision or appeal process, please contact C. Douglas Pumphrey, Director, Lands and Minerals, at (909) 794-1123.



Gene Zimmerman
Forest Supervisor

APPENDIX A

Response to Public Comments

to the
Sentinel Quarry Expansion
Environmental Assessment

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APPENDIX A

SUMMARY OF THE RESPONSE TO COMMENTS

Sentinel Quarry Expansion

Non-issue comments:

1. Objects to statements made in the environmental assessment on page 26:..many residents have become accustomed to seeing the large bare limestone faces and have come to view them as a part of the characteristic landscape." (W. Kutter).

Response: The LRMP designated the visual quality objective for this area as partial retention. The quarry is not visible from Lucerne Valley but another quarry on private land also operated by OMYA is visible. *Forest Plan, laws, and regulations already decide the issue.*

2. Complains about home property values negatively impacted and community reputation declining. (W.Kutter).

Response: Mining is a legitimate use of National Forest System land and we have no control on the vagaries of real estate values or community reputation. *The issue is outside the scope of the proposed action.*

3. Complains that OMYA has not adhered to visual quality impacts stipulations (W. Kutter).

Response: All stipulations stated in the reclamation plan approved by the San Bernardino County have been complied with by OMYA. *The issue is conjectural and not supported by facts.*

4. Contends, Lucerne Valley does not get any income tax from the mining operations and the economic advantage to the community is not very high (W.Kutter).

Response: Lucerne Valley is not an incorporated city and therefore it receives municipal services from San Bernardino County which receives revenues from the mining companies. Economic benefits to the community appear to be substantial according to county officials. *The issue is outside the scope of the proposed action.*

5. Supports approval of mine expansion but cannot agree with the FS having to determine the validity of the claims to establish valid existing rights (B.Veal).

Response: Valid existing rights determination is required under the LRMP Standards and Guidelines No.24. *Forest Plan already decides this issue.*

6. Recommends adding "non-caustic" to non-toxic coloring agents to reduce visual impacts of non-vegetated areas.

Response: Adding "non-caustic" would give sole rights to one contractor and there are still lots of controversy about causticity and its effects on animals and plants among scientific and governmental agencies. *The issue is conjectural and is not supported by scientific evidence.*

7. SMI claims crusher fines migration from OYMA into their private lands has been impacted.

Response: *The EA addressed this concern where OMYA will construct a temporary sediment pond to prevent further transportation into Furnace Canyon. When the District Ranger issues the Decision Memo, after the Valid Existing Rights (VER) determination, then additional conditions may be added. (Telephone message was received before the closing date of public comments. Written letter to confirm the telephone conversation was received about one week after the closing date.)*

8. Wants OMYA to clean up 80 tons of fines that has migrated into SMI's property (SMI).

Response: *OMYA has agreed to clean up after a field trip held in July of 2001. This issue was amicably settled between OMYA and SMI.*

9. Wants OMYA to construct berms and sediment ponds to contain and maintain these structures to prevent no further crusher fines to migrate into their property.

Response: *OMYA has agreed to construct and maintain these berms during the field trip. The EA addresses this issue.*

10. Wants the Forest Service to issue an opinion of "No Jeopardy" or for OMYA to take sole liability for any harm caused to T&E plant by crusher fines migration (SMI).

Response: *Section 7(a)(2) of ESA requires federal agencies to "insure" that actions they authorize are 'not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat of such species.' District botanist's opinion in file supports mitigating measures when implemented will insure the agency to approve this action. Law already decides this issue.*

11. Asserts rights under RS 2477 to all easements in the forest (C.A. DiPaolo).

Response: *Easements and right-of-ways are rights to enter upon or have access to land for a specific purpose. The proposal does not close any Forest System Roads or trails neither does it restrict public access to NFS land. This issue is outside the scope of the proposed action.*

12. Reinforces rights under RS 2477 to all easements in the San Bernardino National Forest.

Response: *Same as above.*

13. Considers OMYA's operation at White Knob Mountain to be illegal

Response: The White Knob Mountain is approximately 3-4 miles west of the Sentinel quarry on private land. The mine is operating under an approved plan under the jurisdiction of the San Bernardino County. (George Ringena) *This issue is outside the scope of the proposed action.*

14. Complains about dust and the quarry being visible from Lucerne Valley. (George Ringena)

Response: White Knob Quarry is on private land. *The environmental Protection Measures addresses this issue in the EA.*

15. SMI claims Figure 8, claim map on page 43 is in error because it does not include King #6 Placer Mining Claim which they own.

Response: OMYA and SMI claim the same ground. Where there is controversy between individual claimants involving the right of possession, the state courts have jurisdiction and they have to decide. This becomes a civil matter between these two claimants. *Law already decides the issue.*

16. Commends Forest Service for a very through review of all aspects of the proposed project. (L. Richtmyer)

17. Commends Forest Service to have done a very comprehensive job in studying the plant issue. (G.Webber)

18. Concerns regarding endangered plant species and Bighorn Sheep habitat have been alleviated because the Forest Service review has adequately covered these issues. (G.Webber)