

**SAN BERNARDINO COUNTY  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
ENVIRONMENTAL CHECKLIST FORM**

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

**PROJECT LABEL:**

<b>APNs:</b>	0542-201-02 through 10, 14, 15, 16, 18, 35, and 36	<b>USGS Quad:</b>	Cave Mountain 7.5
<b>Applicant:</b>	CalPortland Company 2025 E. Financial Way Glendora, CA 91714	<b>T, R, Section:</b>	T11N, R6E; portions of Section 12, SBBM
<b>Location</b>	Approximately 19 miles southwest of the Community of Baker and 40 miles east-northeast of Barstow	<b>Thomas Bros</b>	Map D, San Bernardino and Riverside Counties (2013)
<b>Project No:</b>	Reclamation Plan 90M-02	<b>Community Plan:</b>	N/A
<b>Rep</b>	Desirea Haggard (CalPortland Company)	<b>LUC: Zone:</b>	Resource Land Management (RLM) Resource Conservation (RC)
<b>Proposal:</b>	Amended Reclamation Plan for existing and vested Baxter Quarry	<b>Overlays:</b>	NR-4: Mineral Resources Zones; MRZ-2A

**PROJECT CONTACT INFORMATION:**

**Lead agency:** San Bernardino County  
Land Use Services Department  
385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, CA 92415-0182

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**PROJECT DESCRIPTION:**

**Summary**

CalPortland Company (CalPortland) operates the Baxter Quarry (CA Mine ID # 91-36-0036), an existing iron ore mining and processing facility approximately 19 miles southwest of the community of Baker in the County of San Bernardino (County). CalPortland and its predecessors have mined the Baxter Quarry (project site, quarry) since 1938, before the County enacted applicable use permit requirements. The County, accordingly, has recognized the quarry as “vested” (i.e., a legal nonconforming use), and not subject to either the Surface Mining and Reclamation Act (Pub. Resources Code, § 2710 *et seq.* [SMARA]) or the County’s use permit requirements.

CalPortland seeks to amend its existing reclamation plan, approved by the County in 1990 (90M-02), to include the reclamation of additional iron ore reserves within the vested quarry (project, reclamation plan amendment). CalPortland's vested quarry comprises of approximately 452 acres of private lands mostly in Section 12, Township 11 North, Range 6 East, SBBM. The existing reclamation plan currently covers approximately 130 acres. The project would amend the existing reclamation plan to cover approximately 263 acres of the vested quarry, located within Assessor Parcel Numbers (APNs) 542-201-02 to 10; 14, 15, 16, 18, 35 & 36.

Although CalPortland's existing operations are vested and, therefore, permitted by right without a use permit, the quarry is subject to the reclamation and financial assurance requirements of SMARA and the County's local surface mining ordinance. (Pub. Resources Code, § 2710 *et seq.*; County Development Code, Ch. 88.03) As is common for mining operations, CalPortland's existing reclamation plan only covered portions of the overall vested quarry that were subject to active mineral recovery operations at the time.

The Baxter Quarry supplies iron ore for CalPortland's cement plants and to other markets. The local source of iron ore reduces the need to import iron ore from more distant sources, thus reducing environmental impacts and transportation costs. The site is accessed from Interstate 15 (I-15) south on Basin Road for 3.5 miles directly to the site. Refer to Figures 1 and 2 for Location and Vicinity Maps.

As operations at the vested quarry continue, CalPortland now seeks approval of the proposed reclamation plan amendment to include reclamation of additional iron ore reserves within the vested facility. The project will address reclamation of mining operations over portions of CalPortland's vested quarry. For purposes of the project, reclamation includes recontouring, stabilizing, revegetation, and monitoring of final slopes and disturbed mining areas; reclamation of roads and ancillary equipment and facilities; and removal of processing equipment. As required by SMARA, the project would also update the reclamation standards applicable to the quarry to SMARA's current, modern requirements. These current reclamation requirements are set out in SMARA Section 2772.1 and Articles 1 and 9 of the SMARA Regulations (codified at Section 3500 *et seq.* of title 14 of the California Code of Regulations). Because the quarry is vested and no discretionary use permit to conduct mining operations is required to authorize the recovery of the mineral resource or continued operation of the quarry, the reclamation plan amendment, which is required to be approved by the County as the SMARA lead agency, constitutes the discretionary authorization subject to the California Environmental Quality Act (CEQA) and analyzed by this Initial Study / Mitigated Negative Declaration (IS/MND).

CalPortland's existing operations and proposed amendment of the reclamation plan boundary are discussed below.

The existing Reclamation Plan for the Baxter Quarry (Reclamation Plan #90M-02) was approved by the County in 1990 and covers approximately 130 acres. The Quarry is located on patented (private) lands owned by CalPortland. The existing quarry or West Deposit (19 acres), overburden stockpile, staging area (stockpiled ore), and on-site access roads consist of approximately 49 disturbed acres. The proposed amendment will include an additional approximately 69 acres explored and partially mined in the past for a total disturbance area on approximately 118 acres to be reclaimed. Surrounding land uses include the vacant public desert lands administered by the Bureau of Land Management (BLM) to the east, south, and north. The Mojave Trails National Monument established in 2016, is adjacent to the site on the west and northwest. The main

railroad line from Los Angeles to Las Vegas is located along the Mojave River to the south. There are no adjacent or nearby residences within 6 miles.

Based on years of mining and drilling samples, CalPortland plans to continue mining in the existing West Deposit (19 acres) and in two additional surface quarries, the Lillian Belle Deposit (15 acres) and the East Deposit (10.5 acres). In approximately 15 to 20 years, depending on iron ore demand, underground mining will be initiated from the floor of the Lillian Belle Deposit to access the approximately 4 million tons of iron ore resources in the Central Deposit. Table 1 lists the existing and planned operational areas for the deposits, overburden stockpile, topsoil, staging/operational areas, and roads. Refer to Figure 3 for the Mine Plan.

**Table 1**  
**Existing and Planned Operational and Reclamation Areas**  
**Baxter Quarry**

<b>Deposits and Other Areas</b>	<b>Existing Disturbance (acres)</b>	<b>Proposed New Areas (acres)</b>	<b>Total Disturbance Areas (acres)</b>
West	19.2	0	19.2
Lillian Belle	0	14.9	14.9
East	0	10.5	10.5
Surface Quarries Subtotal	19.2	25.4	44.6
Central (underground)	0	2 (portal within Lillian Belle)	2 (portal within Lillian Belle)
Overburden Stockpile	26.0	24.0	50
Staging/Operations Areas	2	16.3	18.3
Topsoil Stockpiles <sup>1</sup>	0	3(6)	3(6)
Test Plots <sup>1</sup>	0	(1)	(1)
On-Site Access Road	2	0	2
<b>Totals</b>	<b>49.2</b>	<b>68.7</b>	<b>117.9</b>

Source: CalPortland, Lilburn 2022

<sup>1</sup> Within staging areas

Note: Totals may be slightly different due to rounding.

The amended Plan was prepared with the following objectives:

- To continue development of an existing iron ore resource pursuant to the State's and County's SMARA requirements;
- To provide iron ore from a local source to meet CalPortland's cement production needs and for other markets rather than importing material from more distant or out of state locations, resulting in decreased truck diesel fuel consumption and air pollutant and greenhouse gas (GHG) emissions;
- Maintain all equipment in compliance with air quality regulations;
- Continue to implement dust control measures at active quarries, stockpile areas, and on roads per Mojave Desert Air Quality Management District (MDAQMD) regulations;
- To provide reclamation to impacted mining sites to reduce visual, biological, and safety impacts; and

- To reclaim the site for an open space end use.

### **MINING OPERATIONS**

As discussed above, CalPortland will continue operations in the existing reclamation plan area but proposes to amend the current reclamation plan to accommodate reclamation of an additional 69 acres of vested lands. The project does not propose any change to CalPortland’s existing vested mining operations including, for example, productions levels, mining systems or processes, and ultimate throughput, based on market demand. The site will continue to be mined at an average production rate of approximately 150,000 tons annually with a maximum rate of 300,000 tons/year, based on market demand, which will provide adequate reserves for up to 50 years (end of year 2072). The three surface quarries are estimated to contain approximately three (3) million short tons (2.7 short tons/cubic yard) of iron ore. Underground mining will be initiated from the floor of the excavated Lillian Belle Deposit to access the approximately 4 million tons of iron ore resources in the Central Deposit. The surface areas, estimated iron ore reserves, the average ore and overburden estimated per year, and the estimated life of mine are listed for each deposit in Table 2 below.

**Table 2  
Estimated Deposits’ Production and Areas  
(through 2052 – Iron Ore Reserves)**

<b>Deposit</b>	<b>Surface Area (acres)</b>	<b>Iron Ore Reserves (million tons)</b>	<b>Annual Average Ore Excavated (tons)</b>	<b>Annual Average Waste Excavated (tons)</b>	<b>Estimated Years</b>
West	19.2	2.0	150,000	50,000	7 - 10
Lillian Belle	14.9	0.5	150,000	50,000	3.5 - 5
East	10.5	0.5	150,000	50,000	3.5 - 5
Central (underground)	Portal within Lillian Belle Pit	4.0	150,000	varies	27 - 30
<b>Totals</b>		7.0	150,000	50,000	40 - 50

Source: CalPortland 2022

Areas are rounded to the nearest tenth of an acre and tonnage to quarters. Totals may be slightly different due to rounding.

All tons are short tons. Mining in deposits will overlap during phase-in periods.

Maximum annual rate of 300,000 tons per existing Plan

Surface mining operations consist of drilling and blasting, excavating by loader, and loading ore from the active quarry face directly into a track-mounted portable crushing and magnetic separator plant located and moved as needed within each pit. The crushed and magnetically separated iron ore is loaded onto 45-ton off-road haul trucks (typical) by a loader and transported to the adjacent ore stockpiles and loading area located to the east of the West Deposit, and in the future, adjacent to the to be developed Lillian Belle and East Deposits. where it is loaded into street-legal trucks

for transport off-site. During underground mining, the ore will be conveyed out the portal to the portable crushing and magnetic separator plant located in the floor of the Lillian Belle Pit. Off-site truck loading and shipping will be conducted in the staging area to its east.

The separated overburden and waste rock is expected to total approximately 25% of excavated material. Surface alluvium overlying the Lillian Belle Deposit will be salvaged and stored in soil stockpiles in the staging area to its north, south, and east. Overburden will be loaded into off-highway 45-ton haul trucks (typical) and transported along interior haul roads to the overburden stockpile.

There are no changes proposed for annual production with the Amended Plan. Mining and processing operations produce an average of 500 tons/day of ore and 175 tons/day of overburden or non-spec iron ore based on an annual production rate of 150,000 tons of ore and 50,000 tons of overburden on 250 to 300 annual operational days. Daily production will vary due to demand and overburden ratio. The processing plant is separately permitted through the MDAQMD with a maximum throughput of 400 tons/hour and an annual throughput of nearly 1.5 million tons.

Approximately 5 employees work onsite in one shift with no nighttime mining operations.

#### West Deposit

The West Deposit consists of an oval-shaped pit totaling 19.2 acres. No surface expansion is planned, only an additional 50 feet of depth is proposed. The deposit is currently at a depth of 1,200 feet amsl. The planned depth is another two benches to a final floor elevation of 1,150 feet amsl. The deposit is mined with 25-foot vertical cuts with a 21 to 25-foot horizontal bench (1 vertical:1 horizontal; 1V:1H). The "inter bench" is sloped at approximately 70° to 80°, which creates a bench off-set of approximately 4 feet for a horizontal bench of 21 feet (refer to Figures 3 and 4). Bench heights and widths may slightly vary with deposit geometry as determined in the field. The overall slope for operations and reclamation is approximately 45° or 1H:1V. Approximately 2 million tons of ore will be excavated over the next 7 to 10 years from this deposit.

#### Lillian Belle Deposit

The Lillian Belle Deposit has been drilled with some past mining operations. The site will be developed as an oval-shaped open pit on approximately 14.9 acres. The deposit will be mined to a depth of 150 to 175 feet with a pit floor of 1,050 feet amsl in 25-foot vertical cuts with a 21-foot horizontal bench. The "inter bench" is sloped at approximately 70° to 80°. Bench heights and widths may vary with deposit geometry as determined in the field. The overall slope for operations and reclamation is 45° or 1H:1V. Approximately 0.5 million tons of ore will be excavated over a period of 3.5 to 5 years from this deposit.

#### East Deposit

The East Deposit has also been drilled with some past mining operations and will be developed as a hillside quarry on approximately 10.5 acres. The deposit will be mined to a depth of approximately 75 feet on the north to a floor elevation of 1,150 feet amsl in 25-foot vertical cuts with a 21-foot horizontal bench. The "inter bench" is sloped at approximately 70° to 80°. On the south, the existing ridge rises to 1,500 to 1,600 feet amsl. This ridge will be mined from the 1,400-foot amsl elevation northward to the pit floor for a depth of approximately 250 feet. This steeper south wall of the East Deposit area is planned to be mined at 55 degrees using 25-foot faces and 18-foot wide benches. Bench heights and widths may vary with deposit geometry as

determined in the field. Approximately 0.5 million tons of ore will be excavated over a period of 3.5 to 5 years from this deposit.

### Central Deposit (Underground)

CalPortland has evaluated the use of a Room and Pillar (R & P) underground mining method for the Central Deposit. The deposit is 300 feet below ground surface and can be accessed from the bottom of the adjacent Lillian Belle Deposit once excavated. The mine phasing is to first complete the West Deposit followed by the Lillian Belle and the East Deposits as described above. The Central Deposit would be accessed by a portal located in the west central pit floor of the Lillian Belle Deposit. The entrance portal and underground staging area including ventilation fans and other underground mining facilities will be located here. Iron ore would be conveyed to the crusher and magnetic separator plant located east of the portal with product stockpiled in the staging area to the east. From there, it will be loaded onto street-legal haul trucks for delivery to market.

Underground mining is regulated by the Federal Department of the Interior, Mine Safety and Health Administration (DOI MSHA) and is not part of SMARA except for surface disturbances related to the ongoing underground mining. All surface areas utilized during the underground mining phase will be reclaimed per the approved reclamation plan and SMARA.

The finalized mine/excavation plan for the Central Deposit will be prepared by a Certified Professional Underground Mining Contractor. The plan will be monitored and regulated during mining by the Federal agency, MSHA. Surface subsidence from underground mining will not occur due to the depth of the deposit under the surface and the conservative pillar design to support open stopes. The preliminary underground R & P design leaves about 49% of the material in the ground for underground support pillars, hanging wall and footwall support pillars for each mining level, coupled with the 300 feet of depth to the deposit. With these support parameters used with the mine design, there will be no subsidence of the surface area above the underground operation.

The *Slope Stability Investigation Report* prepared by Terracon May 2021 addressed slope stability in representative slopes for the existing and future quarries' reclamation and overburden stockpile. Slope stability calculations for feasibility of reclamation rock slope configurations and kinematic analysis of potential failure geometries in rock benches were performed for the area pits and deepening of the existing West Deposit pit. Based on geologic field observations and results of the slope stability analysis, the Amended Reclamation Plan's proposed rock and stockpile reclamation slopes will meet sufficient static factors of safety for the proposed end use (FS) in excess of 1.5 and seismic factors of safety at or greater than 1.1 in conformance with Division of Mine Reclamation (DMR) criteria.

### **Overburden Stockpile**

Overburden material is estimated to be approximately 25% of the total reserves, about 50,000 tpy that will vary year to year or 2 million tons for the life of mine. The existing overburden stockpile is located south and southeast of the West Deposit. The stockpile currently covers about 26 acres and will be expanded south and east on an additional 24 acres. The average height is approximately 100 feet up to a maximum of 150 feet with the top elevation of 1,500 feet amsl. Final slopes will be 2H:1V. This configuration is considered stable by inspection/practice. In addition, the presence of large angular clasts in stockpile fill materials improves the stability of these slopes.

## **Processing Plant and Mobile Equipment**

Typical heavy off-road construction-type equipment including two loaders, three 45-ton haul trucks, a drill rig, and water truck are currently used and are utilized for mining, hauling, and road maintenance activities on-site. A portable track-mounted crusher/magnetic separator plant and diesel generator are used for ore crushing and separating. The plant is currently within the West Deposit and will be moved to the active mining area as mining progresses. Over time, replacement equipment may be required to optimize operations and to meet equipment emissions' standards. The replacement equipment types would not substantively change over time. Haul trucks, diesel equipment, and the processing plant meet requirements of the MDAQMD and the California Air Resources Board's (CARB) off-road diesel vehicles regulations to reduce diesel pollutants. The portable processing plant is operated under MDAQMD Permit No. 12469 and the generator set under Permit No. 12473.

## **Water**

Water will continue to be used for dust control measures only. No water is used for processing activities. Consistent with current practice, water will be applied to the working areas, roads, and material transfer points. A 4,000 gallon water truck (typical) transports water obtained from Baker and off-site private wells approximately five times per operating day. In 2020, approximately 2.5 acre-feet were used. No change in water usage is expected under the project. Water used for dust control will evaporate and therefore, the project will not produce any run-off water. There is no surface water within the project vicinity.

