RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

SCH No. 2006051034

Surface Mining Permit No. 2015-01
Amendment No. 2 to Reclamation Plan 2006-01A1

City of Lake Elsinore, California

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

RECIRCULATED PUBLIC REVIEW DRAFT

August 23, 2016

RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT
SCH No. 2006051034

Surface Mining Permit No. 2015-01
Amendment No. 2 to Reclamation Plan 2006-01A1
City of Lake Elsinore, California

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

CEQA Consultant
T&B Planning, Inc.
17542 East 17th Street, Suite 100
Tustin, CA 92780

Project Applicant
Nichols Road Partners, LLC
25555 Maitri Road
Corona, CA 92883

Lead Agency Discretionary Permits
Surface Mining Permit No. 2015-01(SMP 2015-01)
Amendment No. 2 to Reclamation Plan 2006-01A1 (RP 2006-01A2)

RECIRCULATED PUBLIC REVIEW DRAFT
August 23, 2016

TABLE OF CONTENTS

Section Name and Number

R.0 Recirculated Draft Environmental Impact Report R-1
R.1 Introduction to the Recirculated Draft Environmental Impact Report R-1
R.2 Legal Authority R-1
R.2.1 Requirements for Recirculation Under CEQA R-1
R.2.2 Public Noticing and Public Review Requirements R-2
R.2.3 Public Comments Procedure R-2
R.3 Summary of Revisions Made to Previously Circulated Draft EIR R-3
R.4 Overview of the Environmental Review Process R-3
R.4.1 Background on the Project's Environmental Review Process R-3
R.4.2 Recirculated Draft EIR Environmental Review and Decision-Making Processes R-4
R.5 Format and Content of the Recirculated Draft Environmental Impact Report R-5
R.6 Responses to DEIR Comments and Summary of Revisions R-6

ES.0 Executive Summary S-1
ES.1 Introduction S-1
ES.2 Project Overview S-3
ES.2.1 Location and Regional Setting S-3
ES.2.2 Project Objectives S-3
ES.2.3 Project Summary Description S-4
ES.3 RDEIR Process S-5
ES.4 Areas of Controversy and Issues to be Resolved S-6
ES.5 Alternatives to the Proposed Project S-7
ES.5.1 No Project Alternative S-7
ES.5.2 Reduced Expanded Disturbance Area Alternative S-7
ES.5.3 Reduced Traffic Alternative S-8
ES.6 Summary of Impacts, Mitigation Measures and Conclusions S-8
ES.6.1 Effects Found Not to be Significant S-8
ES.6.2 Impacts of the Proposed Project S-9

1.0 Introduction 1-1
1.1 Purposes of CEQA and this EIR 1-1
1.2 Definition of Terms 1-2
1.3 Summary of the Project Evaluated by this EIR 1-4
1.4 Prior CEQA Review 1-5
1.5 Legal Authority 1-6
1.6 Responsible and Trustee Agencies 1-7
1.7 EIR Scope, Format, and Content 1-7
1.7.1 EIR Scope 1-7
1.7.2 EIR Format and Content 1-10

TABLE OF CONTENTS (CONT'D)

Section Name and Number

2.0 Environmental Setting 2-1
2.1 CEQA Requirements for Environmental Setting and Baseline Conditions 2-1
2.2 Regional Setting and Location 2-3
2.3 Local Setting and Location 2-4
2.4 Surrounding Land Uses and Development 2-4
2.5 Aggregate Mining Context in the Temescal Valley Production Area 2-4
2.6 Local Planning Context 2-11
2.6.1 City of Lake Elsinore General Plan 2-11
2.6.2 Zoning 2-11
2.7 Existing Physical Site Conditions 2-11
2.7.1 Land Use 2-11
2.7.2 Site Topography 2-13
2.7.3 Aesthetic Features 2-15
2.7.4 Air Quality and Climate 2-15
2.7.5 Biological Setting 2-16
2.7.6 Geology 2-17
2.7.7 Hydrology and Water Quality 2-17
2.7.8 Noise 2-17
2.7.9 Transportation and Circulation 2-18
2.7.10 Utilities and Service Systems 2-18

3.0 Project Description 3-1
3.1 Project Location 3-2
3.2 Statement of Objectives 3-2
3.3 Project's Component Parts 3-5
3.3.1 Scope of Physical Disturbance 3-9
3.3.2 Scope of Operational Characteristics 3-9
3.4 Standard Requirements and Conditions of Approval 3-24
3.5 Summary of Requested Actions 3-25
3.6 Related Environmental Review and Consultation Requirements 3-25

4.0 Environmental Analysis 4.0-1
4.0.1 Summary of EIR Scope 4.0-1
4.0.2 Scope of Cumulative Effects Analysis 4.0-1
4.0.3 Identification of Impacts 4.0-8

4.1 Aesthetics 4.1-1
4.1.1 Scope of Review 4.1-1
4.1.2 Existing Conditions 4.1-1
4.1.3 Basis for Determining Significance 4.1-10
4.1.4 Impact Analysis 4.1-10
4.1.5 Cumulative Impact Analysis 4.1-22

TABLE OF CONTENTS (CONT'D)

Section Name and Number

4.1.6 Significance of Impacts Before Mitigation 4.1-23
4.1.7 Mitigation 4.1-24

4.2 Air Quality 4.2-1
4.2.1 Scope of Review 4.2-1
4.2.2 Existing Conditions 4.2-1
4.2.3 Methodology for Estimating Project-Related-Air-Quality Impacts 4.2-19
4.2.4 Basis for Determining Significance 4.2-25
4.2.5 Impact Analysis 4.2-27
4.2.6 Cumulative Impact Analysis 4.2-36
4.2.7 Significance of Impacts Before Mitigation 4.2-38
4.2.8 Mitigation 4.2-39
4.2.9 Significance of Impacts After Mitigation 4.2-39

4.3 Biological Resources 4.3-1
4.3.1 Scope of Review 4.3-1
4.3.2 Existing Conditions 4.3-2
4.3.3 Basis for Determining Significance 4.3-12
4.3.4 Impact Analysis 4.3-13
4.3.5 Cumulative Impact Analysis 4.3-22
4.3.6 Significance of Impacts Before Mitigation 4.3-24
4.3.7 Mitigation 4.3-26
4.3.8 Significance of Impacts After Mitigation 4.3-29

4.4 Cultural Resources 4.4-1
4.4.1 Scope of Review 4.4-1
4.4.2 Existing Conditions 4.4-2
4.4.3 Basis for Determining Significance 4.4-5
4.4.4 Impact Analysis 4.4-6
4.4.5 Cumulative Impact Analysis 4.4-9
4.4.6 Significance of Impacts Before Mitigation 4.4-9
4.4.7 Mitigation 4.4-10
4.4.8 Significance of Impacts After Mitigation 4.4-11

4.5 Geology and Soils 4.5-1
4.5.1 Scope of Review 4.5-1
4.5.2 Existing Conditions 4.5-2
4.5.3 Basis for Determining Significance 4.5-7
4.5.4 Impact Analysis 4.5-8
4.5.5 Cumulative Impact Analysis 4.5-13
4.5.6 Significance of Impacts Before Mitigation 4.5-13
4.5.7 Mitigation 4.5-14
4.5.8 Significance of Impacts After Mitigation 4.5-15

TABLE OF CONTENTS (CONT'D)

Section Name and Number

4.6 Greenhouse Gas Emissions 4.6-1
4.6.1 Scope of Review 4.6-1
4.6.2 Existing Conditions 4.6-1
4.6.3 Methodology for Estimating Greenhouse Gas Emissions 4.6-17
4.6.4 Basis for Determining Significance 4.6-19
4.6.5 Impact Analysis 4.6-21
4.6.6 Cumulative Impact Analysis 4.6-28
4.6.7 Significance of Impacts Before Mitigation 4.6-31
4.6.8 Mitigation 4.6-32

4.7 Hydrology and Water Quality 4.7-1
4.7.1 Scope of Review 4.7-1
4.7.2 Existing Conditions 4.7-1
4.7.3 Basis for Determining Significance 4.7-9
4.7.4 Impact Analysis 4.7-10
4.7.5 Cumulative Impact Analysis 4.7-19
4.7.6 Significance of Impacts Before Mitigation 4.7-20
4.7.7 Mitigation 4.7-21

4.8 Noise 4.8-1
4.8.1 Scope of Review 4.8-1
4.8.2 Noise Fundamentals 4.8-1
4.8.3 Existing Noise Conditions 4.8-3
4.8.4 Applicable Regulatory Requirements 4.8-6
4.8.5 Basis for Determining Significance 4.8-14
4.8.6 Methodology for Estimating Project-Related Noise Impacts 4.8-16
4.8.7 Impact Analysis 4.8-19
4.8.8 Cumulative Impact Analysis 4.8-27
4.8.9 Significance of Impacts Before Mitigation 4.8-30
4.8.10 Mitigation 4.8-30
4.8.11 Significance of Impacts after Mitigation 4.8-31

4.9 Transportation and Circulation 4.9-1
4.9.1 Scope of Review 4.9-1
4.9.2 Project Existing Baseline Conditions 4.9-1
4.9.3 Existing Conditions 4.9-2
4.9.4 Applicable Regulatory Requirements 4.9-8
4.9.5 Methodology for Estimating Project-Related Traffic Impacts 4.9-11
4.9.6 Basis for Determining Significance 4.9-23
4.9.7 Impact Analysis 4.9-25
4.9.8 Cumulative Impact Analysis 4.9-43
4.9.9 Significance of Impacts Before Mitigation 4.9-46
4.9.10 Mitigation 4.9-49

TABLE OF CONTENTS (CONT'D)

Section Name and Number

4.9.11 Significance of Impacts After Mitigation....4.9-49

4.10 Utilities and Service Systems....4.10-1
4.10.1 Scope of Review....4.10-1
4.10.2 Existing Conditions....4.10-1
4.10.3 Basis for Determining Significance....4.10-15
4.10.4 Impact Analysis....4.10-16
4.10.5 Cumulative Impact Analysis....4.10-21
4.10.6 Significance of Impacts Before Mitigation....4.10-22
4.10.7 Mitigation....4.10-23

5.0 Other CEQA Considerations....5-1
5.1 Significant Environmental Effects Which Cannot Be Avoided if the Proposed Project is Implemented....5-1
5.2 Significant Irreversible Environmental Changes Which Would be Caused by the Proposed Project Should It Be Implemented....5-5
5.3 Growth Inducing Impacts of the Proposed Project....5-6
5.4 Energy Conservation....5-8
5.4.1 Regulatory Environment....5-8
5.4.2 Energy Demands of the Proposed Project....5-11
5.4.3 Conclusion....5-11
5.5 Effects Fount Not to be Significant as Part of the Initial Study Process....5-11
5.5.1 Agriculture Resources....5-12
5.5.2 Hazards and Hazardous Materials....5-12
5.5.3 Land Use and Planning....5-14
5.5.4 Mineral Resources....5-15
5.5.5 Population and Housing....5-15
5.5.6 Public Services....5-16
5.5.7 Recreation....5-17

6.0 Alternatives....6-1
6.1 Alternatives Under Consideration....6-5
6.1.1 No Project Alternative....6-6
6.1.2 Reduced Expanded Disturbance Area (REDA)....6-6
6.1.3 Reduced Traffic Alternative (RTA)....6-6
6.2 Alternatives Considered and Rejected....6-8
6.2.1 Alternative Sites....6-8
6.3 Alternatives Analysis....6-9
6.3.1 No Project Alternative (NPA)....6-10
6.3.2 Reduced Expanded Disturbance Alternative (REDA)....6-23
6.3.3 Reduced Traffic Alternative (RTA)....6-37
6.4 Comparison of Project Alternatives to the Proposed Project....6-51

TABLE OF CONTENTS (CONT'D)

Section Name and Number

7.0 References 7-1
7.1 Persons Involved in Preparation of this EIR 7-1
7.1.1 City of Lake Elsinore 7-1
7.1.2 T&B Planning, Inc. 7-1
7.2 Documents Incorporated By Reference 7-1
7.3 Documents and Websites Consulted 7-3
7.4 Documents Appended to this EIR 7-14

EIR TECHNICAL APPENDICES (BOUND SEPARATELY)

Appendix A Initial Study, Notice of Preparation, and Written Comments

Appendix B Urban Crossroads. Amendment No. 2 to Reclamation Plan 2006-001 Air Quality Impact Analysis City of Lake Elsinore. July 14, 2016.

Appendix C Urban Crossroads. Amendment No. 2 to Reclamation Plan 2006-001 Diesel Particulate Matter Health Risk Assessment City of Lake Elsinore. July 14, 2016.

Appendix D Alden Environmental, Inc. Biological Technical Report for the Nichols Mine Project. June 08, 2016.

Appendix E1 Brian F. Smith and Associates, Inc. Paleontological Resources and Monitoring Assessment, Nichols Road Quarry Expansion Project Area, City of Lake Elsinore, Riverside County, California. May 5, 2015.

