NOTICE OF PREPARATION
CITY OF LAKE ELSINORE

TO: **Surrounding Property Owners**

FROM: **City of Lake Elsinore**
Attn: Mr. Justin Kirk, Senior Planner
130 South Main Street
Lake Elsinore, CA 92530

DATE: **6/25/2015**

SUBJECT: **NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FORTHE NICHOLS CANYON MINE EXPANSION PROJECT (RP 2006-01A2)**

The CITY OF LAKE ELSINORE will be the Lead Agency and will prepare an environmental impact report (EIR) for the project described below. In compliance with Section 15082 of the CEQA Guidelines, the City of Lake Elsinore is sending this Notice of Preparation (NOP) to responsible agencies, interested parties, and other agencies which may be involved in approving or permitting the project, and to trustee agencies responsible for natural resources affected by the project. A copy of the project's Initial Study, which contains detailed information about the project and its potential environmental effects, is available for public review at the City of Lake Elsinore Planning Division, 130 South Main Street, Lake Elsinore, CA and online at *http://www.lake-elsinore.org/index.aspx?page=246*.

The purpose of this NOP is to solicit the views of agencies and individuals as to the scope and content of the EIR. A 30-day review and comment period for this NOP is provided under State law. Please have your response postmarked by **July 27, 2015**. Please send your response to **Mr. Justin Kirk** at the address shown above. Please provide contact information including name, phone number, and e-mail address.

PROJECT LOCATION
The Nichols Canyon Mine encompasses 199 acres located east of and adjacent to Interstate 15, both north and south of Nichols Road, and encompasses Assessor's Parcel Numbers: 389-200-35,-36,-37. (Latitude 32°21'35N, Longitude -117°21'24W)

PROJECT DESCRIPTION
The proposed project is seeking to amend an existing reclamation plan (RP 2006-01) in order to: 1) increase areas proposed for mining activities by approximately 24 acres; reduce the annual

tonnage limit for the mine from 4,000,000 tons per day to 1,000,000 tons per day; revise the approved seed mix and revegetation plan; and extend the hours permitted for mining equipment operation, processing equipment, and export from between 7:00 am and 12:00 am (Monday through Friday, excluding Federal Holidays) and between 7:00 am and 7:00 pm (Saturdays only) to between 4:00 am and 12:00 am (Monday through Saturday, excluding Federal Holidays) for mining equipment operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate export activities for the purpose of reducing daytime and peak hour trips from the Mine.

ENVIRONMENTAL REVIEW

Based upon technical analysis and supporting information, the City has determined that the proposed project could result in potentially significant environmental impacts, and an EIR is the appropriate CEQA document. The environmental topics that will be addressed in the Draft EIR are as follows:

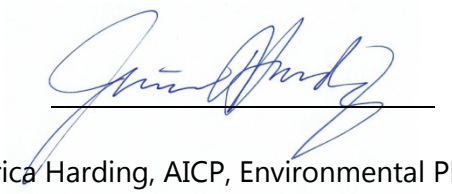
- Aesthetics;
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Geology/Soils;
- Greenhouse Gas Emissions;
- Hydrology/Water Quality;
- Noise;
- Transportation/Traffic;
- Utilities/Service Systems; and
- Mandatory Findings of Significance.

The EIR will also identify alternatives to the proposed project that would be capable of reducing or eliminating one or more of the significant environmental effects of the proposed project.

The following issue areas will not be discussed in the EIR because less-than-significant impacts have been identified, and more fully discussed in the project's Initial Study.

- Agricultural Resources;
- Hazards & Hazardous Materials;
- Land Use & Planning;
- Mineral Resources;
- Population & Housing;
- Public Services; and
- Recreation.

As indicated above, please have your response postmarked by **July 27, 2015** and send to **Mr. Justin Kirk** at the City of Lake Elsinore Planning Division, 130 South Main Street, Lake Elsinore, CA.

Signature: 

Name: Jerrica Harding, AICP, Environmental Planning Consultant
Date: **6/25/2015**
Phone: (714) 505-6360

NOTICE OF PREPARATION
CITY OF LAKE ELSINORE

TO: **Interested Agencies and Organizations**

FROM: **City of Lake Elsinore**
Attn: Mr. Justin Kirk, Senior Planner
130 South Main Street
Lake Elsinore, CA 92530

DATE: **6/25/2015**

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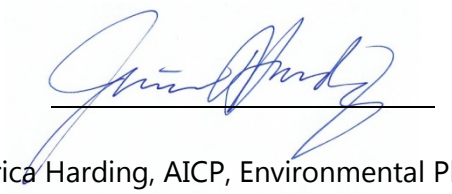
Signature: 

Name: Jerrica Harding, AICP, Environmental Planning Consultant
Date: **6/25/2015**
Phone: (714) 505-6360

State Clearinghouse
Governor's Office of Planning Research
1400 Tenth Street, Room 212
Sacramento, CA 95814

Mr. Jeff Brandt, Sr. Environmental Specialist
CA Department of Fish & Wildlife
Inland Desert/Eastern Sierra Region
3602 Inland Empire Blvd., Ste C-220
Ontario, CA 91764

Regional Water Quality Control Board #8
Santa Ana Basin Region
Attn; Mark G. Adelson
3737 Main Street, Ste 500
Riverside, CA 92501-3348

CALTRANS District #8 - Planning
IGR/Local Development Review
464 W. Fourth Street, 6th Floor MS 725
San Bernardino, CA 92401-1400

Native American Heritage Commission
Attn: Katy Sanchez, Associate Program Analyst
915 Capitol Mall Room 364
Sacramento, CA 95814

California Emergency Management Agency
Attn: Dennis Castrillo, Environmental Officer
3650 Schriever Avenue
Mather, CA 95655

CEQA Review
California Department of Housing & Community Development
1800 Third Street
Sacramento, CA 95811-6942

CEQA Review
California Air Resources Board
1001 I Street
Sacramento, CA 95812

CEQA Review
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801 K Street, MS 24-01
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21535 Palomar St. #A
Wildomar Ca. 92595

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5796 Corporate Avenue
Cypress, CA 90630

Federal Highway Administration
650 Capitol Mall, Ste 4-100
Sacramento, CA 95814

US Fish and Wildlife Service
Carlsbad Fish and Wildlife Service
Attn: Kennon A. Corey, Asst. Field Supervisor
6010 Hidden Valley Road, Ste. 101
Carlsbad, CA 92011

US Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd, Ste 980
Los Angeles, CA 90017

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Attn: Farah Khorashadi, Eng. Division Manager
408 Lemon Street, 8th Floor
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1995 Market Street
Riverside, CA 92501

Riverside County Clerk
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2724 Gateway Drive
Riverside, CA 92502-0751

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Riverside CA 92502-1409

Riverside County Office of Education
Attn: Kenneth M. Young, Superintendent
3939 13th Street
Riverside, CA 92502-0868

Riverside Co. Habitat Conservation Agency
Attn: Carolyn Syms Luna, Director
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Riverside Co. Transportation Commission
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PO Box 12008
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210 West San Jacinto Avenue
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14310 Frederick Street
Moreno Valley, CA 92553

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4095 Lemon Street
Riverside, CA 92501

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Attn: Sgt. Nathan Kaas
333 Limited Avenue
Lake Elsinore, CA 92530

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Canyon Lake, CA 92587

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400 S. Vicentia Avenue
Corona, CA 92882

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101 N. D street
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23873 Clinton Keith Road, Suite 201
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29714 Haun Road #A
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Temecula, CA 92589-9033

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Wildomar, CA 92595

Southern California Edison Company
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Rosemead, CA 91770

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Redlands, CA 92374

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Hemet, CA 92543

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1334 Watkins Hall
Riverside, CA 92521

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Temecula, CA 92593

Cahuilla Band of Indians
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Anza, CA 92539

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Joseph Hamilton, Chairman
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Santa Rosa Band of Mission Indians
John Marcus, Chairman
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545 Chaney Street
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Lake Elsinore Historical Society
Attn: Ruth Atkins
P.O. Box 84
Lake Elsinore, CA 92531

Lake Elsinore Valley Chamber of Commerce
Attn: Kim Cousins, President
132 W. Graham Avenue
Lake Elsinore, CA 92530

Lake Elsinore & San Jacinto Watersheds Authority
Attn: Mark Norton, Authority Administrator
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Lake Elsinore, CA 92530

Vick Knight Community Library
32593 Riverside Drive, Building 200
Lake Elsinore, CA 92530

Endangered Habitats League
Attn: Dan Silver, Executive Director
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

Inland Empire Waterkeepers
Attn: Colin Kelly
6876 Indiana Avenue, Suite D
Riverside 92506

Palomar Audubon Society
P.O. Box 2483
Escondido, CA 92033

Caltech/Mt. Palomar Observatory
Attn: Andrew Boden, Deputy Director
1200 East California Blvd., Mail Code 11-17
Pasadena, CA 91125

Mr. Rick Estes, Conservation Committee
Sierra Club - San Gorgonio Chapter
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Wildomar, CA 92595

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1025 Eldorado Blvd., Bldg. 33A-522
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36485 Inland Valley Drive
Wildomar, CA 92592

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City of Lake Elsinore
130 South Main Street
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Mayor Pro Tem Brian Tisdale
City of Lake Elsinore
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Councilmember Natasha Johnson
City of Lake Elsinore
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Councilmember Robert Magee
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Councilmember Daryl Hickman
City of Lake Elsinore
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Planning Commissioner John Gray
City of Lake Elsinore
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Planning Commissioner Adam Armit
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Planning Commissioner Tim Fleming
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Planning Commissioner Shelly Jordan
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Planning Commissioner Lance Ray
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Hemet, CA 92543

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University of California, Riverside, Dept. of Anthropology
1334 Watkins Hall
Riverside, CA 92521

Pechanga Band of Luiseño Indians
Attn: Mark Macarro, Chairperson
PO Box 1477
Temecula, CA 92593

Cahuilla Band of Indians
Attn: Luther Salgado Chairperson
P.O. Box 391760
Anza, CA 92539

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670
Anza, CA 92539

Santa Rosa Band of Mission Indians
John Marcus, Chairman
P. O. Box 391820
Anza, CA 92539

Rincon Band of Mission Indians
Attn: Bo Mazzetti, Chairperson
1 W.Tribal Road
Valley Center, CA 92082

Los Coyotes Band of Mission Indians
Attn: Shane Chapparosa, Chairman
PO Box 189
Warner, CA 92086

Pala Band of Mission Indians
Tribal Historic Preservation Office
Attn: Shasta C. Gaughen, MA
35008 Pala-Temecula Road, PMB 445
Pala, CA 92059

Pauma & Yuima Reservation
Attn: Randall Majel, Chairperson
P. O. Box 369
Pauma Valley, CA 92061

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Joseph Ontiveros, Dir. of Cultural Resources
Soboba Band of Luiseno Indians
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Attn: Tina Koonce, Director, Facilities and Operations
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Caltech/Mt. Palomar Observatory
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Mr. Rick Estes, Conservation Committee
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AMENDMENT NO. 2 TO RECLAMATION PLAN 2006-01 (CASE NO. RP 2006-01A2)

Nichols Canyon Mine Expansion

INITIAL STUDY/NOTICE OF PREPARATION

Prepared By:

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June 25, 2015

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LIST OF ACRONYMS

Acronym	Definition
AB	Assembly Bill
amsl	above mean sea level
AQMP	Air Quality Management Plan
BMP	Best Management Practice
C-SP	Commercial-Specific Plan (land use designation)
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CMP	Congestion Management Program
CSQA	California Stormwater Quality Association
CUP	Conditional Use Permit
DPM	Diesel Particulate Matter
EDA	Expanded Disturbance Area
EVMWD	Elsinore Valley Municipal Water District
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gas
HRA	Health Risk Assessment
I	Interstate
IS	Initial Study
MRZ	Mineral Resource Zone
MSHCP	Multiple Species Habitat Conservation Plan
NPDES	National Pollutant Discharge Elimination System
OS	Open Space/Manufactured Slopes (land use designation)
PCE	Passenger Car Equivalents
PM	Particulate Matter
RCWMD	Riverside County Waste Management Department
RP	Reclamation Plan
ROG	Reactive Organic Gases
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SMARA	Surface Mining and Reclamation Act
SOI	Sphere of Influence

LIST OF ACRONYMS

Acronym	Definition
SP	Specific Plan
SR	State Route
SWPPP	Storm Water Pollution Prevention Program
tpd	tons per day
tpy	tons per year
USFWS	United States Fish and Wildlife Service
UWMP	Urban Water Management Plan

1.0 INTRODUCTION

1.1 DOCUMENT PURPOSE

The California Environmental Quality Act (CEQA) is a statewide environmental law contained in Public Resources Code §§ 21000-21177. CEQA applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to adversely affect the environment. CEQA requires that public agencies analyze and acknowledge the environmental consequences of their discretionary actions and consider alternatives and mitigation measures that could avoid or reduce significant adverse impacts to the environment when avoidance or reduction is feasible. The CEQA compliance process also gives other public agencies and the general public an opportunity to comment on a proposed project's environmental effects.

This Initial Study assesses the potential of the proposed expansion of the Nichols Canyon Mine (the "Project") to impact the physical environment. The Nichols Canyon Mine ("Mine") site is generally located east of Interstate 15 (I-15), north and south of Nichols Road, and west of Lindell Road and El Toro Road in the City of Lake Elsinore. Specifically, the Project proposes the second amendment to Reclamation Plan No. 2006-01 (RP 2006-01A2) to modify the Mine's existing reclamation plan to accommodate an expansion in areas subject to mining activities on-site from approximately 116 acres to approximately 140 acres, or an increase of 24 acres of new disturbance on-site ("Expanded Disturbance Area," or "EDA"). The remaining 59 acres of the Mine would remain allocated to open space. The Project also would revise the approved seed mix and revegetation plan. Additionally, the Project would extend the hours permitted for mining equipment operation, processing equipment, and export from between 7:00 am and 12:00 am (Monday through Friday, excluding Federal Holidays)[1] and between 7:00 am and 7:00 pm (Saturdays only) to between 4:00 am and 12:00 am (Monday through Saturday, excluding Federal Holidays) for mining equipment operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate export activities for the purpose of reducing truck trips during daytime and peak traffic hours. The Project also would reduce the Nichols Canyon Mine's permitted annual tonnage of exported materials from 4,000,000 tons per year (tpy) to 1,000,000 tpy. The proposed Project would not substantially affect the approved reclamation plan for areas located outside of the proposed 24-acre expansion area, although the modified operational hours and tonnage restrictions would apply throughout the Nichols Canyon Mine.

As part of the City of Lake Elsinore's permitting process, the proposed Project is required to undergo an initial environmental review pursuant to CEQA Guidelines § 15063. This Initial Study is a preliminary analysis prepared by the City of Lake Elsinore's Planning Division, acting in its

[1] Federal Holidays include 4th of July, Thanksgiving, Christmas, New Years, Memorial, Labor Day, Veteran's Day.

capacity as the CEQA Lead Agency, to determine the level of environmental review and analysis that will be required for the Project and the type of CEQA compliance document that will be prepared. This Initial Study is an informational document that provides an objective assessment of the potential environmental impacts that could result from implementation of the proposed Project.

1.2 DEFINITION OF TERMS

The proposed Project consists of an amendment to an approved reclamation plan for a vested mining site. The Project proposes to expand the approved mining limits by 24 acres; revise the approved seed mix and revegetation plan; extend the hours permitted for mining equipment operation, processing, and export from between 7:00 am and 12:00 am (Monday through Friday, excluding Federal Holidays) and between 7:00 am and 7:00 pm (Saturdays only) to between 4:00 am and 12:00 am (Monday through Saturday, excluding Federal Holidays) for mining equipment operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate export activities for the purpose of reducing truck trips during daytime and peak traffic hours; and reduce the Mine's annual tonnage limit from 4,000,000 tpy to 1,000,000 tpy. All other aspects of the existing Reclamation Plan RP 2006-01, including mining activities within the approved limits of both the Nichols North and Nichols South sites, would be identical to the existing approved RP 2006-01. In accordance with CEQA's requirements for evaluating projects involving modifications to an on-going permit, provided below are definitions of various aspects of the Project as will be used throughout this Initial Study document (refer also to Figure 1-1, *Nichols Canyon Mine*):

- "Expanded Disturbance Area (EDA)" refers to the proposed approximately 24-acre increase in the approved disturbance limits for the Nichols Canyon Mine.
- "Historical Baseline" refers to the operational characteristics of the Nichols Canyon Mine between 2008 and 2012 (refer to Section 2.4.2.A).
- "Nichols Canyon Mine" or "Mine" refers to the approximately 199 acres that are vested for mining activities and that are subject to the existing approved RP 2006-01, including lands located both north and south of Nichols Road.
- "Nichols North" refers to the approximately 156 acres of the Nichols Canyon Mine located north of Nichols Road, and includes both areas permitted or proposed for mining (107 acres) and open space (49 acres).
- "Nichols South" refers to the approximately 43 acres of the Nichols Canyon Mine located south of Nichols Road, which includes areas approved for mining activities (33 acres) and open space (10 acres).
- "Project" or "proposed Project" refers to the proposed revisions to the existing approved RP 2006-01 to include an expansion in the approved mining limits by 24 acres; to revise the approved seed mix and revegetation plan; to allow for an increase in mining

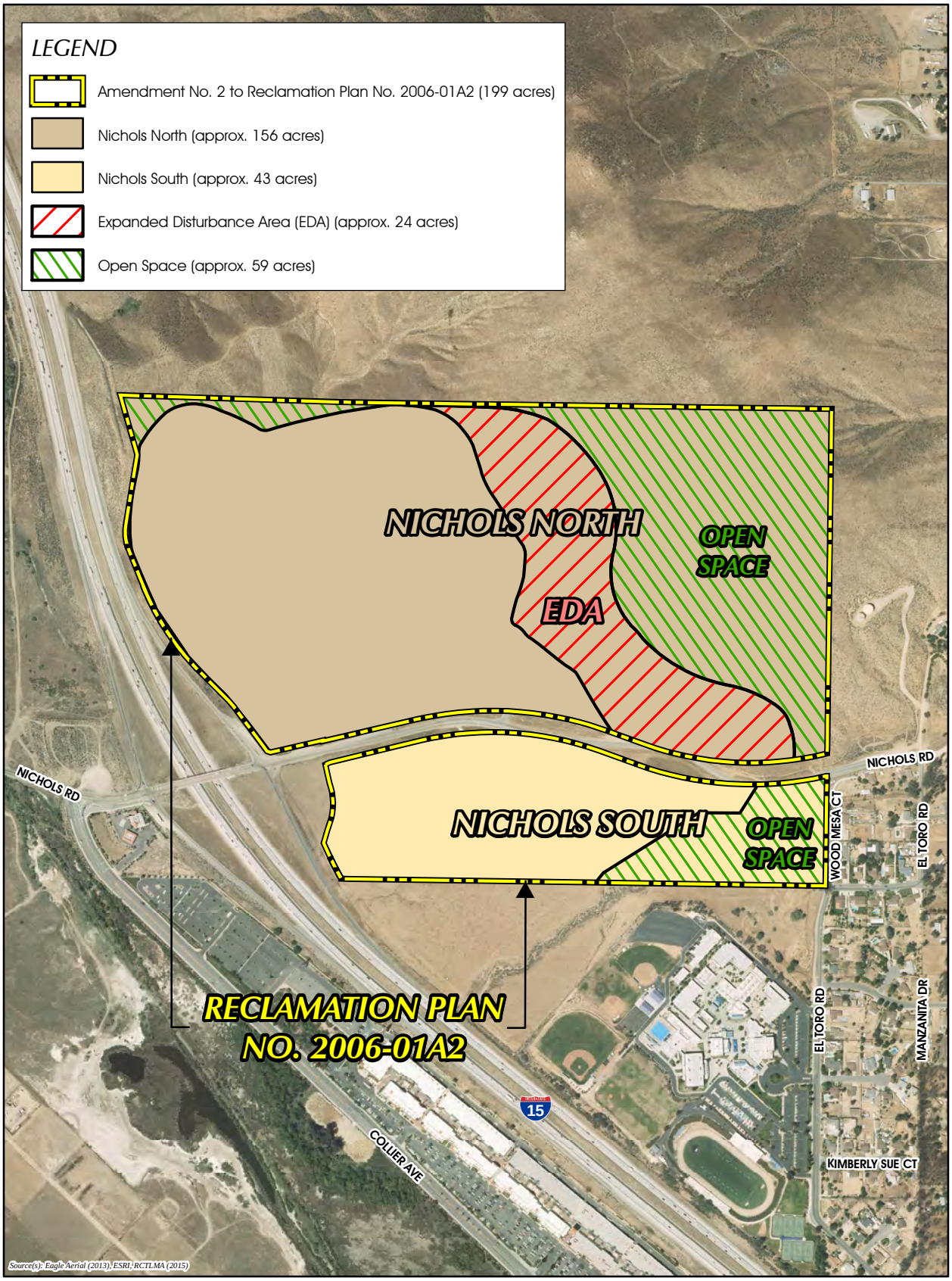


Figure 1-1

NICHOLS CANYON MINE

equipment operational hours from between 7:00 am and 12:00 am (Monday through Friday, excluding Federal Holidays) and between 7:00 am and 7:00 pm (Saturdays only) to between 4:00 am and 12:00 am (Monday through Saturday, excluding Federal Holidays) for mining equipment operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate export activities for the purpose of reducing truck trips during daytime and peak traffic hours; and to reduce the Mine's annual permitted tonnage from 4,000,000 tpy to 1,000,000 tpy. These terms also refer to the changes that would result from approval of the proposed Project, such as increased traffic or additional employees, pursuant to CEQA's requirements for evaluating revisions to on-going permits (refer to Section 2.4.2).