## **Dust Control**

Existing dust control measures are in compliance with MDAQMD Rules 401 (limiting visible emissions); 402 (avoid nuisance emissions to people or businesses or property); 403 (prohibits visible dust from crossing property lines and for controlling fugitive dust). The dust control measures are operative with periodic monitoring by MDAQMD and CalPortland personnel ensuring that the regulatory standards are met. The principal dust control measure is water spraying at the processing plant and of roads, operational quarry areas, and active overburden stockpiles. A 4,000 gallon water truck (typical) is used for dust control. Water for dust control will continue to be obtained from Baker and off-site private wells and no change in water usage is expected. On occasion, if deemed a more effective method for road dust, CalPortland utilizes approved dust suppressant agents on roads.

## **Hazardous Materials and Waste**

Consistent with current practice, no hazardous materials are or will be used on-site, with the exception of fuel and oil for the generator and mobile equipment. No hazardous waste is produced on the mine site. Scheduled equipment maintenance, repairs, and re-fueling is conducted with portable maintenance/fuel trucks implementing appropriate environmental safeguards. Any used oil generated at the mine site will be collected and transported for off-site recycling or disposal by approved methods and by properly trained and licensed personnel. There is a 2,000-gallon red dye (diesel for off-road equipment) and a 240-gallon clear diesel tank located currently to the southeast of the West Deposit along with an office and employee trailer. Approximately 850 gallons are consumed per operating week and are not expected to increase as a result of the project.

CalPortland has a Hazardous Materials Business Plan (HMBP) on file with the County that describes methods and procedures to minimize the potential for hazardous material and waste releases including an emergency response and contingency and spill response procedures.

### **Public Access and Safety**

The Baxter Quarry area is accessed from I-15 south on Basin Road for 3.5 miles directly to the site. The road is signed and gated about 0.75 miles within the site. When operations move east, the gate and signage will be moved to the far eastern project boundary.

The Baxter Quarry is in an isolated remote section of the Mojave Desert. There are no other roads, public access, or developments in the area or along the access road. Quarry areas will have warning signs, roads not used will be blocked or closed, and safety berms six feet in height will be constructed along the quarry rims. Any unauthorized roads will be blocked or closed at the property boundary.

### **Erosion and Sedimentation Control**

Due to the hard bedrock material, lack of fine surface material, and low rainfall (approximately 4 inches/year), the site has little potential for erosion and sedimentation. No existing drainages are being substantially diverted and no additional runoff is expected as no impervious areas are being created. The pit areas will retain any direct precipitation to percolate or evaporate and berms along the rim will protect quarry slopes as needed. The stockpile top will be designed to drain inward and the rocky composition of the slopes will not be conducive for downward erosion. Any runoff will be directed into the pits or into existing drainages. Control of surface drainage, erosion, and sedimentation of the operations will involve the following primary components:

- Limiting surface disturbance to the minimum area required for active operations;
- Diverting runoff from flowing unchecked into quarries or down stockpile slopes; and
- Stabilizing disturbed areas through regrading, replacement of soils, revegetation, and erosion control practices.

All operations on-site will comply with the Storm Water Pollution Protection Plan (SWPPP) to be updated periodically with mine site development and employ storm water Best Management Practices (BMPs).

### **Blasting**

Blasting operations involve drilling along the mining face, placement of charges, and detonation of the charges by a blaster licensed through the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF&E) for handling explosive materials. The transporting, handling, storage, and use of explosive materials, blasting agents, and blasting equipment is directed and supervised by a qualified blasting contractor. The blasting contractor and the explosive delivery company must be properly trained and licensed in accordance with all Federal, State, and local agencies and regulations and must show evidence of compliance with the California blasting license program, U.S. Department of Transportation hazardous materials (HAZMAT) Certificate of Registration,



California HAZMAT Transportation License, and general liability insurance policy for explosive transportation. CalPortland and its contractors currently hold applicable licenses and permits.

Drilling is currently conducted 5 to 6 days a week, 8 hours/day with depths of 28 feet. Blasting currently takes place approximately 5 times per year. No substantial increase in the number of blasts per year is expected. Blasting activities typically take place between the hours of 8 AM and 2 PM on weekdays (Monday through Friday). No explosives are stored onsite.

## **RECLAMATION**

The project addresses reclamation of mining operations over portions of CalPortland's vested quarry. CalPortland will reclaim the site to meet SMARA requirements as implemented by the County that will minimize impacts to the surrounding environment and provide public safety. Reclamation starts with the initiation of mining and development of new quarry areas, roads or new overburden stockpiles and includes the following:

- Stockpile available surface material for future use as a seed bed in separate identified stockpiles seeded with an erosion control ground cover, water sprayed to create a crust, and/or covered with a larger rock material to limit wind and water erosion;
- Sloping and grading of completed quarry and stockpile slopes for safety, slope stability, and erosion control;
- Ripping of compacted areas and roads prior to revegetation;
- Covering disturbed areas with salvaged soil and alluvium overburden to aid in revegetation;
- Revegetation – hydroseeding and broadcast seeding followed by covering broadcast seeded areas with layer of soil or alluvium by pulling chains or screens over the area;
- Upon completion of mining, remaining equipment, any structures, and internal roads not needed for site access will be reclaimed;
- The Lillian Belle portal will be closed per MSHA and SMARA requirements; and
- Monitoring and remediation until success criteria achieved.

Final reclamation will include the removal of all equipment, any structures, and debris from the site within two years of the termination of all mining onsite. Any remaining overburden or ore stockpiles will be deposited into the quarry benches or floor or transported to the overburden stockpile. Compacted surfaces in the staging areas and roads to be reclaimed will be loosened by mechanical means and seeded with native plant species.

CalPortland's vested quarry comprises approximately 452 acres. The project would amend the existing reclamation plan to cover approximately 263 acres of the vested quarry. Within the 263-acre reclamation plan boundary, CalPortland's mining activities would disturb approximately 118 acres, which will be reclaimed except for the access roads and internal quarry and overburden stockpile roads needed for revegetation access and site maintenance. Mining of the surface deposits may continue until approximately 2040. Revegetation will take place thereafter on the upper benches of the Lillian Belle Deposit. The finished benches will be solid rock; portions as feasible will be ripped, covered with soil and alluvium, and revegetated. The staging areas will be revegetated upon removal of all equipment and recontouring the surface. Approximately

50 acres will be revegetated (Lillian Belle pit, pit floors, overburden stockpile top, roads, and staging areas) minus the remaining roads and the slopes composed of hard rock faces.

The finished quarry benches shall be inclined 1H:1V (horizontal to vertical), with the vertical faces approximately 25 feet in height at an 80° slope. The 18 to 21-foot wide horizontal benches shall be inclined 2 percent toward the faces to capture precipitation and falling rock material. Bench heights may vary with material encountered during excavations. A protective berm will be maintained around the deposits' rims and accessible benches and shall be posted with warning signs of steep slope hazard. The ends of the benches will be blocked with large rock (larger than ¼ ton) to prevent access.

All the stockpile slopes will be reclaimed with 2H:1V slopes. The Slope Stability Report determined that the stockpile slopes at 2H:1V will meet or exceed static and seismic factors of safety in conformance with DMR criteria suitable for use as open space.

The underground portal will be closed per MSHA requirements.

## **Revegetation**

A detailed description of the planned revegetation is included in the Amended Plan in Section 2.6 and Appendix F. The following procedures will be implemented for revegetation.

### Site Preparation and Revegetation Procedures

- Rip or scarify compacted areas including closed roads to a 0.5 to 1-foot depth (if possible due to rock benches in quarries), with surface rills and furrows left to aid in water and wind-blown seed collection;
- Place soils that have been stockpiled in a uniform layer across the benches of Lillian Belle and for each deposit's floor and staging areas, top of OB stockpile, and roads to be reclaimed, partially mixed with underlying scarified material;
- Shape or contour final slopes and benches on the overburden stockpile for drainage and for natural appearing slopes and landforms;
- Seed with locally native species and revegetate per hydroseeding and broadcast seeding methods with a native plant species seed list as listed in the Reclamation Plan;
- Stake or flag reclaimed areas to eliminate additional disturbance;
- Monitoring and maintenance to determine if achieving the success criteria; and
- Application of remedial activities, if necessary, including but not limited to additional seeding and change of seed mix.

After revegetation, CalPortland will maintain erosion control and safety features; monitor revegetation progress; and conduct remediation as necessary until success criteria achieved. Ongoing maintenance of fencing, signs, and erosion control will be conducted.

**Surrounding Land Uses and Setting**

The planned mining areas are logical extensions of vested mining activities based on geologic exploration and known iron ore reserves. The existing mining disturbance areas (49 acres) and the planned disturbance areas (69 acres) total approximately 118 acres on an overall Reclamation Plan area of 263 acres within vested private properties owned by CalPortland. The Quarry is located on patented (private) lands owned by CalPortland.

The Countywide Policy Plan (November 2020) Land Use Category (LUC) for the site and surrounding area is Resource/Land Management (RLM) with a zoning district of Resource Conservation (RC).

Surrounding land uses include the vacant public desert lands administered by the Bureau of Land Management (BLM) to the east, south, and north. The Mojave Trails National Monument established in 2016, is adjacent to the site on the west and northwest. The main railroad line from Los Angeles to Las Vegas is located along the Mojave River to the south. There are no adjacent or nearby residences within 6 miles. The surrounding uses are as follows:

<b>Existing Land Use and Land Use Category</b>			
<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Category</b>	<b>Zoning</b>
<b>Project Site</b>	Iron ore mine	Open Space (OS); treated as Resource Land Management (RLM)	Resource Conservation (RC)
North	Vacant BLM land	Open Space (OS)	Resource Conservation (RC)
South	Vacant BLM land	Open Space (OS)	Resource Conservation (RC)
East	Vacant BLM land	Resource/Land Management (RLM)	Resource Conservation (RC)
West	Vacant BLM land	Open Space (OS)	Resource Conservation (RC)

**Project Site Location, Existing Site Land Uses and Conditions**

The Baxter Quarry is located approximately 19 miles southwest of the Community of Baker and 40 miles east-northeast of Barstow within approximately 452 acres of private, vested lands. The Baxter Quarry has been explored and mined historically since 1938. The Baxter Quarry supplies iron ore for CalPortland’s cement plants and to other markets. The existing quarry or West Deposit (19 acres), overburden stockpile, staging area (stockpiled ore), and on-site access roads consist of approximately 49 disturbed acres within the existing 130 acre reclamation boundary.

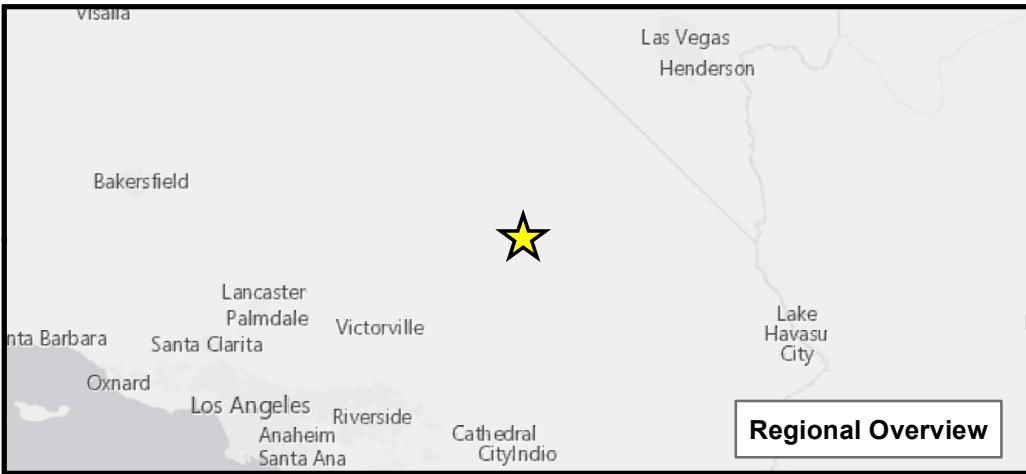
**ADDITIONAL APPROVALS REQUIRED BY OTHER PUBLIC AGENCIES**

**Federal:** Army Corps of Engineering (ACOE or Corps) - Section 404 of the Federal Clean Water Act (as applicable)

**State:** California Department of Fish and Wildlife (CDFW) - 1602 Streambed Alteration Agreement Streambed Alteration Agreement (as applicable)

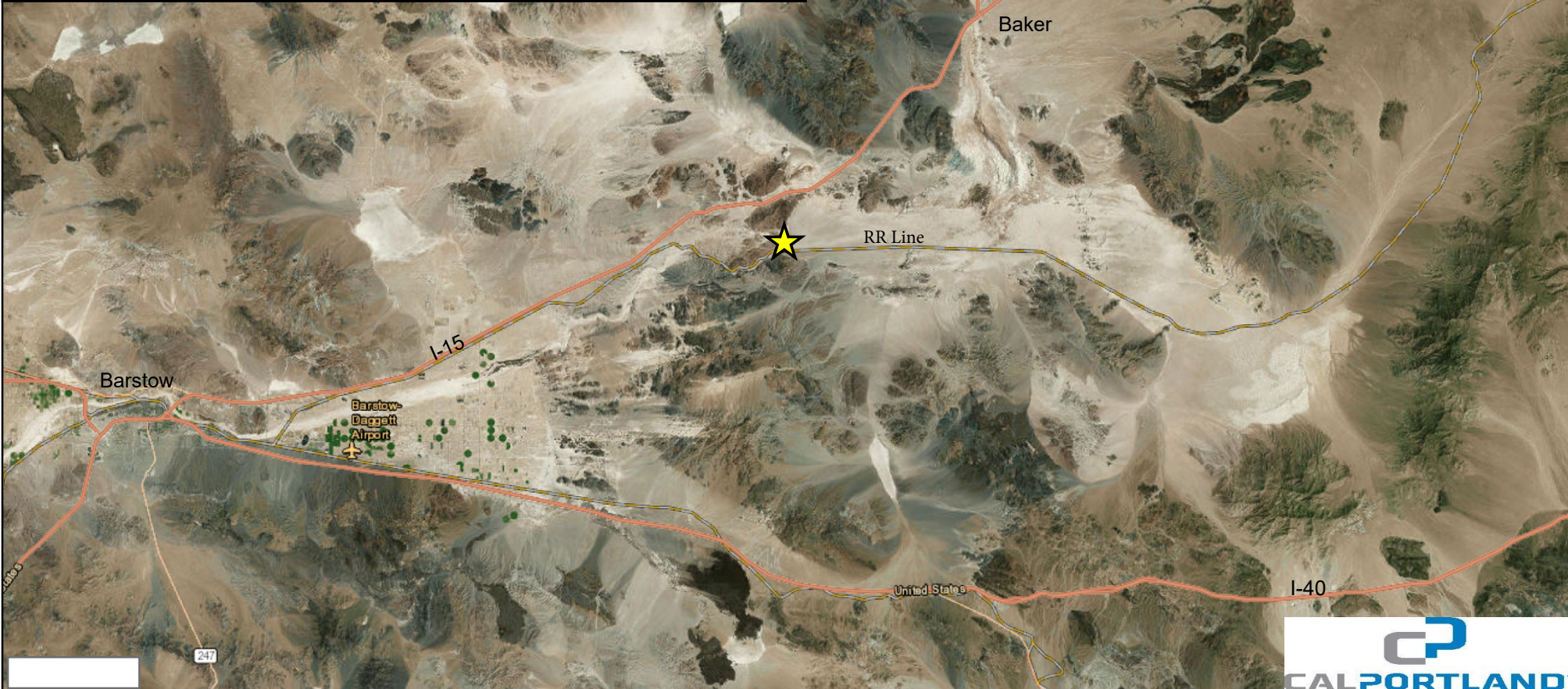
**County:** None required.