Appendix E2 Brian F. Smith and Associates, Inc. A Phase I and II Cultural Resources Assessment for the Nichols Road Quarry Expansion Project, City of Lake Elsinore, Riverside County, California. July 9, 2015.

Appendix F CHJ Consultants. Report of Slope Stability Investigation. April 15, 2015.

Appendix G Urban Crossroads. Amendment No. 2 to Reclamation Plan 2006-001 Greenhouse Gas Analysis City of Lake Elsinore. July 14, 2016.

Appendix H Joseph E. Bonadiman & Associates, Inc. Hydrology Study & Drainage Analysis Reclamation Plan 2006-01A2 County of Riverside, CA. May 2016.

Appendix I Giroux & Associates. Noise Impact Analysis Amendment No. 2 to RP2006-01 City of Lake Elsinore, California. June 10, 2016.

Appendix J Urban Crossroads. Amendment No. 2 to Reclamation Plan 2006-001 Traffic Impact Analysis (Revised) City of Lake Elsinore. April 25, 2016 (Revised).

LIST OF FIGURES

Figure Number and Title

Figure 1-1 Nichols Canyon Mine 1-3

Figure 2-1 Alberhill District Land Use Plan 2-5
Figure 2-2 Surrounding Land Uses and Development 2-6
Figure 2-3 General Location Map of the Temescal Valley Production Area 2-8
Figure 2-4 Existing General Plan Land Use Designations 2-12
Figure 2-5 USGS Map 2-14

Figure 3-1 Regional Map 3-3
Figure 3-2 Vicinity Map 3-4
Figure 3-3 Reclamation Plan No. 2006-01A2 – Interim Mining Conditions 3-7
Figure 3-4 Reclamation Plan No. 2006-01A2 – Reclamation Conditions 3-8
Figure 3-5 Existing and Proposed Limits of Physical Disturbance 3-10
Figure 3-6 Distances To Surrounding Land Uses 3-13
Figure 3-7 SMP 2015-01 Proposed Dust Control Measures – Nichols North 3-18
Figure 3-8 SMP 2015-01 Proposed Dust Control Measures – Nichols South 3-19

Figure 4.0-1 Cumulative Development Projects Location Map 4.0-7

Figure 4.1-1 Site Photograph Key Map 4.1-3
Figure 4.1-2 Site Photographs 1 and 2 ..... 4.1-4
Figure 4.1-3 Site Photographs 3 and 4 ..... 4.1-5
Figure 4.1-4 Site Photograph 5 ..... 4.1-6
Figure 4.1-5 Caltrans Scenic Highway Map 4.1-8
Figure 4.1-6 Visual Simulation 1 of 3 ..... 4.1-14
Figure 4.1-7 Visual Simulation 2 of 3 ..... 4.1-16
Figure 4.1-8 Visual Simulation 3 of 3 ..... 4.1-18

Figure 4.2-1 California Toxic Air Contaminant Sites 4.2-13
Figure 4.2-2 Air Quality Sensitive Receptor Locations 4.2-32

Figure 4.3-1 Biological Resources 4.3-3
Figure 4.3-2 Jurisdictional Features 4.3-7

Figure 4.7-1 Santa Ana River Watershed Map 4.7-3
Figure 4.7-2 Existing Hydrologic Conditions Map 4.7-4
Figure 4.7-3 FEMA FIRM No. 06065C2028G 4.7-7
Figure 4.7-4 Reclamation Hydrologic Conditions Map 4.7-15

Figure 4.8-1 Riverside County General Plan Land Use Designations 4.8-13

Figure 4.9-1 Intersection Analysis Locations 4.9-57
Figure 4.9-2 Existing (2015) Traffic Volumes (in PCE) 4.9-58

LIST OF FIGURES (CONT'D)

Figure Number and Title

Figure 4.9-3 Project (Passenger Car) Trip Distribution....4.9-59
Figure 4.9-4 Project (Truck) Trip Distribution....4.9-60
Figure 4.9-5 Project Only Traffic Volumes (in PCE)....4.9-61
Figure 4.9-6 Cumulative Development Projects Location Map....4.9-62
Figure 4.9-7 E+P Traffic Volumes (in PCE)....4.9-63
Figure 4.9-8 Summary of Peak Hour Intersection LOS for E+P Conditions....4.9-64
Figure 4.9-9 EAP (2016) Traffic Volumes (in PCE)....4.9-65
Figure 4.9-10 Summary of Peak Hour Intersection LOS for EAP (2016) Conditions....4.9-66
Figure 4.9-11 EAPC (2016) Traffic Volumes (in PCE)....4.9-67
Figure 4.9-12 Summary of Peak Hour Intersection LOS for EAPC (2016) Conditions....4.9-68
Figure 4.9-13 Horizon Year (2035) With Project Traffic Volumes (in PCE)....4.9-69
Figure 4.9-14 Summary of Peak Hour Intersection LOS for Horizon Year (2035) With Project Conditions....4.9-70

Figure 4.10-1 SMP No. 2015-01 Proposed Dust Control Measures – Nichols North....4.10-18
Figure 4.10-2 SMP No. 2015-01 Proposed Dust Control Measures – Nichols South....4.10-19

Figure 6-1 Reduced Expanded Disturbance Alternative....6-7

LIST OF TABLES

Table Number and Title

Table ES-1 Mitigation Monitoring and Reporting Program S-14

Table 1-1 Summary of NOP Comments 1-8
Table 1-2 Location of CEQA-Required Topics in this EIR 1-10

Table 2-1 Regional vs. Riverside County Mining Data (tpy) 2007-2014 2-2
Table 2-2 Annual Mine Tonnage (2007 through 2014) 2-3
Table 2-3 Projected Aggregate Demand in the Temescal Valley Production Area (2013 – 2062) 2-9
Table 2-4 Summary of Aggregate Resources, Reserves, Projected 50-year Demand, and Depletion Date for the Temescal Valley Production Area 2-10

Table 3-1 Project Trip Generation Summary 3-15
Table 3-2 Baseline vs. Proposed Operational Equipment Summary 3-16
Table 3-3 Existing and Proposed Dust Control 3-20
Table 3-4 Historic and Projected Annual Mining Quantities and Remaining Tonnage 3-22
Table 3-5 Estimated Mining Duration (Years) 3-23
Table 3-6 Reclamation Seed Mix 3-24
Table 3-7 Erosion Control Reclamation Seed Mix 3-24
Table 3-8 Matrix of Project Approvals/Permits 3-26

Table 4.0-1 Summary of Cumulative Development Projects 4.0-3

Table 4.2-1 Ambient Air Quality Standards 4.2-6
Table 4.2-2 Attainment Status of Criteria Pollutants in the South Coast Air Basin 4.2-7
Table 4.2-3 Ozone Trend in the SCAB 4.2-8
Table 4.2-4 PM_{10} Trend in the SCAB 4.2-9
Table 4.2-5 $PM_{2.5}$ Trend in the SCAB 4.2-10
Table 4.2-6 CO Trend in the SCAB 4.2-10
Table 4.2-7 NO_2 Trend in the SCAB 4.2-11
Table 4.2-8 Diesel Particulate Matter and Diesel Vehicle Miles Trend 4.2-14
Table 4.2-9 Project Area Air Quality Monitoring Summary 2013-2015 ..... 4.2-17
Table 4.2-10 Maximum Daily Regional Emissions Thresholds 4.2-20
Table 4.2-11 SCAQMD Localized Significance Thresholds 4.2-20
Table 4.2-12 Operational Equipment 4.2-21
Table 4.2-13 Operational Localized Emissions Summary 4.2-28
Table 4.2-14 Summary of Peak Operational Emissions (Without Mitigation) 4.2-30
Table 4.2-15 Project Peak Hour Traffic Volumes 4.2-33
Table 4.2-16 Cumulative Cancer Risk 4.2-37
Table 4.2-17 Localized Significance Summary – Operations (With Mitigation) 4.2-40
Table 4.2-18 Summary of Peak Operational Emission (With Mitigation) 4.2-41

LIST OF TABLES (CONT'D)

Table Number and Title

Table 4.3-1 Existing Vegetation Communities 4.3-2
Table 4.3-2 Project Impacts to Vegetation Communities 4.3-14

Table 4.5-1 Summary of Regional Seismic Sources 4.5-5
Table 4.5-2 Summary of Slope Stability Results 4.5-12

Table 4.6-1 GWP and Atmospheric Lifetime of Select GHGs 4.6-3
Table 4.6-2 Top GHG Producer Countries and the European Union 4.6-5
Table 4.6-3 Summary of Projected Global Warming Impact, 2070-2099 (as compared with 1961-1990) 4.6-7
Table 4.6-4 Scoping Plan GHG Reduction Measures Towards 2020 Target 4.6-13
Table 4.6-5 Operational Equipment 4.6-24
Table 4.6-6 Net New Project Greenhouse Gas Emissions 4.6-25
Table 4.6-7 Scoping Plan Conflict Summary 4.6-29

Table 4.7-1 Hydrograph Method Calculations for Historical Conditions 4.7-5
Table 4.7-2 Hydrograph Method Calculations for Existing Conditions 4.7-5
Table 4.7-3 BMPs Currently Implemented On-Site 4.7-11

Table 4.8-1 Project Site Noise Measurements (dBA) 4.8-5
Table 4.8-2 Reference Vibration Noise Levels for Construction Equipment 4.8-6
Table 4.8-3 City of Lake Elsinore Land Use Compatibility Matrix 4.8-7
Table 4.8-4 City of Lake Elsinore Municipal Code Exterior Noise Limits 4.8-9
Table 4.8-5 Riverside County Land Use Compatibility for Community Noise Exposure 4.8-10
Table 4.8-6 Riverside County Noise Ordinance Sound Level Standards (dB Leq [10 min]) 4.8-12
Table 4.8-7 Operational Activity Noise Impacts 4.8-20
Table 4.8-9 Operational Activity Noise Impact Summary 4.8-20
Table 4.8-9 Traffic Noise Impact Analysis for 2016 ..... 4.8-23
Table 4.8-10 Worst Single Day Traffic Noise Impact Analysis for 2016 ..... 4.8-24
Table 4.8-11 Traffic Noise Impact Analysis for Future Conditions Year 2035 ..... 4.8-24
Table 4.8-12 Worst Single Day Traffic Noise Impact Analysis for 2035 ..... 4.8-25

Table 4.9-1 Peak Hour Trips as a Percentage of ADT 4.9-4
Table 4.9-2 Intersection Analysis for Existing (2015) Conditions 4.9-5
Table 4.9-3 Basic Freeway Segment Analysis for Existing (2015) Conditions 4.9-6
Table 4.9-4 Intersection Analysis for Existing (2015) Conditions 4.9-6
Table 4.9-5 Peak Hour Freeway Off-Ramp Queuing Summary for Existing (2015) Conditions 4.9-7
Table 4.9-6 Signalized Intersection LOS Thresholds 4.9-11
Table 4.9-7 Unsignalized Intersection LOS Thresholds 4.9-12
Table 4.9-8 Description of Freeway Mainline LOS 4.9-12
Table 4.9-9 Description of Freeway Merge and Diverge LOS 4.9-12
Table 4.9-10 Total and Project Daily Truck Trips 4.9-17

LIST OF TABLES (CONT'D)

Table Number and Title

Table 4.9-11 Average Daily and Peak Hour Project Trip Generation Summary....4.9-18
Table 4.9-12 Summary of Cumulative Development Projects....4.9-21
Table 4.9-13 Intersection Analysis for E+ P Conditions....4.9-25
Table 4.9-14 Basic Freeway Segment Analysis for E+ P Conditions....4.9-26
Table 4.9-15 Peak Hour Freeway Off-Ramp Queuing Summary for E+P Conditions....4.9-27
Table 4.9-16 Freeway Ramp Junction Merge/Diverge Analysis for E+P Conditions....4.9-27
Table 4.9-17 Intersection Analysis for EAP (2016) Conditions....4.9-28
Table 4.9-18 Basic Freeway Segment Analysis for EAP (2016) Conditions....4.9-29
Table 4.9-19 Peak Hour Freeway Off-Ramp Queuing Summary for EAP (2016) Conditions....4.9-29
Table 4.9-20 Freeway Ramp Junction Merge/Diverge Analysis for EAP (2016) Conditions....4.9-30
Table 4.9-21 Intersection Analysis for EAPC (2016) Conditions....4.9-31
Table 4.9-22 Basic Freeway Segment Analysis for EAPC (2016) Conditions....4.9-32
Table 4.9-23 Peak Hour Freeway Off-Ramp Queuing Summary for EAPC (2016) Conditions....4.9-31
Table 4.9-24 Freeway Ramp Junction Merge/Diverge Analysis for EAPC (2016) Conditions....4.9-33
Table 4.9-25 Intersection Analysis for Horizon Year (2035) Conditions....4.9-35
Table 4.9-26 Basic Freeway Segment Analysis for Horizon Year (2035) Conditions....4.9-36
Table 4.9-27 Peak Hour Freeway Off-Ramp Queuing Summary for Horizon Year (2035) Conditions....4.9-37
Table 4.9-28 Freeway Ramp Junction Merge/Diverge Analysis for Horizon Year (2035) Conditions....4.9-38
Table 4.9-29 Summary of Improvements by Analysis Scenario....4.9-50
Table 4.9-30 Intersection Analysis for EAPC (2016) Conditions with Improvements....4.9-52
Table 4.9-31 Intersection Analysis for Horizon Year (2035) Conditions With Improvements....4.9-52
Table 4.9-32 Basic Freeway Segment Analysis for Horizon Year (2035) Conditions with Improvements....4.9-53
Table 4.9-33 Peak Hour Freeway Off-Ramp Queuing Summary for Horizon Year (2035) Conditions with Improvements....4.9-54
Table 4.9-34 Freeway Ramp Junction Merge/Diverge Analysis for Horizon Year (2035) Conditions with Improvements....4.9-55