1.3 INITIAL STUDY CONTENTS

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed Project.

Section 1.0, *Introduction*, identifies the purpose of this Initial Study, provides an overview of relevant CEQA requirements, and provides an overview of the organizational format of this Initial Study.

Section 2.0, *Project Description*, describes the proposed Project and provides a description of proposed discretionary actions required for Project implementation.

Section 3.0, *Environmental Checklist*, presents a summary of the results of the environmental evaluation for the proposed Project, and identifies whether the Project would result in any potentially significant environmental impacts.

Section 4.0, *Environmental Analysis*, evaluates each response provided in the environmental checklist form. Each response checked is briefly discussed and supported by substantial evidence. As appropriate, each response discussion describes and identifies specific effects anticipated with Project implementation and provides a conclusion as to whether the Project would result in any significant impacts to the environment.

Section 5.0, *References*, provides a list of references that were consulted in preparation of this document.

1.4 SCOPE OF ENVIRONMENTAL ANALYSIS

The City of Lake Elsinore prepared the proposed Project's Initial Study (IS) Checklist as suggested by CEQA Guidelines §§ 15063(d)(3). The checklist is found in Section 4.0 and it includes an explanation and discussion of each answer on the form.

There are four possible responses to each of the environmental issues included on the checklist:

1. **Potentially Significant Impact.** This response is used to indicate that there is substantial evidence that the Project would result in an effect that may be significant.

2. **Less than Significant with Mitigation Incorporated.** This response is used to indicate that incorporation of mitigation measures would reduce an effect from "Potentially Significant Impact" to a "Less Than Significant Impact."

3. **Less-than-Significant Impact.** This response is used to indicate that the Project result in less-than-significant impacts.

4. **No Impact.** This response is used to indicate that the Project would not create an impact in that particular environmental category. "No Impact" answers need to be adequately supported by information which shows that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project specific screening analysis).

1.5 POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT

The analysis presented in this Initial Study indicates that the proposed Project has the potential to result in one or more significant direct, indirect, and/or cumulative environmental effects to the following environmental subjects:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hydrology/Water Quality
- Noise
- Transportation/Traffic
- Utilities/Service Systems
- Mandatory Findings of Significance

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND SETTING

The Nichols Canyon Mine comprises approximately 199 acres (APN Nos. 389-200-035, -036, and -038) and is located in the northeastern portion of the City of Lake Elsinore (see Figure 2-1, *Regional Map*). From a regional perspective, the Mine is located north of the City of Wildomar, east of Interstate 15 (I-15), and south of the Temescal Valley, with areas to the east located within unincorporated Riverside County. Interstate 15 (I-15) abuts the Mine's western boundary. State Route 74 is located approximately 1.0 mile south, I-215 is located approximately 9.1 miles to the east, and State Route 91 (SR-91) is located approximately 16.8 miles to the north. Specifically, the Nichols Canyon Mine is located within the City of Lake Elsinore, east of I-15, and north and south of Nichols Road and encompasses Assessor's Parcel Numbers: 389-200-35,-36,-37 (Latitude 32°21'35N, Longitude -117°21'24W), as illustrated on Figure 2-2, *Vicinity Map*, and Figure 2-3, *USGS Topographical Map*.

The property is divided into two segments by Nichols Road. For purposes of evaluation herein, the 156 acres located north of Nichols Road are referred to as "Nichols North" and the approximately 43 acres located south of Nichols Road are referred to as "Nichols South." As shown on Figure 2-4, *Aerial Photograph*, under existing conditions areas subject to mining activities on the Nichols North site primarily encompasses stockpiles, excavated mining pits, interior unpaved roads, and support equipment for mining operations, with a drainage basin located in the southwest corner of the site. The eastern portions of the Nichols North site (+/- 73 acres) are composed of open space. The areas subject to mining activities on the Nichols South site encompass mostly disturbed lands where overburden has been removed. The Nichols South site has been regularly disced as part of on-going fire hazard abatement activities, and contains two small hillsides located in the east and west portions of the property. The southeastern portion of the Nichols South site (+/- 10 acres) consist of open space. The current topography of the Nichols Canyon Mine ranges from approximately 1,925 feet above mean sea level (amsl) at the northeastern corner of the property to approximately 1,280 feet amsl along the western boundary of Nichols South portion of the site. To the north of the Nichols Canyon Mine are undeveloped lands. To the west is the I-15 freeway, beyond which are open space and an existing commercial development. To the south are open space and Temescal Canyon High School. To the east are open space and single-family homes.

2.2 EXISTING PERMITS AND ENTITLEMENTS

The Nichols Canyon Mine was originally part of an approximately 3,457-acre vested mining operation that commenced more than a century ago in the early 1900s. The Mine was formerly part of Reclamation Plan 112, which was approved by the County of Riverside in 1978 prior to the subject properties being annexed into the City of Lake Elsinore. The City incorporated in 1888. In 2006, the City of Lake Elsinore City Council adopted Reclamation Plan No. 2006-01 (RP 2006-01), which incorporated updated reclamation standards for the Nichols Canyon Mine, and concurrently adopted a Mitigated Negative Declaration (MND) in conformance with CEQA

Figure 2-1

REGIONAL MAP

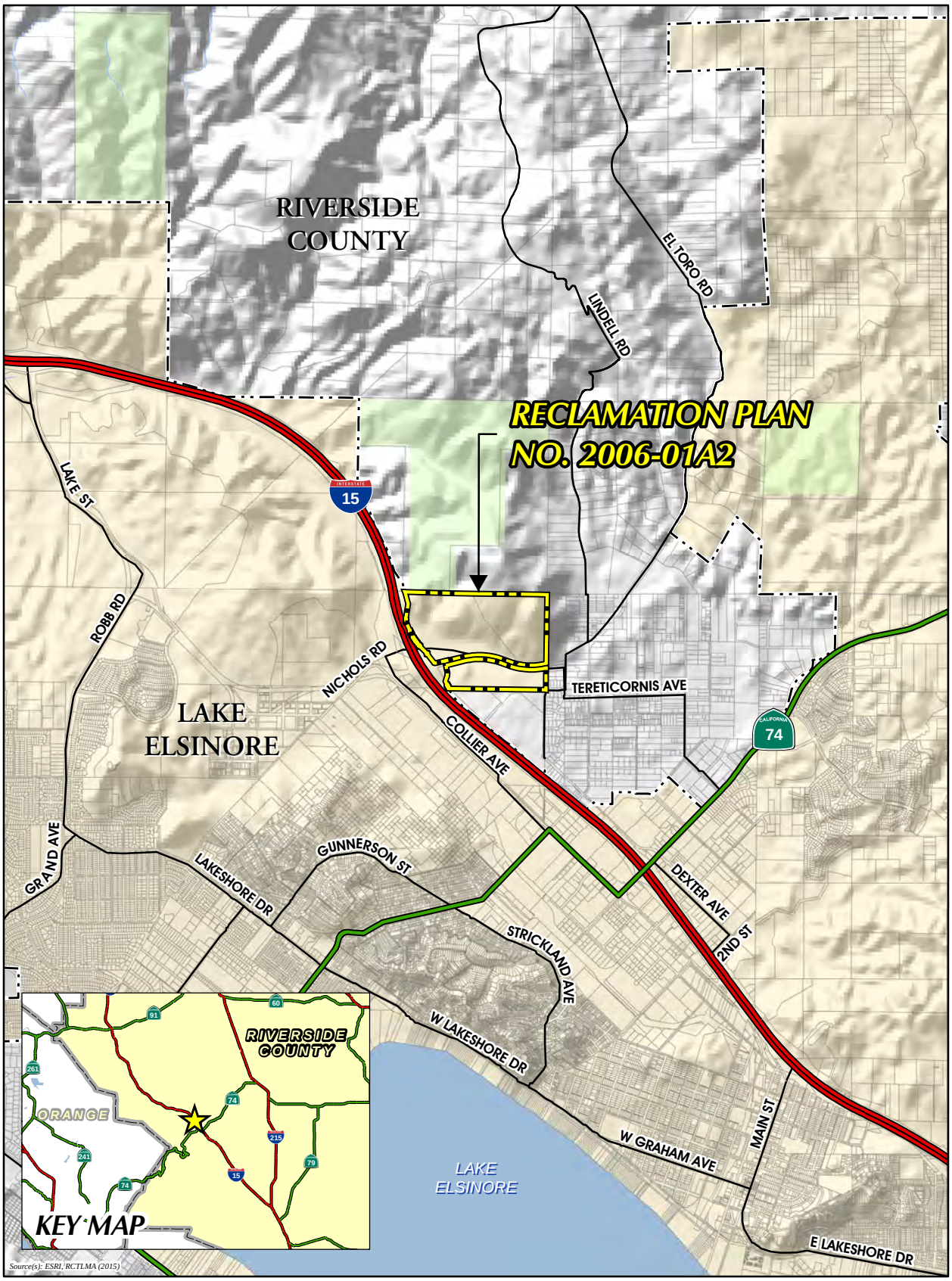
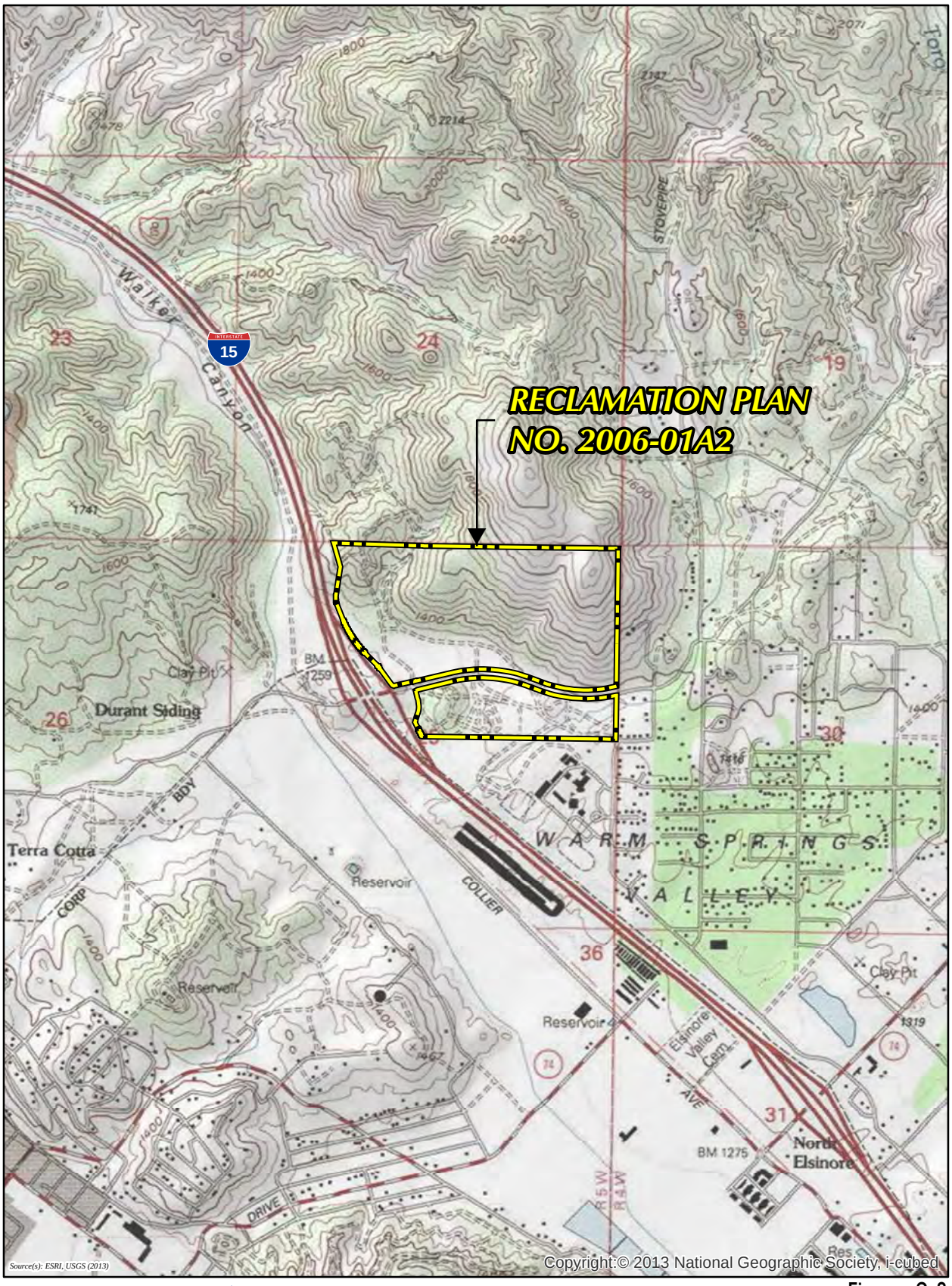


Figure 2-2
VICINITY MAP



0 500 1,000 2,000 Feet

Figure 2-3

USGS TOPOGRAPHICAL MAP

Figure 2-4

AERIAL PHOTOGRAPH

(MND No. 2006-1). RP 2006-01 restricts mining operations at the Mine to a maximum of 4,000,000 tpy, allows up to 400 truck trips per day, and restricts hours of mining and processing to between the hours of 7:00 am and 12:00 am (Monday through Friday, excluding Federal Holidays) and between 7:00 am and 7:00 pm (Saturdays only). Additionally, RP 2006-01 establishes mining limits encompassing approximately 116 acres covering approximately 83 acres of the Nichols North portion of the site and approximately 33 acres of the Nichols South portion of the site. Due to the vesting of the Mine, RP 2006-01 is currently in effect and does not specify an expiration date.

In addition, the Mine is subject to a Conditional Use Permit (CUP No. 2014-07) approved by the City of Lake Elsinore in 2015, which allows for operation of an asphalt batch plant on Nichols North. CUP No. 2014-07 did not increase the mining tonnage limits established by RP 2006-01; all asphalt material exported from the Mine is counted against the annual tonnage limit and maximum daily truck trips allowed by RP 2006-01. Operation of the asphalt batch plant is restricted to the same hours specified for mining operations and processing pursuant to RP 2006-01, although export of asphalt materials from the site is permitted to occur 24 hours per day.

The Mine also is subject to a South Coast Air Quality Management District (SCAQMD) Permit to Operate (PTO; Permit No. A/N 564010). The PTO would not be affected by the Project and would continue to apply to the Mine following Project approval. The PTO imposes standard conditions of approval on activities at the Mine, and prohibits on-site equipment from processing more than 149,970 tons per month (or approximately 5,500 to 6,000 tons per working day).

In addition, the Nichols Canyon Mine is part of site is located within the geographical limits of the Aberhill Ranch Specific Plan. The buildout of the Alberhill Ranch Specific Plan, including the Project site, was the subject of previous environmental review as part of an EIR certified in June 1989 (State Clearinghouse [SCH] No. 88090517). The Project Site is designated for Open Space (OS) and Commercial-Specific Plan (C-SP) land uses by the Alberhill Ranch Specific Plan (Lake Elsinore, 1997, Exhibit 3).

2.3 PROPOSED ENTITLEMENTS

The proposed Project consists of an application for an amendment to RP 2006-01 (RP 2006-01A2) to allow for an expansion of the approved mining limits. Specifically, under the proposed Project, the total area subject to mining activities on the approximately 199-acre Mine would increase from approximately 116 acres to approximately 140 acres, representing an increase of approximately 24 acres. The proposed mining expansion areas occur north of Nichols Road and to the north and east of the existing approved mining limits. With approval of the proposed amended reclamation plan, the total reserves that would be available at the Nichols Canyon Mine, inclusive of existing reserves, would total approximately 16,150,000 tons. RP 2006-01A2 would have an expiration date of December 31, 2036.

All uses currently occurring at the Mine, including the asphalt batch plant, would continue under the proposed RP 2006-01A2. Changes associated with RP 2006-01A2 include a proposed 24-acre increase in areas subject to mining, located north and east of the approved mining limits; revise the approved seed mix and revegetation plan; a change in the mine's operating and processing hours from between 7:00 am and 12:00 am (Monday through Friday, excluding Federal Holidays) and between 7:00 am and 7:00 pm (Saturdays only) to between 4:00 am and 12:00 am (Monday through Saturday, excluding Federal Holidays) for mining equipment operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate export activities for the purpose of reducing truck trips during daytime and peak traffic hours; and a reduction in the permitted annual tonnage from 4,000,000 tpy to 1,000,000 tpy. Export of asphalt material from the site would continue to occur 24 hours per day, pursuant to CUP No. 2014-07

Upon completion of mining activities at the Nichols Canyon Mine, the site would achieve the level graded pads specified by RP 2006-01A2 and would be left in a usable condition that is suitable for future development as planned by the Alberhill Ranch Specific Plan. Although ultimate reclamation of the site as planned by RP 2006-01A2 would facilitate future development as planned by the Alberhill Ranch Specific Plan, any such future development activities would require new discretionary entitlements from the City of Lake Elsinore. These entitlements would be subject to CEQA and are not a part of the proposed Project.

2.4 SCOPE OF ENVIRONMENTAL ANALYSIS

2.4.1 Scope of Physical Disturbance

As indicated in Section 2.3, the Project involves continued physical disturbance within areas that have been or will be subject to mining activities pursuant to the existing RP 2006-01, and an expansion of mining areas on the Nichols North Site to encompass an additional 24 acres. Areas subject to new disturbance as part of the Project occur along the northern and eastern limits of the existing approved mining limits for the Nichols Canyon Mine. The Project would not affect the existing approved mining areas for the Nichols Canyon Mine, which includes approximately 107 acres north of Nichols Road and approximately 33 acres south of Nichols Road. Accordingly, for purposes of analysis herein, the physical limits of disturbance attributable to Project-related mining activities would consist of the 24-acre expansion area described above. Figure 2-5, *Existing and Proposed Limits of Physical Disturbance*, depicts the existing and proposed limits of disturbance associated with the proposed Project.

2.4.2 Scope of Operational Characteristics

A. Project-Related Annual Tonnage Estimates

Although proposed RP 2006-01A2 would reduce the allowed maximum total annual tonnage material from 4,000,000 tpy to 1,000,000 tpy, historical data recorded by the mine operator indicates that the mine produced an average of approximately 649,514 tpy between 2008 and 2012. Table 2-1, *Annual Mine Tonnage (2008 through 2012),* presents the recorded annual tonnage for the years 2008 through 2012. Data from 2013 and 2014 are excluded from Table 2-

1 because during these years the property was put up for sale, and mining activities on-site during this period were substantially reduced and/or halted entirely. Thus, values from 2013 and 2014 are not representative of the historic baseline for average annual tonnage from the site.

Table 2-1 Annual Mine Tonnage (2008 through 2012)

Year	Production
2008	1,192,136 tpy
2009	427,010 tpy
2010	561,461 tpy
2011	617,069 tpy
2012	449,894 tpy
Total (2008-2012):	**3,247,570 tons**
Annual Average:	**649,514 tpy**

In accordance with the provisions of CEQA, for proposed projects that seek to modify existing on-going permits, the difference between the proposed permitted quantities must be compared to the historical baseline average. The Project proposes a total annual production limit of 1,000,000 tpy, inclusive of trips associated with the existing asphalt batch plant. Because the historical baseline average for the Nichols Canyon Mine is 649,514 tpy (see Table 2-1), the annual production amount attributable to the Project would be 350,486 tpy. It should be noted that the daily tonnage estimates, described in the following section, reflect a worst-case estimate of daily operations and are not necessarily related to the annual tonnage limits. Where daily tonnage is necessary for analysis of Project impacts, the daily tonnage estimates are utilized in lieu of the annual tonnage estimates.

B. Project-Related Daily Tonnage Estimates

Based on the physical characteristics of the mine and the operational capacities of the mine operator, the mine operator estimates that a maximum total of 5,000 tons of material per day (inclusive of both aggregate mining and asphalt material) could be processed on the site following Project approval. Since increased tonnage attributable to the proposed Project (i.e., 350,486 tpy) would comprise approximately 35% of the total 1,000,000 tpy that would be permitted under the proposed Project (as described in sub-section 2.4.2.A, *Project-Related Annual Tonnage Estimates*), then for purposes of analysis it is estimated that the Project would account for up to 1,752 tons per day (tpd) of aggregate and asphalt material processing (i.e., 35% of 5,000 tpd).