**Local:** None required.



**Legend**

★ Site Location

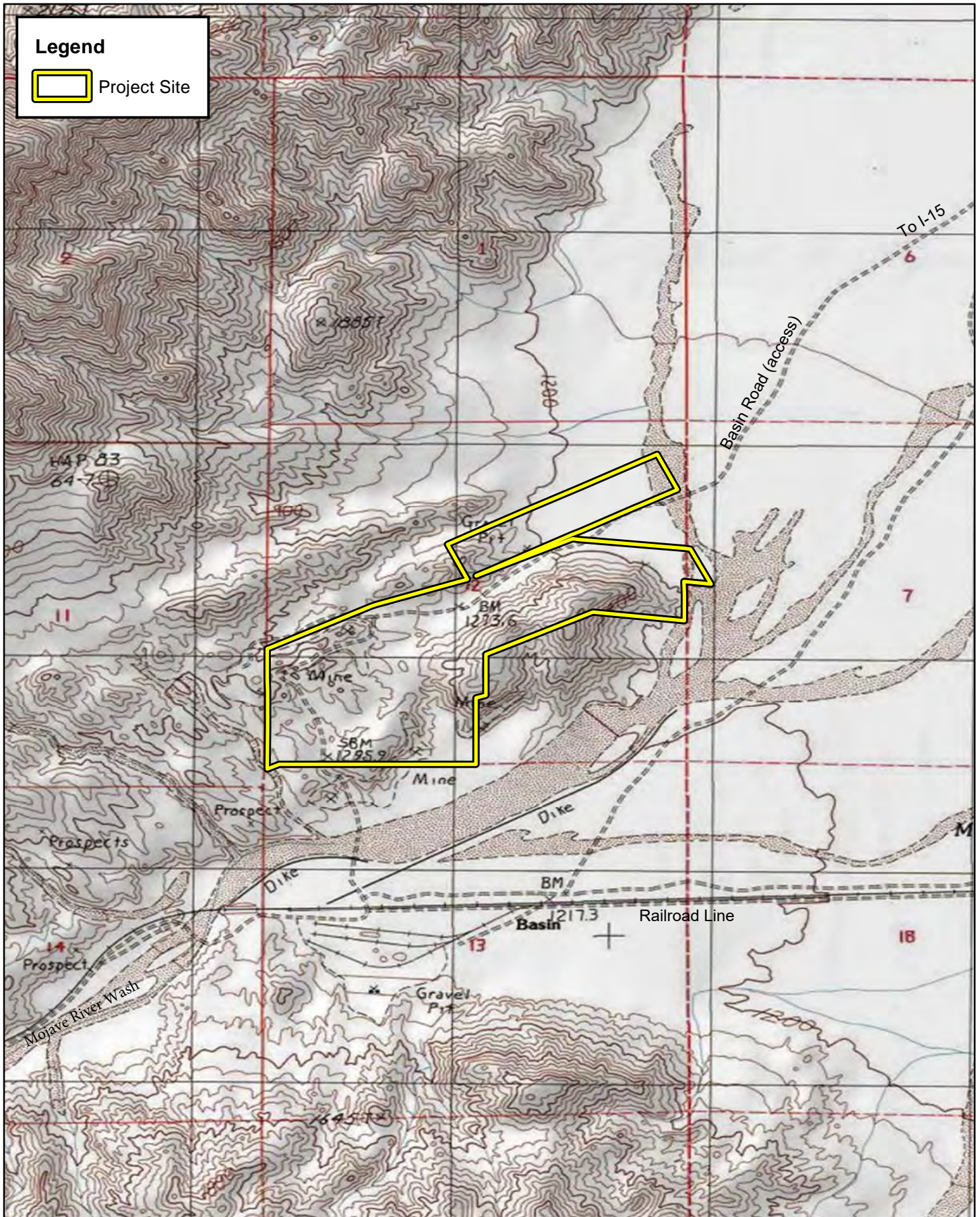


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 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA,

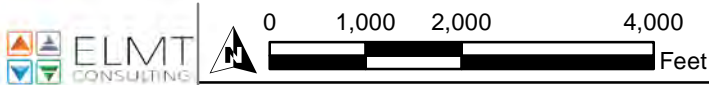


**Baxter Quarry  
 Amended Reclamation Plan**

**Figure 1 - Location Map  
 Baxter Quarry**

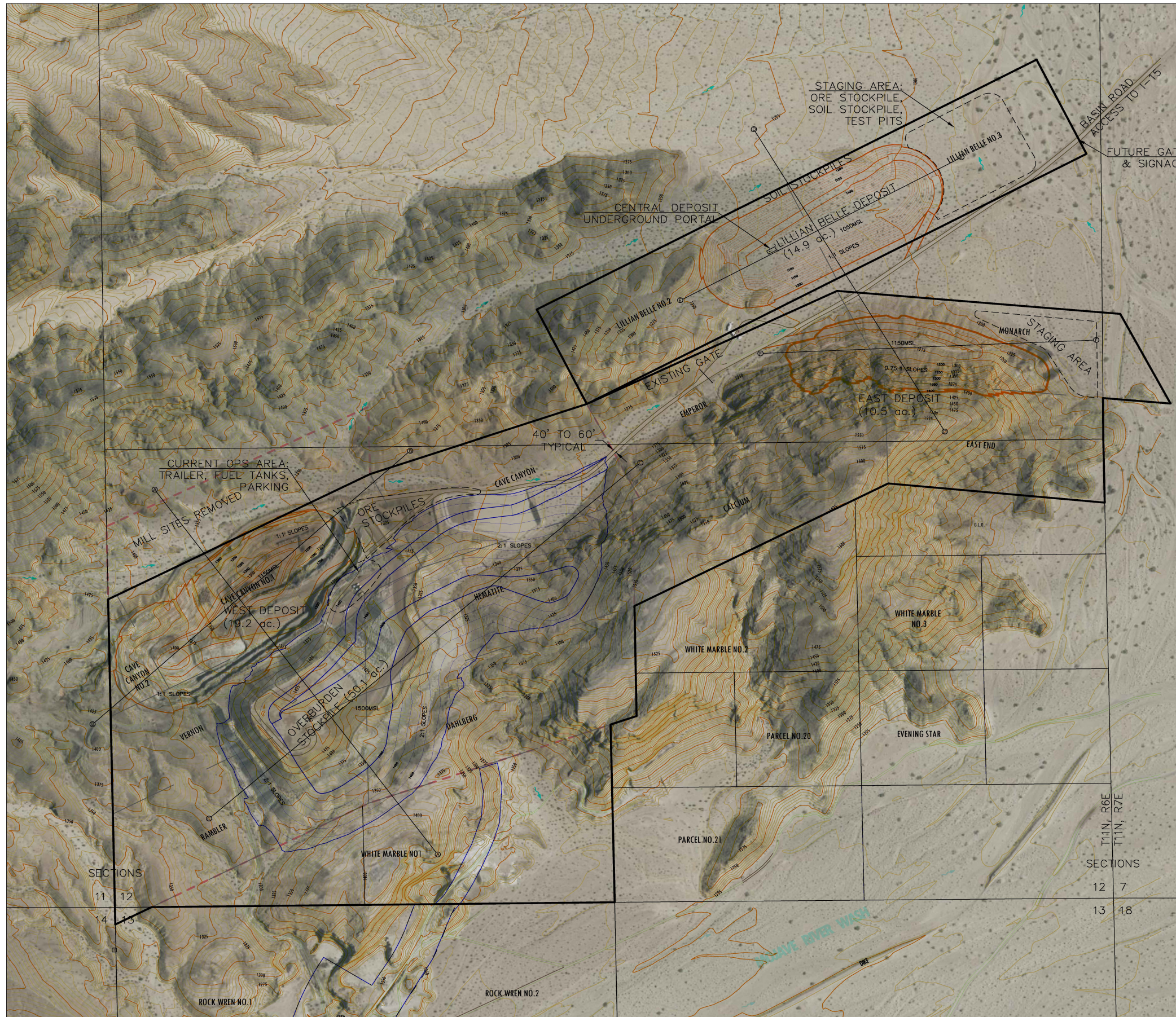


BAXTER QUARRY  
 AMENDED RECLAMATION PLAN  
**Site Vicinity**



Source: USA Topographic Map, San Bernardino County

Figure 2



**CALPORTLAND COMPANY  
BAXTER QUARRY  
MINE NOTES**

**Mine:** Baxter Quarry (90M-02)  
**CA Mine ID #:** 91-36-0023  
**Mineral:** Iron Ore  
**Mine Operator:** CalPortland Company  
 2025 E. Financial Way  
 Glendora, CA 91714  
 (626) 691-1966  
[lhaggard@calportland.com](mailto:lhaggard@calportland.com)  
**Land Owner:** CalPortland Company  
 2025 E. Financial Way  
 Glendora, CA 91714  
 (626) 691-1966  
**Applicant:** Same as Operator  
**Owner of Mineral Rights:** Same as Owner  
**Representative:** Desira Haggard  
 CalPortland Company  
 2025 E. Financial Way  
 Glendora, CA 91714  
 (626) 691-1966  
[lhaggard@calportland.com](mailto:lhaggard@calportland.com)  
**Civil Engineer:** Same as Operator  
**Map Preparer:** CalPortland Company & Lilburn Corporation  
**Geologists:** CalPortland - Ed Harrison  
 John S. McKeown, E.G. Senior Geologist  
 Terracon Consultants  
 1355 E. Cooley Drive  
 Colton, CA 92324  
 (909) 824-7311  
**Date of Map:** August 2021  
**Utilities:**  
 Water: Off-site water purveyor and/or private well  
 Sewage disposal: Portable toilets  
 Electric: Not proposed  
 Gas: Not proposed  
 Telephone: Mobile phones  
**Land Use Category / Zoning (Countywide Policy Plan November 2020):**  
**Project Site:**  
 Land Use Categories (LUC) - Resource Land Management (RLM)  
 Zoning - Resource Conservation (RC)  
**Surrounding Uses (LUC / Zoning):**  
 RLM / RC  
**Legal Description:**  
 APNs: 542-201-02 to 10, 14, 15, 16, 18, 35 & 36  
 Reclamation Plan Boundary Area: 262.7 acres  
 Area to be Impacted and Reclaimed: 117.9 acres  
 Portions of Sections 12; Township 11 North, Range 6 East and small portion of Section 7, T11N, R7E, S8M, County of San Bernardino, State of California.  
**Signage/Public Safety:**  
 There is a simple identification sign along Basin Road. Access on Basin Road is restricted to employees and authorized personnel. The entrance is gated with appropriate warning signs that notify the public that the mining area has restricted access and that the roads are not open to the public. During non-operating hours, gates are closed and locked. Other potential access roads are blocked or closed at the project boundary and have signs informing the public that the roads are closed to public access.  
 Quarry areas have warning signs, roads not used will be blocked or closed, and safety berms six feet high and 12 feet wide will be constructed along the quarry rims where there is potential access.  
**Parking:**  
 There will be no assigned parking areas within the mine site.  
**Plant and Tree Protection:**  
 Per the Desert Native plants Act and County Code 88.01.060, reconstruction surveys will determine the number and viability of each plant to survive removal and transplanting to an area ready for reclamation for any rare plants. Note that there are no protected CDEA listed candidate species western Joshua trees (*Yucca brevifolia*) onsite nor is the project site within the range of this species per the species petition and notification.

**PROFESSIONAL CERTIFICATIONS**

**Slope Stability Investigation (Terracon Consultants) (Appendix C)**

We have completed the Slope Stability Investigation services for the above referenced project. This study was performed in general accordance with Terracon Proposal No. PCB215002 dated January 26, 2021. This report presents the findings of the data review, geologic mapping, field testing, and structural evaluation, and provides recommendations concerning suitable slope angles and heights for reclamation consistent with Surface Mining and Reclamation Act (SMARA) requirements.

We appreciate the opportunity to be of service to you on this project. If you have any questions concerning this report or if we may be of further service, please contact us.

Sincerely,  
 Terracon Consultants, Inc.

*John S. McKeown*  
 John S. McKeown, C.E.G. 2396  
 Senior Geologist

*Jay J. Martin*  
 Jay J. Martin, C.E.G. 1529  
 Principal Geologist

Subject Matter Expert: Brian J. Williams, P.E., P.C.

**SURVEYOR'S STATEMENT**

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT, AT THE REQUEST OF CALIFORNIA PORTLAND CEMENT COMPANY 2021.

DATE: 10/28/2021

*Richard S. Furlong*  
 RICHARD S. FURLONG, P.L.S. 8422  
 RECORD OF SURVEY WAS SUBMITTED FOR REVIEW TO THE COUNTY OF SAN BERNARDINO ON 5/28/2021

PROFESSIONAL LAND SURVEYOR  
 NO. 8422  
 STATE OF CALIFORNIA

**MINE PLAN**  
**Baxter Quarry - Amended Reclamation Plan**  
 RECLAMATION PLAN No. 90M-02  
 CA Mine ID # 91-36-0023

**PROFESSIONAL CERTIFICATIONS**

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PROFESSIONAL LAND SURVEYOR  
 NO. 8422  
 STATE OF CALIFORNIA

**LILBURN CORPORATION**

**PROJECT SITE**

Scale: 1 inch = 400 feet  
 Map Prepared by Lilburn Corporation (TAG)  
 Topographic Coaster Aerial, Feb. 2012  
 Projection: CA SPCS, Zone 5, NAD83 US Feet  
 Aerial: 2020-05-23

**LEGEND**

- Revised Reclamation Plan Boundary (262.7 ac.)
- Proposed Quarry Limits
- Approved Reclamation Plan Boundary (138.8 ac.)
- Proposed Overburden Stockpile Limits
- Proposed Mining Contours
- Roads to Remain
- Existing Topography
- Parcel Lines

**MINE PLAN**  
**Baxter Quarry - Amended Reclamation Plan**  
 RECLAMATION PLAN No. 90M-02  
 CA Mine ID # 91-36-0023

**SHEET INDEX**

#	Title	SHEET INDEX
1	Cover	
2	Mine Plan	
3	Reclamation Plan	
4	Cross Sections and Details	

Scale: 1"=400'  
 Date: 08/2021  
 DCR: 302524 Box-Mine Plan 2021b

Sheet **2** of **4**

**CALPORTLAND**  
 2025 E. FINANCIAL WAY  
 GLENDORA, CA 91741





**CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES**

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

On June 15, 2022, the San Bernardino County mailed notification pursuant to AB52 to the following tribes: Colorado River Indian Tribes, Fort Mojave Indian Tribe, Morongo Band of Mission Indians, Soboba Band of Luiseno Indians, Gabrieleño Band of Mission Indians - Tongva Nation, and Yaamava of San Manuel Nation.

Requests for consultations were due to the County by or around July 16, 2022. The table below shows a summary of comments and responses.

**AB 52 Consultation**

<b>Tribe</b>	<b>Comment Letter Received</b>	<b>Summary of Response</b>	<b>Conclusion</b>
Yaamava of San Manuel Nation	July 12, 2022 (email)	Requested that specific language be added as conditions	Included Mitigation Measures CR-1 to CR-3, and TCR-1 and TCR-2
Colorado River Indian Tribes	No Response received.	No Response received.	No request for consultation.
Fort Mojave Indian Tribe	No Response received.	No Response received.	No request for consultation.
Morongo Band of Mission Indians	No Response received.	No Response received.	No request for consultation.
Gabrieleño Band of Mission Indians - Tongva Nation	No Response received.	No Response received.	No request for consultation.
Soboba Band of Luiseno Indians	No Response received.	No Response received.	No request for consultation.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission’s Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

## **EVALUATION FORMAT**

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based on its effect on 20 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
--------------------------------	--	-----------------------	-----------

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

1. **No Impact:** No impacts are identified or anticipated, and no mitigation measures are required.
2. **Less than Significant Impact:** No significant adverse impacts are identified or anticipated, and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)
4. **Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below will be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> <u>Aesthetics</u>                | <input type="checkbox"/> <u>Agriculture and Forestry Resources</u> | <input type="checkbox"/> <u>Air Quality</u>                                  |
| <input type="checkbox"/> <u>Biological Resources</u>      | <input type="checkbox"/> <u>Cultural Resources</u>                 | <input type="checkbox"/> <u>Energy</u>                                       |
| <input type="checkbox"/> <u>Geology/Soils</u>             | <input type="checkbox"/> <u>Greenhouse Gas Emissions</u>           | <input checked="" type="checkbox"/> <u>Hazards &amp; Hazardous Materials</u> |
| <input type="checkbox"/> <u>Hydrology/Water Quality</u>   | <input type="checkbox"/> <u>Land Use/Planning</u>                  | <input type="checkbox"/> <u>Mineral Resources</u>                            |
| <input type="checkbox"/> <u>Noise</u>                     | <input type="checkbox"/> <u>Population/Housing</u>                 | <input type="checkbox"/> <u>Public Services</u>                              |
| <input type="checkbox"/> <u>Recreation</u>                | <input type="checkbox"/> <u>Transportation</u>                     | <input type="checkbox"/> <u>Tribal Cultural Resources</u>                    |
| <input type="checkbox"/> <u>Utilities/Service Systems</u> | <input type="checkbox"/> <u>Wildfire</u>                           | <input type="checkbox"/> <u>Mandatory Findings of Significance</u>           |

**DETERMINATION:** Based on this initial evaluation, the following finding is made:

<input type="checkbox"/>	The Amended Plan COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
<input checked="" type="checkbox"/>	Although the Amended Plan could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
<input type="checkbox"/>	The Amended Plan MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	The Amended Plan MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	Although the Amended Plan could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Amended Plan, nothing further is required.

  
\_\_\_\_\_  
Signature: (Steve Valdez, Senior Planner)

1/6/2023  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature: (David Prusch, Supervising Planner)

\_\_\_\_\_  
Date

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>I. AESTHETICS</b> – Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** (Check  if project is located within the view-shed of any Scenic Route listed in the Countywide Plan):

**San Bernardino Countywide Policy Plan 2020; San Bernardino Countywide Plan EIR; Amended Reclamation Plan for Baxter Quarry**

a) *Have a substantial adverse effect on a scenic vista?*

The Project Site is located in the North Desert region of the County. There are a number of large areas of public/government-owned lands in the North and East Desert regions of the County that provide aesthetic and conservation value, including the Mojave Trails National Monument (MTNM).<sup>1</sup> Surrounding land uses include the vacant public desert lands administered by the BLM to the east, south, and north. The MTNM established in 2016, is adjacent to the site on the west and northwest.

The Project Site consists of the Baxter Quarry that has been explored and mined historically since 1938. The existing quarry or West Deposit (19 acres), overburden stockpile, staging area (stockpiled ore), and on-site access roads consist of approximately 49 disturbed acres. The proposed amendment will include an additional

<sup>1</sup> Placeworks. San Bernardino Countywide Plan Draft EIR. Aesthetics.

approximately 69 acres explored and partially mined. No change in the existing character of the area will occur.

Final reclamation will include the removal of all equipment, any structures, and debris from the site within two years of the termination of all mining onsite. Any remaining overburden or ore stockpiles will be deposited into the quarry benches or floor or transported to the overburden stockpile. Compacted surfaces in the staging areas and roads to be reclaimed will be loosened by mechanical means and seeded with native plant species. The area is an isolated desert location with minimal public use or access; there are no viewpoints in the immediate area. Therefore, the Amended Plan will not substantially cause an adverse effect on a scenic vista and less than significant impacts are identified or anticipated. No mitigation measures are required.