Table 4.10-1 Existing EVMWD Potable Water Sources....4.10-3
Table 4.10-2 UVWMD Existing and Planned Sources of Water (Wholesale)....4.10-4
Table 4.10-3 EVWMD Groundwater – Volume Projected to be Pumped....4.10-6

Table 6-1 Alternative to the Proposed Project – Comparison of Environmental Impacts....6-52

ACRONYMS AND ABBREVIATIONS

Acronym	Definition
§	Section
am	Ante Meridiem (between the hours of midnight and noon)
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
acre-ft/yr	acre-feet per year
ADT	Average Daily Traffic
AMSL	Above Mean Sea Level
APS	Alternative Planning Strategy
APN	Assessor Parcel Number
ASTM	American Society of Testing and Materials
AVP	Auld Valley Pipeline
Basin	South Coast Air Basin
BFSA	Brian F. Smith & Associates
BLM	Bureau of Land Management
BMPs	Best Management Practices
BO	Biological Opinion
BUOW	Burrowing Owl
C-SP	Commercial-Specific Plan
C&D	Construction and debris
C-SP	Commercial-Specific Plan
CA	California
CAA	Federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAGN	coastal California gnatcatcher
CalEEMod™	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CALVENO	California specific vehicle noise curves
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CASQA	California Stormwater Quality AssociationCAT Climate Action Team
CBC	California Building Code
CBSC	California Building Standards Code
CCR	California Code of Regulations
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife

ACRONYMS AND ABBREVIATIONS (CONT'D)

Acronym	Definition
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CETAP	Community & Environmental Transportation Acceptability Process
CFCs	Chlorofluorocarbons
C_2F_6	Hexaflouroethane
CF_4	Tetraflouromethane
CF_3CH_2F	HFC-134a
CFS	Cubic Feet per Second
CGS	California Geologic Survey
C_2H_6	Ethane
CH_4	Methane
CH_3CHF_2	HFC-152a
CHF_3	HFC-23
CIWMB	California Integrated Waste Management Board
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	Carbon Monoxide
COG	Council of Governments
CO_2	Carbon Dioxide
CO_2e	Carbon Dioxide Equivalent
COHb	carboxyhemoglobin
Corps	United States Army Corps of Engineers
CPUC	California Public Utilities Commission
CUWCC	California Urban Water Conservation Council
CUP	Conditional Use Permit
CWA	Clean Water Act
dB	Decibel
dBA	A-weighted Decibels
DOT	Department of Transportation
DPM	Diesel Particulate Matter
E+P	Existing plus Project Conditions
EDA	Expanded Disturbance Area
EFZ	Elsinore Fault Zone
EHL	Endangered Habitats League
EIR	Environmental Impact Report
EMFAC	Emission Factor Model
EPA	Environmental Protection Agency

ACRONYMS AND ABBREVIATIONS (CONT'D)

Acronym	Definition
EPCA	Energy Policy and Conservation Act of 1975
F	Fahrenheit
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FIRM	Flood Insurance Rate Map
FHWA	Federal Highway Administration
f.s.	factors of safety
GCC	Global Climate Change
GHG	Greenhouse Gas
Gg	Gigagrams
GLO	General Land Office
GPU	General Plan Update
GWP	Global Warming Potential
GWPs	Global Warming Potentials
H_2O	Water Vapor
HCM	Highway Capacity Manual
HCPs	Habitat Conservation Plans
HD	Heavy-duty
HFCs	Hydrofluorocarbons
hh/d	households per day
HI	Hazard Index
Hz	Hertz
I-15	Interstate I5
IBC	International Building Code
Jbc	Metasedimentary rocks
JPA	Joint Powers Authority
Khg	unnamed heterogeneous granitic rocks
Kgh	Hypabyssal Tonalite
Ksv	Sedimentary Rocks
LCA	Life-cycle analysis
LEMC	Lake Elsinore Municipal Code
LESJWA	Lake Elsinore and San Jacinto Watersheds Authority

ACRONYMS AND ABBREVIATIONS (CONT'D)

Acronym	Definition
LOS	Level of Service
MATES IV	Multiple Air Toxics Exposure Study in the South Coast Air Basin
MBTA	Migratory Bird Treaty Act
MD	medium-duty
MEISC	maximally exposed individual school child
MEIR	maximally exposed individual receptor
MEIW	maximally exposed individual worker
MG	million gallons
MGD	million gallons per day
MICR	Maximum Individual Cancer Risk
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MMTs	million metric tons
MMTCO2e	million metric tons of carbon dioxide equivalent
MND	Mitigated Negative Declaration
MOU	Memorandum of Understanding
MPG	miles per gallon
MPO	Metropolitan Planning Organization
MS4	Municipal Separate Storm Sewer System
MTCO2e	Metric Tons of Carbon Dioxide Equivalent
MWD	Metropolitan Water District of Southern California
N_2	Nitrogen
NAHC	Native American Heritage Commission
NAAQS	National Ambient Air Quality Standards
NO	Nitric Oxide
NO_2	Nitrogen Dioxide
NO_X	Nitrogen Oxides
N_2O	Nitrous Oxide
NOP	Notice of Preparation
NPA	No Project Alternative
NPDES	National Pollutant Discharge Elimination System
O_2	Oxygen
O_3	Ozone
OMR	Office of Mine Reclamation
OPR	State Governor's Office of Planning and Research
OS	Open Space
OWOW	One Water One Watershed
Pb	Lead
PCE	Passenger-Car Equivalent

ACRONYMS AND ABBREVIATIONS (CONT'D)

Acronym	Definition
PeMS	Caltrans' Performance Measurement System
PFCs	Perfluorocarbons
pm	Post Meridiem (between the hours of noon and midnight)
PM	Particulate Matter
$PM_{2.5}$	Ultra-Fine Particulates
PM_{10}	Inhalable Particulates
POA	Canyon Lake Propoerty Owers Association
ppb	parts per billion
ppm	parts per million
pp.	pages
ppt	parts per trillion
PRC	Public Resources Code
PTO	Permit to Operate
QCB	Quino checkerspot butterfly
Qyfa	Young Quaternary sandy alluvial fan sediments
Qyf	Young Alluvial Fan Deposits
RCA	Regional Conservation Authority
RCWMD	Riverside County Waste Management Department
REDA	Reduced Expanded Disturbance Area
REL	Reference Exposure Level
ROGs	Reactive Organic Gasses
RP	Reclamation Plan
RPS	Renewable Portfolio Standards
RTA	Riverside Transit Authority
RTA	Reduced Traffic Alternative (Sections ES.0 and 7.0, only)
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agency
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RWQCB	Regional Water Quality Control Board
RWQCBs	Regional Water Quality Control Boards
SB	Senate Bill
SBx7-7	Water Conservation Act of 2009
SCH	California State Clearinghouse (Office of Planning and Research)
SCS	Sustainable Communities Strategy
SDWA	Safe Drinking Water Act
SHS	State Highway System
SIPs	State Implementation Plans
SJHT	San Joaquin Hills Thrust fault
SKR	Stephens' Kangaroo Rat
SLF	Sacred Lands File

ACRONYMS AND ABBREVIATIONS (CONT'D)

Acronym	Definition
SMARA	Surface Mining Reclamation Act
SMP	Surface Mining Permit
SO_2	Sulfur Dioxide
SO_4	Sulfates
SO_X	Sulfur Oxides
SOI	Sphere of Influence
SPA	Specific Plan Amendment
SR-74	State Route 74
SR-91	State Route 91
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resoures Control Board
TAC	Toxic Air Contaminants
TCP	Traditional Cultural Property
TDS	Total Dissolved Solids
TIA	Traffic Impact Analysis
TIF	Traffic Infrastructure Fee
tpd	tons per day
tpy	Tons per year
TUMF	Transportation Uniform Mitigation Fee
TVP	Temescal Valley Pipeline
TWC	Temescal Water Company
UBC	Uniform Building Code
UNFCCC	United Nations' Framework Convention on Climate Change
U.S.	United States
USACE	United States Army Corps of Engineers
U.S. EPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
UWMP	Urban Water Management Plan
VCS	VCS Environmental, Inc.
VMT	Vehicle Miles Traveled
VOCs	Volatile Organic Compounds
WDSMP	Water Distribution System Master Plan
WQMP	Water Quality Management Plan
WRDP	Water Resources Development Plan
WRF	Water Reclamation Facility
WS	Waters of the State

ACRONYMS AND ABBREVIATIONS (CONT'D)

Acronym	Definition
WTP	Water Treatment Plant
WUS	Waters of the United States
YBP	Years before Present

R.0 RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

R.1 INTRODUCTION TO THE RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

This Recirculated Draft Environmental Impact Report (RDEIR) for Surface Mining Permit No. 2015-01 and Amendment No. 2 to Reclamation Plan 2006-01 (hereafter, the "Project" or "proposed Project") has been prepared to inform the public of changes to the document since the Draft Environmental Impact Report (DEIR) was initially distributed for public review from January 8, 2016 through February 22, 2016. The City of Lake Elsinore received a total of ten (10) comment letters during the DEIR's public review period and postponed preparation of the Final EIR (FEIR) until it could evaluate comments set forth in the letters. Based on the volume and nature of the comments, the City directed the preparation of this RDEIR. The Project as originally proposed by the Project Applicant and described in the previously circulated DEIR remains the "proposed Project" for purposes of review in this RDEIR, with minor modifications as summarized in Subsection R.3, below.

This RDEIR has been prepared in accordance with the California Environmental Quality Act, Public Resources Code § 21000, et seq. (CEQA) and the State CEQA Guidelines, California Code of Regulations, Title 14, § 15000, et seq. (CEQA Guidelines). This RDEIR will be used by the City of Lake Elsinore and other interested parties to identify the significant environmental impacts associated with the proposed Project. This RDEIR includes all sections of the DEIR, because the DEIR is being recirculated for public review in its entirety. This RDEIR, along with any comment letters received by the City of Lake Elsinore during the RDEIR's public review period and written responses thereto, will comprise the Final EIR, which will be considered for certification by the City Lake Elsinore Planning Commission.

This RDEIR section: (i) sets forth the legal requirements for recirculation of a DEIR; (ii) outlines the environmental review and comment process for the RDEIR; (iii) describes the content, format, and summary of the RDEIR; and (iv) summarizes revisions made to the document since the public review period for the DEIR concluded on February 22, 2016.

R.2 LEGAL AUTHORITY

R.2.1 REQUIREMENTS FOR RECIRCULATION UNDER CEQA

Under CEQA, recirculation of a DEIR must occur when significant new information is added to the EIR after notice is given of the availability of the DEIR for public review, but before the EIR is certified. Pursuant to CEQA Guidelines § 15088.5(a):

> *New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.*

CEQA Guidelines Sections 15088.5(a)(1) through 15088.5(a)(4) provides the following four examples of "significant new information" that triggers recirculation:

a. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

b. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

c. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; and

d. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Under CEQA, the Lead Agency has the option to recirculate only a portion of the DEIR if the revisions were limited to a few chapters; in such a case, the Lead Agency need only recirculate the chapters or portions that have been modified (CEQA Guidelines § 15088.5(c).) However, the Lead Agency also may recirculate the DEIR in its entirety.

R.2.2 PUBLIC NOTICING AND PUBLIC REVIEW REQUIREMENTS

Notice of the RDEIR must be given in the same manner as notice of the previously circulated DEIR (CEQA Guidelines §15088.5[d]). Accordingly, notice of this RDEIR will be provided to all organizations and individuals who previously requested notice in writing, through publication in The Press Enterprise (a newspaper of general circulation in the Project area), and by making available copies of the RDEIR at local libraries (the Altha Merrifield Memorial Library and Vick Knight Community Library). Additionally, the Lead Agency will provide notice to every agency, person, or organization that commented on the original DEIR, and will re-notice all surrounding property owners and Responsible and Trustee Agencies who were notified during the initial public review period for the DEIR.