C. Operational Hours

Under existing conditions, mining, aggregate export, and asphalt batch plant activities on-site are limited to between the hours of 7:00 am and 12:00 am (Monday through Friday, excluding Federal Holidays) and between 7:00 am and 7:00 pm (Saturdays only), while the export of

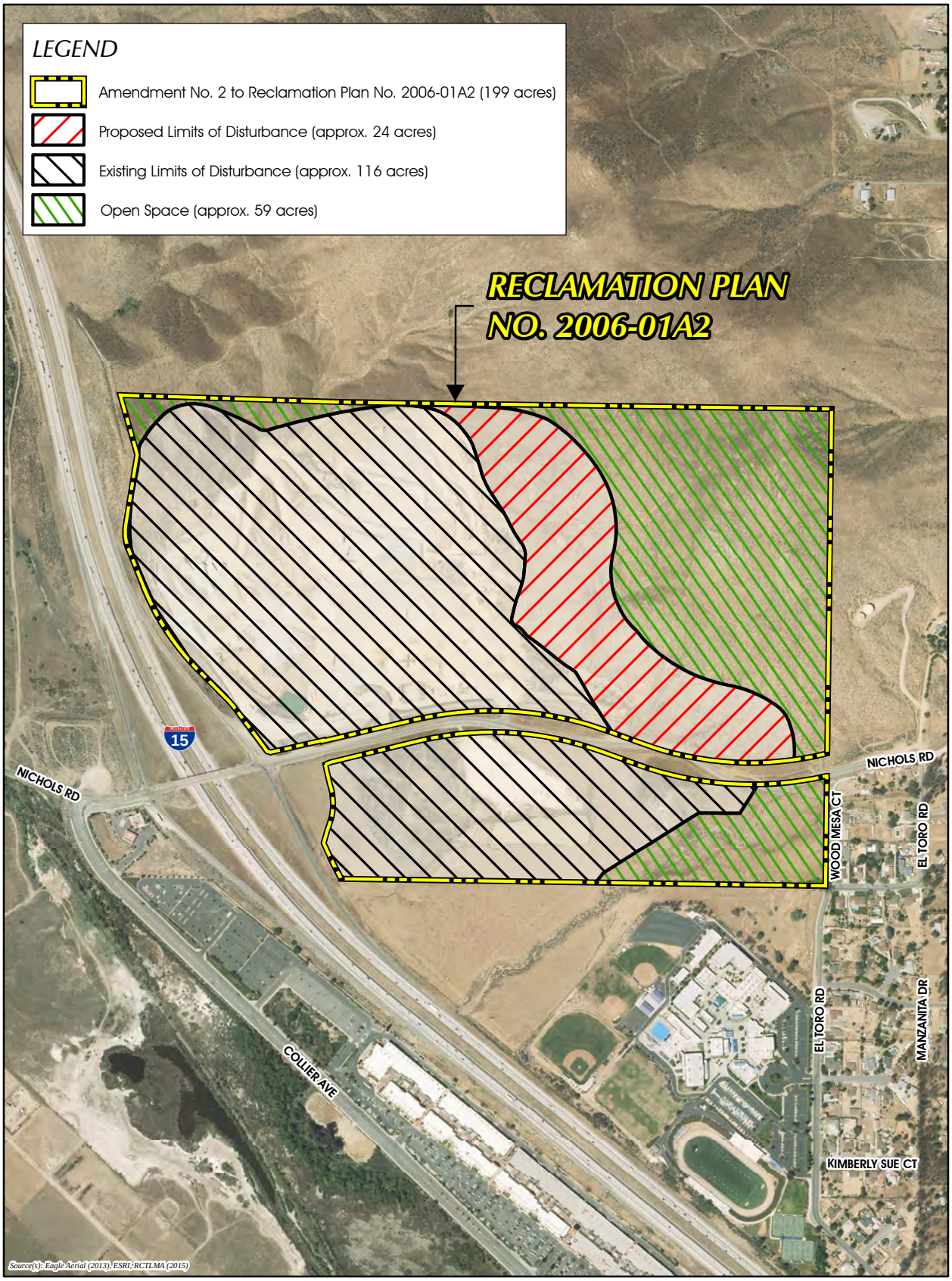


Figure 2-5

EXISTING AND PROPOSED LIMITS OF PHYSICAL DISTRUBANCE

asphalt materials is allowed to occur 24 hours per day. Under the proposed Project, the asphalt materials would continue to be exported 24 hours per day, while mining and processing activities would be restricted to between the hours of 4:00 am and 12:00 am (Monday through Saturday, excluding Federal Holidays) for mining equipment operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate export activities in order to reduce truck trips during daytime and peak traffic hours.

D. Mine Employees

Under the proposed Project, approximately two new workers would be employed on-site, with one new worker for the processing plant and one support worker.

E. Project-Related Traffic Volumes

In recognition of the environmental baseline requirements of CEQA, and based on the existing average annual tonnage at the mine (i.e., 649,514 tpy; refer to sub-section 2.4.2.A), it is estimated that the Mine produces approximately 16 passenger car trips and 260 truck trips per day under existing conditions, resulting in 795 passenger-car-equivalent (PCE) trips per day. Assuming a maximum of 1,000,000 tpy as would be allowed under the proposed Project, the total number of employee trips would increase to 20 trips per day, while truck trips would continue to be restricted to a maximum of 400 truck trips per day. As shown in Table 2-2, *Project Trip Generation Summary*, the total amount of traffic generated by the Project would be 1,220 PCE trips, representing an increase of 425 PCE trips as compared to baseline conditions. The increased traffic volumes are inclusive of asphalt materials produced at the Mine.

F. Operational Equipment

Table 2-3, *Baseline Operational Equipment Summary*, summarizes the equipment utilized at the Mine on a daily basis during the baseline operating period (i.e., between 2011 and 2012). As shown, mining activities during this period required the equivalent of approximately 2,535 horsepower per day. However, during the baseline operating period, the Mine was under different ownership, and the equipment utilized during that period is not reflective of the equipment that would be utilized under the proposed Project. Table 2-4, *Proposed Project Equipment Summary*, provides a summary of the equipment that would be utilized on a daily basis under the amended Reclamation Plan (RP 2006-01A2) and under the current ownership, based on information provided by the Project Applicant. As shown, equipment used under the proposed Project would require the equivalent of approximately 3,009 horse power per day, reflecting an 18.7% increase in horsepower as compared to the baseline condition.

Table 2-2 Project Trip Generation Summary

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Nichols Mine Expansion	1.0	MTPY							
Passenger Cars			3	2	5	2	3	5	20
Truck Trips[4]			31	30	61	25	25	50	400
Project Trips (PCE)[3]			95	92	188	77	78	154	1,220
Net New Project Trips (Passenger Cars)			**1**	**0**	**1**	**0**	**1**	**1**	**4**
Net New Project Trips (Trucks)			**11**	**10**	**21**	**9**	**9**	**17**	**140**
Net New Project Trips (PCE)[3]			**33**	**30**	**65**	**26**	**27**	**53**	**425**

[1] MTPY = Million Tons Per Year

[2] Baseline truck trips assumed to be 64.95% of typical peak operating day (e.g., 5,000 tons per day).

[3] Based on passenger car equivalent (PCE) factor of 3.0 PCE per truck.

[4] Total project truck trips based on typical peak operating day of 5,000 tons per day.

(Urban Crossroads, 2015, Table 5)

Table 2-3 Baseline Operational Equipment Summary

Hours/Day	Description	Quantity	Horse Power	Total Horse Power Hours
2	Skidsteer	1	51	51
6	769C Haul Truck	1	474	474
10	980K Wheel Loader	1	406	406
10	980H Wheel Loader	1	393	393
10	988G Wheel Loader	1	520	520
4	D8R Dozer	1	337	337
8	Water Truck 4000Gal	1	354	354
Total Daily Operational Horse Power (Baseline Conditions):				**2,535**

Table 2-4 Proposed Project Equipment Summary

Hours/Day	Description	Quantity	Horse Power	Total Horse Power Hours
4	Skidsteer	1	51	51
8	769C Haul Truck	2	474	948
10	980K Wheel Loader	1	406	406
10	980H Wheel Loader	1	393	393
10	988G Wheel Loader	1	520	520
8	D8R Dozer	1	337	337
8	Water Truck 4000Gal	1	354	354
Total Daily Operational Horse Power (Proposed Project Conditions):				**3,009**

G. Project-Related Water Consumption

Water used on-site for dust control and aggregate processing would be obtained from Elsinore Valley Municipal Water District (EVMWD). Based on historical data for the Project site between 2008 and 2012, the water usage on-site averaged approximately 64,000 gallons per day for dust control. Although the Project would result in an increase by 24 acres that would require expanded dust control efforts, the proposed revision to RP 2006-01 requires that a portion of the Mine's dust control measures include water-reducing chemicals, such as $Soil_2O^{®}$. Thus, there would be no net change in the Mine's demand for water resources as compared to the existing baseline condition.

H. Erosion and Sediment Control

The Mine is located within the Lee Hydrologic Subarea of the Lake Mathews Hydrologic Area of the Santa Ana River Hydrologic Unit. Under existing conditions, runoff from the western, disturbed portions of the Nichols Canyon North site flows in a southwesterly direction into an on-site retention basin at the southwest corner of Nichols North. The Nichols North site is graded to capture and retain on-site all surface flows within the western portions of the site. The eastern and northern portions of the Nichols North site, as well as the majority of the Nichols South site, also flow in a southwestern direction via Stove Pipe Creek and to the west beneath I-15 via an existing culvert beneath I-15. A small portion of the runoff from the northern portions of the Nichols South site is conveyed northerly into a swale located along the northern edge of Nichols Road. (J.E.B&A, 2015, Exhibit G) These conditions generally would be maintained during on-going mining operations.

Upon completion of mining activities and once the final grades pursuant to RP 2006-01A2 have been achieved, runoff on the Nichols North site would be conveyed to a proposed sediment basin located in the southwestern portion of the Nichols North site, and eventually conveyed westerly beneath an existing culvert underneath I-15. Similarly, the Nichols South site also would achieve the final grades specified by RP 2006-01A2 upon completion of mining activities, and the majority of drainage from this portion of the site would be conveyed to a proposed sedimentation basin located in the northwestern portion of the Nichols South site and ultimately west beneath I-15. Runoff from the portions of the Nichols South and Nichols North sites that are not subject to mining activities would continue to be conveyed by Stove Pipe Creek, located in the southeast corner of the Nichols South site, and ultimately west beneath I-15. (J.E.B&A, 2015, Exhibit H)

The maximum water depth in both proposed siltation basins would not exceed six feet and access to the basins would be gated and locked. If basin infiltration rates do not allow for percolation of the basin volume within 72 hours, an outflow pipe may be required and would be designed in accordance with California Stormwater Quality Association (CSQA) Sedimentation Basin requirements. Due to the rocky nature of the Mine, the potential for sedimentation is considered low, and the proposed sedimentation basins have been designed in accordance with regional water quality control board requirements to ensure runoff from the Mine does not result in any new violations of water quality objectives. (J.E.B&A, 2015, p. 16)

I. Blasting

Blasting was permitted and conditioned as part of RP 2006-01 and would continue to be permitted under RP 2006-01A2. Specifically, blasting would be conducted on-site in a planned and intermittent basis and the mining operator is required to inform the City of Lake Elsinore Planning Department by telephone 24 hours prior to such operations. The blasting operations also are required to be conducted at a time and manner so that disturbance or distraction would be minimized by and to any sensitive receptors that would or could be proximate to the blasting area. The mining operator is required to obtain blasting permit from the State, and to notify the Sheriff's Department within 24 hours of planned blasting events.

J. Revegetation

RP 2006-01A2 proposes to revise the approved seed mix and revegetation plan for the Mine, based on a list of species identified by the Project's biologist (Alden Environmental). The reclamation seed mix specified in for the proposed Project would consist of the species identified in Table 2-5, *Reclamation Seed Mix*. The revegetation mix is based on a sample test plot as documented by the Project's biologist (Alden Environmental). The species identified in Table 2-5 would be used to revegetate the slopes at the Mine after completion of mining activities. An erosion control grass mix would be utilized on the pads of both the Nichols North and Nichols South sites to ensure that revegetation of the site does not cause or contribute to increased erosion rates post-reclamation.

Table 2-5 Reclamation Seed Mix

SCIENTIFIC NAME	COMMON NAME	POUNDS/ACRE
Acmispon glaber	Deerweed	2
Artemisia californica	California sage brush	5
Deinandra fasciculata	Fascicled tarweed	3
Encelia Californica	California encelia	3
Encelia farinosa	Brittlebush	5
Eriogonum fasciculatum	Flat-top buckwheat	3
Eriophyllum confertiflorum	Golden yarrow	3
Lasthenia californica	Goldfields	2
Lupinus bicolor	Lupine	2
Mimulus aurantiacus	Monkey-flower	2
Plantago erecta	Dot-seed plantain	3
Salvia apiana	White sage	3
Salvia columbariae	Chia	1
Stipa pulchra	Purple needlegrass	5
TOTAL		**42**

3.0 ENVIRONMENTAL CHECKLIST

3.1 BACKGROUND

1. **Project Title:** Amendment No. 2 to Reclamation Plan 2006-01.
2. **Lead Agency and Address:** City of Lake Elsinore; 130 South Main Street, Lake Elsinore, CA 92530
3. **Contact Person and Phone Number:** Justin Kirk, Senior Planner, (951) 674-3124, ext. 284.
4. **Project Location:** The Nichols Canyon Mine is located north and south of Nichols Road, east of Interstate 15, and west of Lindell Road.
5. **Project Sponsor's Name and Address:** Nichols Road Partners, LLC, P.O. Box 77850, Corona, CA 92877.
6. **General Plan Designation:** Specific Plan with Extractive Overlay.
7. **Zoning:** Specific Plan (SP).
8. **Description of Project:** A complete description is found in Section 2.0. In summary, the Project proposes an amendment to an approved Reclamation Plan (RP 2006-01) to accommodate an expansion in areas subject to mining activities; reduce the Mine's permitted annual tonnage of exported materials from 4,000,000 tpy to 1,000,000 tpy; revise the approved seed mix and revegetation plan; and extend the hours permitted for mining activities from between 7:00 am and 12:00 am (Monday through Friday, excluding Federal Holidays) and between 7:00 am and 7:00 pm (Saturdays only) to between 4:00 am and 12:00 am (Monday through Saturday, excluding Federal Holidays) for mining equipment operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate export activities for the purpose of reducing truck trips during daytime and peak traffic hours.
9. **Surrounding Land Uses and Setting:** Open space to the north; I-15, open space, and commercial to the west; open space and Temescal Canyon High School to the south; and open space and residential to the east.
10. **Incorporation by Reference:** As permitted in § 15150 of the CEQA Guidelines, environmental documents can incorporate by reference all or portions of other documents that are a matter of public record. The information presented in this document is based upon other environmental documents. Information and data from the following documents are incorporated by reference. These documents are available for review at the Lake Elsinore City Hall, Planning Division; 130 South Main Street: Lake Elsinore, California 92530.
    - General Plan Update (GPU), City of Lake Elsinore, December 13, 2011
    - GPU EIR; City of Lake Elsinore, December 13, 2011 (SCH No. 2005121019)
    - Mitigated Negative Declaration (MND) No. 2006-1, November 14, 2006
    - Alberhill Ranch Specific Plan, June 1989
    - Alberhill Ranch Specific Plan EIR, June 1989 (SCH No. 88090517)

    Several additional reference sources also are identified in Section 5.0, *References*, which are either available on-line at the web address listed, or are available for review at the City of Lake Elsinore Planning Division.

3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would 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.

☒ Aesthetics	☐ Agricultural Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology/Soils
☒ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☒ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☒ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☒ Transportation/Traffic	☒ Utilities/Service Systems	☒ Mandatory Findings of Significance

3.3 DETERMINATION

On the basis of the initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will 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 will be prepared.

☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project 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.

☐ I find that the significant effects that would result from the Project have been addressed in the earlier certified General Plan Update EIR (State Clearinghouse Number 2005121019), and that none of the determinations set forth in the Public Resources Code Section 21166 and State CEQA Guidelines Section 15162 can be established and, thus, an Addendum to City of Lake Elsinore General Plan Update EIR shall be prepared.

☐ I find that although the proposed project 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 proposed project, nothing further is required.

Prepared By:
Signature: _____ Date: 6/23/15
Name and Title: Justin Kirk, Senior Planner

4.0 ENVIRONMENTAL ANALYSIS

4.1 AESTHETICS

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project:				
a. Have a substantial adverse effect on a scenic vista?	☒	☐	☐	☐
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings and historic buildings within a state scenic highway?	☒	☐	☐	☐
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☒	☐	☐	☐
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☒	☐	☐	☐

a) Would the Project have a substantial adverse effect on a scenic vista?

Under existing conditions, areas that have previously been subject to mining in the Nichols North site contain stockpiles, dirt roadways, and processing equipment, while the upper elevations of the hillsides and eastern portions of the site are undisturbed and primarily consist of sagebrush associations. Additionally, under existing conditions the Nichols South site consists of a mostly disturbed site where overburden has been removed and much of the area is subject to regular discing as part of on-going fire abatement activities, with a drainage (Stove Pip Creek) traversing the southeastern portion of the Nichols South site. Implementation of the proposed Project would result in the expansion of the existing mining boundaries to accommodate an additional 24 acres of mining area. The expanded mining activities on-site would be visible from off-site locations, and would slightly reduce the amount of undisturbed hillside visible from off-site locations, such as traffic along Nichols Road or along north- or southbound I-15. A visual simulation of the proposed expanded mining operations shall be prepared to help evaluate the Project's effects to existing off-site views of the Nichols Canyon Mine site. The required EIR shall evaluate the proposed Project to determine if there is any potential for the Project to result in substantial adverse effects to scenic vistas available within the Project area.

b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The Nichols Canyon Mine site is not visible from any state-designated scenic highway corridor. However, the Mine is located adjacent and to the east of Interstate 15 (I-15), which is identified as a "State Eligible" scenic highway (Riverside County, 2003a, Figure C-9). State Route 74 (SR-74), located approximately 1.4 miles south of the Nichols Canyon Mine, also is designated as a "State Eligible" scenic highway, although the Mine is not prominently visible from SR-74 due to distance, intervening development, and topography (Cal. DOT, 2011; Google Earth, 2013). Although neither facility is officially designated as a state scenic highway, the proposed expansion of mining limits would be visible to traffic along northbound and southbound I-15, and possibly may occasionally be visible to traffic along SR-74. The required EIR shall evaluate the Project's potential to impact views affecting traffic along I-15 and SR-74.

c) Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?

Implementation of the proposed Project would result in the expansion of the existing mining limits to accommodate an additional 24 acres of mining area. Although the site is largely disturbed under existing conditions, the expansion of mining activities on-site would result in additional areas of disturbance along the mining slopes that would further degrade views of the site from off-site areas. The expansion of proposed mining activities would be visible from off-site locations, and could visually degrade the quality of the site and its surroundings prior to final reclamation of the site. The Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings shall be evaluated as part of photographic simulations for the proposed Project, and shall be incorporated into the required EIR.

d) Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Implementation of the proposed Project would result in the expansion of the existing mining limits to accommodate an additional 24 acres of mining area, and an increase in the Mine's hours of operation (refer to Section 2.4.2.0). As such, additional lighting elements may be needed on-site to support evening and nighttime operations within the expanded disturbance limits. Any new lighting elements on-site would be required to comply with City of Lake Elsinore Municipal Code § 17.112.040 (Nonresidential Development Standards – Lighting), which requires that all lighting fixtures in excess of 60 watts shall be oriented and shielded to prevent direct illumination above the horizontal plane passing through the luminaire and prevent any glare or direct illumination on adjacent properties or streets, and requires the use of low-pressure sodium fixtures. Although compliance with § 17.112.040 would ensure that Project lighting elements do not create a substantial new source of light or glare relative to existing conditions, the use of new lighting elements in the late evening/early morning hours has the potential to adversely affect nighttime views in the surrounding area. Accordingly, the required EIR shall evaluate the potential for the Project's lighting elements to adversely affect nighttime views in the area.

4.2 AGRICULTURAL RESOURCES

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
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?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

a) Would the Project 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?