#### **Less Than Significant Impact**

- b) *Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?*

The Project Site is located approximately 2.5 miles south of Interstate 15 (I-15), which is a County Scenic Route & Eligible State Scenic Highway.<sup>2</sup> The mine site is not visible from I-15 due to the distance and intervening topography. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

#### **Less Than Significant Impact**

- c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Impacts to visual resources are based on changes to the existing character of the landscape, viewer sensitivity, and the number of viewers that may view the project activities. The Amended Plan is consistent with the zoning of Resource Conservation. The Project Site is surrounded by vacant and undeveloped land. The mine site is not viewed by significant numbers of viewers or visible from any prominent viewpoints as the site is very remote with limited views due to intervening topography. Project operations would not be visible from I-15. The reclamation and revegetation of the site will aid in blending the site with the surrounding topography and vegetation. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

#### **Less Than Significant Impact**

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<sup>2</sup> San Bernardino Countywide Policy Plan Map NR-3 “Scenic Routes and Highways.” Accessed October 29, 2021.

- d) Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?

The Amended Plan would require one light plan that would be utilized as needed. Lighting would be used for security and emergency needs, however, in the event temporary lighting is needed, the operator shall comply with the requirements outlined by County Development Code Section 83.07.040, Glare and Outdoor Lighting – Mountain & Desert Regions. This includes fully shielding lights as required to preclude light pollution or light trespass on adjacent property, other property (directly or reflected), and members of the public on adjacent roads. Proposed light sources are anticipated to be local in nature and would not impact the region’s overall light environment. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

**Less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>II.</b>	<b>AGRICULTURE AND FORESTRY RESOURCES</b> - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)),	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) | Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:** (Check  if project is located in the Important Farmlands Overlay):

**San Bernardino Countywide Policy Plan 2020; San Bernardino County Agricultural Resources GIS Map; Submitted Project Materials**

- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

No prime farmland, unique farmland, or farmland of statewide importance occurs at the Project Site or within the immediate vicinity.<sup>3</sup> Reclamation activities under the Amended Reclamation Plan would not convert farmland to a non-agricultural use. No impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The Project Site is not under or adjacent to any lands under a Williamson Contract.<sup>4</sup> It has a current zoning of Resource Conservation. The Amended Plan would be consistent with the Countywide Policy Plan and would not conflict with existing zoning for agricultural uses or a Williamson Contract. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

- c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

The Project Site is currently zoned Resource Conservation. Implementation of the Amended Plan would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned for Timberland Production. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

<sup>3</sup> San Bernardino Countywide Policy Plan Map NR-5 "Agricultural Resources." Accessed November 2, 2021.

<sup>4</sup> San Bernardino Countywide Policy Plan Map NR-5 "Agricultural Resources." Accessed November 2, 2021.

**No Impact**

- d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

The Project Site does not support forest land. Implementation of the Amended Plan would not result in loss of forest land or conversion of forest land to non-forest use. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

- e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The Project Site contains no agricultural resources or farmland that would be converted as a result of the Amended Plan. The Project Site is currently zoned Resource Conservation; it is not zoned for agriculture or considered Farmland. Therefore, no impacts involving other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agriculture use would occur. No impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

---

**No impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>III. AIR QUALITY</b> - Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



- d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)

**SUBSTANTIATION:** *(Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable):*

**San Bernardino Countywide Policy Plan 2020; Submitted Project Materials; Air Quality / GHG Assessment, Lilburn Corp. March 2022**

- a) *Conflict with or obstruct implementation of the applicable air quality plan?*

The Project site is located within the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD) and is located in the Mojave Desert Air Basin (MDAB). The Air Quality Management Plan (AQMP) provides a program for obtaining attainment status for key monitored air pollution standards, based on limiting existing and future air pollution emissions resulting from development, traffic, employment and residential growth projections. The AQMP is developed using input from various agencies' General Plans and other projections for population and employment growth. The MDAB is a designated nonattainment basin for ozone. Equipment usage results in emissions of PM<sub>10</sub> and ozone precursors, including NO<sub>x</sub> and volatile organic compounds (VOC).

Generally, a project may be inconsistent with the AQMP or attainment plan if it could generate population, housing, or employment growth exceeding the forecasts used in the development of the AQMP. The Countywide Policy Plan Land Use Map shows that the project site is within Land Use Category Open Space (OS) and within Resource Conservation (RC) zoning which allow mine projects with the approval of a CUP for mining and a reclamation plan. The site also is considered to hold a vested right for mineral resource development based on its historical and use for mining since the 1930s and ongoing and continuous operations. Therefore, no changes or amendments to land use, land use categories, or zoning are proposed; only the continuation of current activities previously allowed on-site consistent with the Countywide Policy Plan and the current Reclamation Plan. The Amended Plan is simply a revision to the existing Reclamation Plan on a vested mining area and will not generate any substantial increases to housing, employment, or population. In addition as discussed below, criteria emissions associated with mining and reclamation are not expected to change and are estimated below MDAQMD CEQA thresholds.

Therefore, the emissions associated with the Amended Plan have already been taken into account in the AQMP and approval of the Amended Plan would not conflict with the AQMP. Applicable MDAQMD rules and regulations will be complied with. No significant impacts are identified or are anticipated, and no mitigation measures are required.

### **No Impact**

- b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?*

The Amended Plan was screened for emissions to be generated from mining operations and reclamation activities by Lilburn Corporation and included in the Baxter Quarry

Amended Reclamation Plan *Air Quality / GHG Assessment* (March 2022). Emissions were estimated using the latest emission factors from the following sources:

- MDAQMD's "Emissions Inventory Guidance for Mineral Handling and Processing Industries" (April 2000);
- CARB EMFAC2017 Emission Rates;
- SCAQMD "Air Quality Handbook" as updated (2021);
- EPA's AP-42 Section 13.2.2 unpaved roads (November 2006);
- SCAQMD Particulate Matter Emission Factors (July 2010);
- CARB Carl Moyer Program Guidelines for In-Use Off-Road Diesel-Fueled Emissions (2017); and
- Haul trucks and diesel equipment compliance with California Air Resources Board's (CARB) off-road diesel vehicles regulation and CalPortland's fleet averaging requirements to reduce diesel pollutants.

### **Stationary Emission Sources**

A portable track-mounted crusher/magnetic separator plant and diesel generator are used for ore crushing and separating. The portable processing plant is operated under MDAQMD Permit No. 12469 and the generator set under Permit No. 12473. The plant is currently within the West Deposit and will be moved to the active mining area as mining progresses. Typical annual emissions for the plant and generator are included in Table 3. There are no changes proposed for annual processing production with the Amended Plan.

### **Mobile Equipment Exhaust Emissions**

Typical heavy off-road construction-type equipment including two loaders, three 45-ton haul trucks, a drill rig, and water truck are currently utilized for mining, hauling, and road maintenance activities on-site. Over time, replacement equipment may be required to optimize operations and to meet equipment emissions' standards. The replacement equipment types would not substantively change over time. Haul trucks, diesel equipment, and the processing plant meet requirements of the MDAQMD and the California Air Resources Board's (CARB) off-road diesel vehicles regulations to reduce diesel pollutants.

Mobile pollutant sources are regulated at the state level by CARB, not through the MDAQMD or local counties. CARB is responsible for developing statewide programs and strategies to reduce smog-forming pollutants, toxics, and climate changing emissions from diesel-fueled vehicles. CARB implements a comprehensive Diesel Reduction Plan to reduce particulate matter (PM) and oxides of nitrogen (NOx) emissions from in-use (existing) and new off-road and on-road heavy-duty diesel vehicles in California by the following measures:

- Imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles;
- Requires all vehicles to be monitored and reported to CARB in the online reporting system DOORS and labeled;
- Requires more stringent emission standards for new diesel fueled engines and vehicles;

- Requires low sulfur content in diesel fuel;
- Restricts the adding of older vehicles into fleets starting on January 1, 2014; and
- Requires fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies, VDECS (i.e., exhaust retrofits).

### *Continuing Mining Operations*

The existing and future operations, the production rates, and trucking are listed below for the ongoing project. There are no changes proposed for future annual production with the Amended Plan.

- Iron ore production – 150,000 tons/year; 500 tons/day for 300 days/year (typical).
- Hours of operations – one shift; 8 hours/day, 6 days/week; equipment hours depending on active mining area and demand.
- Iron ore production - A portable track-mounted crusher/magnetic separator plant and diesel generator are used for ore crushing and separating; crushed on-site and transported to staging/loading area by off-road 45-ton capacity haul trucks; 6 days/week, average 12 truck-trips/day.
- Overburden – approx. 50,000 tons/year of OB will be excavated depending on quarry excavation location; 45-ton capacity haul trucks will move OB directly to the overburden stockpile; 45-ton trucks, 6 days/week; 4 truck-trips/day.
- Processing – 200,000 tons/year; portable track-mounted crusher/magnetic separator plant and diesel generator are used for ore crushing and separating ore from overburden. Portable processing plant is operated under MDAQMD Permit No. 12469 and the generator set under Permit No. 12473.
- Shipping – 25-ton on-road haul trucks; estimated 20 truck-trips/day to Oro Grande; approx. 170 miles round trip.

### **Fugitive Dust**

Fugitive dust is generated by mining excavations, loading and dumping material, wind erosion of active operations areas, and unpaved road dust. Dust equations in EPA AP-42, the MDAQMD Guidance Handbook, and/or the SCAQMD guidelines were utilized to estimate dust emissions (see Table 3). Dust control measures are in compliance with MDAQMD Rules 401 (limit visible emissions); 402 (avoid nuisance emissions to people or businesses or property); and 403 (updated October 2020), which requires the owner/operator of a mining facility to implement measures to reduce PM<sub>10</sub> entrained in the ambient air and to meet air quality standards. The dust control requirements for mining facilities are listed in Rule 403 (C)(8) and are required to be in place and operative with approval and periodic monitoring by MDAQMD and mine personnel ensuring that the regulatory standards are met.

A 4,000-gallon water truck (typical) is used to water spray operational areas, active stockpiles, and roads as needed to control blowing dust. Water spray systems are in-place on the crusher plant per MDAQMD permit requirements. On occasion, if deemed a more effective method for road dust, approved dust suppressant is sprayed on active roads and areas.

The following measures are implemented to reduce fugitive dust:

1. *Water is sprayed on unpaved haul and access roads, active operational areas, and material stockpiles.*
2. *Roads are treated with EPA approved dust suppressants to prevent dust as needed.*
3. *Speed limits on unpaved roads are 25 mph.*
4. *All loaded trucks leaving from the site shall be properly trimmed with a 6-inch freeboard height and/or covered and sprayed with water so as to minimize dust and prevent spillage onto a public roadway per California Vehicle Code 23114.*

### **Air Quality Assessment**

There are no changes proposed for annual production with the Amended Plan; therefore there is no change or increase expected with air pollutant emissions. Table 3 summarizes the total emissions for the existing and future mining operations. There is no change in future emissions as compared to baseline or existing conditions, therefore there are no impacts as compared to the MDAQMD CEQA thresholds. However, compliance with MDAQMD rules and CARB's Off-Road Diesel Vehicle regulations would maintain limitations and further reduce future emissions.

These measures include the dust control measures above and the following measures to limit criteria emissions:

5. *Production is scheduled to minimize daily equipment operations;*
6. *Trucks in loading queues will have their engines turned off when not in use for more than 5 minutes to reduce idling and vehicle emissions in compliance with Title 13, California Code of Regulations, Section 2485 (Anti-Idling Policy);*
7. *All equipment used for mining and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.*
8. *The operator shall comply with all existing and future CARB and MDAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.*
9. *The operator shall annually renew permits to operate the plant and generator from the MDAQMD and be in compliance with such permits.*

**Table 3  
Baxter Quarry Amended Plan  
Existing Baseline and Future Conditions  
Estimated Annual Air Pollutant Emissions (tons/year)**

	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
<b>EMISSIONS SOURCES</b>					
Drilling & Blasting	---	0.83	3.27	0.46	0.09
Mobile Equip., Haul Trucks (Exhaust), drill rig & Generator Set	0.18	1.98	6.92	0.07	0.06
Processing Plant Fugitive Dust	---	---	---	0.10	0.02
Fugitive Dust (Loading, dozing, wind erosion)	---	---	---	0.79	0.16
Unpaved roads	---	---	---	1.43	0.29
<b>On-site Emission Totals (tons/year)</b>	<b>0.18</b>	<b>2.81</b>	<b>10.19</b>	<b>2.85</b>	<b>0.62</b>
<b>Off-site Truck &amp; Vehicle Emissions</b>	<b>0.11</b>	<b>3.08</b>	<b>0.64</b>	<b>0.07</b>	<b>0.06</b>
<b>Totals</b>	<b>0.29</b>	<b>5.89</b>	<b>10.83</b>	<b>2.71</b>	<b>0.68</b>
<b>Increase from Existing Conditions (no increase from baseline conditions)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
MDAQMD CEQA Thresholds	25	25	100	15	12
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: Lilburn Corporation March 2022

Totals rounded and may not add up exactly.

No changes in production or operations planned from existing baseline conditions, therefore no new impact.

### Reclamation Emissions

Upon completion of vested mining activities, disturbed areas will be reclaimed and revegetated per SMARA and County standards as outlined in the Reclamation Plan. Reclamation activities would require minor earthmoving, soil redistribution, and other activities typically associated with final grading and revegetation. An estimated 40 days of grading and earthmoving activities are anticipated. Reclamation emissions would be substantially less than the existing vested annual mining operations and off-site trucking and would not exceed MDAQMD CEQA thresholds. Table 4 below lists the estimated emissions related to reclamation.

**Table 4**  
**Baxter Quarry Amended Plan**  
**Planned Reclamation Activities**  
**Estimated Annual Air Pollutant Emissions (tons/year)**

	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
<b>EMISSIONS SOURCES</b>	<b>Reclamation</b>	<b>Reclamation</b>	<b>Reclamation</b>	<b>Reclamation</b>	<b>Reclamation</b>
<b>ONSITE</b>					
Mobile Equip. & Haul Trucks (Exhaust)	0.02	0.10	0.81	0.003	0.003
Fugitive Dust (Reclamation)	---	---	---	0.12	0.03
Fugitive Dust haul truck travel	---	---	---	0.22	0.04
<b>Emission Totals Onsite</b>	<b>0.02</b>	<b>0.10</b>	<b>0.81</b>	<b>0.343</b>	<b>0.073</b>
MDAQMD CEQA Thresholds	25	25	100	15	12
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: Lilburn Corporation March 2022

Therefore, the project's criteria and dust emissions will be less than the CEQA thresholds. Therefore, air quality impacts will be less than significant with implementation of MDAQMD rules and regulations and project design measures and no mitigation measures are required.

**Less Than Significant Impact**

- c) *Expose sensitive receptors to substantial pollutant concentrations?*

The proposed project is an Amendment to an approved Reclamation Plan with vested rights and operations and uses are not anticipated to change substantially from existing conditions. The Amended Plan is located in a remote area of San Bernardino County. There are no adjacent or nearby residences within 6 miles. In addition, the emissions modeling results (as shown in Table 3) indicate that there will be no change in existing conditions nor do the existing emissions exceed MDAQMD thresholds. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

- d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

CalPortland is submitting the Amended Plan for the planned continuing operations and reclamation of the existing vested Baxter Quarry. The generation of objectionable odors is typically not associated with project operations and there are no sensitive receptors within the project vicinity. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

**Therefore, less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database 

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**San Bernardino Countywide Policy Plan 2020; Submitted Project Materials; ELMT Consultants, Inc., Biological Resources Assessment, February 2022; Jericho Systems, Inc., Revegetation Plan, February 2020**

- a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

A Biological Resources Assessment was prepared for the Amended Plan by ELMT Consulting, Inc. (ELMT) in February 2022 (report available at County office). The objective of the assessment was to determine whether the Project Site supports special status or otherwise sensitive species and/or their habitats, and to address the potential effects associated with the Amended Plan on those resources.

Vegetation

The creosote scrub bush scrub plant community occurs throughout the undeveloped/undisturbed portions of the project site and is the dominant plant community within the surrounding landscape, and overall underlying plant community in the area. This plant community is dominated by creosote (*Larrea tridentata*) corresponds with Sawyer et al.'s (2009) *Larrea tridentata* shrubland alliance.

The desert willow scrub (Chilopsis Woodland Alliance) is found on the northeast portion of the site in association with the Mojave River floodplain. This plant community is dominated by desert willow (*Chilopsis linearis* ssp. *arcuata*) closely corresponding with Sawyer et al.'s (2009) *Chilopsis linearis* woodland alliance. These areas are outside the planned project footprint.

Wildlife

No fish, amphibians, or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) with frequent sources of water that would provide suitable habitat for fish and amphibians were observed on the project site.

The project area provides suitable foraging habitat for a variety of reptilian species adapted to conditions within the Mojave Desert. The only reptile species observed within the Project area was the desert iguana (*Dipsoarus dorsalis*). Other common reptile species expected to occur within the Project area include desert glossy snake (*Arizona elegans eburnata*), Mohave shovel-nosed snake (*Chionactis occipitalis*), desert banded gecko (*Coleonyx variegatus variegatus*), and northern Mohave rattlesnake (*C. scutulatus scutulatus*).

**Special-Status Species**

***Special Status Plants***

No special-status plant species were observed on-site during the survey or their primary habitat was desert wash or dunes which are mostly off-site and will not be impacted by project activities that will occur mainly in the rugged hills and ridges. There are no western Joshua trees (*Yucca brevifolia*), a State candidate species, located on the site as it is outside the range of this species.