The 45-day public review period for this RDEIR is set forth by CEQA Guidelines § 15088.5(d), which requires that the public review period for a DEIR (or RDEIR) shall not be less than 30 days nor longer than 60 days except under unusual circumstances. When a DEIR (or RDEIR) is submitted to the State Clearinghouse, the public review period must be at least 45 days unless a shorter period, not less than 30 days, is approved by the State Clearinghouse. All of the noticing procedures and requirements set forth in CEQA Guidelines § 15088.5(d), § 15086, § 15087, and § 15105 for circulation of a DEIR will be complied with during the 45-day noticing period for this RDEIR.

R.2.3 PUBLIC COMMENTS PROCEDURE

Pursuant to CEQA Guidelines § 15088.5(f), the Lead Agency (City of Lake Elsinore) has two options to address public comments received on the previously circulated DEIR and this subsequently-prepared RDEIR: 1) redistribute the DEIR in its entirety for public review, or 2) redistribute only the portions of the EIR that have been subject to revision. The purpose of setting forth these options is to enable the Lead Agency to avoid confusion over whether it must respond to comments that are duplicates or that are no longer pertinent due to revisions to the DEIR. In all cases, the Lead Agency is required to

respond to pertinent comments on significant environmental issues, either through the responses to comments process or through revisions inserted directly into the RDEIR document.

Pursuant to CEQA Guidelines § 15088.5(f)(1), if the Lead Agency substantially revises the DEIR and recirculates the entire document for public review, then the Lead Agency only is required to respond to comment letters provided on the RDEIR that was subject to recirculation. In such a case, the Lead Agency is required to notify reviewers, either in the text of the RDEIR or by an attachment to the RDEIR, that although part of the administrative record, the previous comments do not require a written response in the Final EIR, and that all comments must be submitted for the RDEIR in order to be included in the Final EIR.

Due to revisions that have been incorporated into this RDEIR document, the City of Lake Elsinore has opted to recirculate the entire document for an additional 45-day public review period. Additionally, RDEIR includes written responses to the comment letters received by the City during the DEIR's initial public review period. The comment letters and written responses are part of the public record and are addressed in this RDEIR (please refer to Subsection R.3 for a description of the revisions that have been incorporated into this RDEIR document, and refer to Table R-1, *RDEIR Responses to Comments*, for responses to comments received by the City on the DEIR). All written comments received by the City on the content of the RDEIR during the RDEIR's public review period will be responded to as part of the Final EIR.

As indicated on the Notice of Completion (NOC) form that will accompany the RDEIR during the public review period, all public comments on the RDEIR should be addressed as follows, and should be post-marked prior to the close of the public review period identified on the NOC form.

Richard MacHott, Planning Manager
City of Lake Elsinore, Planning Division
130 South Main Street
Lake Elsinore, CA 92530

R.3 SUMMARY OF REVISIONS MADE TO PREVIOUSLY CIRCULATED DRAFT EIR

As a result of the public review period for the DEIR that concluded on February 22, 2016, the City of Lake Elsinore received a number of comments that necessitated clarifications, amplifications, and/or modifications to the information and analysis provided in the DEIR. In accordance with CEQA Guidelines § 15088.5(g), the revisions made to the previously circulated DEIR and which are reflected in this RDEIR are summarized below in Table R-1, *RDEIR Responses to Comments*. The revisions also are shown in strikeout/underline format in all of the remaining sections of this RDEIR. It should be noted that the summary of changes shown in Table R-1, does not include small, non-substantive revisions that have been incorporated to correct grammatical, typographical, or formatting errors.

R.4 OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS

R.4.1 BACKGROUND ON THE PROJECT'S ENVIRONMENTAL REVIEW PROCESS

As part of the CEQA compliance process and prior to publication of this RDEIR, two public notices were issued, as described below:

- **Scoping Process.** As required by CEQA Guidelines § 15082, the City of Lake Elsinore issued a Notice of Preparation (NOP) for the DEIR. The NOP identified the proposed Project as Surface Mining Permit No. 2015-01 and Amendment No. 2 to Reclamation Plan 2006-01, summarized the proposed Project, stated the City's intention to prepare an EIR, and requested comments from interested parties regarding the scope of the EIR. The NOP was filed with the State Clearinghouse on June 25, 2015 (SCH No. 2006051034). The public review period extended for a total of 30 days and concluded on July 27, 2015. Public notification of the NOP included a newspaper announcement and direct mailings to all surrounding property owners, Responsible and Trustee Agencies, and other parties who had requested notification.

- **Draft EIR Public Review Process.** The City of Lake Elsinore published and distributed the proposed Project's DEIR for public review on January 8, 2016, which commenced a 45-day public review period that concluded on February 22, 2016. The DEIR included a detailed description of the proposed Project, analyses of potential impacts in ten (10) environmental disciplines; analyses of potential cumulative and growth inducing impacts analysis; identification and comparison of alternatives to the Project including the CEQA-required No Project Alternative; and mitigation measures that were identified to reduce or avoid significant environmental impacts of the proposed Project. Public notification of the DEIR included circulation to the State Clearinghouse, a newspaper announcement, and direct mailings to all surrounding property owners, Responsible and Trustee Agencies, and other parties who has requested notification.

R.4.2 RECIRCULATED DRAFT EIR ENVIRONMENTAL REVIEW AND DECISION-MAKING PROCESSES

Publication of this RDEIR commences a 45-day public review period that ends on October 7, 2016 (CEQA Guidelines §§ 15088.5[d], 15087[e], and 15108[a]). This RDEIR addresses all previous pertinent comments relating to environmental issues (please refer to Subsection R.3 for a description of revisions that have been incorporated into this RDEIR document). Upon conclusion of the 45-day recirculation period, all comments received by the City of Lake Elsinore on the RDEIR related to environmental issues will be responded to in writing as part of the Final EIR. In addition, the FEIR will contain a summary of text and exhibit changes, if any, resulting from comment letters received on the RDEIR. The Final EIR also will include a summary of the entire CEQA compliance process for the proposed Project, including the scoping process, NOP, DEIR, RDEIR, and FEIR.

The City of Lake Elsinore, as Lead Agency, has primary approval responsibility for the proposed Project. The City's Planning Commission will consider the Project as part of a publicly-noticed hearing. The Planning Commission will consider the information contained in the EIR and the Project's Administrative Record in its decision making process. In order to certify the Final EIR, the Planning Commission must find that the Final EIR reflects the City's independent judgment and that the Final EIR was prepared in accordance with CEQA and the CEQA Guidelines. The Planning Commission will have the authority to approve, approve with changes, or deny the proposed Project pursuant to Public Resources Code Section 2770(d). If the Project is approved, the Planning Commission also will adopt a mitigation monitoring and reporting program (MMRP) to implement the mitigation measures identified in this RDEIR, as required by CEQA Guidelines § 15097 (refer to EIR Table S-1). A decision to approve the Project also would be accompanied by written findings in accordance with CEQA Guidelines § 15091, and a Statement of Overriding Considerations in relation to the Project's significant and unavoidable impact(s) as required by CEQA Guidelines §15093 (this

RDEIR identifies significant and unavoidable impacts under the topics of Air Quality, Biological Resources, Noise, and Transportation/Circulation; refer to RDEIR Subsection ES.6.2 for a summary of the Project's significant and unavoidable impacts). Within 15 days of the Planning Commission's decision to certify the FEIR and approve the Project, an aggrieved person has the right to file an appeal with the City Clerk. Appeals are considered by the City Council at a publicly-noticed hearing. At such a hearing, the City Council would consider written and oral testimony and all information contained in the Project's Administrative Record. At the conclusion of the public hearing, the City Council would either affirm or set aside the decision of the Planning Commission.

R.5 FORMAT AND CONTENT OF THE RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

The RDEIR encompasses all sections that were included in the previously-circulated DEIR, in addition to new Section R.0. A description of the format and content of this RDEIR is provided below. An overview of the RDEIR's contents also is provided in the Table of Contents.

Section R.0, *Recirculated Environmental Impact Report*, provides a summary of the legal requirements for recirculating a DEIR, a discussion of the Project's background, an overview of the revisions that were incorporated into the previously circulated DEIR, responses to comments received in response to the DEIR's initial public review period, and an overview of the environmental review and approval process.

Section S.0, *Executive Summary*, provides a summary of the proposed Project, a description of the EIR process, a discussion of areas of controversy and issues to be resolved, a summary of the alternatives identified for the proposed Project, and a summary of the Project's impacts and the mitigation measures identified to reduce or avoid those significant environmental effects.

Section 1.0, *Introduction*, provides introductory information about the CEQA process and the responsibilities of the City of Lake Elsinore, serving as the Lead Agency for this EIR.

Section 2.0, *Environmental Setting*, describes the environmental setting, including descriptions of the Mine's physical conditions and surrounding context. The existing physical setting is the condition of the Nichols Canyon Mine and surrounding area at the approximate date this EIR's NOP was released for public review (June 25, 2015). With respect to operational characteristics, the existing setting is considered to comprise those activities that have occurred on-site since mining activities at the site commenced in 2007. This section provides a description of the Project's location and environmental setting, and identifies the cumulative setting for the proposed Project.

Section 3.0, *Project Description*, serves as the EIR's Project Description for purposes of CEQA and contains a level of specificity commensurate with the level of detail proposed by the Project, including the summary requirements pursuant to CEQA Guidelines § 15123. Section 3.0 discloses the Project's objectives, and provides a detailed description of the construction and operational characteristics of the proposed Project.

Section 4.0, *Environmental Analysis*, provides an analysis of potential direct, indirect, and cumulative impacts that may occur with implementation of the proposed Project. A conclusion concerning significance is reached for each discussion, and feasible mitigation measures are presented as warranted. The environmental changes identified in Section 4.0 and throughout this EIR are referred

to as "effects" or "impacts" interchangeably. The CEQA Guidelines also identify the terms "effects" and "impacts" as being synonymous (CEQA Guidelines § 15358). In the environmental analysis subsections of Section 4.0, the existing and historical baseline conditions are disclosed that are pertinent to the subject area being analyzed, accompanied by a specific analysis of physical impacts that may be caused by implementation of the proposed Project. The analyses are based in part upon technical reports that are appended to this EIR. Information also is drawn from other sources of analytical materials that directly or indirectly relate to the proposed Project and cited in Section 7.0, *References*. Where the analysis demonstrates that a physical adverse environmental effect may or would occur without undue speculation, feasible mitigation measures are recommended to reduce or avoid the significant effect. In most cases, implementation of the mitigation measures would reduce the adverse environmental impact to below a level of significance. If mitigation measures are not available or feasible to reduce an identified impact to below a level of significance, the environmental effect is identified as a significant and unavoidable adverse impact, for which a statement of overriding considerations would need to be adopted by the City of Lake Elsinore pursuant to CEQA Guidelines § 15093.

Section 5.0, *Other CEQA Considerations*, includes specific topics that are required by CEQA. These include a summary of the Project's significant and unavoidable environmental effects, a discussion of the significant and irreversible environmental changes that would occur should the Project be implemented, potential growth-inducing impacts of the proposed Project, as well as an evaluation of the Project's energy conservation. Section 5.0 also includes a discussion of the potential environmental effects that were found not to be significant during this EIR's Initial Study and NOP process and that, therefore, do not require a detailed evaluation in this EIR.

Section 6.0, *Alternatives*, describes and evaluates alternatives to the proposed Project that could reduce or avoid the Project's adverse environmental effects. CEQA does not require an EIR to consider every conceivable alternative to the Project but rather to consider a reasonable range of alternatives that will foster informed decision making and public participation. A range of three (3) alternatives is presented in Section 6.0.

Section 7.0, *References*, cites all references sources used in preparing this EIR and lists the agencies and persons that were consulted in preparing this EIR. Section 7.0 also lists the persons who authored or participated in preparing this EIR.

R.6 RESPONSES TO DEIR COMMENTS AND SUMMARY OF REVISIONS

During the initial public review period for the DEIR, a total of ten (10) comment letters were provided to the City of Lake Elsinore. The comments received, responses to the comments, and a summary of revisions incorporated into this RDEIR in response to public comments are summarized below in Table R-1, *RDEIR Responses to Comments*. It should be noted that responses to the comments from the Soboba Band of Luiseño Indians have been omitted from Table R-1 pursuant to a request made by the Tribe.