According to mapping information available from the California Department of Conservation's (CDC) Farmland Mapping and Monitoring Program (FMMP), the Nichols North site (including the Project's EDA) is identified as "Grazing Land" and "Farmland of Local Importance," while the

Nichols South site is designated as "Farmland of Local Importance" and "Urban and Built-Up Land." There are no portions of the Mine or its immediate surroundings that are classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland). (CDC, 2012a) Therefore, the Project does not have the potential to directly or indirectly convert Farmland to non-agricultural use, and no impact would occur. No further analysis is required on this subject.

b) Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

According to mapping information available from the CDC, the Mine and surrounding areas are not subject to Williamson Act contracts (CDC, 2012b). In addition, the Mine and surrounding areas are zoned for residential, public institutional, commercial, and open space land uses (Lake Elsinore, 2011a, Figure 2.1A). There are no lands subject to Williamson Act contracts or that are zoned for agricultural use within the Project vicinity. Therefore, the proposed Project has not potential to conflict with existing zoning for agricultural use or with an existing Williamson Act contract. As such, no impact would occur and no further analysis of this topic is required.

c) Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The Mine is not designated as forest land, timberland, or Timberland Production, nor is it surrounded by forest land, timberland, or Timberland Production land. The Mine and surrounding areas are zoned for residential, public institutional, commercial, and open space/recreational land uses. (Lake Elsinore, 2011a, Figure 2.1A) Accordingly, the proposed Project would not have the potential to 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)). As such, no impact would occur and no further analysis of this topic is required.

d) Would the Project result in the loss of forest land or conversion of forest land to non-forest uses?

The Mine and surrounding areas are not part of a forest. The Mine is used as an active aggregate quarry with open space in the northeastern and southeastern portions of the Mine, none of which contains dense stands of trees that would be considered forest resources. (Google Earth, 2013) Accordingly, the proposed Project would not have the potential to result in the loss of forest land or the conversion of forest land to non-forest use. As such, no impact would occur and no further analysis of this topic is required.

e) Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

As indicated under the discussion and analysis of Threshold 4.2.a), there are no "Important Farmland" designations applied to land within the Mine or surrounding areas; therefore, the proposed Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of "important farmland" to non-agricultural use. (CDC, 2012a; Google Earth, 2013). As such, no impact would occur and no further analysis of this topic is required.

4.3 AIR QUALITY

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☒	☐	☐	☐
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☐
c. 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 (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☒	☐	☐	☐
d. Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐
e. Create objectionable odors affecting a substantial number of people?	☒	☐	☐	☐

a) Would the Project conflict with or obstruct implementation of the applicable air quality plan?

The Nichols Canyon Mine is located in the South Coast Air Basin (SCAB). Air quality within the SCAB is regulated by the South Coast Air Quality Management District (SCAQMD). The SCAQMD is principally responsible for air pollution control and adopted the Final 2012 Air

Quality Management Plan (AQMP) for the SCAB, on December 7, 2012 (SCAQMD, 2013). The proposed Project would result in the emission of additional pollutants into the SCAB beyond what occurs under baseline conditions, as additional machinery is utilized on-site and as additional vehicles travel to and from the Mine (refer to Table 2-3 and Table 2-4 for a listing of mining and processing equipment under baseline and proposed Project conditions, and Table 2-2 for a comparison of baseline traffic volumes as compared to traffic volumes that would occur under the proposed Project). The expansion of mining activities as proposed by the Project would result in an increase of 350,486 tpy or tpd (refer to Initial Study Section 2.4.2), which would result in increased emissions of pollutants regulated by the SCAQMD through the 2012 AQMP. Although not expected due to the restrictions imposed on the Mine pursuant to the Mine's SCAQMD Permit to Operate (PTO; Permit No. A/N 564010), the pollutant levels emitted by the Project's mining and processing activities nonetheless have the potential to exceed the daily significance thresholds established by the SCAQMD, thereby potentially conflicting with or obstructing implementation of the SCAQMD's 2012 AQMP. As such, an air quality technical report shall be prepared and the required EIR shall evaluate the proposed Project's potential to conflict with the adopted SCAQMD's AQMP.

b) Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Air quality within the SCAB is regulated by the SCAQMD and standards for air quality are documented in the 2012 SCAQMD AQMP (SCAQMD, 2013). Although not expected due to the restrictions imposed on the Mine pursuant to the Mine's SCAQMD PTO (as discussed above under Threshold 4.3(b)) implementation of the proposed Project nonetheless has the potential to violate daily air pollutant emission significance thresholds established by the SCAQMD's AQMP, particularly related to mobile source emissions associated with the Project's incremental increase in the intensity of mining and processing activities at the Mine as compared to the baseline conditions. Accordingly, an air quality technical report shall be prepared and Project-related air emissions shall be modeled using the SCAQMD's California Emissions Estimator Model (CalEEMod™). The purpose of this model is to estimate construction-source and operational-source air quality emissions for criteria pollutants from direct and indirect sources. The required EIR shall quantify the Project's expected pollutant levels and evaluate whether the proposed Project's emissions would violate local air quality standards and/or contribute substantially to an existing or projected air quality violation.

c) Would the Project 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 (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?

The SCAB is a non-attainment area for various state and federal air quality standards including ozone, Inhalable Particulates (PM_{10}) and Ultra-Fine Particulates ($PM_{2.5}$) (CARB, 2014). Although the Project proposes to limit truck trips associated with the expanded mining operation, the Project has the potential to cumulatively contribute to a net increase of criteria pollutants in the SCAB as compared to baseline conditions. Therefore, a site-specific air quality impact analysis

shall be prepared for the Project, and the required EIR shall address the Project's potential to result in a cumulatively considerable increase of pollutants for which the South Coast Air Basin is in non-attainment.

d) Would the Project expose sensitive receptors to substantial pollutant concentrations?

The Project has the potential to expose sensitive receptors located near the Mine, and/or along the roadway system that vehicles will use to travel to and from the Mine, to diesel particulate matter emissions from mobile sources (i.e., vehicle exhaust). The nearest residential home to the proposed EDA occurs approximately 0.08 mile to the southeast, while the Temescal Canyon High School is located approximately 0.15 mile south of the proposed mine expansion area. Additionally, the Temescal Canyon High School is immediately adjacent to segments of I-15 that would carry truck traffic to and from the Mine. Due to the presence of sensitive receptors in the Project area and the volume of truck traffic expected in association with the Project (i.e., approximately 140 new truck trips per day, as shown in Table 2-2), there is a potential for exposing nearby sensitive receptors to substantial pollutant concentrations associated with diesel particulate matter (DPM) on both a direct and cumulative basis. The Project's potential to expose nearby sensitive receptors to substantial pollutant concentrations shall be studied in a Project-specific health risk assessment (HRA) technical report, and the findings of the HRA shall be disclosed by the required EIR.

e) Would the Project create objectionable odors affecting a substantial number of people?

Under existing conditions, an asphalt batch plant is operated on-site pursuant to CUP No. 2014-07. As detailed in the MND Addendum prepared for CUP No. 2014-07, operation of the asphalt batch plant would expose nearby sensitive receptors to odors up to 0.07 D/T, which is well below the identified threshold of significance of 1.0 D/T. Additionally, the Project does not propose any change in the operational characteristics of the asphalt batch plant as compared to the existing condition. Furthermore, mining operations are not typically associated with the emission of objectionable odors. Diesel exhaust and reactive organic gas (ROG) are objectionable to some people but emissions and their associated odors disperse rapidly from the source. Regardless, the Project's potential to expose nearby sensitive receptors to substantial pollutant concentrations shall be studied in a Project-specific air quality analysis, and the findings of the air quality impact analysis shall be disclosed by the required EIR.

4.4 BIOLOGICAL RESOURCES

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project:				
a. Have a substantial adverse effect, 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?	☒	☐	☐	☐
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 U.S. Fish and Wildlife Service?	☒	☐	☐	☐
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☒	☐	☐	☐
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?	☒	☐	☐	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☒	☐	☐	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat	☒	☐	☐	☐

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
conservation plan?				

a) Would the Project have a substantial adverse effect, 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 Game or U.S. Fish and Wildlife Service?

Under existing conditions, approximately 116 acres of the 199-acre Mine are actively used for mining operations. The proposed Project would expand the site's disturbance limits to accommodate an additional 24 acres of mining area. The Project's expanded mining limits would encompass undisturbed sage scrub habitat located east and north of the existing mining limits. Consequently, the Project has the potential to adversely affect candidate, sensitive, or special status plant or wildlife species that may exist in these areas. Due to the potential for the Project's proposed expanded disturbance limits to contain 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 (CDFW) or U. S. Fish and Wildlife Service (USFWS), the EIR shall evaluate the Project's potential to impact such species. Biological field work shall be completed by a professional biologist to document the site's existing biological resources and to determine the presence or absence of sensitive species.

b) Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Under existing conditions, approximately 116 acres of the 199-acre site are actively used for mining operations. The proposed Project would expand the site's mining limits to accommodate an additional 24 acres of mining area on what is currently undeveloped land. The 24-acre expansion area has the potential to contain riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and/or regulations, or by the CDFW or USFWS. Biological field work shall be completed by a professional biologist to document the site's existing biological resources and to determine the presence or absence of riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and/or regulations, or by the CDFW or USFWS. The results of the biological field work shall be incorporated into the required EIR. If riparian habitat or sensitive natural communities are present, impacts shall be evaluated and disclosed in the required EIR.

c) Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not

limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No known federally protected wetlands are present within the areas that would be subject to mining activities pursuant to RP 2006-01A2. However, small to moderate sized wetlands can be present or develop anywhere there is sufficient water; therefore, biological field work shall occur on the property to document the site's existing biological resources and to determine the presence or absence of federally protected wetlands as defined by Section 404 of the Clean Water Act. If present, impacts shall be evaluated and disclosed in the required EIR.

d) Would the Project 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?

According to the City of Lake Elsinore's General Plan Update EIR, a number of migratory avian species use available habitat in the City of Lake Elsinore and its sphere of influence (SOI) during nesting season (Lake Elsinore, 2011b, p. 3.8-51). As such, the expansion of the Project's mining activities has some potential to impact avian species that are protected by the federal Migratory Bird Treaty Act that may utilize the currently undisturbed portions of the Mine. The Project's potential to impact migratory birds during long-term operation of the mine shall be evaluated in the required EIR.

e) Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The proposed Project would be subject to provisions of the City's Municipal Code and the goals, policies, and implementation programs.

The City of Lake Elsinore's Tree Preservation Ordinance (Chapter 5.12 of the Lake Elsinore Municipal Code) regulates the planting and removal of trees within the City. Based on a site visit and a review of aerial photographs, the Nichols Canyon Mine does not contain any trees that would be subject to Chapter 5.12. Accordingly, the Project has no potential to conflict with the City's Tree Preservation Ordinance. (Google Earth, 2013)

The Project does, however, have the potential to conflict with goals, policies, and implementation programs related to the protection of biological resources as set forth in Chapter 4.0, *Resources Protection and Preservation*, of the City's General Plan. Accordingly, the required EIR shall evaluate the Project's consistency with applicable General Plan policies related to biological resources.

f) Would the Project 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 Nichols Canyon Mine is located in a region that is subject to Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP). The MSHCP establishes conservation

requirements for sensitive habitats; sensitive plant and animal species; and jurisdictional and riparian resources. The MSHCP identifies the Mine as occurring within Cell Group W (Cells 4067 and 4070) of the Elsinore Area Plan. The Conservation Criteria for Cell Group W is to achieve conservation of 80%-90% of the Cell Group, focusing on the northwestern portion of the Cell Group. The MSHCP also identifies the Mine as occurring within the Burrowing Owl Survey Area. (Riverside County, 2015) However, in 2004, the previous owners of the Nichols Canyon Mine, along with other landowners, entered into a Settlement Agreement and Memorandum of Understanding ("Agreement") with the County of Riverside which, among other issues, explicitly exempted the Nichols Canyon Mine from all provisions of the MSHCP. As a result of the Agreement, the MSHCP no longer applies to the Project site. There are no other adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans that are applicable to the Nichols Canyon Mine. Accordingly, no impact would occur and further analysis of this topic is not required.

4.5 CULTURAL RESOURCES

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☒	☐	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☒	☐	☐	☐
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☒	☐	☐	☐
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐
e. Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?	☐	☐	☐	☒

a) Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the California Code of Regulations?

According to GPU EIR Figure 3.2-2, the Nichols Canyon Mine and surrounding areas do not contain historic resources as defined in Section 15064.5 of the CEQA Guidelines (Lake Elsinore, 2011b, Figure 3.2-2). Therefore, the proposed Project would not have the potential to cause a substantial adverse change in the significance of a known historical resource. Although there are no known historical resources located within the Project area, it is possible for the proposed Project to uncover the presence of significant subsurface historical resources within the proposed EDA. A site-specific cultural resources investigation shall be prepared to evaluate the potential for the presence of historical resources within the EDA. The required EIR shall evaluate whether Project implementation would cause a substantial adverse change in the significance of any historical resources that may be identified on-site as part of the site-specific investigation.

b) Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the California Code of Regulations?

Under existing conditions, approximately 116 acres of the 199-acre Mine are actively used for mining operations. The proposed Project would expand the site's disturbance limits to accommodate an additional 24 acres of mining area on what is currently undeveloped land (i.e., Expanded Disturbance Area or EDA). It is possible that new mining activities within the EDA could uncover previously unknown subsurface archaeological resources. A site-specific cultural resources assessment shall be conducted by a professional archaeologist to determine likelihood for the presence/absence of archaeological resources to be located beneath the surface of the EDA. The results of the site-specific cultural resources assessment will be disclosed in the required EIR. The Project's potential to impact previously undiscovered archaeological resources beneath the surface of the EDA, which could result in an adverse change in the significance of the resources pursuant to California Code of Regulations §15064.5, shall be evaluated in the required EIR.

c) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

According to GPU EIR Figure 3.2-3, the Nichols Canyon Mine has a "low" and "undetermined" potential for paleontological resources to be uncovered (Lake Elsinore, 2011b Figure 3.2-3). Although unlikely, it is possible for the proposed Project to uncover significant subsurface paleontological resources within the previously undisturbed EDA. This issue shall be evaluated in the required EIR.

d) Would the Project disturb any human remains, including those interred outside of formal cemeteries?

While not anticipated, in the unlikely event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code §7050.5 as well as Public Resources

Code §5097 et. seq. Mandatory compliance with these provisions of California state law would ensure that impacts to human remains, if unearthed during construction activities, would be appropriately treated and ensure that potential impacts are less than significant. No further analysis is required on this subject.

e) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code § 21074?

The provisions of Public Resources Code § 21074 were established pursuant to California Assembly Bill 52 (AB 52). Pursuant to § 11.(c) of AB 52, the provisions of AB 52 apply only to projects that have a notice of preparation (NOP) or a notice of negative declaration or mitigated negative declaration filed on or after July 1, 2015. In the case of the proposed Project, the Project's NOP was distributed for public review on June 25, 2015. Accordingly, the Project is not subject to the provisions of AB 52, and no further analysis of this topic is necessary.

4.6 GEOLOGY AND SOILS

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project:				
a. Expose people or structures to 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?	☒	☐	☐	☐
iii. Seismic-related ground failure, including liquefaction?	☒	☐	☐	☐
iv. Landslides?	☒	☐	☐	☐
b. Result in substantial soil erosion or the loss of topsoil?	☒	☐	☐	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable	☒	☐	☐	☐

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?				
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (since renamed as the California Building Code), creating substantial risks to life or property?	☒	☐	☐	☐
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?	☐	☐	☐	☒

a) Would the Project expose people or structures to 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)?

According to the California Geological Survey, portions of the City of Lake Elsinore are affected by the Elsinore Fault Earthquake Fault Zone (CDC, 1980). This zone is mapped from the northern boundary of the City and continues south of the City boundary (Lake Elsinore, 2011b p. 3.11-13). However, the Nichols Canyon Mine is not located within this or any other known fault zone. Because there are no faults located on the Mine, there is no potential that the proposed Project could expose people or structures to adverse effects related to ground rupture.

ii. Strong seismic ground shaking?

The Nichols Canyon Mine is located in a seismically active area of southern California and is expected to experience moderate to severe ground shaking during the lifetime of the proposed Project. The ground shaking risk is not considered substantially different than that of other similar properties in the southern California area. The Project area is within a seismically active region containing two major faults (Elsinore and San Jacinto faults), and the potential rupture of any of these faults could result in significant structural damage and human injury or casualty (Riverside County, 2003a, Figure S-2). The proposed Project's potential to be subject to strong seismic ground shaking shall be evaluated in the required EIR.

iii. Seismic-related ground failure, including liquefaction?

According to Figure 3.11-3 of the GPU EIR, a portion of the Mine is located in an area identified as having a "moderate" potential for liquefaction hazards (Lake Elsinore, 2011b, Figure 3.11-3). A site-specific geotechnical study shall be prepared for the Mine, which will evaluate the site's potential to be subject to seismic-related ground failure, including liquefaction. The results of the site-specific geotechnical evaluation shall be disclosed in the required EIR. The required EIR shall evaluate whether Project implementation would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving liquefaction.

iv. Landslides?

Under existing conditions, approximately 116 acres of the 199-acre site are actively used for mining operations. The proposed Project would expand the mine's disturbance limits to accommodate an additional 24 acres of mining area on what is currently undeveloped land. The mining operation would be subject to the recommendations set forth in a site-specific geotechnical report to reduce landslide risk. The results of the site-specific geotechnical evaluation shall be disclosed in the required EIR. The required EIR shall evaluate whether Project implementation would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

b) Would the Project result in substantial soil erosion or the loss of topsoil?

The proposed Project would expand the mine's disturbance limits to accommodate an additional 24 acres of mining area on what is currently undeveloped land. Exposed soils on-site would be susceptible to erosion and loss of topsoil. However, the proposed Project would be subject to regulatory requirements contained in the City's Municipal Code, NPDES, and applicable GPU policies that were identified to reduce potential impacts associated with erosion to less than significant levels. Specifically, the proposed Project would be required to comply with Chapter 14.08 of the City's Municipal Code, which requires that development be designed and constructed to provide facilities for proper conveyance, treatment, and disposal of storm water, and GPU policies associated with controlling erosion and the protection of surface and groundwater from the adverse effects of construction activities. Additionally, the Project would be required to comply with a NPDES permit, which requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Regardless, the required EIR shall evaluate the Project's potential to result in substantial soil erosion and the loss of topsoil.

c) Would the Project 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?

Refer to the discussion of Thresholds 4.6 (a)(iii) and (iv) for a discussion of hazards associated with liquefaction and landslides. As noted, the required EIR shall evaluate whether Project implementation would expose people or structures to potential substantial adverse effects,

including the risk of loss, injury, or death involving landslides or liquefaction. In the Elsinore Valley, subsidence has been attributed to groundwater pumping in surrounding areas (Lake Elsinore, 2011b, p. 3.11-19). In addition, lateral spreading may be associated with the site's "moderate" potential for liquefaction (Lake Elsinore, 2011b, p. 3.11-19). The Mine's potential for subsidence or collapse is currently unknown, but will be evaluated in a site-specific geotechnical evaluation. The required EIR shall evaluate the proposed Project's potential to cause soil subsidence, lateral spreading, liquefaction, and collapse hazards, which could pose a threat to the future workers on-site.

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

Although there is currently no soil mapping that identifies specific areas within the City and SOI that are subject to expansive soils, such soils are known to exist in the City and its SOI (Lake Elsinore, 2011b, p. 3.11-18). Therefore, the site-specific geotechnical evaluation shall evaluate the site's potential for containing expansive soils. The proposed Project's potential to expose the future structure and workers on-site to hazards associated with expansive soils shall be evaluated in the required EIR.

e) Would the Project 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?

The Project would not involve the installation of any septic tanks or alternative waste water disposal systems, and no impact would occur. No further discussion or analysis of this topic is required.

4.7 GREENHOUSE GAS EMISSION

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☒	☐	☐	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☒	☐	☐	☐

a) Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Greenhouse gas (GHG) emissions associated with the proposed Project would primarily be associated with increased truck trips to and from the mine, as well as emissions from on-site mining and processing equipment due to the proposed extension in daily operating hours. Significance of the proposed Project's GHG impacts will be based on compliance with the City's Climate Action Plan (CAP) as well as Assembly Bill 32 (AB 32, 2006) (Lake Elsinore, 2011c). AB 32 establishes goals for the statewide reduction of GHG emissions. Due to the Project's potential to emit GHGs, a Project-specific GHG emissions report shall be prepared for the Project to evaluate the Project's potential to conflict with AB 32 and/or the City's adopted CAP. The results of the GHG emissions report shall be disclosed in the required EIR.

b) Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The City of Lake Elsinore adopted a CAP in December 2011, which is the primary plan within the City adopted for the purpose of reducing the emissions of GHGs. AB 32 also applies to the Project area, and was adopted in the State of California to reduce GHG emissions. The proposed Project would have a significant impact related to GHG emissions if it does not comply with the reduction goals specified in the City's CAP and/or under AB 32. As noted above under the discussion of Threshold 4.7(a), a Project-specific GHG emissions report shall be prepared to determine whether the Project would be consistent with the GHG reduction goals established by the City's CAP and AB 32. The required EIR shall document the findings of the Project-specific GHG emissions report and shall evaluate the Project for consistency with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions.