The small-flowered androstephium (*Androstephium breviflorum*), a California Native Plant Society (CNPS) with a rank of 2B.2 (plants rare, threatened, or endangered in California, but common elsewhere), has a low potential to occur on-site and was not observed during site surveys. To determine if this unlisted species is identified on-site, CDFW recommended the following condition of approval:

Condition of Approval to conduct survey for small-flowered androstephium (*Androstephium breviflorum*):

*Prior to start of Project activities on undisturbed areas, a botanical field survey be conducted for occurrence of the small-flowered androstephium according to the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). This protocol-level surveys will be conducted during the blooming period of March through April and the results will be shared with the County and CDFW.*

### **Special Status Wildlife**

According to the California Natural Diversity Data Base (CNDDDB), twenty-two (22) special-status wildlife species have been reported in the *Bitter Spring, Cronese Lakes, West of Soda Lake, Dunn, Cave Mountain, Crucero Hill, Hidden Valley West, Hidden Valley East, and West of Broadwell Mesa* quadrangles. Based on habitat requirements for the identified special-status species, and known distributions, it was determined that the undeveloped/undisturbed plant communities found onsite have the potential to support the following special-status wildlife species:

- pallid bat (*Antrozous pallidus*), a California Species of Special Concern – moderate potential to occur;
- golden eagle (*Aquila chrysaetos*), a California fully protected and watch list species – moderate potential to occur. There is one golden eagle location documented approximately 1.7 miles northwest of the Project site. This location occurs on the northern portion of Cave Mountain. No GOEA were observed within the Project site boundaries during survey;
- spotted bat (*Euderma maculatum*), a California Species of Special Concern – moderate potential to occur;
- prairie falcon (*Falco mexicanus*), a California watch list species – moderate potential to occur;
- Mojave desert tortoise (*Gopherus agassizii*), and federally and State Threatened species – moderate potential to occur;
- loggerhead shrike (*Lanius ludovicianus*), a California Species of Special Concern – high potential to occur;
- fringed myotis (*Myotis thysanodes*), no formal status – low potential to occur;
- desert bighorn sheep (*Ovis canadensis nelsoni*), California fully protected species – moderate potential to occur;
- American badger (*Taxidea taxus*), a California Species of Special Concern – low potential to occur; none observed onsite.
- Desert kit fox (*Vulpes macrotis arsipus*), a California fully protected species – low potential to occur; none observed onsite; and
- Ring-tailed cat (*Bassariscus astutus*), a California Species of Special Concern and fully protected species; low potential to occur; none observed onsite.

### *Desert Tortoise*

The desert tortoise is a State- and federally listed threatened species. Surveys were conducted for the desert tortoise in 2018 per latest USFWS protocols and in 2021 determined that there are no desert tortoise occurrences on site or directly adjacent to it. Most of the proposed mine site is rocky outcrop/rugged hills not favorable for desert tortoise habitat. Desert tortoise are documented to occur approximately 11.75 miles northwest of the Project Site. Per the U.S. Fish and Wildlife (USFWS) desert tortoise Critical Habitat overlay, the Project Site is not within any USFWS designated desert tortoise Critical Habitat.

Although desert tortoise are absent from the site, precautionary measures, summarized as Mitigation Measure BIO-1 below, are recommended to avoid potentially injuring or killing any desert tortoise that may wander on site during operations of the quarry.

### *Burrowing Owl*

The burrowing owl is a ground dwelling owl typically found in arid prairies, fields, and open areas where vegetation is sparse and low to the ground. The BUOW is not listed under the State or federal ESA but is considered both a State and federal species of special concern (SSC). The BUOW is a migratory bird protected by the international treaty under the Migratory Bird Treaty Act of 1918 and by State law.

BUOW are not documented within the Project site, within a 3-mile radius, and are not documented in the *Cave Mountain* USGS quadrangle or the eight quadrangles that surround it. The assessment survey was structured to detect burrowing owl. The survey consisted of walking transects spaced to provide 100% visual coverage of the project site, including survey buffer transects around the Project site. The result of the survey was that no evidence of burrowing owl was found within the project boundaries.

### *Mojave Ground Squirrel*

The Mojave ground squirrel is a State-listed threatened species. Although a focused MGS trapping survey was not performed, a Mohave ground squirrel habitat suitability assessment was conducted. The habitat assessment included a pedestrian field assessment, review of reported occurrences of the MGS in the region, and adherence to CDFW's criteria for assessing potential impacts to the Mohave ground squirrel. The criteria questions are as follows:

- *Is the site within the range of the Mohave ground squirrel?;*
- *Is there native habitat with a relatively diverse shrub component? and*
- *Is the site surrounded by development and therefore isolated from potentially occupied habitat?*

There are no documented occurrences of Mohave ground squirrel within a 3-mile radius of the Project site; the closest recorded occurrence is approximately 16.5 miles northwest of the Project site within the jurisdiction of Fort Irwin. Mohave ground squirrel are thought to be extirpated east of the I-15, south of Barstow and west of Highway 247. The Project site occurs well east outside the established current range for this species and no further discussion or investigation is warranted.

### *Golden Eagle*

The golden eagle is a CDFW Fully Protected species. Raptors and all migratory bird species, whether listed or not, receive protection under the Migratory Bird Treaty Act (MBTA) of 1918. There is one golden eagle location documented approximately 1.7 miles northwest of the Project Site. This location occurs on the northern portion of Cave Mountain. No golden eagle were observed within the Project Site boundaries during survey, but suitable habitat is present on site. Mitigation Measure BIO-2 is recommended to avoid potential impacts to nesting golden eagle during mining operations.

#### *Bats*

All bat species are protected by the CDFW as standard exemptions to Scientific Collecting Permits (SCP's) and for take of any species, a written permit or Memorandum of Understanding (MOU) from the Department is required. The Project Site contains habitat that is potentially suitable for many bat species for roosting and foraging purposes. However, the bat species known in this area are not listed nor considered sensitive and are found in almost every habitat type. Most of the steep cliff faces and rocky terrain that provide suitable habitat for pallid bat, spotted bat, and fringed myotis will be avoided during project activities. To prevent impacts to potential roosting habitat on the within the steep terrain onsite, disturbance or removal of large boulders should be avoided.

#### *Nesting Birds*

The federal MBTA of 1918 (16 U.S.C 703-711) provides protection for nesting birds that are both residents and migrants whether or not they are considered sensitive by resource agencies. The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed under 50 CFR 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). Vegetation suitable for nesting birds exists within and adjacent to the Project Site. Therefore, Mitigation Measure BIO-2 is recommended to avoid potential significant impacts to nesting birds, the loggerhead shrike, golden eagle, and prairie falcon.

#### **Mitigation Measure BIO-1:**

- *Preconstruction surveys shall be conducted no more than 30 days prior to new ground disturbance within the Lillian Belle area and for roads in the wash areas to the east;*
- *Worker/employee/driver desert tortoise and sensitive wildlife education and awareness program (WEAP) shall be completed prior to working on-site (see WEAP provided after MM BIO-2);*
- *Disturbance shall be confined to the smallest practical areas within the planned disturbance areas;*
- *Vehicle speeds shall not exceed 25 miles per hour on-site;*
- *Cross-country travel with motorized vehicles outside of the Project Site by project personnel is prohibited;*
- *Vehicles and equipment parked shall be inspected immediately prior to being moved;*
- *To the extent possible, new disturbances on undisturbed areas shall be scheduled when tortoises are inactive (November 1 - March 15) and after protocol surveys are completed to ensure that desert tortoise are fully avoided;*

- *All trash and food items shall be promptly contained within closed, common raven-proofed containers;*
- *Firearms, dogs, or other pets shall be prohibited at the work site; and*
- *If desert tortoise are found during surveys, CalPortland shall coordinate with the U.S. Fish & Wildlife Service and CDFW to determine if avoidance and minimization measures can be applied, or if take permits are necessary; and in the interim to prohibit the proponent from entering into or disturbing new areas where evidence of desert tortoise is found without authorization from one or both of those agencies.*

**Mitigation Measure BIO-2:** In order to comply with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code and to protect potential golden eagle nesting areas and special status bat roosting habitat, the following measure is required:

- *New mining activities and/or the removal of any trees, shrubs, or any other potential nesting habitat shall be conducted onsite and within 500 feet of the Project within three (3) days of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction.*
- *If new mining activities or ground clearing occurs in an area that has not been disturbed within 2 weeks inside the peak nesting season (between February 1 and August 31), or within 30 days of the peak nesting season, a pre-construction survey by a qualified Biologist shall be conducted within 3 days prior to construction activities to identify any active nesting locations. If the Biologist does not find any active nests, the construction work shall be allowed to proceed. The biologist conducting the clearance survey shall document a negative survey with a report indicating that no impacts to active avian nests shall occur.*
- *If the Biologist finds an active nest within the pre-construction survey area and determines that the nest may be impacted, the Biologist shall delineate an appropriate buffer zone around the nest. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the pre-construction survey and any subsequent monitoring shall be provided to the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.*
- *If an active eagle nest is found, Project disturbances will not occur within 0.5 mile of the active nest site during breeding season (December 30 through July 1) or any disturbance if that action is shown to disturb the nesting eagles. The 0.5 mile no disturbance buffer will be maintained throughout the breeding season or until the young have fledged and are no longer dependent on the nest or parental care for survival.*

- *To prevent impacts to potential sensitive bat roosting habitat within the steep terrain onsite, disturbance or removal of large boulders should be avoided.*

Prior to start of Project activities on undisturbed areas, a WEAP for desert tortoise, desert kit fox, American badger, ring-tailed cat, desert bighorn sheep and burrowing owl shall be implemented by CalPortland for all onsite employees and truck drivers.

### **Workers Education and Awareness Program**

#### **Specific Wildlife Protection Measures:**

- Require employee and driver education on desert tortoise and wildlife impacts and restrictions onsite and on the access road.
- Trucks must remain on the main road at all times; no cross country travel allowed.
- Trucks shall not leave or turn off road except in existing turnouts and unless for emergency.
- Equipment operators and drivers shall inspect for desert tortoise and other wildlife under vehicles or in the vicinity of vehicles prior to moving the vehicle.
- No littering; all trash and food items shall be stored within vehicles and only disposed of within closed, common raven-proofed containers.
- Establish an on-site speed limit of 25 mph for trucks and vehicles.
- Any routine maintenance required on the access road shall be conducted between November 1 and February 28 when desert tortoise are hibernating. If emergency repairs are required during March 1 through October 31, then pre-construction tortoise survey and onsite monitoring will be required during repair work.

#### **Desert Tortoise and Wildlife Education for Employees and Truck Drivers**

- Desert tortoise and wildlife training will include a signed acknowledgment of training and repeated annually.
- Personnel shall be trained to watch for desert tortoise and wildlife so harm to tortoise and other sensitive species is avoided.
- Training will not authorize personnel to handle tortoises or other sensitive wildlife unless animals life in danger.

With implementation of Mitigation Measures BIO-1 and BIO-2, the Amended Plan would not have substantial adverse effects, either directly or through habitat modifications, on any species identified as a listed, candidate, sensitive or special status species.

#### **Less than Significant with Mitigation**

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?*

The Project Site vegetation is dominated by creosote scrub and herbaceous understory. The areas that border the desert wash along and within the Mojave River are dominated by desert willow (*Chilopsis linearis* ssp. *arcuata*). These areas are outside the planned project limits. Riparian forest/scrub is not present on site. Implementation of the Amended Plan would not result in impacts to riparian habitat or to other sensitive natural

communities in the vicinity. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

- c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge and/or fill materials into “waters of the United States” pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act and the CDFW regulates alterations to streambed and associated plant communities pursuant to Section 1602 of the California Fish and Game Code.

The Project Site was evaluated for the limits of state and Federal jurisdictional waters, i.e. waters of the US as regulated by the Corps and waters of the State as regulated by the RWQCB, and streambed and associated riparian habitat as regulated by the CDFW. The USFWS NWI and the USGS National Hydrography Dataset were reviewed to determine if any blue-line streams or riverine resources have been documented within or immediate surrounding the project site.

The Mojave River floodplain and six (6) unnamed drainage features were observed within the boundaries of the project site during the field investigation. The Mojave River floodplain is located on the eastern boundaries of the project site outside of the proposed limits of disturbance. The Mojave River floodplain is characterized by dynamic braided channel and is generally unvegetated or vegetated with a mix of creosote bush scrub and desert willow scrub. Mining activities will avoid the Mojave River floodplain.

Ephemeral drainage features extend west to east on the northern boundary of the project site and generally follow Basin Road. These features have been subject to routine grading activities associated with maintenance of Basin Road. The other ephemeral drainage features are found on the southwest portion of the project site. These features generally flow in a north to south direction. These ephemeral drainage features are unvegetated or vegetated with the creosote bush scrub plant species. The unnamed drainage features all flow into the Mojave River Floodplain.

The Mojave River is considered a Traditional Navigable Water and is considered a Water of the U.S. As a result, the Mojave River floodplain and the unnamed drainage features will likely fall under the regulatory authority of the Corps.

Three drainages may be impacted by project activities that display characteristics of Federal and/or State jurisdictional streambeds: drainage (1) west to east along the access road; drainage (2) to the south of the planned overburden stockpile; and drainage (3) to the far east. These features are ephemeral features that follow topography. Surface flows within with these features are only provided by direct precipitation from storm events. No surface water was observed during the field investigation. The onsite drainage features exhibit characteristics consistent with the Regional Board’s

methodology and would be considered jurisdictional waters of the State. Likewise, even though there will be no impact to existing fish and wildlife resources, the onsite drainage features exhibit characteristics consistent with CDFW's methodology and could be considered CDFW streambed.

Mining activities will avoid the riverine resources on-site to the extent possible including drainage area (3) to the east of the site. However, proposed mining activities will potentially encroach into the drainages (1) along the access road and (2) to the south of the overburden stockpile. Potential impacts to on-site waters of the U.S., Regional Board waters of the State and CDFW jurisdiction streambed will need to be defined and regulatory approvals from the Corps, Regional Board, and CDFW will need to be obtained as applicable prior to new disturbance within jurisdictional waters. The Project is expected to result in impacts to 1,115 linear feet and 1.15 acres of jurisdictional waters. Prior to impacts to the jurisdictional resources, the operator shall obtain any applicable permits from the Corps, Regional Board, and CDFW.

Therefore, the following mitigation measure (BIO-3) shall be implemented to ensure that less than significant impacts occur:

**Mitigation Measure BIO-3:**

*A formal jurisdictional delineation shall be forwarded to the Corps, Regional Board and CDFW for their review, and if onsite drainages are determined to be waters of the U.S., Regional Board waters of the State and/or CDFW jurisdictional streambed, regulatory permits will need to be obtained through the Corps, Regional Board and/or CDFW prior to initiating new mining within a jurisdictional area and appropriate protective measures implemented and compensation provided.*

*The following are general protective measures that may be required to be determined by the agencies:*

- *Worker environmental awareness program;*
- *Avoidance of waters of the State and jurisdictional streambeds as possible;*
- *Demarcation of jurisdictional streambeds to prevent unnecessary impacts;*
- *Avoiding impacts to undisturbed areas and to wildlife and sensitive species through pre-clearance surveys, establishing buffer areas, and temporary fencing;*
- *Implementation of BMPs to prevent erosion and sediment discharge;*
- *Invasive weed control;*
- *Maintaining areas free of trash, debris, hazardous materials, and spills; and*
- *Compensation as applicable to be determined which may include a combination of on-site and/or off-site compensation and/or re-habitation.*

With adherence to the regulatory permitting requirements including mitigation and compensation as applicable, the Proposed Project is not anticipated to have a significant effect on any waters of the U.S. and/or State. Therefore, less than significant impacts with mitigation are identified or anticipated.

### **Less than Significant with Mitigation**

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The Mojave River is a wildlife corridor within the desert region of the County.<sup>5</sup> The proposed Reclamation Plan boundary does not include the Mojave River. Therefore, the proposed reclamation activities are not anticipated to impede the use of this corridor. In addition, in the long-term, the site will be backfilled and revegetated to return the area to open space. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

None of the desert native plant species protected under Development Code, Section 88.01.060, including western Joshua trees currently protected under CESA as a candidate species, were observed during the surveys. Most of the area is dominated by creosote bush shrubland (*Larrea tridentata* Shrubland Alliance).

The proposed project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Less than significant adverse impacts are anticipated and no mitigation measures are required.

### **Less Than Significant Impact**

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?*

The Project Site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan. Therefore, impacts to any local, regional, or state habitat conservation plans are not expected to occur from development of the Amended Plan, and mitigation is not required.

### **No Impact**

**Therefore, less than significant adverse impacts are identified or anticipated with the implementation of mitigation measures.**

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<sup>5</sup> PlaceWorks. San Bernardino Countywide Policy Plan Draft EIR – Biological Resources. Table 5.4-12 “Open Space Overlay Features in the Desert Region within County Jurisdiction”



Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>V. CULTURAL RESOURCES - Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** (Check if the project is located in the Cultural  or Paleontologic  Resources overlays or cite results of cultural resource review):

**San Bernardino Countywide Policy Plan 2020; McKenna et al., Phase I/Class II Cultural Resources Survey for the Proposed Baxter Quarry Reclamation Plan Revision in the Cave Mountain Area, October 17, 2019**

a,b) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

A Phase I/Class II Cultural Resources Survey report, October 2019, was prepared for the Amended Plan by McKenna et al. (report available at County office). McKenna et al. completed this study in compliance with the Class III requirements for federal level compliance (Section 106); the standard requirements for compliance with CEQA, as amended; and in compliance with current County guidelines and policies.