Table R-1 RDEIR Responses to Comments

1. State of California-Natural Resource Agency-Department of Conservation-Office of Mine Reclamation (January 26, 2016)

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
1-1	1	The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the draft environmental impact report (DEIR) for the Nichols Canyon Mine. The applicant, Nichols Road Partners, LLC, is proposing to expand mining aggregate onto an additional 24 acres of a 199-acre project site. This would increase the total area subject to mining disturbance from 116 acres to 140 acres. The annual permitted production will be reduced from 4,000,000 tons to 856,560 tons per year. Other minor operational changes are also proposed. The Nichols Canyon Mine is a vested mining operation. The existing reclamation plan was approved in 2006 along with adoption of a Mitigated Negative Declaration. The reclamation plan was amended in 2015 to allow the addition of an asphalt batch plant. The project site is located in the northeastern portion of the City of Lake Elsinore within the Alberhill District.	Comment describing the proposed Project is acknowledged. Note that since the initial public review period for the DEIR, the Project as revised now accounts for emissions from the asphalt batch plant, even though operation of the asphalt batch plant was permitted as part of the previously-approved Conditional Use Permit No. 2014-07 (CUP 2014-07). Nonetheless, out of an abundance of caution and in order to provide a conservative analysis, 100% of the emissions form the asphalt batch plant are now included in the RDEIR analysis.	Throughout
1-2	1	As described under 3.3 Project Component Parts, a second amendment to the Reclamation Plan will need to be prepared and approved. However, while the revisions may be necessary in order to account for mining and reclamation of the 24-acre expansion area (the "Expanded Disturbance Area", EDA), the amended reclamation plan must cover the entire mining operation as there can be only one reclamation	The amended reclamation plan evaluated in this RDEIR encompasses the entire 199-acre Mine site, in conformance with SMARA.	Throughout

		plan covering a surface mining operation under California's Surface Mining and Reclamation Act of 1975 (SMARA).		
1-3	1	Once approved, the amended reclamation plan, RP #2006-01 A2, will supersede any previous reclamation plans governing the Nichols Canyon Mine. The amended reclamation plan must be forwarded to OMR for a 30-day review and comment period according to SMARA Section 2774.	The City of Lake Elsinore acknowledges its obligation under SMARA to forward a copy of the amended reclamation plan to OMR for a 30-day review and comment period.	N/A
1-4	1-2	Comment on 4.3 Biological Resources B. Indirect Impacts to Biological Resources 5. Exotic Plant Species This section states: "Invasion of exotic plant species would not occur from the Project because the landscaping associated with the Mine's Reclamation Plan revegetation plan does not include any of non-native species." This is also found on page 23 of the Biological Technical Report in Technical Appendix B. OMR disagrees with this conclusion. Even though the seed mix for revegetation is composed of native species, revegetation will not occur for many years. In the meantime, the exposed, disturbed soil surfaces at the mine site are highly susceptible to invasion by exotic species. OMR recommends that a weed management program be added to the revegetation section of the amended reclamation plan including a monitoring program with threshold values (weed cover or density per unit area) that trigger specific control and abatement procedures.	Comment acknowledged. The requested weed management program was added to the Reclamation Plan. Please refer to the Subsection titled "Weed Management and Control" found on pages 29 and 30 of the Reclamation Plan. Text was also added under Subsection 4.3.4, Threshold a, Subheading 5, of the RDEIR to indicate the weed management program would ensure that exotic plants do not invade the Project site during mining activities. Text was also added under Subsection 3.3.2, Subheading J of the RDEIR regarding the revegetation of the Project site.	Subsection 4.3.4 & Subsection 3.3.2
1-5	2	OMR has no further comments on the DEIR for the project. We look forward to the opportunity to review and comment on the amended reclamation plan for the Nichols Canyon Mine once it has been certified by the City and forwarded to our office. If you have any questions on these comments or	The City acknowledges and appreciates the comments on the proposed Project, and will contact OMR at the phone number provided in the event any questions arise regarding OMR's comments.	N/A

		require any assistance with other mine reclamation issues, please contact me at (916) 445-6175.		

2. City of Temecula - Community Development (February 9, 2016)

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
2-1	1	Thank you for the opportunity to review and respond to the above mentioned project. The project proposes to increase the total area of mining activities from 116 acres to 140 acres, extend the hours permitted for mining activities from between 7:00 am and 12:00 am (Monday through Friday) and between 7:00 am and 7:00 pm (Saturday's only) to between 4:00 am and 12:00 am (Monday through Saturday), and 24 hours a day for aggregate export activities; and to reduce the Nichols Canyon Mine's permitted annual tonnage from 4,000,000 tons per year (tpy) to 856,560 tpy.	Comment describing the proposed Project is acknowledged. Please note that the revised Project evaluated in this RDEIR also includes the asphalt batch plant operations on site, even though operation of the asphalt batch plant was permitted as part of the previously-approved Conditional Use Permit No. 2014-07 (CUP 2014-07). Nonetheless, out of an abundance of caution and in order to provide a conservative analysis, 100% of the emissions form the asphalt batch plant are now included in the RDEIR analysis.	Throughout
2-2	1	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.	The City of Lake Elsinore acknowledges that the City of Temecula has no comments on the proposed Project, and thanks the City of Temecula for its review of the DEIR. The City of Lake Elsinore will contact the City of Temecula at the contact information provided if any questions or clarifications are needed.	N/A

3. Department of Transportation District 8 and Lake Elsinore Unified School District (February 16, 2016)

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
3-1	2	Hi. Nichols road off ramp NEEDS a 4-way stop sign. It's extremely dangerous to turn left from the 15 north, especially when teenagers and parents are making their way to Temescal High School around 7:20-7:30 am.	The City acknowledges this comment. Please refer to the discussion in RDEIR Subsection 4.9, which identifies the need for the signalization of the I-15 Southbound Ramp/Nichols Road and the I-15 Northbound Ramp/Nichols Road. The RDEIR identified Mitigation Measures MM TR-1 and MM TR-2 which provide that the Applicant pay appropriate Development Impact Fees/Traffic Fees and Transportation Uniform Mitigation Fees, which would mitigate the Project's impacts to the I-15 Southbound Ramp/Nichols Road and the I-15 Northbound Ramp/Nichols Road intersections to less-than-significant levels. However, and as further explained in RDEIR Subsection 4.9.11, improvements would likely not be in place in their time of need (before the deficiency occurs); thus, short-term and unavoidable cumulatively considerable impacts were identified to occur at the I-15 Northbound Ramp/Nichols Road intersection and at the I-15 Southbound Ramp/Nichols Road intersection. Although installation of these signals is not currently budgeted in the City's 2014-2020 Capital Improvement Plan (CIP), the City updates the CIP on an annual basis and will	Subsection 4.9.7, Threshold a

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			consider costs for the installation of these traffic signals as part of such updates. Please refer to the Response to Comment 3-4 which addresses funding and proportionality of impact for the northbound and southbound I-15 ramps and Nichols Road intersections for the proposed Project.	
3-2	2	Chrysta, I will certainly go take a look at it in the coming weeks, and provide my input and comments to Caltrans as to what I observe, but I want you to know that this intersection is a Caltrans owned and operated intersection because it is a freeway off ramp. I have copied the Caltrans Branch Chief who is in charge of making any signing changes there, and will let him respond to you what Caltrans' procedures and processes are for this type of request.	The Commentator is correct that the intersection is a Caltrans owned and operated intersection because it is a freeway off-ramp.	N/A
3-3	2	Caltrans reviewed the Traffic Impact Analysis of the Draft Environmental Impact Report for the Nichols Canyon Mine Expansion project (Amendment No.2 to Reclamation Plan 2006-01) for the property at the northeast corner of I-15 and Nichols Road interchange.	The City thanks Caltrans District 8 for its review of the DEIR.	N/A
3-4	2	The analysis shows that traffic signals at the northbound and southbound I-15 ramp intersections with Nichols Road are warranted by year 2016.	The City acknowledges this comment. Although installation of these signals is not currently budgeted in the City's 2014-2020 Capital Improvement Plan (CIP), the City updates the CIP on an annual basis and will consider costs for the installation of these traffic signals as part of such updates. However, the need for signalization of these intersections is not directly attributable to the Project, as the Project only	Subsection 4.9.7, Threshold a Subsection 4.9.10 & Subsection 4.9.11

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			would result in cumulatively considerable impacts to these intersections. The Supreme Court Case, *Dolan v. City of Tigard*, found that there must be a rough proportionality between the burdens on the public that would result from the implementation of a Project and the benefit to the public (TRAC, 2003). Thus, a requirement for the Project to signalize these intersections where the Project would only make a minor contribution to projected traffic volumes that generate the need for signalization would not be proportional to the Project's impacts to the intersections. Accordingly, the City finds that implementation of Mitigation Measures MM TR-1 and MM TR-2 would mitigate the Project's cumulatively considerable impacts to the maximum feasible extent, although near-term unavoidable impacts are identified and disclosed due to the anticipated timing gap between certification of this RDEIR by the Planning Commission and construction of the signals.	
3-5	2	Caltrans request the City of Lake Elsinore to condition this Nichols Canyon Mine Expansion project to ensure the installation of the traffic signals at both ramp intersections and Nichols Road this year. Caltrans is providing the same comment to the city for the local development review of the expansion project.	Please refer to the Response to Comment 3-1, which addresses the Project's findings, and Response to Comment 3-4 which addresses funding, and proportionality of impact for the northbound and southbound I-15 ramps and Nichols Road intersections.	Subsection 4.9.7, Threshold a Subsection 4.9.10 & Subsection 4.9.11

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
3-6	1	Can you all make sure that mining project gets a condition of approval to install 2 signals on Nichols at the I-15 freeway ramps?	Please refer to the Response to Comment 3-1, which addresses the Project's findings, and Response to Comment 3-4 which addresses funding and proportionality of impact for the northbound and southbound I-15 ramps and Nichols Road intersections.	Subsection 4.9.7, Threshold a Subsection 4.9.10 & Subsection 4.9.11

4. Department of Transportation District 8 (February 12, 2016)

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
4-1	1	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 1-15, 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.	The City acknowledges this comment describing the proposed Project. Please note that the Project evaluated in this RDEIR also now includes the asphalt batch plant operations on-site even though operation of the asphalt batch plant was permitted as part of the previously-approved Conditional Use Permit No. 2014-07 (CUP 2014-07). Out of an abundance of caution and in order to provide a conservative analysis, 100% of the emissions form the asphalt batch plant are now included in the RDEIR analysis.	Throughout
4-2	1	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	The City acknowledges that due to the Project's potential impact to State facilities, the Project is also subject to the policies and regulations that govern the SHS. Please refer to the below	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		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. We offer the following comments regarding the Traffic Impact Analysis:	responses to the individual comments raised by this letter.	
4-3	1	**Traffic Operations:** The City of Lake Elsinore must ensure the installation of the traffic signal at the northbound and southbound 1-15 ramps and Nichols Road intersections be scheduled for completion within the year of 2016. Caltrans has received complaints the local residents regarding the operations of these intersections.	Please refer to the Response to Comment 3-4 which addresses funding and proportionality of impact for the northbound and southbound I-15 ramps and Nichols Road intersections.	N/A
4-4	1	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.	The City thanks Caltrans District 8 for its review of the DEIR and will contact Caltrans District 8 if any questions or clarifications are needed.	N/A

5. Elsinore Valley Municipal Water District (February 19, 2016)

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
5-1	1	Recently the City circulated for comment the Draft Environmental Impact Report (DEIR) for the Amendment No. 2 to Reclamation Plan 2006-01A1 and Surface Mining Permit No. 2015-01 (Nichols Canyon Mine) (RPSMP). The Elsinore Valley Municipal Water District (EVMWD) has reviewed the DEIR and is providing to the City our comments on the DEIR.	The City acknowledges and appreciates the EVMWD's review of the proposed Project. Please refer to the individual responses below to the comments raised in this letter.	N/A
5-2	1	RPSMP is within EVMWD's service area and EVMWD is the responsible agency for providing Sewer, Water, and Recycled Water to the RPSMP project.	Comment is acknowledged. Although the RPSMP is within EVMWD's service area, no sewer service is currently provided to the Mine as all wastewater is, and would continue to be, handled by portable toilets.	N/A
5-3	1	The main goals of the projects are of approval of SMP No. 2015-01 and RP 2006-01A2, an amendment to RP 2006-01A1 to allow for mining activities in the EDA; an alteration of the Mine's hours of operation; and a reduction in the mine's annual tonnage limits	Comment describing the proposed Project is acknowledged. Please note that the revised Project evaluated in this RDEIR also accounts for the asphalt batch plant operations, even though operation of the asphalt batch plant was permitted as part of the previously-approved Conditional Use Permit No. 2014-07 (CUP 2014-07). Out of an abundance of caution and in order to provide a conservative analysis, 100% of the emissions form the asphalt batch plant are now included in the RDEIR analysis.	Throughout
5-4	1	EVMWD has been supplying water to the project for the past several years. The project is anticipating having a decrease in water consumption from 64,000 gallons per day (gpd) to approximately 34,660 gpd.	Comment describing the proposed Project is acknowledged. The RDEIR has been revised to reflect average water usage at the Mine based on EVMWD bills from 2015. Under the revised	Subsection 3.3.2.H