4.8 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No 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?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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 for people residing or working in the project area?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

a) Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The only hazardous materials associated with existing and planned operations of the Nichols Canyon Mine are associated with oils and fuels for mining-related equipment. However, no such fuels or oils are stored on-site, as fuel is delivered to the Mine on an as-needed basis. The proposed Project would result in an extension in the hours of operation at the Mine and would therefore result in an incremental increase in the need for fuel and oil deliveries to the Mine.

However, it is not expected that the increased fuel deliveries to the Mine would substantially increase hazards to the public or the environment as compared to existing conditions.

In addition, the routine transport of aggregate materials would not result in any significant hazards to the public or the environment. Waste generated on-site is limited to non-hazardous waste piles and refuse from site workers. On-site waste piles ultimately would be graded level of as proposed by RP 2006-01A2, while refuse would be disposed of in accordance with City and County requirements. Accordingly, potential impacts due to the routine transport, use, and disposal of hazardous materials would be less than significant. No further analysis of this topic is required.

b) Would the Project 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?

Refer to response to Threshold 4.8 (a), above. The routine transport of aggregate materials and fuels to and from the Mine would not result in any significant hazards to the public or the environment. Accordingly, potential impacts due to the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant. No further analysis of this topic is required.

c) Would the Project emit hazardous emissions or handle hazardous materials or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The Project's proposed Expanded Disturbance Area (EDA) would occur as close as 0.15 mile from an existing school facility (Temescal Canyon High School). However, the Project involves aggregate mining and processing activities, and the Mine does not store any petroleum products on-site that could pose a risk to the Temescal Canyon High School. There are no other components of the Project that would result in the emission or storage of acutely hazardous materials, substances, or waste. Accordingly, hazardous materials impacts to nearby school facilities would be less than significant and no further analysis of this topic is required.

d) Would the Project 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?

GPU EIR Figure 3.10-1, *Hazardous Materials Site & SARI Line*, indicates that there may be a hazardous materials site located south of Nichols Road. However, no hazardous materials sites are located on the Nichols Canyon Mine site, including within the proposed EDA. In addition, the Mine is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Accordingly, no impact would occur and no further analysis of this subject is required. (Lake Elsinore, 2011b)

e) Would the Project 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 for people residing or working in the project area?

No airports are located within two miles of the Mine. Skylark Field is located approximately 6.25 miles southeast of the Mine, although the Mine is not located within the Airport Influence Area of the Skylark Airport (Lake Elsinore, 2011a, Figure 2-7; Google Earth, 2013). Therefore, the Project would not result in a safety hazard for people working at the Mine and no impact would occur. No further analysis of this topic is required.

f) Would the Project for a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

There are no private airport facilities in the Mine's vicinity (Google Earth, 2013). Thus, the Project would not expose future site workers to hazards associated with public or private airport operations and no impact would occur. No further analysis of this topic is required.

g) Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The Nichols Canyon Mine is not identified as an emergency access route on any local or regional plans. Although Nichols Road could serve as an emergency access route for the residences located east of the Mine, there are no components of the Project that would obstruct access along Nichols Road. Moreover, emergency egress for the residential uses to the east of the Mine is available via SR-74 to the southeast. Accordingly, there would be no impact due to interference with an adopted emergency response plan or emergency evacuation plan. No further analysis of this topic is required.

h) Would the Project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands?

According to Figure 3.10-2, *Wildlife Susceptibility*, of the GPU EIR the Nichols Canyon Mine is located in an area with "Very High" susceptibility to wildfires (Lake Elsinore, 2011b). However, the Project would not involve the construction of any structures that could result in significant risk of loss, injury, or death involving wildland fire hazards. Accordingly, a less-than-significant impact due to fire hazards would occur and no further analysis of this topic would occur.

4.9 HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project:				
a. Violate any water quality standards or	☒	☐	☐	☐

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
waste discharge requirements?				
b. Substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☒	☐	☐	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	☒	☐	☐	☐
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	☒	☐	☐	☐
e. Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☒	☐	☐	☐
f. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☒	☐	☐	☐
g. Otherwise substantially degrade water quality?	☐	☐	☐	☒
h. Place housing within a 100-year flood	☐	☐	☐	☒

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				
i. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
j. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
k. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

a) Would the Project violate any water quality standards or waste discharge requirements?

The Project would involve the continuation and expansion of an existing mining operation. Mining operations at the site would continue to be regulated by an approved Stormwater Pollution Prevention Plan (SWPPP), which incorporates Best Management Practices (BMPs) to preclude water quality impacts associated with the existing mining operations. The Project would revise the SWPPP to include additional BMP measures, as necessary and appropriate, to address the expanded mining limits. Because all runoff from the actively mined portions of the Mine would be retained on-site during on-going mining activities, impacts would be less than significant.

As described in Section 2.4.2.H, upon completion of mining activities and once the final grades pursuant to RP 2006-01A2 have been achieved, runoff on the Nichols North site would be conveyed to a proposed sediment basin located in the southwestern portion of the Nichols North site, and eventually conveyed westerly beneath an existing culvert underneath I-15. Similarly, the Nichols South site also would achieve the final grades specified by RP 2006-01A2 upon completion of mining activities, and the majority of drainage from this portion of the site would be conveyed to a proposed sedimentation basin located in the northwestern portion of the Nichols South site and ultimately west beneath I-15. The Project's preliminary hydrology study concluded that the Project would not negatively impact any downstream properties (J.E.B&A, 2015, p. 16). Regardless, the required EIR shall evaluate whether runoff from the site following site reclamation has the potential to violate any water quality standards or waste discharge requirements.

b) Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there could be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

The Nichols Canyon Mine site does not have any groundwater wells, nor would any groundwater wells directly service the Project. As discussed in Section 2.4.2.G, the proposed Project would not result in any increase in water use as compared to baseline conditions. The Mine's water demand would continue to be provided by the Elsinore Valley Municipal Water District (EVMWD). According to the EVMWD's 2010 Urban Water Management Plan, the EVMWD obtains a portion of its water supply from groundwater resources (EVMWD, 2011, p. 4-1). Accordingly, the required EIR shall evaluate whether the Project's demand for water resources would contribute to a net deficit in aquifer volume or a lowering of the groundwater table.

c) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

The Project proposes to add approximately 24 acres to the disturbance limits of the Nichols Canyon Mine. During on-going mining activities, all runoff within the areas subject to mining activities would be retained on-site, while areas not subject to disturbance would continue to drain via Stove Pipe Creek, located in the southeastern portion of the Nichols South site. As such, under on-going mining operations, no impact would occur.

Upon final reclamation of the site, runoff that had been detained on-site would instead be conveyed to one of the two sediment basins located in Nichols North and Nichols South. Following water quality treatment, the flows would be conveyed via existing culverts beneath I-15 to the west. As such, implementation of RP 2006-01A2 would alter the existing drainage pattern of the site and therefore has the potential to alter the site's erosion rates. The site-specific hydrology study prepared for the Project determined that the Project's sedimentation basins would reduce peak flow rates and ensure that the Project would not have a negative impact on downstream properties. Additionally, a site-specific WQMP will be prepared that will identify structural control BMPs to reduce the Project's potential to result in increased erosion following development. Nonetheless, the required EIR shall evaluate the Project's potential to result in the alteration of the course of a stream or river in a manner which would result in substantial erosion or siltation on- or off-site, based on the required WQMP and site-specific hydrology study. (J.E.B&A, 2015, p. 16)

d) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?

An increase in the rate or amount of runoff from the site could result in increased potential for flooding on downstream properties. As indicated under Threshold 4.9(c), the site-specific hydrology study determined that the Project would reduce peak flow rates from the site and therefore would not result in a substantial change in the rate or amount of runoff from the Mine. Regardless, the Project's potential to cause flooding on or off-site shall be further documented in the required EIR.

e) Would the Project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Runoff within the Nichols Canyon Mine site already is addressed by the existing SWPPP, which ensures that runoff does not exceed the capacity of existing or planned storm water drainage systems, does not provide substantial, additional sources of polluted runoff, or otherwise degrade water quality. As indicated under the analysis of Threshold 4.9(a), the Project would revise the SWPPP to include additional BMP measures, as necessary and appropriate, to address the expanded mining limits. Although impacts are expected to be less than significant with implementation of the revised SWPPP, the Project's potential to result in additional sources of polluted runoff shall be evaluated in a site-specific WQMP, the results of which shall be disclosed in the required EIR.

f) Would the Project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No new storm drainage facilities would be required in support of on-going mining activities, as the existing basins on-site are adequately sized to detain all runoff from the mined areas. However, as part of the Project's proposed Reclamation Plan, two sediment basins would be constructed (one each on Nichols North and Nichols South). The construction of these basins would occur in areas already permitted for mining activities pursuant to RP 2006-01. Additionally, the site-specific hydrology study determined that the Project would reduce peak flow rates from the site and therefore would not result in a substantial change in the rate or amount of runoff from the Mine. Nonetheless, the required EIR shall evaluate the Project's potential to require or result in new or expanded storm water drainage facilities downstream.

g) Would the Project otherwise substantially degrade water quality?

There are no other conditions associated with the proposed Project beyond that which is described above that could result in the substantial degradation of water quality. Accordingly, no further analysis of this subject is required.

h) Would the Project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

According to GPU EIR Figure 3.9-1, *Hydrologic Resources*, the Nichols Canyon Mine is not located within a 100-year flood zone (Lake Elsinore, 2011b). Furthermore, the proposed Project does not propose to construct any housing on the Mine site. Accordingly, the proposed Project would not place housing within a 100-year flood hazard area and no impact would occur. No further analysis of this subject is required.

i) Would the Project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

As indicated under the analysis of Threshold 4.9 (h), the Mine is not located within a 100-year flood zone (Lake Elsinore, 2011b). In addition, the proposed Project does not propose to construct any structures on the Mine site which could impede or redirect flood flows. As such, no impact would occur and no further analysis of this subject is required.

j) Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

According to Figure 10, *Flood Hazards*, of the Riverside County General Plan's Elsinore Area Plan, the Nichols Canyon Mine site is not subject to any dam hazard zones (Riverside County, 2003a). Accordingly, the proposed Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. As such, no impact would occur and no further analysis of this subject is required.

k) Would the Project be subject to inundation by seiche, tsunami, or mudflow?

The Nichols Canyon Mine is located approximately 2.0 miles north of Lake Elsinore, which is the nearest body of water subject to seiches. Due to the site's distance from Lake Elsinore, and the elevation difference between Lake Elsinore and the Mine site (i.e., the Mine occurs approximately 250 feet in elevation above Lake Elsinore), the Mine would not be subject to seiches or mudflow. Furthermore, the Mine is located approximately 25 miles from the Pacific Ocean, and has no potential to be affected by tsunamis. As such, no impact would occur and no further analysis of this subject is required. (Google Earth, 2013)

4.10 LAND USE AND PLANNING

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project:				
a. Physically divide an established community?	☐	☐	☐	☒
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

a) Would the Project physically divide an established community?

The Nichols Canyon Mine comprises approximately 199 acres of land, of which approximately 116 acres are currently used for mining activities. Expansion of the site's disturbance limits to accommodate an additional 24 acres of mining area would not physically disrupt or divide the arrangement of an established community. The Mine is located adjacent and to the east of I-15 and undeveloped land is located to the east of the site. The only existing residential community in the Project's vicinity occurs approximately 0.08 miles southeast of the Mine. As such, there are no components of the proposed Project with the potential to physically divide any existing communities. The Mine site does not provide access to established communities and would not isolate any established communities or residences from neighboring communities. Division of an established community would not occur and no further analysis of this subject is required. (Google Earth, 2013)

b) Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The Nichols Canyon Mine is designated for "Open Space/Manufactured Slopes (OS)" and "Commercial-Specific Plan (C-SP)" land uses by the Alberhill Ranch Specific Plan (Lake Elsinore, 1997, Exhibit 3). In addition, the City's General Plan Land Use Plan applies an "Extractive

Overlay" designation to a majority of the Mine (including the EDA), which "…provides for continued operations of extractive uses, such as aggregates, coal, clay mining, and certain ancillary uses" (Lake Elsinore, 2011a, Figure 2.1A and p. 2-18). Expanded mining operations proposed as part of the Project would be fully consistent with the Extractive Overlay designation. The proposed Project also would not conflict with any policies of the General Plan or the Alberhill Ranch Specific Plan, as the proposed Project is limited to the expansion of an existing condition recognized by the General Plan and Specific Plan. Accordingly, no impact would occur and no further analysis of this topic is required.

c) Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?

As described above under the response to Threshold 4.5 (f), the Nichols Canyon Mine is located in a region that is subject to Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP). The MSHCP establishes conservation requirements for sensitive habitats; sensitive plant and animal species; and jurisdictional and riparian resources. The MSHCP identifies the Mine as occurring within Cell Group W (Cells 4067 and 4070) of the Elsinore Area Plan. The Conservation Criteria for Cell Group W is to achieve conservation of 80%-90% of the Cell Group, focusing on the northwestern portion of the Cell Group. The MSHCP also identifies the Mine as occurring within the Burrowing Owl Survey Area. (Riverside County, 2015) However, in 2004, the owners of the Nichols Canyon Mine, along with other landowners, entered into a Settlement Agreement and Memorandum of Understanding ("Agreement") with the County of Riverside which, among other things, explicitly exempted the Nichols Canyon Mine from all provisions of the MSHCP. As a result of the Agreement, the MSHCP no longer applies to the Project site. There are no other adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans that are applicable to the Nichols Canyon Mine. Accordingly, no impact would occur and further analysis of this topic is not required.

4.11 MINERAL RESOURCES

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project:				
a. Result in the loss of availability of a known mineral resource that would 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?	☐	☐	☐	☒

a) Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

According to mapping information available from the California Department of Conservation (CDC), the southern portions of the Mine are located within Mineral Resources Zone (MRZ) 3b, with the remainder of the Mine occurring within MRZ-4. MRZ-3b represents "[a]reas containing inferred mineral occurrences of undetermined mineral resources significance…" and occurs on sites "…that appear to be favorable environments for the occurrence of specific mineral deposits." MRZ-4 represents "[a]reas of no known mineral occurrences where geologic information does not rule out either the presence or absence of significant mineral resources." (CDC, 1991) The proposed Project would involve the continuation and expansion of an existing mining operation, which would result in the continued commercial extraction and production of the property's mineral resources. Accordingly, the proposed Project would make productive use of the property's mineral resources, as planned for and expected by the California State Mining and Geology Board, which oversees the Surface Mining and Reclamation Act (SMARA). The Project would not result in any adverse impacts due to the loss of availability of a known mineral resource that would be of value to the region or the residents of the State. On the contrary, the Project would allow continued use of the property's aggregate resources, which are of value to the State and the region. As such, no adverse impact would occur and no further analysis of these topics is required.

b) Would the Project 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 City of Lake Elsinore General Plan applies an Extractive Overlay to a majority of the Mine site (including the EDA), which allows for "…provides for continued operations of extractive uses, such as aggregates, coal, clay mining, and certain ancillary uses" (Lake Elsinore, 2011a, Figure 2.1A and p. 2-18). The Alberhill Ranch Specific Plan does not address mineral resources, nor does it preclude on-going reclamation activities (Lake Elsinore, 1997). As noted under Threshold 4.11(a), the proposed Project would involve the continuation and expansion of an existing mining operation, which would result in the continued commercial extraction and production of the property's mineral resources. Accordingly, the proposed Project would make productive use of the property's mineral resources, as planned for and expected by the California State Mining and Geology Board. The Project would not result in any adverse impacts due to the loss of availability of a locally-important resources recovery site delineated on a local general plan, specific plan, or other land use plan. On the contrary, the Project would allow continued use of the property's aggregate resources, in conformance with the General Plan's Extractive Overlay designation for the site. As such, no adverse impact would occur and no further analysis of these topics is required.

4.12 NOISE

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project result in:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☒	☐	☐	☐
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	☒	☐	☐	☐
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☐
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 expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

a) Would the Project result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards of other agencies?

On-going mining and processing activities under the proposed Project would occur over a longer duration on a daily basis, and would result in noise associated with on-site machinery, blasting, and vehicular travel along area roadways. Noise generated by the Project, including

during the extended hours of operation, have the potential to expose persons in the vicinity of the Mine to noise levels in excess of standards established by the City's General Plan Update and Chapter 17.176, *Noise Control*, of the City's Municipal Code. An acoustical analysis shall be prepared and the required EIR shall analyze the potential for the Project to expose people, on- or off-site, to noise levels in excess of established noise standards. (Lake Elsinore, 2011a; Lake Elsinore, 2014)

b) Would the Project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The Nichols Canyon Mine is included within an Extractive Overlay zone, which allows for mining activities at the Nichols Canyon Mine, subject to approval of a Reclamation Plan. Expansion of the Nichols Canyon Mine has the potential to expose sensitive receptors (students and residents) located south and southeast of the proposed Expanded Disturbance Areas (EDA) to excessive groundborne noise and/or vibration impacts associated with mining, processing, and blasting operations on-site, particularly during the proposed extended hours of operation. A noise and vibration impact analysis shall be conducted and the results of the analysis shall be summarized in the required EIR. Mitigation measures shall be identified, as appropriate and necessary, to reduce the Project's impacts due to the exposure of persons to excessive groundborne vibration.

c) Would the Project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

As proposed by the Project, mining and processing activities would cease by December 31, 2036, at which point the Mine would be left as undeveloped land that would not contain any sources of substantial noise. Accordingly, the Project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project; on the contrary, the proposed Project would require mining and reclamation activities on-site to cease by December 31, 2036, whereas the existing approved RP 2006-01A1 does not specify a cessation date for mining operations. As such, under long-term conditions (i.e., beyond 2036) the Project would result in a decrease in noise levels on-site as compared to the existing permitted mining operation. Accordingly, no impact would occur and further discussion and analysis of this topic is not required.

d) Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

With approval of the proposed Project, mining and processing operations on-site would cease on December 31, 2036. In the interim period while mining operations are on-going, the Project is anticipated to generate an additional 140 truck trips per day and an additional four passenger car trips per day, representing an approximately 13% increase in truck trips and a 25% increase in passenger car trips as compared to the baseline conditions. As such, expansion of the Nichols Canyon Mine as proposed by the Project would generate increased vehicular traffic that has the potential to result in a substantial temporary or periodic increase in ambient noise levels. In addition, blasting activities associated with the proposed Project could increase ambient noise

levels in the Project vicinity above existing levels. A site-specific acoustical study shall be prepared for the Project to identify the potential for temporary or periodic increases in ambient noise levels that would be considered substantial compared to existing conditions. The results of the acoustical study shall be summarized and incorporated into the required EIR.

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 expose people residing or working in the project area to excessive noise levels?

The Nichols Canyon Mine is located approximately 6.2 miles northwest of the Skylark Airport and is not located within the Skylark Airport Influence Area (Lake Elsinore, 2011a, Figure 2.7; Google Earth, 2013). As such, the expansion of the Nichols Canyon Mine would not expose people residing or working within the Project area to excessive airport-related noise levels and impacts would be less than significant. No further analysis of this topic is required.

f) For a project within the vicinity of a private airstrip, would the Project expose people residing or working in the project area to excessive noise levels?

There are no private airstrips located in the vicinity of the Mine (Google Earth, 2013). Therefore, the Project does not have the potential to expose people residing or working in the Project area to excessive noise levels and impacts would be less than significant. No further analysis of this topic is required.

4.13 POPULATION AND HOUSING

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project:				
a. Induce substantial 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)?	☐	☐	☐	☒
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

a) Would the Project induce substantial 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)?

The proposed Project would expand an existing mining operation and would result in up to two (2) new employees on-site. Although increased employment opportunities would occur on-site, the relatively minor increase in employment on-site would not induce substantial population growth. In addition, the Project does not involve the construction of any infrastructure that could otherwise induce substantial population growth. Accordingly, no impact would occur and no further analysis of this issue is required.

b) Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

The Nichols Canyon Mine does not contain any residential structures under existing conditions (Google Earth, 2013). As such, the expansion of mining operations on-site would not result in the displacement of substantial numbers of existing housing, which could necessitate the construction of replacement housing elsewhere. Accordingly, no impact would occur and no further analysis of this issue is required.

c) Would the Project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

As described above under response to Threshold 4.13(b), the Mine does not contain any residential structures under existing conditions. As such, the expansion of disturbance limits on-site would not result in the displacement of substantial numbers of people, which could necessitate the construction of replacement housing elsewhere. Accordingly, no impact would occur and no further analysis of this issue is required.