During the survey, a single isolated jasper flake was identified on the southern side of Cave Mountain (recovered) and the remainder of the resources identified were associated with the historic mining activities and/or modern recreational use of the area. Overall, McKenna et al. concluded the entire Project Site is one, large historic site associated with a previously recorded site located at the Baxter Siding of the Union Pacific Railroad alignment.

McKenna et al. determined the modern recreational features (primarily hearths located near the various dirt access roads) are of no historical significance and require no additional investigations. The identified mining claim markers (cairns, stakes, pipes, incised concrete blocks, etc.) were documented by UTM coordinates. Some of these markers or relatively recent (1970s and 1980s), while others are indicative of older points (primarily marked by cairns). Only one permanent mineral survey marker was located. This marker should be avoided and left undisturbed.

With the exception of a sparse scatter of glass fragments (primarily modern) and some nails, the only potentially significant resources within the quarry are three concrete foundations representing the 1925-1926 limestone kiln and hydrated pant established by the sugar beet consortium. Also associated with this area are the berms associated with the historic railroad spurs, rock retaining walls, loading platforms, and access roads. McKenna et al. documented these features and concluded they lacked integrity and any potential to yield additional data pertinent to understanding the historic use of this area. The Project Site was historically always a mining site. The remnants confirmed this use, but the area has been systematically stripped of the early equipment and other areas have been buried by mine tailings. McKenna et al. concluded the resources within the Project Site are not significant and no further studies are warranted.

McKenna et al. consulted with the Native American Heritage Commission regarding the presence/absence of sacred or religious sites within the vicinity of the Baxter Quarry project area. The Commission reported negative findings with respect to their files and recommended consultation with locally recognized representatives of the Native American community for addition feedback. Refer to page 16 and Section XVIII, Tribal Cultural Resources for AB 52 consultation.

The area is still considered fair to moderately sensitive for the presence of additional evidence of prehistoric use, despite the limited evidence identified during the study. Prehistoric resources have been identified within one mile of the Project Site and the alluvial fan bounding Cave Mountain has the potential to be associated with buried resources. McKenna et al. recommended the Project Site be considered clear of cultural resources at this time. However, the possibility of discovering an unanticipated find remains and Mitigation Measure CR-1 and CR-2, defined below, shall be implemented to ensure that less than significant impacts to historical and/or archaeological resources occur.

**Mitigation Measure CR-1:**

*In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yaamava of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.*

**Mitigation Measure CR-2:**

*If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed for TCR-1 below. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.*

With implementation of Mitigation Measures CR-1 and CR-2, the Amended Plan would not cause a substantial adverse change in the significance of a historical and/or archaeological resource.

**Less than Significant with Mitigation**

c) *Disturb any human remains, including those outside of formal cemeteries?*

Mining activities could potentially disturb human remains outside of a formal cemetery. Thus, the potential exists that human remains may be unearthed during implementation of the Amended Plan. Therefore, Mitigation Measure CR-2, defined below, shall be implemented to ensure that less than significant impacts regarding human remains occur.

**Mitigation Measure CR-3:**

*Should human remains, cremations, and/or funerary object be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (suggested 100-ft radius area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the San Bernardino County Coroner will be notified. San Bernardino County and the Project Proponent shall also be informed of the discovery. The Coroner will determine if the bones are historic/archaeological or a modern legal case. The Coroner will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section § 5097.98.*

*All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code § 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.*

With implementation of Mitigation Measure CR-3, the Amended Plan would not have a significant impact on human remains.

**Less than Significant with Mitigation**

**Therefore, less than significant adverse impacts are identified or anticipated with the implementation of Mitigation Measures CR-1 to CR-3.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VI. ENERGY – Would the project:</b>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION: San Bernardino Countywide Policy Plan 2020; Submitted Project Materials***

- a) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

California is one of the lowest per capita energy users in the United States, ranked 48th in the nation, due to its energy efficiency programs and mild climate (United States Energy Information Administration [EIA] 2018). California consumed 292,039 gigawatt-hours (GWh) of electricity and 2,110,829 million cubic feet of natural gas in 2017 (California Energy Commission [CEC] 2019; EIA 2018). In addition, Californians consume approximately 18.5 billion gallons of motor vehicle fuels per year (Federal Highway Administration 2019). The single largest end-use sector for energy consumption in California is transportation (39.8 percent), followed by industry (23.7 percent), commercial (18.9 percent), and residential (17.7 percent) (EIA 2018).

Most of California’s electricity is generated in-state with approximately 30 percent imported from the Northwest and Southwest in 2017. In addition, approximately 30 percent of California’s electricity supply comes from renewable energy sources such as wind, solar photovoltaic, geothermal, and biomass (CEC 2018). Adopted on September 10, 2018, SB 100 accelerates the State’s Renewables Portfolio Standards Program by requiring electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

To reduce statewide vehicle emissions, California requires that all motorists use California Reformulated Gasoline, which is sourced almost exclusively from in-state refineries. Gasoline is the most used transportation fuel in California with 15.3 billion gallons sold in 2019 and is used by light-duty cars, pickup trucks, and sport utility vehicles (California Department of Tax and Fee Administration 2018). Diesel is the second most used fuel in California with 3.14 billion gallons sold in 2019 and is used primarily by heavy duty-trucks, delivery vehicles, buses, trains, ships, boats and barges, farm equipment, and heavy-duty construction and military vehicles (CEC 2020). Both gasoline and diesel are primarily petroleum-based, and their consumption releases greenhouse gas (GHG) emissions, including CO2 and NOX. The transportation sector

is the single largest source of GHG emissions in California, accounting for 40 percent of all inventoried emissions in 2018 (California Air Resources Board [CARB] 2020).

### *Building Energy Efficiency Standards*

The CEC adopted Title 24, Part 6, of the California Code of Regulations; Energy Conservation Standards for new residential and nonresidential buildings in June 1977 and standards are updated every three years. Title 24 (now called the Building Energy Efficiency Standards) ensures building designs conserve energy by requiring the use of new energy efficiency technologies and methods into new developments. Currently, the CEC Title 24 2019 Building Energy Efficiency Standards are in effect to be updated in 2022. The Building Energy Efficiency Standards state that nonresidential buildings will use about 30 percent less energy compared to the 2016 standards due mainly to lighting upgrades.

### *Senate Bill 350*

Senate Bill (SB) 350 (de Leon) was signed into law in October 2015 and established new clean energy, clean air, and greenhouse gas reduction goals for 2030. SB 350 establishes periodic increases to the California Renewables Portfolio Standard (RPS) Program with the target to increase the amount of electricity generated per year from eligible renewable energy resources to an amount that equals at least 33% of the total electricity sold annually to retail customers, by December 31, 2020. The SB 350 specifically calls for the quantities of eligible renewable energy resources to be procured for all other compliance periods reflecting reasonable progress in each of the intervening years to ensure that the procurement of electricity products from eligible renewable energy resources achieves 40 percent by December 31, 2024, 45 percent by December 31, 2027, and 50 percent by December 31, 2030.

### *Senate Bill 100*

Senate Bill 100 (SB 100) was signed into law September 2018 and increased the goal of the California RPS Program to achieve at least 50 percent renewable resources by 2026, 60 percent renewable resources by 2030, and 100 percent renewable resources by 2045. SB 100 also includes a State policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all State agencies by December 31, 2045. Under the bill, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

Energy use is primarily fuel consumption to operate a generator, heavy equipment and trucks during mining, loading, and trucking operations. No substantial change or increase in energy is expected. The estimated energy consumption from the generator, equipment and vehicles, is approximately 294,000 gallons of diesel fuel and 6,250 gallons of gasoline per year. Diesel fuel used for reclamation will be approximately 16,500 gallons for an 8-week period. No electricity or natural gas consumption is used onsite or is proposed.

In comparison, County retail sales of diesel fuel was about 159 million gallons in 2019 with a state-wide total of taxable diesel fuel usage of over 3 billion gallons in 2019 (California Energy Commission 2019 Annual Report (CEC-A15; September 2020). The CEC estimates that retail sales account for about 47.2% of the total diesel sales; 52.8% is non-retail sales. Therefore total diesel sales in the County are estimated to be around 337 million gallons/year and 6.6 billion gallons/year statewide.

Project-related energy use would be typical of similar-sized long-term construction-type and reclamation projects in the region. Consistent with existing operations, and in the interest of cost efficiency, operations are not anticipated to utilize fuel in a manner that is wasteful or unnecessary. In addition, all off-road and on-road equipment and trucks will be meet fleet averaging requirements and compliance with MDAQMD rules and CARB's Off-Road Diesel Vehicle regulations. Therefore, project impacts would not result in a potential impact due to wasteful, inefficient, or unnecessary consumption of energy resources, and less than significant energy impacts would occur.

**Less Than Significant Impact**

- b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

As stated, the Amended Plan would not require implementation of new or expanded electric power or natural gas facilities as it will not be using electricity, natural gas, or any other energy resources. Therefore, the Amended Plan would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

**Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VII. GEOLOGY AND SOILS - Would the project:</b>				

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| iii. Seismic-related ground failure, including liquefaction?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iv. Landslides?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Result in substantial soil erosion or the loss of topsoil?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**SUBSTANTIATION:** (Check  if project is located in the Geologic Hazards Overlay District):

**Countywide Policy Plan 2020; Submitted Project Materials; Terracon Consultants, Inc. Slope Stability Investigation Report; Amended Reclamation Plan for Baxter Quarry; McKenna et al., Phase I/Class II Cultural Resources Survey for the Proposed Baxter Quarry Reclamation Plan Revision in the Cave Mountain Area**

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42
  - ii) Strong seismic ground shaking?

The Project Site is not located within an area designated by the Alquist-Priolo Special Studies Zone Act of 1972.<sup>6</sup> A Slope Stability Investigation Report (slope report), dated May 3, 2021, was prepared for the Amended Plan by Terracon Consultants, Inc.

<sup>6</sup> San Bernardino Countywide Policy Plan Map HZ-1 "Earthquake Fault Zones." Accessed November 3, 2021.

(Terracon). As stated in the slope report, moderate seismic shaking of the site can be expected to occur during the lifetime of the proposed mining and reclamation. Based on the results of the stability analyses, the Amended Reclamation Plan's proposed rock and stockpile reclamation slopes will meet sufficient static factors of safety for the proposed end use (FS) in excess of 1.5 and seismic factors of safety at or greater than 1.1 in conformance with Division of Mine Reclamation (DMR) criteria.

There are no permanent structures or residences proposed on-site. As such, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

#### *iii) Seismic-related ground failure, including liquefaction?*

The Project Site is not located in an area susceptible to liquefaction.<sup>7</sup> Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

### **No Impact**

#### *iv) Landslides?*

Seismically induced landslides and other slope failures are common occurrences during or soon after earthquakes. The Baxter mine area is situated within a northeasterly trending foothill range on the south flank of Cave Mountain. The presence of breccias in the ore-bearing units of the Project Site are the characteristic geologic structure.<sup>8</sup> Breccias and associated shear/slide planes are extensively exposed in the existing pit and exhibit south-directed shearing. As the breccias and slide/shear planes are ancient, landslide features are lacking in the modern landscape. In the largescale relief of the Cave Mountain hills, the strongly linear northeast trend of the bedrock ridge and adjacent topographic low that encompasses the Project Site suggests a possible buried slide plane associated with gravity-slide emplacement in ancient time. This feature lies outside of the mine area and is not anticipated to affect the project. Therefore, less than significant impacts are identified or are anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

#### *b) Result in substantial soil erosion or the loss of topsoil?*

Due to the hard bedrock material and low rainfall (less than 4 inches/year) the site has little potential for erosion and sedimentation. Control of surface drainage, erosion, and sedimentation of the operations involves the following primary components:

- Limiting surface disturbance to the minimum area required for active operations;
- Diverting runoff from flowing down quarry and stockpile slopes; and
- Stabilizing disturbed areas through regrading, replacement of soils, revegetation, and erosion control practices.

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<sup>7</sup> San Bernardino Countywide Policy Plan Map HZ-2 "Liquefaction and Landslides." Accessed November 3, 2021

<sup>8</sup> Terracon Consultants, Inc. Slope Stability Investigation Report.



All operations on-site will comply with the SWPPP to be updated periodically with mine site development and implementation of storm water BMPs. The pits are and will be cut into bedrock and precipitation falling within the pits will be allowed to flow into the pits and percolate or evaporate.

Further, the Amended Reclamation Plan provides that salvageable soils and/or growth media up to 0.5 feet to 1-foot typically will be placed in a separate identified topsoil stockpile(s) located north and south and in the staging area adjacent to the Lillian Belle Deposit which has a cover of alluvium. There are no new areas to be opened in the West Deposit and the East Deposit is a steep hillside with rock outcrops with minimal salvageable surface material. The soil stockpiles will be clearly marked and covered with larger material to limit wind and water erosion.

With implementation of a SWPPP and associated BMPs and compliance with the Amended Reclamation Plan less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

#### **Less Than Significant Impact**

- c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?*

According to the California Department of Conservation: Fire Perimeters & Deep Landslide Susceptibility (accessed 3/14/2020) , the Project Site is within landslide susceptibility classes of III – X. The proposed Project does not, however, include construction of habitable structures or permanent facilities and, therefore, implementation would not expose people or structures to a significant risk of loss, injury, or death involving landslides. Moreover, as stated previously, the Project Site is not susceptible to liquefaction. Although the Project Site's susceptibility to lateral spreading and subsidence is unknown at this time, reclamation of the mine with grading of completed quarries and stockpiles will be undertaken. Based on geologic field observations and the results of the slope stability analysis, the proposed final reclaimed slopes are feasible with respect to slope stability and are suitable for the proposed end use of open space. The proposed Project would not expose people or structures to substantial risks due to unstable soil and, therefore, less than significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

#### **Less Than Significant Impact**

- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

Expansive soils (shrink-swell) are fine-grained clay silts subject to swelling and contracting in relation to the amount of moisture present in the soil. Structures built on expansive soils may incur damage due to differential settlement of the soil as mining operations and contraction takes place. A high shrink-swell potential indicates a hazard to structures built on or with material having this rating. There are no existing or proposed habitable structures. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

Septic tanks and/or alternative wastewater supply systems are not proposed as part of the Amended Plan. Portable toilets will be supplied for use by employees and will be located onsite at the operations area. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

- f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

McKenna et al. obtained a paleontological overview from the Natural History Museum of Los Angeles County. The paleontological overview prepared by McLeod (2019) confirmed the Project Site to consist primarily of metamorphic bedrock not consistent with the presence of fossil specimens. The lower elevations associated with the Mojave River and associated sheet wash areas (primarily at the base of Cave Mountain) consist of younger Quaternary alluvium derived from the nearby fans and fluvial deposits of the river. These deposits are also considered inconsistent with the presence of fossil specimens. The younger alluvium overlays deeper, older alluvial deposits that may yield fossil specimens. However, as designed, the Amended Plan will not involve excavations into the older Quaternary deposits and, therefore, the project will not result in any adverse environmental impacts with respect to paleontological resources.

**Less Than Significant Impact**

**Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VIII. GREENHOUSE GAS EMISSIONS – Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b><i>SUBSTANTIATION:</i></b>				

**Countywide Policy Plan 2020; Submitted Project Materials; County Greenhouse Gas Emissions Reduction Plan (GHGRP 2021 update); Air Quality/GHG Assessment (Lilburn, March 2022).**

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

According to CEQA Guidelines section 15064.4, when making a determination of the significance of greenhouse gas emissions, the “lead agency shall have discretion to determine, in the context of a particular project, whether to (1) use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use.” Moreover, CEQA Guidelines section 15064.7(c) provides that “a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts” on the condition that “the decision of the lead agency to adopt such thresholds is supported by substantial evidence.”

In September 2011, San Bernardino County adopted the Greenhouse Gas Emissions Reduction Plan (GHGRP), which outlines a strategy to use energy more efficiently, harness renewable energy to power buildings, enhance access to sustainable transportation modes, and recycle waste. The 2015 update of the GHG Emissions Development Review Process updates the language the performance standard bringing it up to date with the then current code. In September 2021, the County adopted its GHGRP Update. Since the adoption of the County’s GHGRP in 2011 and its update in 2015, the State has enacted new climate change regulations, most notably the Senate Bill (SB) 32, which provides statewide targets to reduce GHG emissions to 40 percent below 1990 levels by 2030. To ensure conformity with the latest State climate change regulations, the County has updated its 2011 and 2015 GHGRP. The 2021 GHGRP Update serves as a comprehensive roadmap to outline strategies that the County will implement to continue achieving its GHG emissions reductions into the year 2030 and beyond, thereby ensuring sustainable and healthy growth.

The 2021 GHGRP Update summarizes the County’s historic and future GHG emissions and the reduction targets the County has established; the local reduction strategies that will be implemented and benefit at the community level to meet the reduction targets; and the implementation of the measures, potential funding sources, and how the GHGRP Update will be monitored and updated over time.

However, specific requirements for mining projects to reduce emissions of GHGs have not been adopted and so the Amended Plan would not conflict with the County’s Greenhouse Gas Reduction Plan.