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			estimate of historic water usage, the Mine utilizes an average of 32,915 gpd. Based on the revised dust control exhibit (RDEIR Figure 3-7 and Figure 3-8), acres subject to watering for dust control would be reduced from 24.90 acres under the baseline conditions to 13.20 acres, with the remainder of the site subject to alternative soil stabilization. As a result, water usage under the proposed Project would be reduced to approximately 15,466 gpd.	
5-5	1	The EVMWD Board of Directors adopted its 2010 Urban Water Management Plan in 2011, which included future growth and water supply demand for the next 25 years. Even though this RPSMP project did not require a Water Supply Assessment (WSA) given that does not meet the definition established by SB 610, the 2010 UWMP's water demand projections include RPSMP's demand requirements.	The City acknowledges that the 2010 Urban Water Management Plan accounts for the proposed Project's demand requirements.	N/A
5-6	1	EVMWD's 2010 Urban Water Management Plan is based upon findings from the planning documents of regional water purveyors such as Western Municipal Water District and the Metropolitan Water District of Southern California. It should be noted that the 2015 Urban Water Management Plan is due to the California Department of Water Resources on July 1, 2015 and EVMWD along with the regional water purveyors is in the process of updating the plan.	Comment is acknowledged; no response is necessary.	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
5-7	2	Considering that the RPSMP project will involve the continuation and expansion of an existing mining operation, RPSMP project will not require any new utility connection at the Mine. Consequently, the project will not require any new Sewer System facilities.	The City concurs that the proposed Project will not require any new utility connections, including sewer.	N/A
5-8	2	EVMWD, as the Water, Sewer, and Recycled Water service provider to RPSMP, has reviewed the RPSMP DEIR and believes that the DEIR substantially conforms to EVMWD's Infrastructure Master Plans. If you need further comments or clarifications, please contact me at 951-674-3146 Ext. 8359	The City thanks the EVMWD for its review of the DEIR and will contact EVMWD if any questions or clarifications are needed.	N/A

6. Endangered Habitats League (January 15, 2016)

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
6-1	1	Endangered Habitats League (EHL) is in receipt of the DEIR for this project in the City of Lake Elsinore. While the site is not subject to the Western Riverside County MSHCP, CEQA nevertheless must address impacts to the MSCHP and the biological core areas and linkages it identifies.	Comment acknowledged. Please refer to the revised discussion in RDEIR Subsection 4.3.4, Threshold f, and Subsection 4.3.8, which identifies the Project's conflict with the MSHCP as significant and unavoidable.	Subsection 4.3.4, Threshold f & Subsection 4.3.8
6-2	1	In terms of direct project impacts, EHL is particularly concerned the proposed loss of 21.4 acres of highly sensitive coastal sage scrub (brittlebush scrub) on site. According to the DEIR, this habitat is occupied by the federally threatened California gnatcatcher. The proposed	A 2:1 ratio is the minimum that would be required by the City of Lake Elsinore to mitigate the loss of CAGN-occupied brittlebush scrub in the EDA to less-than-significant levels through either: 1) payment of an in lieu fee to create,	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		mitigation of 32 acres of brittlebush scrub of is wholly inadequate, both in quantity and quality. The ratio should be 3:1 given occupancy by the federally listed gnatcatcher.	restore, protect, or enhance habitats in a larger, more functional, and longer-lasting ecological system or 2) preserving habitat meeting the general criteria for coastal sage scrub and that is of high quality. The City finds that the required 2:1 mitigation ratio for impacts to brittlebush scrub adequately reduces the Project's impacts to less-than-significant levels. There is no evidence in the Project's administrative record or in this comment indicating that a 2:1 mitigation ratio is inadequate. Additionally, the Project would be subject to a Section 7 consultation with the USFWS. As part of the consultation process, the USFWS may require an increase in the mitigation ratio for brittlebush scrub. Any such increase would be specified in the Biological Opinion/ Incidental Take Permit (BO/ITP), and would supplement the Project's required mitigation. Notwithstanding, the City finds that a 2:1 mitigation ratio would adequately mitigate the Project's impacts to brittlebush scrub to below a level of significance. No revisions were made to the RDEIR pursuant to this comment.	
6-3	1	Furthermore, the mitigation site should be required to 1) be occupied by California gnatcatcher and 2) have long term ecological value based upon patch size and spatial relationship to other natural lands.	Comment acknowledged. Mitigation Measure MM 4.3-3 has been revised to indicate that the mitigation site shall be occupied by the CAGN and shall have long-term ecological value.	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
6-4	1	We concur that the project will require permitting by the US Fish and Wildlife Service for the gnatcatcher. This should be via a Habitat Conservation Plan or Section 7 consultation. We urge timely coordination with the Service.	Comment is acknowledged. A Section 7 consultation already is required pursuant to Mitigation Measure MM 4.3-3. As stated in Subsection 4.3.4.A.2 of the RDEIR: "...take authorization would require a Section 7 Consultation between the Corps and the USFWS. The Corps would request the consultation with the USFWS as part of the permitting process for the jurisdictional impacts on site."	Subsection 4.3.7

7. Pala Tribal Historic Preservation Office-dated January 27, 2016

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
7-1	1	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).	The City acknowledges that the proposed Project is not within the boundaries of the territory that the Pala Band of Mission Indians (Tribe) considers its Traditional Use Area (TUA), and that the Tribe has no objections to the proposed Project. The City thanks the Tribe for its review of the Project and will contact the Tribe if any questions or clarifications are needed.	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		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.		

8. Pechanga Temecula Band of Luiseño Mission Indians (February 13, 2016)

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
8-1	1	This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe requests to continue to be directly notified of all public hearings and scheduled approvals concerning this Project and we request that these comments be incorporated into the record of approval for this Project. Pechanga has reviewed the Draft Environmental Impact Report (DEIR) for the above described Project; however, we were not provided a copy of the archaeological study	The City acknowledges this comment. Please refer to the individual responses to the issues raised by this comment letter, below.	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		for review. Please note that these comments are based on the DEIR and are intended to notify the City that there is pertinent information missing from the DEIR review.		
8-2	1	There are two archaeological sites located within the Project boundaries that were not discussed in the DEIR. One prehistoric site (CA-RIV-3451) was located in the Nichols North area, and has since been destroyed during the previous mining activities. The other site (CA-RIV-8120) is recorded as a historic site and is located south of CA-RIV-8116, within the Nichols South portion and possibly within the Open Space area.	The Project site, for purposes of new disturbances to lands that could result in impacts to cultural resources, is limited to the 24-acre Expanded Disturbance Area (EDA). Sites RIV-3451 and RIV-8120 are not within the proposed EDA. Site RIV-3451 was destroyed long ago by the quarry operations. Prior impacts to archeological resources that may have existed on-site occurred in accordance with prior permits and approvals, and are unrelated to the currently-proposed Project. Additionally, although Site RIV-8120 occurs in a portion of the Mine that is already vested for mining activities, no impacts to this site are planned as part of the Project because this site occurs in areas not subject to disturbance as part of the currently-approved and proposed Reclamation Plans and Surface Mining Permit. A copy of the cultural report and associated confidential appendices will be provided to the Tribe during the public review period for the RDEIR.	N/A
8-3	1	Although the Tribe generally does not comment on historic sites, the lack of acknowledgement of these sites in the environmental documents minimizes the prehistoric and historic sensitivity of this area.	Sites RIV-3451 and RIV-8120 are not within the proposed EDA. Accordingly, these sites were listed in Table 4.1-1 of the Project's cultural resources report as sites occurring	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			within one mile of the proposed EDA. Please refer also to the Response to Comment 8-2.	
8-4	1-2	Further, the DEIR does not indicate whether the Project archaeologist actually surveyed the remaining portions of the Property that have not been previously mined. The area may have been surveyed in 1987 and 2006, but archaeological standards generally dictate an updated survey if the previous survey is more than 5-7 years old. In this case, the last survey was nine years ago.	Comment is acknowledged. However, the Project proposes to expand the planned impact areas at the Mine only within the proposed 24-acre EDA. No other changes to areas allowed for mining activities are proposed as part of the Project. Additionally, please refer to the Response to Comment 8-2.	N/A
8-5	2	If the archaeological report missed documenting two known archaeological sites, this brings into question whether there are additional unknown sites within the Project boundaries that could be impacted by the proposed expansion. The State and Federal governments have mandated that cultural resources must be appropriately mitigated for within the confines of development projects. If inadequate studies are prepared, the full extent of resources on the property is unknown and cannot be appropriately addressed in the CEQA documents, resulting in a failure of the CEQA process. Additional comments are below.	As noted above, the Project only would authorize new disturbance within the proposed 24-acre EDA. The 24-acre EDA was fully evaluated by the Project's archaeologist, (Brian F. Smith and Associates) including field visits and records searches. Furthermore, both sites are referenced in the cultural report as sites occurring within one mile of the proposed EDA. Please refer also to the Response to Comment 8-2 and the individual responses below.	N/A
8-6	2	The Pechanga Tribe asserts that the Project area is at the northwestern-most portion of Payómkawichum, and therefore the Tribe's, aboriginal territory as evidenced by the existence of place names, tóota yixélval (rock art, pictographs, petroglyphs), a Traditional Cultural Property (TCP), cultural landscape and an extensive Payómkawichum artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the	Comment is acknowledged; however, no Traditional Cultural Property (TCP) or Tribal Cultural Resources (TCRs) identified during field surveys conducted by Brian F. Smith and Associates occur within the EDA (i.e., the only new portions of the Mine that would be authorized for mining activities under the Project).	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area and our history of working on projects within the City of Lake Elsinore boundaries.		
8-7	2	To our knowledge, Pechanga is also the only Tribe to be designated as Most Likely Descendant (MLD) by the Native American Heritage Commission (NAHC).	Comment is acknowledged. Refer to the analysis of Threshold d. in RDEIR Subsection 4.4, which addresses the Project Applicant's obligations in the event that human remains are identified during mining activities on site.	Subsection 4.4.4, Threshold d
8-8	2	The Pechanga Tribe's knowledge of our ancestral boundaries is based on reliable information passed down to us from our elders; published academic works in the areas of anthropology, history and ethno-history; and through recorded ethnographic and linguistic accounts. Of the many anthropologists and historians who have presented boundaries of the Luiseño traditional territory, none have excluded the Lake Elsinore area from their descriptions (Sparkman 1908; Kroeber 1925; Oxendine 1983; White 1963; Harvey 1974; Smith and Freers 1994), and such territory descriptions correspond almost identically with that communicated to the Pechanga people by our elders. While historic accounts and anthropological and linguistic theories are important in determining traditional Payómkawichum territory, the most critical sources of information used to define our traditional territories are our songs, creation accounts, and oral traditions.	Comment describing the Pechanga's knowledge of potential resources within its territory is acknowledged. No response is necessary.	N/A
8-9	2	The Pechanga Tribe has a specific legal and cultural interest in this Project as the Tribe is culturally affiliated with the geographic area that comprises the Project	Comment acknowledged that the Tribe has specific knowledge of cultural resources and sacred places near the proposed Project.	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		property and is the closest affiliated tribe to the Property, with formal trust lands (reservation) located approximately 3.5 miles from the Project. The Tribe has specific knowledge of cultural resources and sacred places near the proposed Project which we have shared with the City on previous occasions on this and other projects.		
8-10	2	The Tribe welcomes the opportunity to meet with the City, its consultants and the Developer to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction, if so desired.	Comment is acknowledged. The City has reached out to the Pechanga Tribe to set up a meeting to discuss any of the Tribe's remaining concerns.	N/A
8-11	3	REQUESTED TRIBAL INVOLVEMENT AND MITIGATION The Pechanga Band is not opposed to this Project; however, we are opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources.	Comment that the Pechanga Band is not opposed to the Project is acknowledged. Please refer to the responses to Comments 8-2 through 8-5 for responses to the issues raised by this letter with respect to direct, indirect, and cumulative impacts to cultural resources.	N/A
8-12	3	Tribe's primary concerns stem from the Project's proposed impacts on Native American cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, sacred sites and archaeological items which would be displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work.	Comment is acknowledged; the City shares the goal of the Tribe in protecting unique and irreplaceable cultural resources and on the proper and lawful treatment of cultural items, Native American human remains, and sacred items likely to be discovered in the course of the work. Please refer to new Mitigation Measure MM 4.4-1, which addresses the Commentator's concerns. Please also refer to the analysis and discussion in RDEIR Subsection 4.4.4.	Subsection 4.4.4 & Subsection 4.4.7
8-13	3	The proposed Project is located in a sensitive region of Luiseño territory and the Tribe believes that the possibility	Comment is acknowledged; please refer to new Mitigation Measure 4.4-1, which addresses the	Subsection 4.4.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		for recovering subsurface resources during ground-disturbing activities is high.	Commentator's concerns regarding subsurface resources.	
8-14	3	The Tribe has over thirty-five (35) years of experience in working with various types of construction projects throughout its territory. The combination of this knowledge and experience, along with the knowledge of the culturally-sensitive areas and oral tradition, is what the Tribe relies on to make fairly accurate predictions regarding the likelihood of subsurface resources in a particular location.	Comment is acknowledged that the Tribe has specific knowledge and experience with cultural resources in the Project vicinity.	N/A
8-15	3	As noted above, the Tribe is in receipt of and has reviewed the Draft Environmental Impact Report. We further did not have a proper consultation with the City of Lake Elsinore. Had this occurred as we requested, our concerns and comments as presented below could have been addressed earlier.	The proposed Project is not subject to the provisions of SB 18 or AB 52, and consultation was not required for the proposed Project. Nonetheless, the City has reached out to the Pechangas to arrange a meeting to discuss any remaining concerns they may have, if any.	N/A
8-16	3	The Tribe was not provided a copy of the archaeological report so we cannot provide comments on that document, just the DEIR.	A copy of the Cultural Resources Assessment and associated confidential appendices will be provided to the Pechanga Tribe during the public review period for the RDEIR.	N/A
8-17	3	However, we are concerned that the significance of this region is being minimized with, what we hope, is an oversight in documenting the known resources that could potentially be impacted by the Project.	Please refer to the Responses to Comments 8-2 through 8-5. As noted, the City finds that the Project's cultural resources investigation properly evaluates and concludes that new physical impacts that would be authorized by the Project would not adversely affect Tribal resources with implementation of the required mitigation.	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
8-18	3	According to the DEIR, there is only one site that was previously recorded, CA-RIV-8116. According to our records, there are two additional sites - CA-RIV-3451 and -8120, that are also located within the Project boundaries.	Please refer to the Response to Comment 8-2. As noted, Site CA-RIV-3451 has long since been destroyed by past mining activities at the site, and the Project would not authorize any impacts to Site CA-RIV-8120. Furthermore, Site CA-RIV-8120 is not within the currently-approved mining limits, and there are no components of the proposed Project that would result in direct, indirect, or cumulative impacts to Site CA-RIV-8120.	N/A
8-19	3	CA-RIV-3451 was a lithic scatter consisting of over 29 artifacts of local materials (quartz, quartzite and chert) - 1 hammerstone, 22 cores, 1 drill, 2 projectile blanks and numerous flakes. It is unclear whether this site was mitigated for in the original environmental documents but it has undoubtedly been destroyed with the current mining activities. We understand that RIV-3451 cannot be mitigated for within this DEIR; however, it needs to be acknowledged as once being present.	The Project's cultural resources report acknowledges the presence of Site CA-RIV-3451, which is listed in Table 4.1-1 of the Project's cultural resources report as a site occurring within one mile of the proposed EDA. Site CA-RIV-3451 does not occur in the portions of the Mine that are planned for new disturbance as part of the Project (i.e., the EDA).	N/A
8-20	3	CA-RIV-8120 is a historic site that is directly across from -8116. Its current status is unknown. According to the DEIR, 36 additional archaeological and historic sites are recorded within a one mile radius.	Please refer to the Response to Comment 8-2 with respect to Site CA-RIV-8120.	N/A
8-21	3	Additionally, with the significance of this area clearly expressed by the numerous prehistoric and historic sites recorded close to the Property, it is surprising that there was not an updated archaeological survey conducted on the Property. The area may have been surveyed in 1987 and 2006, but archaeological standards generally dictate an	As documented in the Project's cultural resources report, a site survey within the 24-acre EDA was conducted on March 23, 2015. No other portions of the Mine would be authorized for new disturbance as part of the Project, as all remaining areas are either preserved as natural	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		updated survey if the previous survey is more than 5-7 years old. In this case, the last survey was nine years ago.	open space or are already permitted for mining activities under existing entitlements. Please also refer to the Response to Comment 8-2.	
8-22	4	Again, the Tribe did not have the archaeological reports for review.	A copy of the Cultural Resources Assessment and associated confidential appendices will be provided to the Pechanga Tribe during the public review period for the RDEIR.	N/A
8-23	4	However, based on the DEIR, we do not believe that the Cultural Resources Assessment can be considered complete. If the archaeological report missed documenting two known archaeological sites, this brings into question whether there are additional unknown sites within the Project boundaries that could be impacted by the proposed expansion. The State and Federal governments have mandated that cultural resources must be appropriately mitigated for within the confines of development projects. If inadequate studies are prepared, the full extent of resources on the property is unknown and cannot be appropriately addressed in the CEQA documents, resulting in a failure of the CEQA process, and leaving the CEQA documents open to challenge.	Please refer to the Response to Comment 8-2. As noted, the Project's cultural resources report properly addresses impacts within the proposed EDA, as the Project would not authorize any new mining activities in other portions of the Project site. Additionally, new Mitigation Measure MM 4.4-1 has been added to RDEIR Subsection 4.4.7, which sets forth the requirements in the event that previously undiscovered resources are uncovered during mining activities.	Subsection 4.4.7
8-24	4	Because the proposed Project is a mining expansion and not like other development projects, the Tribe understands that standard mitigation monitoring will likely not be feasible. To address the incomplete mitigation for cultural resources, the Tribe suggests a complete survey of the expansion area and the Open Space area - all areas left untouched by the mining, in order to clear the Property of any impacts to potential historic or prehistoric resources.	As indicated in the Response to Comment 8-21, a site survey within the 24-acre EDA was conducted on March 23, 2015. Additional surveys within the open space areas are not necessary because the Project would not authorize any physical impacts to these areas. No impacts to previously-recorded resources within the EDA would occur based on the field	Subsection 4.4.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		This needs to be completed by the Project archaeologist and a Pechanga monitor prior to public hearing. Should resources be identified, they will need to be properly mitigated which can include, avoidance, archaeological excavation, relocation, or other appropriate mitigation as agreed upon by the Tribe, the archaeologist, the developer and the City. Once this is completed and with the inclusion of the following mitigation measures, impacts to cultural resources may be considered less than significant.	surveys and records search conducted by Brian F. Smith and Associates. Please also refer to new Mitigation Measure MM 4.4-1 which addresses the Commentator's concerns regarding the discovery of previously-unknown resources on-site.	
8-25	4-5	The Tribe requests the following mitigation measures to be included in the DEIR to address any inadvertent finds that could occur during mining activities. **MM1** If inadvertent discoveries of cultural or archaeological resources are made during the mining activities, the Project Applicant, Project archaeologist, and Pechanga Tribe shall assess the significance of the resources and meet and confer regarding the appropriate treatment (i.e., preservation, avoidance, and/or mitigation for the resources). Cultural and archaeological resources are inadvertent discoveries when they were not anticipated to be found during the Project's activities. This may include previously unknown sacred sites and items, midden deposits, artifacts, hearths, bedrock outcrops, human remains and other resources, etc. Consistent with California Public Resources Code Section 21083.2(b) and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance shall be the preferred method of preservation for tribal cultural resources and	Please refer to new Mitigation Measure MM 4.4-1, which addresses the potential for uncovering previously undiscovered resources on-site and incorporates the considerations referenced by this Comment.	Subsection 4.4.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		archaeological resources. If the Project Applicant, Project archaeologist, and Pechanga Tribe cannot agree on the significance of, avoidance of, or mitigation for such resources, these issues shall be presented to the Planning Director for determination. The Planning Director shall make the determination based on the information submitted by the Pechanga Tribe, the religious beliefs, customs, and practices of the Pechanga Tribe, and the provisions of the California Environmental Quality Act regarding tribal cultural and archaeological resources. Notwithstanding any other rights available under law, the decision of the Planning Director shall be appealable to the Planning Commission and/or City Council.		
8-26	5	**MM2** If human remains are encountered, consistent with California Health and Safety Code Section 7050.5, no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin of the remains. Further, consistent with California Public Resources Code Section 5097.98(b), human remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within twenty-four (24) hours. The Native American Heritage Commission shall immediately identify the "most likely descendant(s)" and notify them of the discovery. The "most likely descendant(s)" shall make recommendations within forty-eight (48) hours, and engage in consultations with the	Please refer to the discussion and analysis under Threshold d. in RDEIR Subsection 4.4.4. As indicated, mitigation is not necessary because the requirements referenced by this measure already are addressed by existing law, including California Health and Safety Code § 7050.5 and Public Resources Code § 5097.98. No revision has been made pursuant to this comment.	Subsection 4.4.4, Threshold d