4.14 PUBLIC SERVICES

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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:				
a. Fire protection?	☐	☐	☒	☐
b. Police protection?	☐	☐	☒	☐
c. Schools?	☐	☐	☐	☒

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
d. Parks?	☐	☐	☐	☒
e. Other public facilities?	☐	☐	☐	☒

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

The proposed Project involves the continuation and expansion of an existing mining operation, which is provided fire protection services under existing conditions by the Riverside County Fire Department. The closet fire station to the Nichols Canyon Mine is Station 85, which is located approximately 2.9 miles to the southwest (Google Earth, 2013). The Project would result in a net increase of two employees at the site. The existing Nichols Canyon Mine site already generates a demand for fire protection services. The Project would extend the Mine's operating hours (as discussed in Section 2.4.2.0); however, the increased hours of mining, processing, and export activities would not result in nor require new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection. There are no components of the proposed Project that would require an expansion of fire protection services or facilities that could result in adverse environmental effects. Accordingly, there would be a less-than-significant impact to fire protection services. No further analysis of this issue is required.

b) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services?

The proposed Project involves the continuation and expansion of an existing mining operation, which is provided law enforcement services under existing conditions by the Riverside Sheriff's Department. The Project would result in a net increase of two employees at the site, and also would extend the Mine's operating hours (as discussed in Section 2.4.2.0). However, the existing Nichols Canyon Mine site already generates a demand for police protection services, and the Project would not substantially increase the existing demand on this public service. In addition, the Project does not propose any change in the scope of operations or hours of operation that would require an expansion of law enforcement. Accordingly, there would be a less-than-

significant impact to police protection services and no need for physical alterations of police stations to service the Project. No further analysis of this issue is required.

c) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, or the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?

The proposed Project does not involve the construction of any new homes, would not affect local demographics, and would only result in two new employees on-site. As such, there would be no discernible increase or decrease in demand for school services resulting from Project implementation and no need for physical alterations to school facilities. No impact would occur and no further analysis of this issue is required.

d) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, or the need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?

The proposed Project does not involve the construction of any new homes, would not affect local demographics, and would only result in two new employees on-site. As such, there would be no discernible increase or decrease in demand for parks resulting from Project implementation and no need for physical alterations to public or private health facilities. No impact would occur and no further analysis of this issue is required.

e) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities, medical facilities, or any other facilities; or the need for new or physically altered library facilities, medical facilities, or any other 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 these public services?

The proposed Project does not involve the construction of any new homes, would not affect local demographics, and would only result in two new employees on-site. As such, there would be no discernible increase or decrease in demand for library services or other public services resulting from Project implementation and no need for physical alterations to library or other public facilities. No impact would occur and no further analysis of this issue is required.

4.15 RECREATION

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

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 would occur or be accelerated?

The Project does not propose any type of residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities in such a manner as to result in or accelerate a discernible physical deterioration of recreational facilities. The Project only would result in an increase of two employees, which would not generate a regional population with a potential for causing or contributing to physical deterioration of any recreational facility. Accordingly, implementation of the proposed Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park or include recreational facilities or require the construction or expansion of recreational facilities. As such, no impact would occur and no further analysis of these subjects is required.

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 Project does not involve or propose any recreational facilities. Implementation of the Project would result in an increase of two employees, which would not generate a regional population that would require the construction or expansion of recreational facilities. Accordingly, the Project would not result in the construction or expansion of recreational facilities which might have an adverse physical effect on the environment, and no impact would occur.

4.16 TRANSPORTATION AND TRAFFIC

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project:				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☒	☐	☐	☐
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☒	☐	☐	☐
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☒	☐
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☒	☐	☐	☐
e. Result in inadequate emergency access?	☐	☐	☒	☐
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities)?	☐	☐	☐	☒

a) Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

As previously indicated in Table 2-2, implementation of the proposed Project would result in a net increase of approximately 140 truck trips and four passenger trips, as compared to baseline

conditions. The incremental increase in traffic from the Mine would contribute an increased volume of vehicular traffic to the local roadway network and has the potential to adversely affect the performance of the local circulation system, on a direct and/or cumulative level. A site-specific traffic study shall be prepared according to the California Department of Transportation (Caltrans) Guide for the Preparation of Traffic Impact Studies (December 2002) and input from City staff. The study shall quantify the volume of vehicular traffic anticipated to travel to and from the Mine. The traffic study shall model the effects of Project-related traffic on the local circulation system, taking all modes of transportation into account. The required EIR shall disclose the findings of the site-specific traffic study and evaluate the Project's potential to conflict with applicable plans, ordinances, and policies that establish a minimum level of performance for the local circulation system.

b) Would the Project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

As previously indicated in Table 2-2, implementation of the proposed Project would result in a net increase of approximately 140 truck trips and four passenger trips, as compared to baseline conditions. The incremental increase in traffic from the Mine has the potential to impact the Riverside County Congestion Management Program (CMP) facilities, including, but not limited to, I-15 (RCTC, 2011, Exhibit 2-1). Potential impacts to the CMP facilities shall be evaluated a site-specific traffic study, and the results of this study shall be used in the required EIR to determine the Project's consistency with the Riverside County CMP, including applicable level of service standards and travel demand/congestion management measures.

c) Would the Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The proposed Project seeks to expand the disturbance limits of the Nichols Canyon Mine and does not involve discretionary approvals that would have the potential to affect air traffic patterns. Additionally, the Mine is not located within the Skylark Airport Influence Area (Lake Elsinore, 2011a , Figure 2.7). Therefore, impacts would be less than significant and no further analysis of this topic is required.

d) Would the Project substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?

The Project does not propose any improvements to any roadway facilities. Any improvements to the area-wide circulation network that may be determined necessary as a result of the Project's required traffic impact analysis would be designed to applicable agency standards. Regardless, the Project's required EIR shall document the conditions of the existing and planned circulation system in the Project area and determine if the increase in traffic resulting from the Project would adversely affect any off-site roadway segment or intersection which may be unsafe, or may become unsafe with the addition of Project traffic.

e) Would the Project result in inadequate emergency access?

The Nichols Canyon Mine is not identified as an emergency access route on any local or regional plans. Although Nichols Road could serve as an emergency access route for the residences located east of the Mine, there are no components of the Project that would obstruct access along Nichols Road. Moreover, emergency egress for the residential uses to the east of the Mine is available via SR-74 to the southeast. Accordingly, there would be no impact due to inadequate emergency access. Impacts would be less than significant and no further analysis of this topic is required.

f) Would the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

The City of Lake Elsinore GPU Figure 2.5, *Bikeway Plan*, and Figure 2.6, *Elsinore Area Trail System,* indicate that Nichols Road is designated to accommodate a Class II Bicycle Facility and a Regional Trail. According to the Riverside Transit Agency System Map, Nichols Road is not planned as part of any regional or local transit routes. The proposed Project would not result in or require any improvements to Nichols Road. Future development of the Nichols Canyon Mine pursuant to the approved Alberhill Ranch Specific Plan would be required to implement both the Regional Trail and Class II Bike Lane. There are no components of the Project that would interfere with the future construction of these facilities as required in association with buildout in accordance with the Alberhill Ranch Specific Plan, nor is the need for these facilities the result of the Project. Accordingly, no impact would occur and further analysis of this topic is not required. (Lake Elsinore, 2011a; RTA, n.d.)

4.17 UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b. Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c. Have sufficient water supplies available to	☒	☐	☐	☐

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				
d. Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☒	☐	☐	☐
e. 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?	☐	☐	☒	☐
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☒	☐	☐	☐
g. Comply with federal, state, and local statutes and regulations related to solid waste.	☐	☐	☒	☐
h. Require or result in the construction of new electrical, natural gas or telecommunication facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?	☐	☐	☐	☒

a) Would the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

The proposed Project would not result in a substantial increase in wastewater generated from the site because there would be only a net increase of two employees with implementation of the Project. Under existing conditions, wastewater treatment at the Nichols Canyon Mine is handled by portable toilets, which are regularly emptied by a rental service company. Waste from these portable toilets is disposed of in accordance with all applicable regulatory requirements. Therefore, implementation of the proposed Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, and impacts would be less than significant. No further analysis of this topic is required.

b) Would the Project require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The proposed Project would result in a net increase two employees as compared to existing conditions. Such an increase would have no effect on existing wastewater treatment facilities, as wastewater treatment at the Nichols Canyon Mine is handled by portable toilets, which are regularly emptied by a rental service company. Furthermore, RP 2006-01A2 would impose an expiration date of December 31, 2036 that does not apply to the existing RP 2006-01A1, thereby limiting the mines operating lifetime and potential for generating wastewater over the long term. Therefore, implementation of the proposed Project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, and impacts would be less than significant. No further analysis of this topic is required.

c) Would the Project have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?

Water to the Nichols Canyon Mine is provided by the Elsinore Valley Municipal Water District (EVMWD). As indicated previously in Section 2.4.2.G, soil binders would be used to ensure the Project does not result in an increase in water demand as compared to the baseline conditions. EVMWD has prepared an Urban Water Management Plan (UWMP) dated July 2011, that provides for the long-range planning efforts of water purveyance within its district. Although water usage on-site would not increase under the proposed Project, the proposed Project's water demand may not be fully accounted for in the EVMWD's UWMP. Although the UWMP concluded that the EVMWD has sufficient water supplies available to serve all existing land uses within its service area, because the Project would result in continued demand for water resources, the required EIR shall evaluate the adequacy of the EVMWD's existing capacity, and shall determine whether any new or expanded treatment facilities are required to serve the Project in addition to the EVMWD's existing commitments. (EVMWD, 2011)

d) Would the Project require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Refer to the response for Threshold 4.17(c), above. Because the Project would result in an increased demand for water resources, it can therefore be concluded the proposed Project's water demand may not be fully accounted for in the EVMWD's UWMP. As such, the required EIR shall evaluate whether the Project would require or result in the construction of new water treatment facilities or expansion of existing facilities.

e) Would the Project 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?

Implementation of the proposed Project would result in the addition of two employees to the site and is not expected to result in a substantial increase in the amount of wastewater generated at the site. Furthermore, wastewater generated at the site under existing conditions is handled via portable toilets, and there would be no need for additional portable toilets as a result of the Project, nor would there be a discernible change in the number of times the service provider would need to service the Mine. The wastewater haul company would dispose of all wastewater generated by the Project at permitted facilities with sufficient capacity to handle Project-generated wastewater. Therefore, the proposed Project would result in a determination by the wastewater treatment provider that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments and impacts would be less than significant. No further analysis of this topic is required.

f) Would the Project be served by a landfill system with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Implementation of the proposed Project would generate an incremental increase in solid waste volumes requiring off-site disposal, primarily due to the increased number of workers onsite (i.e., two employees). Although the Project's increase in solid waste would not be substantial, the required EIR shall nonetheless evaluate whether existing landfills have adequate capacity to accommodate the Project's anticipated increase in solid waste generation.

g) Would the Project comply with federal, state, and local statutes and regulations related to solid waste?

The Project would be required to comply with City and County waste reduction programs pursuant to the State's Integrated Waste Management Act and Chapter 14.12 of the City of Lake Elsinore Municipal Code. Project-generated solid waste would be conveyed to one of several landfills operated or managed by the Riverside County Waste Management Department (RCWMD). These existing landfills are required to comply with federal, state, and local statutes and regulations related to solid waste. Compliance with federal, state, and local statutes would reduce the amount of solid waste generated by the proposed Project and diverted to landfills, which in turn will aid in the extension of the life of affected disposal sites. The Project would comply with all applicable solid waste statutes and regulations; as such, impacts would be less than significant. No further analysis of this topic is required.

h) Would the Project require or result in the construction of new electrical, natural gas or telecommunication facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?

The proposed Project would involve the continuation and expansion of an existing mining operation, and would not result in a substantial increase in daily operational characteristics at the site. All utilities needed to serve the Nichols Canyon Mine are currently in place. As such,

the proposed Project would not require the physical expansion of utilities, including the use of electricity, natural gas, telecommunication facilities, and no impact would occur. No further analysis of this topic is required.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*
1. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a. Have the potential to 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, 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?	☒	☐	☐	☐
b. 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)?	☒	☐	☐	☐
c. Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

Sources: Project Application Materials

a) Does the Project have the potential to 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, 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?

Under existing conditions, approximately 116 acres of the 199-acre Mine are used as part of an active mining operation. The Project would expand the mine's disturbance limits by

approximately 24 acres and therefore has the potential to reduce the habitat of a wildlife species. The Project also has the potential to threaten to eliminate plant or animal communities that may exist on-site, and could reduce the number or restrict the range of a rare or endangered plant or animal. The Project's potential impacts to biological resources shall be evaluated in a site-specific biological technical report, the results of which shall be summarized in the required EIR. Although there are no known historical or prehistorical resources on-site under existing conditions, the Project nonetheless has the potential to result in impacts to such resources if buried beneath the site's surface. A site-specific cultural resources investigation shall be conducted for the EDA, which shall include a construction monitoring program if impacts to subsurface resources are anticipated. The results shall be documented in the required EIR.

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)?

The Nichols Canyon Mine is located within the City of Lake Elsinore, which has a number of active mining operations within its jurisdictional limits. A number of active mining operations are also located in unincorporated areas of Riverside County within close proximity to the Nichols Canyon Mine. There are also a variety of other developments and proposed developments in the Mine's vicinity, including residential, commercial, light industrial, or other similar developments with a potential to contribute to cumulative effects in the area. The ongoing operation and expansion of the Nichols Canyon Mine, in addition to the operation of other mines and operation or construction of other developments in the area, has the potential to result in cumulatively considerable impacts to several issue areas, including, but not necessarily limited to, the following: air quality, greenhouse gas emissions, noise, and transportation/traffic. The required EIR shall evaluate the Project's potential to result in cumulatively considerable contributions to cumulatively significant impacts.

c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

The potential for the proposed Project to directly or indirectly affect human beings will be evaluated in the required EIR particularly with respect to the following issue areas: air quality, greenhouse gas emissions, and noise.

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STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

Notice of Preparation

June 25, 2015

To: Reviewing Agencies

Re: Amendment No. 2 to Reclamation Plan 2006-01 (Case No. RP 2006-01A2)
SCH# 2006051034

Attached for your review and comment is the Notice of Preparation (NOP) for the Amendment No. 2 to Reclamation Plan 2006-01 (Case No. RP 2006-01A2) draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Justin Kirk
City of Lake Elsinore
130 S. Main Street
Lake Elsinore, CA 92530

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2006051034
Project Title Amendment No. 2 to Reclamation Plan 2006-01 (Case No. RP 2006-01A2)
Lead Agency Lake Elsinore, City of

Type NOP Notice of Preparation

Description Amendment to an approved Reclamation Plan (RP 2006-01) to accommodate an expansion in areas subject to mining activities; reduce the Mine's permitted annual tonnage of exported materials from 4,000,000 tpy (tons per year) to 1,000,000 tpy; revise the appvoed seed mix and revegetation plan; and extend the hours permitted for mining equipment operation, processing, and export activities; and reduce the Mine's annual tonnage limit from 4,000,000 tpy to 1,000,000 tpy.

Lead Agency Contact

Name Justin Kirk
Agency City of Lake Elsinore
Phone (951) 674-3124 x297 **Fax**
email
Address 130 S. Main Street
City Lake Elsinore **State** CA **Zip** 92530

Project Location

County Riverside
City Lake Elsinore
Region
Cross Streets I-15 and Nichols Road
Lat / Long
Parcel No. 389-200-35,-36,-37
Township 5S **Range** 5W **Section** 24, 25 **Base** SBB&M

Proximity to:

Highways I-15
Airports
Railways
Waterways
Schools Temescal Canyon HS
Land Use Specific Plan with Extractive Overlay

Project Issues Archaeologic-Historic; Drainage/Absorption; Geologic/Seismic; Noise; Other Issues; Public Services; Soil Erosion/Compaction/Grading; Traffic/Circulation; Water Quality; Wetland/Riparian; Wildlife; Aesthetic/Visual; Air Quality; Biological Resources; Fiscal Impacts; Sewer Capacity; Solid Waste; Toxic/Hazardous; Vegetation; Water Supply; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 6; Native American Heritage Commission; California Highway Patrol; Caltrans, District 8; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 8

Date Received 06/25/2015 **Start of Review** 06/25/2015 **End of Review** 07/24/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.

NOP Distribution List

AL

County: Riverside

SCH# 2006051034

Resources Agency

- [■] **Resources Agency**
  Nadell Gayou
  - [ ] **Dept. of Boating & Waterways**
    Denise Peterson
  - [ ] **California Coastal Commission**
    Elizabeth A. Fuchs
  - [ ] **Colorado River Board**
    Lisa Johansen
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    James Herota
  - [ ] **Office of Historic Preservation**
    Ron Parsons
- [■] **Dept of Parks & Recreation**
  Environmental Stewardship Section
  - [ ] **California Department of Resources, Recycling & Recovery**
    Sue O'Leary
  - [ ] **S.F. Bay Conservation & Dev't. Comm.**
    Steve McAdam
  - [■] **Dept. of Water Resources**
    Resources Agency
    Nadell Gayou

Fish and Game

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  Environmental Services Division
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- [ ] **Fish & Wildlife Region 1E**
  Laurie Harnsberger
- [ ] **Fish & Wildlife Region 2**
  Jeff Drongesen
- [ ] **Fish & Wildlife Region 3**
  Charles Armor
- [ ] **Fish & Wildlife Region 4**
  Julie Vance
- [ ] **Fish & Wildlife Region 5**
  Leslie Newton-Reed
  Habitat Conservation Program
- [■] **Fish & Wildlife Region 6**
  Tiffany Ellis
  Habitat Conservation Program
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  Heidi Calvert
  Inyo/Mono, Habitat Conservation Program
- [ ] **Dept. of Fish & Wildlife M**
  George Isaac
  Marine Region

Other Departments

- [ ] **Food & Agriculture**
  Sandra Schubert
  Dept. of Food and Agriculture
- [ ] **Depart. of General Services**
  Public School Construction
- [ ] **Dept. of General Services**
  Anna Garbeff
  Environmental Services Section
- [ ] **Delta Stewardship Council**
  Kevan Samsam
- [ ] **Housing & Comm. Dev.**
  CEQA Coordinator
  Housing Policy Division

Independent Commissions,Boards

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- [ ] **OES (Office of Emergency Services)**
  Marcia Scully
- [■] **Native American Heritage Comm.**
  Debbie Treadway
- [ ] **Public Utilities Commission**
  Supervisor
- [ ] **Santa Monica Bay Restoration**
  Guangyu Wang
- [ ] **State Lands Commission**
  Jennifer Deleong
- [ ] **Tahoe Regional Planning Agency (TRPA)**
  Cherry Jacques

Cal State Transportation Agency CalSTA

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  Philip Crimmins
- [ ] **Caltrans – Planning HQ LD-IGR**
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  Office of Special Projects

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- [ ] **Caltrans, District 12**
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Cal EPA

Air Resources Board

All Other Projects
Cathi Slaminski

- [ ] Transportation Projects
  Nesamani Kalandiyur
- [■] Industrial/Energy Projects
  Mike Tollstrup

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  Regional Programs Unit
  Division of Financial Assistance
- [ ] **State Water Resources Control Board**
  Karen Larsen – Asst Deputy
  Division of Drinking Water
- [ ] **State Water Resources Control Board**
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- [ ] **State Water Resouces Control Board**
  Phil Crader
  Division of Water Rights
- [ ] **Dept. of Toxic Substances Control**
  CEQA Tracking Center
- [ ] **Department of Pesticide Regulation**
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  North Coast Region (1)
- [ ] **RWQCB 2**
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- [ ] **RWQCB 3**
  Central Coast Region (3)
- [ ] **RWQCB 4**
  Teresa Rodgers
  Los Angeles Region (4)
- [ ] **RWQCB 5S**
  Central Valley Region (5)
  - [ ] **RWQCB 5F**
    Central Valley Region (5)
    Fresno Branch Office
  - [ ] **RWQCB 5R**
    Central Valley Region (5)
    Redding Branch Office
- [ ] **RWQCB 6**
  Lahontan Region (6)
  - [ ] **RWQCB 6V**
    Lahontan Region (6)
    Victorville Branch Office
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  Colorado River Basin Region (7)
- [■] **RWQCB 8**
  Santa Ana Region (8)
- [ ] **RWQCB 9**
  San Diego Region (9)

- [ ] **Other** _____
- [ ] _____
  Conservancy

Last Updated 6/23/2015

Margaret Partridge

From: Foster, Dustin@DOT <Dustin.Foster@dot.ca.gov>
Sent: Wednesday, July 29, 2015 1:06 PM
To: Justin Kirk
Subject: Nichols Canyon Mine Expansion Comments
Attachments: NicholsCanyonMineExpansionNOPCommentLetter7272015.pdf

Good afternoon Mr. Kirk,

Attached you will find Caltrans' comments regarding the Nichols Canyon Mine Expansion project. Although the deadline for response has passed, please include this letter for response as there are pertinent points of concern that will need to be considered. Thank you for your time and feel free to give me a call with any questions you may have.