GHG is inherently a cumulative issue, because no single project would be expected to result in a measurable change in global climate. The cumulative nature of GHG is considered by agencies in adopting significance thresholds and adopted significance thresholds represents levels at which a project is considered cumulatively significant.

The GHG emissions were calculated (*Air Quality/GHG Assessment*, Lilburn Corp. 2022) and compared to the MDAQMD’s 100,000 MTCO<sub>2</sub>e screening threshold to determine if potentially significant to anticipated global warming. GHG emissions were estimated using the following models: CARB - SCAQMD’s Off-road Model - Mobile Source Emission Factors (<http://www.aqmd.gov/ceqa/handbook/offroad/offroad.html>);

Emission Factors for On-Road Heavy-Heavy Duty Diesel Trucks (CARB EMFAC 2017); and U.S. EPA Office of Transportation and Air Quality. These factors are state-wide factors and are appropriate for the Amended Plan.

Project annual operational GHG emissions amount to approximately 3,686 MTCO<sub>2e</sub>, and for reclamation activities (8 weeks only) are anticipated to result in approximately 257 MTCO<sub>2e</sub>. Table 5 shows that GHG emissions associated with Amended Plan and final reclamation. The Proposed Project is not anticipated to exceed the quantitative significance CEQA thresholds of either the MDAQMD's annual 100,000 tons MTCO<sub>2e</sub> threshold) or the SCAQMD's threshold of 10,000 MTCO<sub>2e</sub>. Therefore, the Proposed Project would not generate GHG emissions that may have a cumulative considerable or significant effect on the environment. Additionally, the Proposed Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Less than significant impacts are identified and are anticipated, and no mitigation measures are required.

**Table 5**  
**Greenhouse Gases Annual Emissions (MTCO<sub>2e</sub>)**  
**Baxter Quarry Amended Reclamation Plan**  
**Existing Baseline and Future Operations**  
**(No change in operations for Amended Plan)**

Sources	Amended Plan Operations (Existing and Future – no change)		Reclamation	
	CO <sub>2</sub>	CH <sub>4</sub>	CO <sub>2</sub>	CH <sub>4</sub>
On-site Diesel Equipment	1,221	1.79	257	0.27
Generator	278	0.008	---	---
On-site Haul Trucks	673	0.03	---	---
Off-site Street Legal Haul Trucks and Vehicles	1,512	0.16	---	---
Total Per Year	3,684	2.0	257	0.27
<b>Total MTCO<sub>2e</sub></b>	<b>3,686</b>		<b>257</b>	
<b>Change compared to Existing</b>	<b>0</b>		<b>0</b>	
MDAQMD GHG Screening Threshold (MTCO <sub>2e</sub> )	<b>100,000</b>		<b>100,000</b>	
Exceeds Threshold?	No		No	
SCAQMD Industrial GHG Screening Thresholds (MTCO <sub>2e</sub> )	<b>10,000</b>		10,000	
Exceeds Threshold?	No		No	

Source: Baxter Quarry AQ/GHG Assessment, Lilburn Corp. 2022  
CO<sub>2e</sub> factors: CH<sub>4</sub> x 25

As shown in Table 5, the GHG emissions change or increase over the existing or baseline levels are not anticipated to exceed the GHG emissions thresholds; therefore, a less than significant impact is anticipated.

**Less Than Significant Impact**

- b) *Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

The state and local regulatory programs for GHG emissions and climate change are described above. There are no existing GHG plans, policies, or regulations that have been adopted by California Air Resources Board (CARB) or MDAQMD that would apply to project emissions. If CARB does develop performance standards, these performance standards would be implemented and adhered to, and there would be no conflict with any applicable plan, policy, or regulation; therefore, impacts would be less than significant, and no mitigation would be required.

**Less Than Significant Impact**

**Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

safety hazard or excessive noise for people residing or working in the project area?

- |    |  |                          |                          |                                     |                                     |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| f) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?               | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) | Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

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**SUBSTANTIATION:**

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**Submitted Project Materials; EnviroStor Database; Amended Reclamation Plan for Baxter Quarry**

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

No hazardous materials are used on-site with the exception of fuel and oil for the generator and mobile equipment. No hazardous waste is produced on the mine site. Scheduled equipment maintenance, repairs, and re-fueling are conducted with portable maintenance/fuel trucks implementing appropriate environmental safeguards. Any used oil generated at the mine site will be collected and transported for off-site recycling or disposal by approved methods and by properly trained and licensed personnel. There is a 2,000-gallon red dye (diesel for off-road equipment) and a 240-gallon clear diesel tank located currently to the south of the West Deposit along with an office and employee trailer. Approximately 850 gallons are consumed per operating week.

CalPortland has a Hazardous Materials Business Plan (HMBP) on file with the County that describes methods and procedures to minimize the potential for hazardous material and waste releases including an emergency response and contingency and spill response procedures.

Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The Hazardous Materials Division of the San Bernardino County Fire Department is designated as the Certified Unified Program Agency (CUPA) for the County to focus the management of specific environmental programs at the local government level. As stated previously, CalPortland has prepared a HMBP for the site operations that addresses the fuel stored and used at the facility. The HMBP describes methods and procedures to minimize the potential for fuel spills including an emergency response and contingency and spill response procedures.

Blasting operations involve drilling along the mining face, placement of charges, and detonation of the charges by a blaster licensed through the Bureau of Alcohol, Tobacco,

Firearms, and Explosives (BATF&E) for handling explosive materials. The transporting, handling, storage, and use of explosive materials, blasting agents, and blasting equipment shall be directed and supervised by a qualified blasting contractor. The blasting contractor and the explosive delivery company must be licensed in accordance with all Federal, State, and local agencies and regulations, U.S. Department of Transportation hazardous materials (HAZMAT) Certificate of Registration, California HAZMAT Transportation License, and general liability insurance policy for explosive transportation, and local regulations associated with the transportation and handling of explosives. CalPortland and its contractors currently hold applicable licenses and permits.

Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The Amended Plan involves the use of materials common to the mining industry and includes the transport, storage and use of fuels and oils. The operator would continue to comply with all applicable federal and state safety rules and regulations regarding hazardous materials during reclamation of the site. During reclamation, diesel exhaust would be generated by heavy construction equipment; however, no school facilities or proposed school facilities are located within one-quarter mile radius of the Project Site. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

### **No Impact**

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The Project Site was not found on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 by the California Department of Toxic Substances Control's EnviroStor data management system.<sup>9</sup> EnviroStor tracks cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues. No hazardous materials sites are located within or in the immediate vicinity of the Project Site. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

### **No Impact**

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

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<sup>9</sup>California Department of Toxic Substances Control. EnviroStor. Accessed November 4, 2021.

The Project Site is not located within an Airport Runway Protection Zone, Airport Noise Contours or an Airport Safety Review Area.<sup>10</sup> However, the Project Site is located within the low-altitude/high speed military airspace (Airport Safety Review Area 4 [AR4]). An Avigation Easement shall be granted to the appropriate military agency and recorded before the issuance of a building permit for those uses established within an AR4.<sup>11</sup> Less than significant impacts are identified or anticipated, and no mitigation measures are required.

#### **Less Than Significant Impact**

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The Project Site is approximately 2.5 miles south of I-15, which is an evacuation route.<sup>12</sup> The site is accessed from I-15 south on Basin Road directly to the site. The road is signed and gated about 0.75 miles within the site. The Baxter Quarry is in an isolated remote section of the Mojave Desert. There are no other roads, public access, or developments in the area or along the access road. Quarry areas will have warning signs, roads not used will be blocked or closed, and safety berms six feet in height will be constructed along the quarry rims. Any unauthorized roads will be blocked or closed at the property boundary. All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Implementation of operational activities would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

#### **Less Than Significant Impact**

- g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

The Project Site is neither located within a High nor Very High Fire Hazard Severity Zone.<sup>13</sup> Therefore, the Amended Plan would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. No impacts are identified or anticipated, and no mitigation measures are required.

#### **No Impact**

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

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<sup>10</sup> San Bernardino Countywide Plan Map HZ-9 "Airport Safety & Planning Areas." Accessed November 4, 2021.

<sup>11</sup> San Bernardino County. Development Standards. Chapter 82.09 "Airport Safety (AR) Overlay." [https://codelibrary.amlegal.com/codes/sanbernardino/latest/sanberncty\\_ca/0-0-0-70651#JD\\_82.09.060](https://codelibrary.amlegal.com/codes/sanbernardino/latest/sanberncty_ca/0-0-0-70651#JD_82.09.060)

<sup>12</sup> San Bernardino Countywide Policy Plan Map PP-2 "Evacuation Routes." Accessed November 4, 2021.

<sup>13</sup> San Bernardino Countywide Policy Plan Map HZ-5 "Fire Hazard Severity Zones." Accessed November 4, 2021.



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>X. HYDROLOGY AND WATER QUALITY - Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

**San Bernardino Countywide Policy Plan 2020; Amended Reclamation Plan for Baxter Quarry**

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*
  
- e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

All operations on-site will comply with the SWPPP to be updated periodically with mine site development and implementation of storm water BMPs. The pits are and will be cut into bedrock and precipitation falling within the pits will be allowed to flow into the pits and percolate or evaporate. Mandatory compliance with the Amended Plan's SWPPP would ensure that all potential pollutants of concern are minimized or otherwise appropriately treated prior to being discharged from the Project Site. Therefore, implementation of the Amended Plan would not violate any water quality standards or waste discharge requirements or otherwise degrade surface or ground water quality. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

#### **Less Than Significant Impact**

- b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Consistent with existing and ongoing operations, water will be used for dust control measures only. Water is applied to the working areas, roads, and material transfer points. A 4,000-gallon water truck (typical) transports water obtained from Baker and off-site private wells approximately five times per operating day. In 2020, approximately 2.5 acre-feet were used. There will be no substantial change in the amount of water used. On occasion, if deemed a more effective method for road dust, CalPortland may utilize approved dust suppressant agents on roads. Mandatory compliance with the Amended Plan's SWPPP would ensure that all potential pollutants of concern are minimized or otherwise appropriately treated prior to being discharged from the Project Site. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

#### **Less Than Significant Impact**

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*
- i) *Result in substantial erosion or siltation on- or off-site;*

Due to the hard bedrock material, lack of fine surface material, and low rainfall (approximately 4 inches/year), the site has little potential for erosion and sedimentation. No existing drainages are being substantially diverted and no additional runoff is expected as no impervious areas are being created. The pit areas will retain any direct precipitation to percolate or evaporate and berms along the rim will protect quarry slopes as needed. The stockpile top will be designed to drain inward and the rocky composition of the slopes will not be conducive for downward erosion. Any runoff will be directed into the pits or into existing drainages. Control of surface drainage, erosion, and sedimentation of the operations involves the following primary components:

- Limiting surface disturbance to the areas needing to be reclaimed under the Amended Reclamation Plan;
- Diverting runoff from flowing down quarry and stockpile slopes; and

- Stabilizing disturbed areas through regrading, replacement of soils, revegetation, and erosion control practices.

All operations on-site will comply with the SWPPP to be updated periodically with mine site development and implementation of storm water BMPs. The pits are and will be cut into bedrock and precipitation falling within the pits will be allowed to flow into the pits and percolate or evaporate. As a result, less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

- ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;*
- iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or*
- iv) *Impede or redirect flood flows?*

Due to the hard bedrock material, lack of fine surface material, and low rainfall (approximately 4 inches/year), the site has little potential for erosion and sedimentation. No existing drainages are being substantially diverted and no additional runoff is expected as no impervious areas are being created. The pit areas will retain any direct precipitation to percolate or evaporate and berms along the rim will protect quarry slopes as needed. The stockpile top will be designed to drain inward and the rocky composition of the slopes will not be conducive for downward erosion. Any runoff will be directed into the pits or into existing drainages. As allowed pursuant to CalPortland's vested mining rights, pits are and will be cut into bedrock and precipitation falling within the pits will be allowed to flow into the pits and percolate or evaporate. Long-term stabilization or reclamation as part of this Project will generally involve final benching and grading disturbed areas, establishing effective drainage, placement of soil, and revegetation. Following reclamation, surface runoff from deposit areas will be retained in the quarry limits where it will either infiltrate or evaporate. No off-site run-off is expected.

The Amended Reclamation Plan will not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or impede or redirect flood flows. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

### **Less Than Significant Impact**

- d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Due to the inland distance from the Pacific Ocean and any other significant body of water, tsunamis and seiches are not potential hazards in the vicinity of the Project Site. Additionally, the site is not within a 100-Year Federal Emergency Management Agency

(FEMA) flood zone or a 500-year FEMA flood zone.<sup>14</sup> Existing elevations at the site range from 1,600 feet above mean sea level (amsl) in the east central areas to a low of approximately 1,200 feet amsl on the east where the site flattens into the Mojave River floodplain. The proposed East Deposit pit area occupies hillside and colluvial apron terrain that is elevated above the Basin Road drainage path. The bedrock area upslope from the proposed pit margin is limited in area. A small portion of the future pit margin at the eastern end of the East Deposit pit is approximately 250 feet from an historic channel margin of the Mojave River. A braided stream terrace of this channel lies near the toe of existing slope and future pit margin. There is a low potential for infrequent Mojave River flooding to occupy this area near the future pit. The Amended Plan would not risk release of pollutants due to project inundation. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XI. LAND USE AND PLANNING - Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**  
**Countywide Policy Plan 2020; Submitted Project Materials; Amended Reclamation Plan for Baxter Quarry**

<sup>14</sup> San Bernardino Countywide Policy Plan Map HZ-4 'Flood Hazards.' Accessed November 4, 2021.

a) *Physically divide an established community?*

The physical division of an established community is typically associated with construction of a linear feature, such as a major highway or railroad tracks, or removal of a means of access, such as a local road or bridge, which would impair mobility in an existing community or between a community and an outlying area. There are no established communities in the vicinity of the Project Site. Therefore, the Amended Plan would not physically divide an established community. No impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The Amended Plan is consistent with the Countywide Policy Plan zoning of Resource Conservation. The mine site has a vested right consistent with the vested right definition in SMARA. In addition, along with its long history of mining and mineral exploration, the County approved a Reclamation Plan (90M-02) for the mine in 1990 demonstrating recognition of the surface and underground mineral resource development activities as an existing vested right. Therefore, the Amended Plan would not cause a significant environmental impact due to conflict with any land use plans or policies. No impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

**Therefore, no impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XII. MINERAL RESOURCES - Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><i>SUBSTANTIATION:</i> (Check <input checked="" type="checkbox"/> if project is located within the Mineral Resource Zone Overlay):</b>				
<b>Countywide Plan; Submitted Project Materials; Amended Reclamation Plan for Baxter Quarry</b>				

- 
- a) *Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?*
  - b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

The California Division of Mines and Geology (CDMG) has designated the Baxter Quarry iron ore deposits as Mineral Resource Zone 2 status (MRZ-2). The three on-site iron ore deposits are classified as follows:

MRZ-2A - (Areas where geologic data indicate significant measured or indicated resources are present). The East or Monarch and West or Cave Canyon iron ore bodies were given this classification based upon drill hole and assay data and geologic field evaluation which shows significant iron ore deposits exist.

MRZ-2b - (Areas where geologic information indicates that significant inferred resources are present). The Lillian Belle iron ore body was given this classification based upon limited drilling and assay data and geologic field evaluation.

The mine site has a vested right consistent with the vested right definition in SMARA. In addition, along with its long history of mining and mineral exploration, the County approved a Reclamation Plan (90M-02) for the mine in 1990 demonstrating recognition of the surface and underground mineral resource development activities as an existing vested right. The existing Reclamation Plan for the Baxter Quarry (Reclamation Plan #90M-02) was approved by the County in 1990 and covers approximately 130 acres. The Quarry is located on patented (private) lands owned by CalPortland. The existing quarry or West Deposit (19 acres), overburden stockpile, staging area (stockpiled ore), and on-site access roads consist of approximately 49 disturbed acres. The proposed amendment will include an additional approximately 69 acres for a total disturbance area on approximately 118 acres to be reclaimed.

The Baxter Quarry supplies iron ore for CalPortland's cement plants and to other markets. The local source of iron ore reduces the need to import iron ore from more distant sources, thus reducing environmental impacts and transportation costs. Therefore, the Amended Plan would not result in the loss of availability of mineral resources; rather, it would provide a mineral resource that would be of value to the region and the residents of the State. No impacts are identified or are anticipated, and no mitigation measures are required.

### **No Impact**

**Therefore, no impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIII. NOISE - Would the project result in:</b>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** (Check if the project is located in the Noise Hazard Overlay District  or is subject to severe noise levels according to the Countywide Plan Noise Element ):

**Countywide Plan; Submitted Project Materials; Amended Reclamation Plan for Baxter Quarry**

- a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Approval of the Amended Plan would require vested mining operations and reclamation activities to conform to all applicable noise control regulations. There are no proposed changes to existing processing, mining, or trucking operations. Noise is produced from the on-site equipment and trucks. There are no nearby noise sensitive receptors or land uses within the vicinity of the Project Site. Therefore, less than significant impacts are identified or are anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

- b) *Generation of excessive groundborne vibration or groundborne noise levels?*

CalPortland's vested surface mining activities include blasting operations. Although blasting is not part of the project, which concerns reclamation of the vested Baxter Quarry, this document discusses potential impacts from blasting for informational purposes. Blasting operations involve drilling along the mining face, placement of charges, and detonation of the charges by a blaster licensed through the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF&E) for handling explosive materials.