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		landowner concerning the treatment of the remains, as provided in Public Resources Code Section 5097.98.		
8-27	5	**MM 3** All sacred sites, should they be encountered within the Project area, shall be avoided and preserved in perpetuity as the preferred mitigation, if feasible.	As stated in the Cultural Resources Assessment, no known sacred sites are located within one mile of the Project site. Nonetheless, Mitigation Measure MM 4.4-1 (see provision 3) incorporates the requested language stating that avoidance is the preferred method of mitigation, if feasible.	Subsection 4.4.7
8-28	5	The Pechanga Tribe looks forward to continuing to work 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 once you have had a chance to review these comments so we can discuss the timing of the archaeological survey and discuss additional procedures for proceeding. Thank you for continuing to partner with the Pechanga Band to preserve and protect our sensitive cultural heritage.	The City thanks the Pechanga Tribe for its comments and will contact the Pechanga Tribe if any questions or clarifications are needed.	N/A

9. Soboba Band of Luiseño Indians (February 22, 2016)

Pursuant to a request from the Soboba Band of Luiseño Indians, the Soboba Tribe's February 22, 2016 comment letter and associated responses have been omitted from the publicly-available record.

10. Blum Collins LLP, dated February 22, 2016

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-1	1	Under the California Environmental Quality Act ("CEQA"), this letter is to comment on the City of Lake Elsinore's proposed Surface Mining Permit No. 2013-01 and Amendment No. 2 to Reclamation Plan 2006-01A1 ("the Project") and the Draft Environmental Impact Report ("DEIR") and associated documents for that Project. The Project relates to the Nichols Canyon Mine located to the North and South of Nichols Road and to the East of I-15.	Comment acknowledged; please refer to the individual responses to the concerns expressed in this letter, below.	N/A
10-2	1	At different times you describe the site as 199 acres in total or 211 acres in total.	This has been corrected throughout the RDEIR. At the time the NOP was distributed for public review, the site comprised 211 acres. However, the Project Applicant subsequently conveyed 12 acres to CalTrans for possible future freeway off-ramp improvements. The conveyance of these 12 acres is unrelated to the proposed Project. The currently proposed Project applies only to the remaining 199 acres.	Throughout
10-3	1	As we understand it, the proposed Project is to: 1. Authorize the operator, Nichols Road Partners LLC ("the Applicant"), to conduct mining and operate its aggregate batch plant during increased hours from 4 a.m. Monday through Saturday, as opposed to the present hours of 7 a.m. to 12 a.m. Monday through Friday and 7 a.m. to 7 p.m. on Saturday, 2. Allow mining in the 24-acre Expanded Disturbance Area ("EDA") that exists to the northeast of the present Nichols North mining area, and	The City acknowledges the summary of the proposed Project. Please note that the revised Project evaluated in this RDEIR also considers 100% of asphalt batch plant operations, even though operation of the asphalt batch plant was permitted as part of the previously-approved Conditional Use Permit No. 2014-07 (CUP 2014-07).	Throughout

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		3. To reduce the Mine's permitted annual tonnage from 4,000,000 tons per year ("tpy"), a production level that we understand has never been achieved, to 856,560 tpy, which is greater than the average of 556,349 tpy which the mine had between 2007 and 2014 by 300,211 tpy by about 35%.		
10-4	1	While you have not included it in your Project Description, the Surface Mining Permit and/or Amendment No. 2 would extend the number of years that the mine could operate.	The addition of the 24-acre Expanded Disturbance Area (EDA) would extend the number of years the Mine would need to operate in order complete mining activities and implement the proposed reclamation plan. However, it should be noted that there is no expiration date under the current entitlements, nor is there an expiration date proposed as part of the Project. Nonetheless, and as discussed in RDEIR Subsection 3.3.2.K, approval of the proposed Project would extend the duration of mining activities by between 6.6 and 16.1 years, depending on what assumptions are used and the level of demand for aggregate materials.	N/A
10-5	2	The DEIR contends that "Mining activities on the 199-acre mine site are vested and do not require any permits or authorization from the City." DEIR at 1-5. We disagree. The case you cite, Hansen Bros. Enters., Inc. v. Bd. of Supervisors (1996) 12 Cal. 4th 533, does not go so far. The site is not zoned for mining. Although the Nichols Bros. case recognized the applicability of the "diminishing asset doctrine," it only applies "[w]hen there is objective evidence of the owner's intent to expand a mining operation, and the intent existed at the time of the zoning	This comment relates to the status of vested rights at the Nichols Canyon Mine. In the mining context, "vested rights" (sometimes referred to as "vested mining rights" or "grandfathered rights") relate to the mine operator's property right to continue mining operations that would otherwise be prohibited by later-enacted local zoning or land use regulations. (See *Hansen Bros. Enterprises v. Board of Supervisors of Nevada County* (1996) 12 Cal.4th 533, 552-553,	Subsection ES.2.3, Subsection 2.7.1, Section 3.0, Subsection 3.3