Sincerely,

Dustin James Foster
Transportation Planner
California Department of Transportation
District 8- San Bernardino and Riverside Counties
Division of Planning
Community and Regional Planning and Intergovernmental Review Unit
(909) 806-3955

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING (MS 722)
464 WEST 4th STREET, 6th Floor
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
TTY (909) 383-6300
www.dot.ca.gov/dist8

Serious drought
Help save water!

July 27, 2015 **File: 08-RIV-15-PM-23.861**

Mr. Justin Kirk
Senior Planner
Planning Division
City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

Notice of the Preparation of a Draft Environmental Impact Report for the Nichols Canyon Mine Expansion Project (Case No. RP 2006-01A2)

Mr. Kirk,

The California Department of Transportation (Caltrans) has completed our review of the Initial Study/Notice of Preparation for the above mentioned project, located east of open space and adjacent to I-15, both north and south of Nichols Road, north of Temescal Canyon High School and surrounded by open space. The project proposes to amend the reclamation plan for the Nichols Canyon Mine in order to increase the mining production area by 24 acres, reduce annual tonnage limit, and extend the hours for mining operation and export to reduce daytime and peak hour trips.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. Under the California Environmental Quality Act (CEQA), we are required to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Lake Elsinore, due to the project's potential impact to State facilities, it is also subject to the policies and regulations that govern the SHS.

Caltrans endeavors that any direct and cumulative impacts to the State highway system be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards. Our areas of concern, pertaining to State facilities, include hydrology/flooding and transportation/traffic issues, which our initial review indicates as having potentially significant impacts. Due to these potentially significant impacts and because the western portion of the project area directly abuts I-15, we offer the following comments regarding the analysis in the upcoming DEIR:

Traffic Operations:

As indicated on the Initial Study, a traffic study will be prepared for this project to accurately evaluate the extent of potential impact to the operational characteristics of the existing highway. We offer the following guidance on the preparation of the Traffic Impact Analysis:

- All state facilities impacted by the project area, which include Interstate I-15 and SR-74, should be analyzed in the traffic study; intersections impacted by the project should also be analyzed. Where applicable, synchro analyses, merge/diverge analyses, and queuing analyses are recommended to analyze such mitigation measures as signalized intersections and ramp interchanges. The data used in the TIS should not be more than 2 years old.

- Traffic Analysis Scenarios should clearly be exhibited as exiting, existing + project, existing + project + ambient growth, and existing + project + ambient growth + cumulative growth.

- The geographic area examined in the traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities, where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.

- The lead agency should monitor impacts to ensure that roadway segments and intersections remain at an acceptable Level of Service (LOS). Should the LOS reach unacceptable levels, the lead agency should delay the issuance of building permits for any project until the appropriate impact mitigation is implemented. Clearly indicate LOS with and without mitigation improvements. Proposed improvements should be exhibited in preliminary drawings that indicate the LOS with improvements.

- Mitigation measures to State facilities should be included in the traffic impact analysis. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

- Submit a hard copy and two electronic copies of all Traffic Impact Analysis documents and an electronic Synchro Analysis file.

Additionally, we recommend the traffic study be submitted prior to the circulation of the DEIR to ensure timely review of the submitted materials and a preliminary scoping meeting to discuss any potential issues.

Hydrology and Grading:

The Nichols Canyon Mine Expansion has the potential to impact the drainage facilities within I-15 right-of-way (R/W). This may lead to erosion, increased runoff directed to I-15 R/W, create maintenance accessibility issues, and contaminate water flows entering state R/W. Please forward the site plan and grading and drainage plans to this office at the earliest opportunity for our review, as these concerns cannot be fully evaluated at this time. To ensure that proposed site grading and drainage design does not result in an adverse impact to State R/W, we ask that a requirement to review plans and provide written construction clearance be included among the project conditions of approval.

Consider the following when development does occur:

- Verify capacity of existing drainage structures within right-of-way (R/W) where connections between private and Caltrans systems are proposed.

- The existing capacity of affected State drainage systems cannot be exceeded. Should 100-year project runoff volumes be determined to exceed the maximum capacity of the existing State drainage facilities, the proposed mitigation measures, which include a retention basin, must offset any drainage impacts to State facilities.

- Future review of project drainage design will include an evaluation of runoff impacts to adjacent State R/W. Where applicable, compliance with pertinent National Pollutant Discharge Elimination System (NPDES)/water quality standards will be required.

Highway Operations and Right-of-Way:

Increased traffic volumes associated with development of the project may impact traffic flow, circulation, highway capacity, and operational characteristics of I-15. The cumulative impacts of future projects may also lead to needed improvements within R/W and require R/W dedication. Please be advised:

- The Transportation Concept Report for this segment of I-15's 20-year outlook calls for widening the facility from 6 mixed flow lanes to 8 mixed flow lanes with 4 High-Occupancy Toll Lanes. This may require R/W dedication.

- As a result of development, Nichols Road Interchange modifications may be needed to provide additional capacity and storage. This may require dedication of additional R/W within the project site.

Multimodal Accessibility:

Caltrans is committed to providing a safe transportation system for all users. Reviewing the Initial Study's section on multimodal accessibility, it appears that the City's circulation plan calls

for Class II Bike Lanes on Nichols Road. However, this could cause potential safety issues given the increase in truck traffic. We offer the following comments:

- When the City considers re-striping the street to include a bicycle facility, we encourage the City to utilize roadway configurations and design standards found in the National Association of City Transportation Officials' Urban Street Design Guide and the Urban Bikeway Design Guide. Caltrans officially endorsed these innovate design guidelines on April 11, 2014. These guidelines provide safety treatments that separate cyclists from through traffic and provide increased visibility at intersections.

- We suggest the City amend its Bikeway Plan for the segment of Nichols Road that would be impacted by the project and the increase in trucking activity from a Class II Bike Lane to a Class IV Protected Bike Lane (as detailed in the design guides mentioned above).

Permit Requirements:

If the project requires the operation of a vehicle of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code, a Transportation Permit may be issued. For more information, visit this website: http://www.dot.ca.gov/hq/traffops/permits/ .

When development does occur a need for encroachment permits will be necessary for any work performed within the State R/W. Furthermore, the applicant's environmental documentation must include such work in their project description and indicate that an encroachment permit will be needed. As part of the encroachment permit process, the developer must provide appropriate environmental approval for potential environmental impacts to State Highway R/W.

Issuance of a Caltrans Encroachment Permit will be required prior to any construction within State R/W. In addition, all work undertaken within SR-79 R/W shall be in compliance to all current design standards, applicable policies, and construction practices. Detailed information regarding permit application and submittal requirements is available at:

Office of Encroachment Permits
California Department of Transportation
464 West Fourth Street, 6th Floor, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526

Thank you for providing us the opportunity to review the Nichols Canyon Mine Expansion Project and for your consideration of these and future comments. These recommendations are preliminary and summarize our review of materials provided for our evaluation. If this proposal is revised in any way, please forward appropriate information to this office so that updated recommendations for impact mitigation may be provided. If you have questions concerning these comments, or would like to meet to discuss our concerns, please contact Dustin Foster (909) 806-3955 or myself at (909) 383-4557.

Sincerely,

Mark Roberts

MARK ROBERTS
Office Chief
Intergovernmental Review, Community and Regional Planning

Margaret Partridge

From: Gibson, Joanna@Wildlife <Joanna.Gibson@wildlife.ca.gov>
Sent: Friday, July 24, 2015 2:58 PM
To: Justin Kirk
Cc: state.clearinghouse@opr.ca.gov
Subject: CDFW comments on NOP of DEIR for Amendment No. 2 to Reclamation Plan 2006-01, SCH No. 2006051034
Attachments: NOP_DEIR_Amendment No 2 to Reclamation Plan 2006-01_SCH 2006051034.pdf

Mr. Kirk,

Please find attached the California Department of Fish and Wildlife's comments on the above-mentioned project.

If you have any questions, please feel free to contact me.

Joanna Gibson

Environmental Scientist
CA Department of Fish and Wildlife
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director

July 24, 2015

Mr. Justin Kirk
Senior Planner
City of Lake Elsinore
130 S. Main Street
Lake Elsinore, CA 92530

Subject: Notice of Preparation of a Draft Environmental Impact Report
Amendment No. 2 to Reclamation Plan 2006-01 (Case No. RP 2006-01A2) Project
State Clearinghouse No. 2006051034

Dear Mr. Kirk:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Amendment No. 2 to Reclamation Plan 2006-01 (Case No. RP 2006-01A2) Project (project) [State Clearinghouse No. 2006051034]. The Department is responding to the NOP as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The proposed project is seeking to amend the existing reclamation plan (i.e., Reclamation Plan No. 2006-01A2) for Nichols Canyon Mine, which encompasses 199 acres, located north and south of Nichols Road, east of and adjacent to Interstate 15, and west of Lindell Road and El Toro Road in the City of Lake Elsinore, Riverside County; within Assessor Parcel Numbers (APN's): 389-200-035, -036, and -037. The project proposes the second amendment to the reclamation plan to include an expansion in areas subject to mining activities onsite from approximately 116 acres to 140 acres. The remaining 59 acres will remain allocated to open space. Additional project components include: a revision to the approved seed mix and revegetation plan, and an extension of the hours permitted for mining equipment operation, processing equipment, and export.

COMMENTS AND RECOMMENDATIONS

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). The Department offers the comments and recommendations presented below to assist the City of Lake Elsinore (City; the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable the Department to adequately review and comment on the proposed project with respect to impacts on biological resources and the project's consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The Department recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable Department staff to adequately review and comment on the project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. The Department recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. The Department recommends that floristic, alliance- and/or association based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;

2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. The Department's California Natural Diversity Database (CNDDB) in Sacramento should be contacted at (916) 322-2493 or bdb@dfg.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed project. The Department recommends that CNDDB Field Survey Forms be completed and submitted to CNDDB to document survey results. Online forms can be obtained and submitted at: http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp

Please note that the Department's CNDDB is not exhaustive in terms of the data it houses, nor is it an absence database. The Department recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the project footprint and within offsite areas with the potential to be effected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the project area and should not be limited to resident species. Focused species-specific/MSHCP surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service, where necessary. Note that the Department generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if the project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following the Department's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see https://www.wildlife.ca.gov/Conservation/Plants);

5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]);

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the project. To ensure that project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address project-related changes on drainage patterns and water quality within, upstream, and downstream of the project site, including: volume,

velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site.

2. A discussion of potential indirect project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).

   Please note that the project area supports significant biological resources and contains habitat connections, providing for wildlife movement across the broader landscape, sustaining both transitory and permanent wildlife populations. Regional Conservation Authority (RCA) conserved lands occur close to the project site to the north and west. The Department encourages project design that avoids and preserves onsite features that contribute to habitat connectivity. The DEIR should include a discussion of both direct and indirect impacts to wildlife movement and connectivity, including maintenance of wildlife corridor/movement areas to adjacent undisturbed habitats.

3. An evaluation of impacts to adjacent open space lands from both the construction of the project and any long-term operational and maintenance needs. The proposed project has the potential to impact lands managed by the RCA. The Department encourages the City to contact the RCA to determine if any portion of the project will impact adjacent conserved lands, and to work collaboratively to avoid and minimize impacts.

4. A cumulative effects analysis developed as described under CEQA Guidelines § 15130. Please include all potential direct and indirect project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the project. When proposing measures to avoid, minimize, or mitigate impacts, the Department recommends consideration of the following:

1. *Sensitive Plant Communities*: The Department considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.

2. *Mitigation*: The Department considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

   The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, including, but not limited to measures to ensure domestic animals (e.g., cats and dogs) cannot access mitigation areas, and removal procedures to implement if they do; proposed land dedications; long-term monitoring and management programs; control of illegal dumping; water pollution; and increased human intrusion, etc.

3. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

   The Department recommends that local onsite propagules from the project area and

nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

4. *Nesting Birds and Migratory Bird Treaty Act:* Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) also afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that is it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

   The Department recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the DEIR, the Department recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

5. *Translocation of Species*: The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the California Endangered Species Act (CESA). The Department recommends that a CESA ITP be obtained if the project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

The Department encourages early consultation, as significant modification to the proposed project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. Please note that the proposed avoidance, minimization, and mitigation measures must be sufficient for the Department to conclude that the project's impacts are fully mitigated and the measures, when taken in aggregate, must meet the full mitigation standard. Revisions to the California Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA ITP unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit.

Western Riverside County Multiple Species Habitat Conservation Plan

Within the Inland Deserts Region, the Department issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County MSHCP per Section 2800, *et seq*., of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit. Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans.

Response to 4.4 (f) of the Initial Study in the NOP states that the Nichols Canyon Mine is "…explicitly exempted…from all provisions of the MSHCP." Please note as the project will not be processed through the MSHCP for covered species, the project may be subject to the Federal Endangered Species Act (FESA) and/or CESA for threatened, endangered, and/or candidate species. Furthermore, the Department's CESA ITP states that a project fully minimize and mitigate impacts to State-listed resources.

Regardless of whether take of threatened and/or endangered species is obtained through the MSHCP or through a CESA ITP, an assessment of the impacts to the

MSHCP as a result of this project is necessary to address CEQA requirements, and should therefore be included in the DEIR.

Lake and Streambed Alteration Program

Based on review of aerial photography the project has the potential to impact an ephemeral stream located on the eastern side of the proposed mine expansion area, therefore it is likely that the project applicant will need to notify the Department per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify the Department prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Please note the Department's criteria for determining the presence of areas subject to Fish and Game Code section 1602 jurisdiction is more comprehensive than the MSHCP criteria in Section 6.1.2.

Upon receipt of a complete notification, the Department determines if the proposed project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your project that would eliminate or reduce harmful impacts to fish and wildlife resources.

The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to https://www.wildlife.ca.gov/Conservation/LSA/Forms.

Further Coordination

The Department appreciates the opportunity to comment on the NOP of a DEIR for the Amendment No. 2 to Reclamation Plan 2006-01 (Case No. RP 2006-01A2) Project (SCH No. 2006051034) and recommends that the City of Lake Elsinore address the Department's comments and concerns in the forthcoming DEIR. If you

should have any questions pertaining to the comments provided in this letter, or would like to arrange a site visit prior to completion of the DEIR, please contact Joanna Gibson at (909) 987-7449 or at Joanna.gibson@wildlife.ca.gov.

Sincerely,

for

Leslie MacNair
Regional Manager

Literature Cited

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California. http://vegetation.cnps.org/

City of Temecula
Community Development
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July 16, 2015

Mr. Justin Kirk, Senior Planner
City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

RE: Notice of Preparation of a Draft Environmental Impact Report for the Nichols Canyon Mine Expansion Project (RR 2006-01A2)

Dear Mr. Kirk:

Thank you for the opportunity to review and respond to the above mentioned project. The project involves an amendment to an existing reclamation plan (RR 2006-01) to expand the area for mining activities by approximately 24 acres, reduce the annual tonnage limit, extend the hours of operation, and revise the seed mix and re-vegetation plan. The project is located east of and adjacent to I-15, north and south of Nichols Road, in the City of Lake Elsinore. After a review of the project, the City of Temecula has no comments regarding the project as proposed. If there are significant alterations to the project, the City of Temecula would like an opportunity for further review.

Thank you again for the opportunity to respond to this project. If you have any questions regarding this subject please contact me by telephone at (951) 693-3918 or by email at dale.west@cityoftemecula.org.

Sincerely,

Dale West
Associate Planner

cc: Luke Watson, Interim Director of Community Development
Stuart Fisk, AICP, Senior Planner

Jer Harding

From: Justin Kirk <jkirk@Lake-Elsinore.org>
Sent: Wednesday, July 01, 2015 1:59 PM
To: Jer Harding
Subject: FW: Amendment No. 2 to Reclamation Plan 2006-01 - Initial Study (2015-06-22).pdf

Jer,

FYI, I received this today.

Justin Kirk
Senior Planner
951-674-3124 EXT 284
Jkirk@lake-elsinore.org

From: Dan Silver [mailto:dsilverla@me.com]
Sent: Wednesday, July 01, 2015 1:57 PM
To: Justin Kirk
Cc: Charles Landry; Laurie Correa; Karin Cleary-Rose; Heather Pert
Subject: Amendment No. 2 to Reclamation Plan 2006-01 - Initial Study (2015-06-22).pdf

Dear Mr Kirk:

Endangered Habitats League (EHL) is in receipt of the NOP and Initial Study for this proposed project. We are concerned over the projects effects on sensitive, intact coastal sage scrub, and urge attention to this potential impact in the DEIR. Full biological surveys, including surveys for the federally threatened California gnatcatcher, should be performed to according to protocol, and federal permits sought as needed. Avoidance, minimization, and compensation for impacts should be considered *in that order*. Also, while the Initial Study claims exemption from the MSHCP, under CEQA, impacts to the regional ecosystem and to the regional reserve system nevertheless require analysis under CEQA. Biological core areas and linkages do not vanish for the purposes of State law due to a legal settlement with the County of Riverside; they still exist on the ground.

Please retain EHL on all mailing and distribution lists for this project, including CEQA documents and public hearings. Please also confirm, via return message, your timely recent of these NOP comments. Thank you in advance.

Sincerely,
Dan Silver

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

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www.ehleague.org

Elsinore Valley Municipal Water District

Our Mission…
EVMWD will provide reliable, cost-effective, high quality water and wastewater services that are dedicated to the people we serve.

July 29, 2015

Attn: Justin Kirk
City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

Subject: **Pre Application Review (PAR) RP 2006-01A2**
Nichols Canyon Mine Expansion Project
WO# 2015-036

On June 25, 2015, the District received the above PAR. The project consists of the Nichols Canyon Mine Expansion Project (APN: 389-200-35, -36, -37). At this time the District has no comments.

Please feel free to call me at (951) 674-3146, Ext. 6705, should you have any questions.

Respectfully,

Imad Baiyasi
Development Services Manager

IB/as

Enclosure: 1

cc: File
F:\ENGIN\2_ Developer Projects\2015\15-036 - Nichols Canyon Mine (City of Lake Elsinore)\1. Pre Planning\07-29-15 - 1st PAR Review Letter to City - 15-036.doc

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July 8, 2015

City of Lake Elsinore
Attn: Mr. Justin Kirk, Senior Planner
130 South Main Street
Lake Elsinore, CA 92530

VIA U.S. MAIL

Re: COMMENTS ON NOTICE OF PREPARATION OF A DRAFT EIR FOR THE NICHOLS CANYON MINE EXPANSION PROJECT (RP 2006-01A2)

Greetings:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) and Initial Study prepared for the proposed Amendment No. 2 to Reclamation Plan 2006-01, the Nichols Canyon Mine Expansion (Case No. RP 2006-01A2). Please accept these comments on behalf of concerned area residents.

The mine is located east of and adjacent to I-15, with SR-74 located approximately 1 mile south, I-215 9.1 miles east, and SR-91 16.8 miles north. The property is segmented by Nichols Road. The Project proposes the following changes to mining operations:

1. Expansion of the EDA to 24 additional acres
2. Revision of seed mix and revegetation plan
3. Expansion of hours for mining equipment operation and processing equipment from between 7:00am and 12:00am (M-F) and 7:00am and 7:00pm (S) to between 4:00am and 12:00am (M-S)
4. Expansion of hours for aggregate export from between 7:00am and 12:00am (M-F) and 7:00am and 7:00pm (S) to 24 hours per day (M-S).
5. Reduction in Mine's permitted annual tonnage of export from 4,000,000 tpy to 1,000,000tpy.

The mine is also subject to a CUP for operation of an asphalt batch plant. The batch plant does not increase tonnage limits on mining operation. Export of asphalt is permitted to occur 24 hours per day. Operation of the batch plant is limited to the same hours as mining operation.

Mining Permit

According to the IS, the Project proposes only a second amendment to Reclamation Plan No. 2006-01 (RP 2006-01A2) to modify the Mine's existing reclamation plan to accommodate an expansion in areas subject to mining activities on-site from approximately 116 acres to approximately 140 acres, or an increase of 24 acres of new disturbance on-site ("Expanded Disturbance Area," or "EDA"). In addition, a new surface mining permit should be required for expansion onto the additional 24-acre area not previously proposed for mining.

The mine currently operates as a vested mine approved before adoption of SMARA. Under SMARA, Pub. Res. C. § 2776, no surface mining permit is required for vested mines so long as no substantial changes are made in the operation except in accordance with SMARA. Intensification or expansion of an existing use, or moving the operation to another location on the property, is a substantial change if there no objective evidence of an intent to expand the mining operation into that area at the time the vested right to mine was acquired. *Hansen Bros. Enters. v. Bd. of Supervisors* (1996) 12 Cal. 4th 533, 552-556.