The blasting contractor and the explosive delivery company must be properly trained and licensed in accordance with all Federal, State, and local agencies and regulations and must show evidence of compliance with the California blasting license program, U.S. Department of Transportation hazardous materials (HAZMAT) Certificate of Registration, California HAZMAT Transportation License, and general liability insurance policy for explosive transportation. All vehicles and explosive transport magazines are to conform to all Federal, State, and local regulations associated with the transportation and handling of explosives. CalPortland and its contractors currently hold applicable licenses and permits.

A blast design is required if conducted within 1,000 feet of any building used as a dwelling, public building, school, church, or community or institutional building outside the permit area and pre-blasting surveys are required for all residents or owners of dwellings or other structures located within 1/2 mile of the permit area (30 CFR Section 816.61-62). No such dwellings or residents exist within these distances to blasting operations.

Drilling is currently conducted 5 to 6 days a week, 8 hours/day with depths of 28 feet. Blasting currently takes place approximately 5 times per year. Blasting activities typically take place between the hours of 8 AM and 2 PM on weekdays (Monday through Friday). No substantial increase in the number of blasts per year is expected resulting from the Project.

Therefore, less than significant impacts from excessive groundborne vibration or groundborne noise levels would result.

#### **Less Than Significant Impact**

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?*

The Project Site is not located within an Airport Runway Protection Zone, Airport Noise Contours or an Airport Safety Review Area.<sup>15</sup> However, the Project Site is located within the low-altitude/high speed military airspace (Airport Safety Review Area 4 [AR4]). An Avigation Easement shall be granted to the appropriate military agency and recorded before the issuance of a building permit for those uses established within an AR4.<sup>16</sup> No impacts are identified or anticipated, and no mitigation measures are required.

#### **No Impact**

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

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<sup>15</sup> San Bernardino Countywide Policy Plan Map HZ-9 "Airport Safety & Planning Areas." Accessed November 4, 2021.

<sup>16</sup> San Bernardino County. Development Standards. Chapter 82.09 "Airport Safety (AR) Overlay." [https://codelibrary.amlegal.com/codes/sanbernardino/latest/sanbercncty\\_ca/0-0-0-70651#JD\\_82.09.060](https://codelibrary.amlegal.com/codes/sanbernardino/latest/sanbercncty_ca/0-0-0-70651#JD_82.09.060)



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIV. POPULATION AND HOUSING - Would the project:</b>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**  
**Countywide Plan; Submitted Project Material; Amended Reclamation Plan for Baxter Quarry**

- a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Approximately 5 employees work onsite in one shift with no nighttime operations. No changes to the number of employees are anticipated as a result of the Project. Because of the low employment demand, the Amended Plan would not induce substantial unplanned population growth by creating new jobs. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The Project Site consists of the existing Baxter Quarry. \The proposed uses would not displace substantial numbers of existing housing units, or require the construction of replacement housing, as no housing units are proposed to be demolished. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XV. PUBLIC SERVICES</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**  
**Countywide Plan; Submitted Project Materials; Amended Reclamation Plan for Baxter Quarry**

a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

*Fire Protection?*

The federal government is responsible for providing fire protection for most nonurban areas in the County. The Project Site is not located within a High or Very High Fire Hazard Severity Zone.<sup>17</sup> The Amended Plan does not include uses that would induce or exacerbate fires and is proposing no changes from existing conditions. Therefore, the Amended Plan is not anticipated to result in the need for new or physically altered fire protection facilities. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

*Police Protection?*

The Project Site is located within the North Desert Region of the County. It is within the jurisdiction of the Barstow Sheriff Service Agency. Given the rural nature of the Project Site and that the operations that would occur on-site are not crime-inducing, the Amended Plan is not anticipated to require additional police protection. Therefore, no

<sup>17</sup> San Bernardino County. Policy Plan web maps. HZ-5 “Fire Hazard Severity Zones.” Accessed March 3, 2021.

significant adverse impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

*Schools?*

The Amended Plan would not create a direct demand for public school services as it does not include any type of residential use or other land use that may induce substantial population growth. As such, the development would not generate any new school-aged children requiring public education. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

*Parks?*

The Amended Plan would not induce residential development nor significantly increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of any facilities would result. Operation of the Amended Plan would place no demands on parks because it would not involve the construction of housing and would not involve the introduction of a permanent human population into the area. Moreover, there are no parks near the Project Site that would be impacted by implementation of the Amended Plan. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

*Other Public Facilities?*

The Amended Plan would not result in a substantial increase in residential population. Implementation of the Amended Plan would not adversely affect other public facilities or require the construction of new or modified facilities. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVI. RECREATION</b>				

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

<b>Issues</b>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**  
**Submitted Project Materials; Amended Reclamation Plan for Baxter Quarry**

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?*

The Amended Plan does not include development of residential housing or other uses that would lead to substantial population growth. Moreover, there are no neighborhood or regional parks near the Project Site. Therefore, the Amended Plan would not result in an increase in the use of existing neighborhood or regional parks, or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. No impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The Amended Plan does not include the construction or expansion of recreational facilities. No recreational facilities would be removed, and the Amended Plan would not create the need for additional facilities. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

**Therefore, no adverse impacts are identified or anticipated, and no mitigation measures are required.**

<b>Issues</b>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVII. TRANSPORTATION – Would the project:</b>				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION:***

***Countywide Plan; Submitted Project Materials; Amended Reclamation Plan for Baxter Quarry***

- a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

There are no existing or planned transit, bicycle and pedestrian facilities in the vicinity of the Project Site.<sup>18</sup> The proposed XpressWest line would run along the I-15, which is approximately 2.5 miles north of the Project Site.<sup>19</sup> The CalPortland Baxter Quarry area is accessed from I-15 south on Basin Road for 3.5 miles directly to the site.

The Amended Plan does not propose any changes to its current transportation routes or volume of traffic. The Baxter Quarry is in an isolated and remote area of the Mojave Desert. There are no other roads, public access, or developments in the area or along the access road. Trucks transporting materials to customers and supplying fuel and water for the quarry would utilize I-15 and Basin Road. I-15 is a designated truck route.<sup>20</sup>

There are no adjacent or nearby residences within 6 miles along Basin Road. The Project Site is not located in or near an environmental justice focus area.<sup>21</sup>

<sup>18</sup> San Bernardino County. Policy Plan web maps. TM-4 “Bicycle and Pedestrian Planning.” Accessed November 10, 2021.”

<sup>19</sup> San Bernardino County. Policy Plan web maps. TM-2 “Transit Network.” Accessed November 10, 2021.”

<sup>20</sup> San Bernardino County Policy Plan web maps. TM-5 Goods Movement Network. Accessed November 10, 2021.

<sup>21</sup> San Bernardino County Policy Plan web maps. HZ-10 Environmental Justice & Legacy Communities. Accessed November 10, 2021.

Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

- b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?*

Senate Bill 743 (SB 743), approved in 2013, endeavors to change the way transportation impacts will be determined according to CEQA. In December 2018, the Natural Resources Agency finalized updates to CEQA Guidelines to incorporate SB 743 (i.e., Vehicle Miles Traveled [VMT]).

Reclamation activities would not result in additional truck trips beyond existing truck trips related to the vested mining operation. Any vehicle trips associated with reclamation activities pursuant to the Project would be significantly less than the 110 daily vehicle screening threshold in the County's Traffic Study Guidelines (2019). Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

- c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The Project Site is accessed from I-15 south on Basin Road for 3.5 miles directly to the site. The road is signed and gated about 0.75 miles within the site. When operations move east, the gate and signage will be moved to the far eastern project boundary. No changes to roads, alignments, or traffic volumes are planned. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

- d) *Result in inadequate emergency access?*

The Project Site is accessed from I-15 south on Basin Road for 3.5 miles directly to the site. The main access road is about 60 feet wide, which is wide enough to allow evacuation and emergency vehicles simultaneous access. No changes to the main access road outside CalPortland property are proposed. All vehicles and stationary equipment would be staged off public roads and would not block evacuation routes, including the I-15.<sup>22</sup> Therefore, the Amended Plan would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

**Less Than Significant Impact**

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<sup>22</sup> San Bernardino County Policy Plan web maps. PP-2 Evacuation Routes. Accessed November 11, 2021.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**XVIII. TRIBAL CULTURAL RESOURCES**

- a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
- |  |                          |                                     |                          |                          |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**SUBSTANTIATION:**

**McKenna et al., Phase I/Class II Cultural Resources Survey for the Proposed Baxter Quarry Reclamation Plan Revision in the Cave Mountain Area, October 17, 2019; AB52 Consultation**

- i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or;*

A Phase I/Class II Cultural Resources Survey report, October 2019, was prepared for the Amended Plan by McKenna et al. (report available at County office). McKenna et al. completed this study in compliance with the Class III requirements for federal level compliance (Section 106); the standard requirements for compliance with CEQA, as amended; and in compliance with current County guidelines and policies.

McKenna et al. consulted with the Native American Heritage Commission regarding the presence/absence of sacred or religious sites within the vicinity of the Baxter Quarry project area. The Commission reported negative findings with respect to their files and recommended consultation with locally recognized representatives of the Native American community for addition feedback.

The area is still considered fair to moderately sensitive for the presence of evidence of prehistoric use, despite the limited evidence identified during the study. Prehistoric

resources have been identified within one mile of the Project Site and the alluvial fan bounding Cave Mountain has the potential to be associated with buried resources. Mitigation Measure CR-1 and CR-2, defined previously, shall be implemented to ensure that less than significant impacts to cultural resources occur.

### **Less than Significant with Mitigation**

- ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

California Assembly Bill (AB-52) related to Tribal Cultural Resources (TCRs), requires the Lead Agency to notify California Native American tribes to conduct consultation for all projects. On June 15, 2022, San Bernardino County mailed notification pursuant to AB-52 to the following Tribes:

- Colorado River Indian Tribes
- Fort Mojave Indian Tribe
- Morongo Band of Mission Indians
- Soboba Band of Luiseno Indians
- Gabrieleño Band of Mission Indians - Tongva Nation
- Yaamava of San Manuel Nation

Requests for consultations were due to the County by or around July 16, 2022. The County received a comment from the Yaamava of San Manuel Nation via email dated July 12, 2022, which included preferred mitigation measures for the Cultural Resources (Section V) and the Tribal Cultural Resources (Section XVIII). The preferred mitigation measures are incorporated as Mitigation Measures CR-1 and 2 in Section V. In addition, the Yaamava of San Manuel Nation requested the following mitigation measures:

#### **Mitigation Measure TCR-1:**

*The Yaamava of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN, should YSMN elect to place a monitor on-site, during treatment of the resource or other time period agreed to by the archaeologist, operator, and YSMN.*

#### **Mitigation Measure TCR-2:**

*Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the*



applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

With implementation of mitigation measures, the Proposed Project would not have a significant impact on Tribal Cultural Resources.

**Less than Significant with Mitigation**

**Less than significant impacts are anticipated with implementation of the applicable Mitigation Measure.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION:</b>				
<b>Countywide Plan; Submitted Project Materials; Amended Reclamation Plan for Baxter Quarry</b>				

<b>Issues</b>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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- a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

The proposed Amended Plan does not propose to change or increase any operations or production onsite. Therefore, there are no new changes or increase required for water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

- b) *Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Water will be used for dust control measures only. No water is used for processing activities. A 4,000 gallon water truck (typical) transports water obtained from Baker and off-site private wells approximately five times per operating day. In 2020, approximately 2.5 acre-feet were used. No change in water usage is expected. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

- c) *Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?*

Portable toilets will be supplied for use by employees and will be located on-site at the operations area. The Amended Plan would not require sewer collection or treatment services and therefore no off-site discharge of treated wastewater would occur. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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- d) *Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*
- e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

All refuse is disposed of in approved trash bins and removed by CalPortland to an approved landfill as necessary. All clean-up operations will be conducted within two years of the termination of mining. Structures, tanks, scrap material, refuse, and surplus materials will be removed, recycled, and/or disposed of at an appropriate landfill site. Monitoring will include both site monitoring to assess control, trash dumping and other forms of human disturbances. Site monitoring of human use (access, trash dumping and off-road vehicle use) includes monthly inspection by CalPortland personnel to check access control and signs and to schedule removal of illegal dumping. As such, no new impact significant impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**XX. WILDFIRE:** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

landslides, as a result of runoff, post-fire slope instability, or drainage changes?

**SUBSTANTIATION:**

**San Bernardino Countywide Policy Plan 2020; Submitted Project Materials; Amended Reclamation Plan for Baxter Quarry**

- a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The Project Site is approximately 3.5 miles 15 south on Basin Road from I-15, which is an evacuation route.<sup>23</sup> All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Implementation of operational activities would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?*

The Project Site is neither located within a High nor Very High Fire Hazard Severity Zone.<sup>24</sup> Therefore, risks associated with exposing project employees to pollutant concentrations from wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors, exacerbate wildfire risks is unlikely. There is only a small office/employee trailer on-site. The Amended Plan does not include construction of habitable structures. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

The Amended Plan will not require the construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Therefore, the Amended Plan does not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary ongoing impacts to the environment. No impacts are identified or are anticipated, and no mitigation measures are required.

**No Impact**

<sup>23</sup> San Bernardino Countywide Policy Plan Map PP-2 "Evacuation Routes." Accessed November 4, 2021.

<sup>24</sup> San Bernardino Countywide Policy Plan Map HZ-5 "Fire Hazard Severity Zones." Accessed November 4, 2021.

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The Project Site is neither located within a High nor Very High Fire Hazard Severity Zone.<sup>25</sup> Additionally, the site is not within a 100-Year Federal Emergency Management Agency (FEMA) flood zone or a 500-year FEMA flood zone.<sup>26</sup> As stated previously, the Amended Plan would not be susceptible to landslides. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

**No Impact**

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE:</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>25</sup> San Bernardino Countywide Policy Plan Map HZ-5 “Fire Hazard Severity Zones.” Accessed November 4, 2021.

<sup>26</sup> San Bernardino Countywide Policy Plan Map HZ-4 ‘Flood Hazards.’ Accessed November 4, 2021.

- a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

The results of the Initial Study show that there are potentially significant impacts to Biological and Cultural Resources, including jurisdictional waters of the U.S. and State. Potential biological impacts to nesting birds, desert tortoise, and jurisdictional streambeds will be reduced to less than significant levels after incorporation of mitigation measures BIO-1 through BIO-3 and compliance with existing rules and regulations. Therefore, the Proposed Project will not substantially degrade the quality of the environment and impacts to habitat, wildlife populations, plant and animal communities, rare and endangered species, jurisdictional waters of the State; no additional mitigation is warranted.

A Phase I/Class II Cultural Resources Survey was prepared for the Amended Plan by McKenna et al. The Project Site is historically a mining site and the resources within the Project Site are not significant. However, the Project Site is still considered moderately sensitive for the presence of additional evidence of prehistoric use, despite the limited evidence identified during the study. However, in case of unanticipated finds, Mitigation Measures CR-1 to CR-3 shall be implemented to ensure no significant adverse impacts to cultural resources occur if uncovered during operations.

The County contacted local Native American Tribal representatives and received a response from the Yaamava of San Manuel Nation. Mitigation measures to protect potential cultural resources if uncovered during operations are incorporated in Mitigation Measures CR-1 to CR-3, and TCR-1 and TCR-2 included in Sections V and XVIII.

#### **Less than Significant with Mitigation**

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Cumulative impacts are defined as two or more individual affects that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the development when added to the impacts of other closely related past, present, and reasonably foreseeable or probable future developments. Cumulative impacts can result from individually minor, but collectively significant, developments taking place over a period. The CEQA Guidelines, Section 15130 (a) and (b), states:

- (a) Cumulative impacts shall be discussed when the project’s incremental effect is cumulatively considerable.
- (b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail

as is provided of the effects attributable to the project. The discussion should be guided by the standards of practicality and reasonableness.

The Proposed Project is an amendment to an existing vested mining operation and reclamation plan (90M-02) This vested right is consistent with the vested right definition in the SMARA. In addition, along with its long history of mining, the County approved a Reclamation Plan (90M-02) for the mine in June 1984 demonstrating recognition of the surface and underground mineral resource development activities as an existing vested right. The CDMG has designated the Baxter Quarry iron ore deposits as Mineral Resource Zone 2 status (MRZ-2). The reclamation of the site at the completion of mining will be a beneficial activity to restore the site to an open space land use.

Air and greenhouse gas emissions resulting from the Proposed Project would not exceed County thresholds and potential biological and cultural impacts have been mitigated. Development of the Proposed Project will be conditioned to comply with current MDAQMD rules and regulations to minimize impacts to air quality. Therefore, impacts are not cumulatively considerable.

Cumulative impacts identified in this Initial Study are anticipated to be less than significant. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

#### **Less Than Significant Impact**

- c) *Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?*

The Baxter Quarry is in an isolated and remote area of the Mojave Desert. There are no other roads, public access, or developments in the area or along the access road. The proposed project is an amendment to an existing mining operation and Reclamation Plan (90M-02) with no changes to production planned. No new impacts are expected. All potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable with mitigation in terms of any adverse effects upon the region, the local community, or its inhabitants. The proposed project will be required to meet the conditions of approval, rules and regulations, and mitigation measures for the project to be implemented. It is anticipated that all such conditions of approval, rules and regulations, and mitigation measures will further ensure that no potential for significant adverse impacts will be introduced by planned mining and reclamation activities as allowed by the project approval. Less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

#### **Less Than Significant Impact**

**Therefore, less than significant adverse impacts are identified or anticipated with incorporation of mitigation measures.**

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