Here, the mining operation is currently and has historically been restricted by RP 2006-01 to certain mining limits encompassing approximately 116 acres, not including the 24 acres of new area proposed for disturbance. The existing Reclamation Plan thus evidences an intent to *not* expand operations into this additional 24-acre "Expanded Disturbance Area." Hence this project is a substantial change in operation requiring a new surface mining permit due to the proposed changes in physical location to an expanded disturbance area, as well as the extended hours for mining operation.

Baseline Condition

The IS proposes the use of a baseline condition which is not current physical conditions at the site. While CEQA sometimes permits deviation from exiting conditions as the baseline for comparison for determining the significance of a project's environmental effects, no such deviation is justified here and, in any case, the IS is unclear what baseline is proposed. The baseline for determining the Project's environmental effects in the EIR should be existing physical conditions at the time of this NOP issuance, 2015.

The IS considers existing project operation as the production average from 2008-2012, omitting 2013-2015 when mining has been substantially reduced or halted entirely. Reliance on 2008-2012 mine production instead of existing conditions underestimates Project effects when compared with the existing physical environment. The comparison to average vehicle trips, for instance, anticipated with the Project versus 2008-2012 averages leads to the assumption that the Project would add only 425 PCE trips. In fact, as the mine has not been in operation for the past 3 years, the Project would cause an increase of 1,220 PCE trips versus a zero-trip baseline, aka existing conditions, as a result of mine non-operation.

Alternatively, should an actual average of the past 5 years should be used, for an average annual tonnage of around 325,685 tpy, the Project would add approximately 821 PCE trips (398.64 PCE/ day assuming 325,685 tpy). In either case, the Project would cause more significant effects than arbitrarily relying on 2008-2012 averages.

Similarly, the IS compares Project water usage to historical data between 2008-2012, concluding the mine historically used 64,000 gallons per day for dust control. The IS states there would be no net change in water consumption, meaning the Project would require 64,000 gpd of water, the equivalent daily use of about 427 residences. This is a 64,000 gpd, or 23,360,000 gallon per year, *increase* over existing use, and use in 2013 when the mine was not in operation. Notably, Elsinore Valley Municipal Water District is currently recognizing a Stage 4a drought alert for all customers and must reduce its water use by an additional 28% *as compared to use in the same month in 2013*. (EVMWD Ordinance No. 225 < http://civica.evmwd.net/civicax/filebank/blobdload.aspx?blobid=8199>) As the 64,000 gpd use for this Project was not included in EVMWD's 2013 use, a baseline of 64,000 gpd is unsupported and undermines needed water use reduction calculations. A zero gpd baseline is needed.

The proposal to rely on 2008-2012 averages as the baseline condition is unreasonable and unsupported with respect to traffic, noise, air quality, biology, water supply, and other effects. A current year baseline reliant on existing physical conditions at the site is essential.

Furthermore, the IS does not even necessarily adopt a 2008-2012 average condition as the baseline. With respect to Baseline Operational Equipment, the IS purports to arbitrarily rely on the operating period between 2011 and 2012. For purposes of preparing the EIR, the City must adopt and use a *stable* and *consistent* baseline which accurately represents existing conditions at the site.

Additional Comments

- The IS states that, with approval of the Project, total reserves available at the mine, inclusive of existing reserves, would total 16,150,000 tons. The Reclamation Plan would expire December 31, 2036. What are the existing reserves absent Project approval? How much would the Project increase available reserves at the mine, and thus the lifespan of the mine? The EIR should address these questions.
- The IS states from 2011-2012 mining activities required approximately 2,535 horsepower per day. The Project proposes to increase equipment used on the site 18.7% compared to operations between 2011 and 2012. The EIR should detail why this escalation in total daily operational horse power is predicted and/or needed, and in what equipment/vehicles an increase in quantity, operating hours, or intensification is anticipated.
- The EIR should evaluate and disclose potential non-cancer health risks, such as cardiovascular, reproductive, neurological, and development risks, that may result from the project on a direct and cumulative basis. While quantitative studies may not be possible regarding these risk, they should nevertheless be disclosed in the proposed health risk assessment and EIR.

- The biological effects of mine expansion should be evaluated in terms of expansion in acreage, expansion in the lifespan of the mine, and effects to/from reclamation. Whether and how reclamation can be effectively accomplished, and a reclamation schedule, should be considered and disclosed in the EIR.

  Biological effects from pressing further east into open space area and towards existing housing should also be well evaluated. Use of the site as a linkage or corridor for animal movement, not limited to avian species, should be considered as well. Cumulative biological effects of this Project with proposed development in the area should also be considered.

  The exemption of Nichols Canyon Mine from the provisions MSHCP should not include the *expansion* of the mine and its footprint proposed by this Project. The EIR should thus include an evaluation of whether the Project complies with the MSHCP. The EIR must also evaluate and mitigate for Project impacts to Burrowing Owls.

- While Pub. Res. C.§ 21074 only applies after July 1, 2015, CEQA has long required evaluation of cultural resources, including native American resources, pursuant to its other provisions. Any EIR must consequently evaluate impacts to these historical resources regardless of impacts pursuant to this newly enacted statutory provision.
- Evaluation of potential faulting or earthquake impacts in the EIR should not be limited to state mapped faults but also any other local or regionally recognized faults.
- The EIR should evaluate potential impacts from conflicting with the Open Space/ Manufactured Slopes designation in the Alberhill Ranch Specific Plan. The IS states, "The proposed Project also would not conflict with any policies of the General Plan or the Alberhill Ranch Specific Plan, as the proposed Project is limited to the expansion of an existing condition recognized by the General Plan and Specific Plan." This reasoning is faulty where the Project *would expand* mining towards residential and school uses, and into an area otherwise designated for open space. Further analysis of this topic is needed.
- The IS states no impact would occur regarding Noise threshold 4.12(c): A substantial permanent increase in ambient noise levels. There is no justification for this proposed determination to omit evaluation of this impact from the EIR where additional equipment/ machinery and extended hours of operation are stated in the description of this Project. It is likely ambient noise levels, especially during hours of current non-operation, will increase and be significant. This issue must be evaluated in the EIR. The claim that, because operations would cease by *2036,* the increase would not be *permanent* misunderstands this threshold. As this noise would occur for *20+ years* and thus would not be merely "temporary" or "periodic," it would represent a permanent increase under CEQA.
- Cumulative effects of this Project and proposed/ approved residential developments (e.g. Terracina) should be considered with respect to traffic impacts, particularly at Nichols Road and I-15. Traffic evaluation should include traffic levels of service as well as any

hazards caused by this Project's truck traffic and conflicts with residential and school uses.

- Water supply impacts should be evaluated, as discussed above, using a baseline of zero gallons per day. The drought and recent Executive Order should be considered in determining whether the Project will have a significant adverse impact to water supply.
- The EIR should evaluate growth inducing and secondary impacts of the Project from providing additional asphalt for a longer period of time to develop local and regional construction projects and roadways.

Conclusion

Thank you for your consideration of these comments in your preparation of the EIR for this Project.

Sincerely,

Raymond W. Johnson
JOHNSON & SEDLACK

PALA TRIBAL HISTORIC PRESERVATION OFFICE

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax

PALA THPO

July 13, 2015

Justin Kirk
City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

Re: Nichols Canyon Mine Expansion Project –RP 2006-01A2

Dear Mr. Kirk:

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman.

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. The project is also beyond the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Therefore, we have no objection to the continuation of project activities as currently planned and we defer to the wishes of Tribes in closer proximity to the project area.

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone at 760-891-3515 or by e-mail at sgaughen@palatribe.com.

Sincerely,

Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer
Pala Band of Mission Indians

ATTENTION: THE PALA TRIBAL HISTORIC PRESERVATION OFFICE IS RESPONSIBLE FOR ALL REQUESTS FOR CONSULTATION. PLEASE ADDRESS CORRESPONDENCE TO **SHASTA C. GAUGHEN** AT THE ABOVE ADDRESS. IT IS NOT NECESSARY TO ALSO SEND NOTICES TO PALA TRIBAL CHAIRMAN ROBERT SMITH.

Margaret Partridge

From: Anna Hoover <ahoover@pechanga-nsn.gov>
Sent: Monday, July 27, 2015 4:10 PM
To: Justin Kirk
Cc: Ebru Ozdil
Subject: Pechanga Tribe Comments on the Notice of Preparation - Nichols Canyon Quarry Exp

Mr. Kirk;

These comments are written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"). Please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

The Tribe submits these comments concerning the Project's potential impacts to cultural resources in conjunction with the environmental review of the Project and to assist the City in developing appropriate avoidance and preservation standards for potential tribal cultural resources that the Project may impact. The Pechanga Tribe asserts that the Project area is part of *Payómkawichum* (Luiseño), and therefore the Tribe's, aboriginal territory as evidenced by the existence of *Payómkawichum* place names, a Traditional Cultural Property (TCP), several large village complexes, *tóota yixélval* (rock art, pictographs, petroglyphs), and an extensive Luiseño artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as extensive history with both the City and other projects within the area.

Given the sensitivity of the area, inadvertent discoveries are foreseeable impacts and should be appropriately mitigated for within the confines of the Project. The identification of surface resources during an archaeological survey should not be the sole determining factor in deciding whether mitigation measures for inadvertent discoveries are required. The cultural significance of the area should play a large part in determining whether specifications concerning unanticipated discoveries should be included. Additionally, the Tribe believes that the potential for inadvertent discoveries increases because of the known resources in the area, the presence of a TCP, and the possible cultural resources located on the Project surface. The CEQA Guidelines state that lead agencies should make provisions for inadvertent discoveries of cultural resources (CEQA Guidelines §15064.5). As such, it is the position of the Pechanga Tribe that an agreement specifying appropriate treatment of inadvertent discoveries of cultural resources be executed between the Project Applicant/Developer and the Pechanga Tribe.

The Tribe requests to be involved and participate with the City in assuring that an adequate environmental assessment is completed, and in developing all monitoring and mitigation plans and measures for the duration of the Project. In addition, given the sensitivity of the Project area, it is the position of the Pechanga Tribe that professional Pechanga tribal monitors be required to be present during all ground-disturbing activities conducted in connection with the Project.

The Tribe believes that adequate cultural resources assessments and management must always include a component which addresses inadvertent discoveries. Every major State and Federal law dealing with cultural

resources includes provisions addressing inadvertent discoveries (See e.g.: CEQA (Cal. Pub. Resources Code §21083.2(i); 14 CCR §1506.5(f)); Section 106 (36 CFR §800.13); NAGPRA (43 CFR §10.4). Moreover, most state and federal agencies have guidelines or provisions for addressing inadvertent discoveries (See e.g.: FHWA, Section 4(f) Regulations - 771.135(g); CALTRANS, Standard Environmental Reference - 5- 10.2 and 5-10.3). Because of the extensive presence of the Tribe's ancestors within the Project area, it is not unreasonable to expect to find vestiges of that presence. Such cultural resources and artifacts are significant to the Tribe as they are reminders of their ancestors. Moreover, the Tribe is expected to protect and assure that all cultural sites of its ancestors are appropriately treated in a respectful manner. Therefore, as noted previously, it is crucial to adequately address the potential for inadvertent discoveries.

Further, the Pechanga Tribe believes that if human remains are discovered, State law would apply and the mitigation measures for the permit must account for this. According to the California Public Resources Code, § 5097.98, if Native American human remains are discovered, the Native American Heritage Commission must name a "most likely descendant," who shall be consulted as to the appropriate disposition of the remains. Given the Project's location in Pechanga territory, the Pechanga Tribe intends to assert its right pursuant to California law with regard to any remains or items discovered in the course of this Project.

The Tribe understands that this proposed Project is for an expansion of an existing quarry and that any impacts to cultural resources located within the Project boundaries will be likely direct and potentially unavoidable. Thus, it is vital that the EIR address cumulative effects to these non-renewable resources, analyze an alternative that preserves in place any known cultural resources, and that the City work directly with the Tribe to develop appropriate mitigation measures for the Project.

The Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment and consult on the Project's impacts to cultural resources and potential mitigation for such impacts.

The Pechanga Tribe looks forward to working together with the City of Lake Elsinore in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov so we can begin consultation on the proposed Project. Thank you.

Anna M. Hoover
Cultural Analyst
Pechanga Band of Luiseno Indians
P.O. Box 2183
Temecula, CA 92593

951-770-8104 (O)
951-694-0446 (F)
951-757-6139 (C)
ahoover@pechanga-nsn.gov

RINCON BAND OF LUISEÑO INDIANS

Culture Committee

1 W. Tribal Road · Valley Center, California 92082 ·
(760) 297-2621 or·(760) 297-2622 & Fax:(760) 749-8901

July 1, 2015

Justin Kirk
City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

Re: Forthe Nichols Canyon Mine Expansion Project (RP 2006-01A2)

Dear Mr. Kirk:

Thank you for inviting us to submit comments on the Forthe Nichols Canyon Mine Expansion Project (RP 2006-01A2). This letter is written on behalf of the Rincon Band of Luiseño Indians. Rincon is submitting these comments concerning your projects potential impact on Luiseño cultural resources.

The Rincon Band has concerns for impacts to historic and cultural resources and the finding of items of significant cultural value that could be disturbed or destroyed and are considered culturally significant to the Luiseño people. This is to inform you, your identified location is within the Aboriginal Territory of the Luiseño people, but is not within Rincon's Historic boundaries. We defer you to the Pechanga Band of Luiseño Indians or Soboba Band of Luiseño Indians who are closer to your project area

Please contact the Native American Heritage Commission and they will assist with a referral to other tribes in the project area.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Jim McPherson
Manager
Rincon Cultural Resources Department

WARREN D. WILLIAMS
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.rcflood.org

171393

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

July 7, 2015

City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

Attention: Justin Kirk

Ladies and Gentlemen:

Re: NOP of a DIER for the Nicholas Canyon Mine Expansion (RP 2006-01AE)

The District does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check city land use cases, or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District has not reviewed the proposed project in detail and the following checked comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety or any other such issue:

1. This project would not be impacted by District Master Drainage Plan facilities nor are other facilities of regional interest proposed.

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy.

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Game and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

HENRY OLIVO
Engineering Project Manager

c: Riverside County Planning Department
Attn: Kristi Lovelady
SKM:blm

Riverside County
Waste Management Department

Hans W. Kernkamp, General Manager-Chief Engineer

July 7, 2015

Mr. Justin Kirk, Senior Planner
City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

RE: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Nichols Canyon Mine Expansion Project.

Dear Mr. Kirk:

The Riverside County Department of Waste Resources (RCDWR) has reviewed the NOP for a DEIR for the Nichols Canyon Mine Expansion (Project). The Project is located east of and adjacent to Interstate 15, both north and south of Nichols Road, within the City of Lake Elsinore (City).

The following comments should be addressed in the forthcoming DEIR:

1. Expansion of the proposed mining activities may increase the quantity of construction and demolition (C&D) waste generated by the project. Should a large quantity of the C&D waste be brought to a County landfill for disposal, it could exceed the landfill's daily permitted capacity, thus a violation of state regulations. The DEIR should quantitatively analyze this potential and discuss feasible mitigation programs.

2. Build-out of the Project may have the potential to increase the amount of waste that might adversely affect solid waste facilities. To assess waste impacts, the DEIR will need to include the projected maximum amount of waste generated from build-out of the Project, using appropriate waste generation factors for the proposed land use. Note: Consult the CalRecycle website to determine waste generation factors at:

   www.calrecycle.ca.gov/wastechar/wastegenrates

3. The following information can be useful in the analysis of solid waste impacts:

   a) The El Sobrante and Badlands landfills are the nearest landfills to the Project site.

   El Sobrante Landfill:

   The El Sobrante Landfill is located east of Interstate 15 and Temescal Canyon Road to the south of the City of Corona and Cajalco Road at 10910 Dawson Canyon Road. The landfill is owned and operated by USA Waste of California, a subsidiary of Waste Management, Inc., and encompasses 1,322 acres, of which 645 acres are permitted for landfill operation. According to Solid Waste Facility Permit (SWFP) # AA-33-0217 issued on 09/09/2009, the El Sobrante Landfill has a total disposal capacity of approximately 209.91 million cubic yards and can receive up to 70,000 tons per week (tpw) of refuse. USA Waste must allot at least 28,000 tpw for County refuse. The SWFP allows a maximum of 16,054 tons per day (tpd) of waste to be accepted into the landfill, due to the limits on vehicle trips. If needed, 5,000 tpd must be reserved for County waste, leaving the maximum commitment of Non-County waste at 11,054 tpd. As of January 1, 2015,

the landfill had a remaining in-County disposal capacity of approximately 50.1 million tons.[1] In 2014, the El Sobrante Landfill accepted a total of 584,719 tons of waste generated within Riverside County. The daily average for in-County waste was 1,905 tons during 2014. The landfill is expected to reach capacity in approximately 2045.

Badlands Landfill:

The Badlands Landfill is located northeast of the City of Moreno Valley at 31125 Ironwood Avenue and accessed from State Highway 60 at Theodore Avenue. The landfill is owned and operated by Riverside County. The existing landfill encompasses 1,168.3 acres, of which 150 acres are permitted for refuse disposal and another 96 acres are designated for existing and planned ancillary facilities and activities. The landfill is currently permitted to receive 4,000 tons per day and had an estimated total capacity of approximately 17.620 million tons[2]. As of January 1, 2015 (beginning of day), the landfill had a total remaining disposal capacity of approximately 6.478 million tons.[3] The Badlands Landfill is projected to reach capacity, at the earliest time, in 2024.[4] During 2014, the Badlands Landfill accepted a daily average volume of 2,748 tons and a period total of approximately 843,683 tons. Further landfill expansion potential exists at the Badlands Landfill site.

4. Hazardous materials are not accepted at the Riverside County landfills. Any hazardous wastes, including paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state and federal regulations. For further information regarding the determination, transport, and disposal of hazardous waste, please contact the Riverside County Department of Health, Environmental Protection and Oversight Division, at 1.888.722.4234.

Thank you for the opportunity to review and comment on the Initial Study/Notice of Preparation for the DEIR for the Nichols Canyon Mine Expansion Project. We would like a copy of the Draft EIR on CD for review and comment when available. I can be reached at (951) 486-3200 if you have any questions regarding the above comments.

Sincerely,

Jose Merlan
Urban/Regional Planner II

PD# 178538

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[1] 2014 El Sobrante Landfill Annual Report- Based on 126,910,552 tons remaining capacity (40% for in-county waste).
[2] Badlands JTD, Addendum No. 5, dated June 2010.
[3] GASB_2013 & SiteInfo
[4] Badlands JTD, Addendum No. 5, dated June 2010.

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

July 1, 2015

Justin Kirk, Senior Planner
City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

Notice of Preparation of a CEQA Document for the
Nichols Canyon Mine Expansion Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the CEQA document upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on SCAQMD's website here: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993). SCAQMD staff also recommends that the lead agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD staff requests that the lead agency quantify criteria pollutant emissions and compare the results to the recommended regional significance thresholds found here: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2. In addition to analyzing regional air quality impacts, the SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is

recommended that the lead agency perform a localized analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Perspective*, which can be found at the following internet address: http://www.arb.ca.gov/ch/handbook.pdf. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying possible mitigation measures for the project, including:

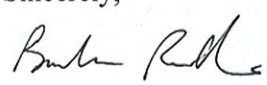
- Chapter 11 of the SCAQMD *CEQA Air Quality Handbook*
- SCAQMD's CEQA web pages at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies.
- CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* available here: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.
- SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions
- Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf?sfvrsn=4.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's webpage (http://www.aqmd.gov).

The SCAQMD staff is available to work with the Lead Agency to ensure that project emissions are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at Bradlein@aqmd.gov or call me at (909) 396-2716.

Sincerely,



Barbara Radlein
Program Supervisor
Planning, Rule Development & Area Sources

RVC150625-11
Control Number

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

July 7, 2015

Justin Kirk, Senior Planner
City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

Notice of Preparation of a CEQA Document for the Nichols Canyon Mine Expansion Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the CEQA document upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on SCAQMD's website here: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993). SCAQMD staff also recommends that the lead agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD staff requests that the lead agency quantify criteria pollutant emissions and compare the results to the recommended regional significance thresholds found here: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2. In addition to analyzing regional air quality impacts, the SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is

recommended that the lead agency perform a localized analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Perspective*, which can be found at the following internet address: http://www.arb.ca.gov/ch/handbook.pdf. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying possible mitigation measures for the project, including:

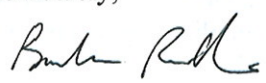
- Chapter 11 of the SCAQMD *CEQA Air Quality Handbook*
- SCAQMD's CEQA web pages at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies.
- CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* available here: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.
- SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions
- Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf?sfvrsn=4.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's webpage (http://www.aqmd.gov).

The SCAQMD staff is available to work with the Lead Agency to ensure that project emissions are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at Bradlein@aqmd.gov or call me at (909) 396-2716.

Sincerely,



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