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		change." 12 Cal. 4th at 553, 556. "The determining factor is 'whether the nature of the initial nonconforming use . . . manifestly implies that the entire property was appropriated to such use prior to the adoption of the restrictive zoning ordinance . . . The mere intention or hope on the part of the landowner to extend the use over the entire tract is insufficient; the intent must be objectively manifested by the present operations.'" 12 Cal. 4th at 557 (emphasis supplied), quoting Stephan & Sons v. Municipality of Anchorage (Alaska 1984) 685 P.2d 98. Here we do not have that objective evidence. Because Pacific Clay quitclaimed the parcel in 1988 back to an owner who had never conducted surface mining operations on it, any vested right was lost, although the City improperly persisted in recognizing one. See Attachment E at page 10 (State Mining and Geology Board, Jan. 12, 2012) ("RP 112 should have been amended at this time to exclude this parcel; however, Pacific Clay or an affiliate purchased the site in 1998 and pursued a vested right based on RP 112, which the City granted"). We question any vested mining rights on the parcel. At the very least, expansion of the mining operation requires a CUP, which triggers CEQA.	558-559 [Hansen Bros.].) Vested mining rights, in some cases, include the right, without further approvals, to expand the mining operation geographically into areas that were not being mined at the time the restrictive zoning ordinance or land use regulation was adopted. (*Hansen Bros*., at p. 553.) This is known as the "diminishing asset doctrine." (Id. at p. 559.) As the Commentator points out, in 1998 the City confirmed that the entire 199-acre Mine site is subject to vested mining rights, which means that the Project applicant has a legal right to mine the entire Project site without a use permit approval from the City. This determination was made lawfully, and is now a final determination not subject to challenge. The Mine's vested status was subsequently recognized or reconfirmed by the County of Riverside in 2004, and by the City in 2006 and 2015. Notwithstanding these facts, which the Commentator does not dispute, the Commentator "question[s] any vested mining rights on the parcel" and asserts that "expansion of the mining operation requires a CUP." The Commentator is referred to Page 3-1 of the RDEIR: "The governmental approval requested from the City of Lake Elsinore to implement the Project consists of (1) approval of a surface mining	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			permit (SMP No. 2015-01); and (2) the second amendment to an existing approved Reclamation Plan (Reclamation Plan No. 2006-01A1 . . .” As explained repeatedly in the RDEIR, “in response to comments received during the scoping process for this EIR, the City has requested and the Project applicant has agreed to apply for a surface mining permit notwithstanding the Mine’s vested status in order to more clearly define and condition the activities proposed as part of the project.” (RDEIR, p. 3-1; see also DEIR pp. 2-11, 3-7.) The EIR accordingly “analyzes the physical environmental effects associated with all components of the Project, including planning and ongoing operation,” as required by CEQA. (RDEIR, p. S-4.) In summary, the Project analyzed in the RDEIR includes issuance of a conditional use permit for the proposed mining operations. The Project does not rely on, reopen, or seek reconfirmation of the Mine’s vested rights, nor does the RDEIR analyze impacts associated with any expansion, contraction, or other modification of the Mine’s vested rights. The RDEIR instead analyzes all impacts associated with the Project, including impacts associated with underlying mining operations, as requested by the Commentator. It is important to note, however that in agreeing to	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			apply for a surface mining permit, the Project Applicant expressly does not waive and reserves all vested mining rights at the Mine to the fullest extent under the law. No revisions to the RDEIR are warranted pursuant to this comment.	
10-6	2	Even if a CUP is not required, CEQA review for the entire Project is required, not merely for the Reclamation portion. The Applicant is both intensifying the use and extending the area mined which are both substantial changes under the Surface Mining and Reclamation Act ("SMARA"), requiring a permit.	Although not required due to the vested status of the Mine, a Surface Mining Permit (SMP) application was filed with the City prior to circulation of the DEIR for public review in January 2016. The proposed SMP No. 2015-01 was discussed in the DEIR and in this RDEIR.	Throughout
10-7	2	Baseline Analysis The DEIR relies on annual tonnage from the period of 2007 through 2014 to yield its 556,349 tpy "average." It gets to this average by including the Mine's production from 2008, which was 1,192,136 tpy, nearly twice what it produced in any other year. Although environmental effects from mines have been evaluated based on average tonnages we do not know of precedent for a seven-year timeframe, and the four-year average used in *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal. App. 4th 645 is much more appropriate here. The last four years would yield an average of 430,882 tpy, and would mean that the permit would increase output by 425,678 tpy. This would increase impacts to air quality, traffic, noise, and greenhouse gas emissions. While incremental changes can be evaluated in a situation such as this, you have not identified the proper increment.	Additional language has been added to RDEIR Subsection 2.1 further explaining the City's rationale for basing the existing environmental setting on mining data from 2007 through 2014. In summary, the baseline period selected for the proposed Project includes all years the Mine has been subject to mining activities, and also captures the time period before, during, and following the recession that occurred from December 2007 to June 2009. Furthermore, the San Joaquin Raptor case merely reaffirmed existing case law which states the Lead Agency may, based upon substantial evidence, define the environmental baseline for projects involving on-going operations. In this case, the years 2007 through 2014 represent years prior to the recession, the 2007-2009 recession, and the subsequent weak period of economic growth,	Subsection 2.1

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			thereby providing a reasonable estimate of historic tonnage from the Mine and accounting for natural variations in production rates that are directly related to economic activity. The San Joaquin Raptor case did not affirmatively define the baseline period as comprising four years for all projects subject to CEQA; rather, this case merely upheld the Lead Agency's judgement that a four-year period was adequate for the project that was then under evaluation. No revision is necessary pursuant to this comment.	
10-8	2-3	In Section 2 of the DEIR you conclude that the proposed Project would occur within 386 feet of the nearest residential land use and within 558 feet of the Temescal High School. Based on the scale map at DEIR page 1-3, Figure 1-1, we think you were correct later in the DEIR when you concluded that the nearest residential receptor is actually about 320 feet away and it looks like portions of the High School are much closer than you have estimated, at about 400 feet from the bottom tip of the proposed further mining in Nichols South	Please refer to new Subsection 3.3.2.D and Figure 3-6 of the RDEIR. This subsection clarifies the distance of the mine to the nearest surrounding land uses based on the following: distance from the nearest areas subject to mining activities; distance from the proposed expanded disturbance area; and distances from the aggregate processing plant and asphalt batch plant. The distance measurements have been conservatively estimated and are consistently used throughout the analysis in this RDEIR and in the Project's technical studies (e.g., Air Quality, Greenhouse Gases, Health Risk Assessment, and Noise).	Subsection 3.3.2.D
10-9	3	We note you used 1,000 feet as the distance to the High School for your Health Risk Assessment ("HRA") and therefore believe it is invalid as we discuss later.	Please refer to Response 10-8, RDEIR Subsection 3.3.2.D, and Figure 3-6. The revised HRA utilizes a distance of 586 feet, which represents the distance from the nearest portion	Subsection 3.3.2.D

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			of the Mine that is subject to mining activities to the nearest classroom. This is a conservative estimate, as the proposed Project would not authorize new mining disturbances within the Nichols South site, and because the only operational change within the Nichols South site is the extension of time for mining operations from between 4:00 am and 7:00 am. Although school is not in session during this time, the analysis in the HRA and in RDEIR Subsection 4.2 nonetheless assumes students are present during this time period in order to provide a "worst case" analysis of potential health risk impacts.	
10-10	3	Section 3 – Project Description The description of the Applicant's land varies in your document between 199 acres and 211 acres both of which you say are entirely vested. We disagree, but the document should be consistent. Where are the extra 12 acres and what is proposed for them?	Please refer to Response 10-2 which explains the acreage discrepancy. This discrepancy has been fully corrected throughout the RDEIR.	Throughout
10-11	3	The Project Description also says it relies on Surface Mining Permit ("SMP") No. 2015-01 and Reclamation Plan ("RP") 2006-01A2, both of which are incorporated by reference." You did not make these documents available online and we asked you to email or fax them to us and got no response.	Copies of SMP 2015-01 and RP 2016-01A2 will be made available during the public review period for the RDEIR.	N/A
10-12	3	The Project description lists Project Objectives starting at page 3-2. The first of these starts "To increase the available high-quality aggregate reserves available on the property,"	The first objective has been revised to replace "on the property" with "within the local area."	Subsection 3.2

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		which inherently skews your analysis against any alternative site in your alternatives discussion.		
10-13	3	At page 3-6, you have Table 1 to Figure 3-3, which discloses that Reclamation would not occur until 2036 under the Applicant's projections. In the DEIR you do not describe the total reserves available under the Project or what you anticipate will come from the EDA. You only indicate that with the proposed Project total reserves available 16,150,000 tons. Since we do not have the prior figures we cannot estimate how many years of additional life this gives to the mine, a question of obvious concern to local residents on the basis of water quality emanating from the Mine, air quality, traffic, and biological resources. See, e.g., Attachment K.	Please refer to added Subsection 3.3.2.K which discloses the projected annual mining quantities and remaining tonnage on-site. Under existing mining operations, approximately 6,078,121 tons of material remain on-site. With approval of the proposed Project, total reserves available would be approximately 15,033,304 tons. This Subsection also addresses the additional years of mining activity duration expected on-site. Depending on the scenario and assumptions used, approval of the proposed Project would add between 6.6 to 16.1 years to the duration of mining activities on-site, although there is not an expiration date for existing or proposed mining activities.	Subsection 3.3.2.K
10-14	3	You state in the Project Description that the Mine is estimated capable of producing 5,000 tpd and that based on the permitted 856,560 tpy being approximately 35% greater than the 556,349 tpy you say is the past average (again we disagree with this baseline), the tpd attributable to the Project is 1,752. At 5,000 tpd the Mine could only operate 171 days out of the year. We think you have exaggerated your baseline greatly and that your analysis is not based on substantial evidence.	The City respectfully disagrees with this comment. The assumption of 171 days represents peak operations throughout the 171 days, thereby overstating likely tonnage per day produced. It is highly unlikely that the Mine would produce its reasonable worst case high-end peak tonnage for 171 days; it is far more likely the Mine would produce a lower daily average dispersed over the entire year. The assumption used is highly conservative in nature because it assumes peak operations for 171 days rather than a lower average level of daily	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			operations over 52 work weeks. The level of impact significance reported in the DEIR for many subject areas (e.g., Traffic, Air Quality, and Noise in particular) would be reduced if the lower average daily operations tonnage over 52 work weeks was utilized, because many of the significance thresholds related to operational activity are based on daily, peak hour, or instantaneous measurements. For example, if the Project were to be Mined equally throughout the year, assuming mining occurs Monday through Saturdays (excluding federal holidays), then mining activities would occur over approximately 306 days. Given the proposed annual tonnage limit of 856,560 tons per year (tpy), this would yield approximately 2,799 tons per day (tpd), or an approximately 44% reduction in daily tonnage as compared to the 5,000 tpd assumption used in the RDEIR. Thus, the assumption of 5,000 tpd for 171 days is a conservative and reasonable worst case scenario because it would produce higher daily, peak hour, and/or instantaneous impacts than if those impacts were spread over a longer period of time. For example, daily traffic impacts would be substantially reduced if the RDEIR were to assume only 2,799 tpd because traffic from the Mine under such assumption would result in 44% less daily and peak hour truck traffic than	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			would occur if mining activities are assumed to produce 5,000 tpd, which in turn would result in less air quality and greenhouse gas emissions, in addition to reduced average daily noise levels. Accordingly, the City finds that the RDEIR's assumptions regarding daily production quantities is conservative and overstates, rather than understates, the Project's daily impacts due to traffic, air quality, greenhouse gases, and noise. No revision has been made to the RDEIR pursuant to this comment.	
10-15	3-4	In your traffic discussion under your Project Description you conclude that the Passenger Car Equivalent ("PCE") for the truck trips should be a factor of 3, which we think is reasonable given the differences in slowing and starting for these exceptionally large (and very heavy when outbound) vehicles. On this basis you conclude that the existing conditions have 795 average daily trips ("ADT") (16 inbound and outbound employee car trips and 260 inbound and outbound truck trips at a PCE of 3) and with the Project there would be 1220 (20 employee trips and 400 inbound and outbound truck trips). Again, we think your baseline is hard to fathom, and unfortunately, in your traffic analysis you reduced the PCE for the inbound and outbound truck trips, and we disagree with that reduction. We'll discuss this further below under traffic. For now, the point is your document is inconsistent.	The PCE factors were dependent on the type of vehicle being utilized. PCE factors of 1.5 for 2-axle, 2.0 for 3-axle, and 3.0 for 4+-axle trucks were used for determining PCE-based existing traffic volumes. The PCE factors are based on axle type and the increased acceleration/deceleration time associated with heavy vehicles. In other words, the acceleration/deceleration associated with a delivery truck is not the same for a WB-67 heavy truck, and therefore utilize different PCE factors. A PCE factor of 3.0 was utilized for all of the proposed Project's heavy trucks based on the anticipated type of heavy vehicle. Use of these factors are accepted/approved by City of Lake Elsinore staff. The use of these factors is also consistent with the same methodology utilized for traffic impacts for similar mining (and other	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			similar) uses within the County of Riverside. No revisions were made in the RDEIR pursuant to this comment.	
10-16	4	At 3-10 to 3-11 you have Table 3-2 which reflects what you say is the proposed increase in operational equipment under the Project. You state in the text that the operational equipment used by the former owner of the mine equated to 20,316 horsepower hours per day ("hhpd"), whereas there is more equipment, being used for longer hours, by the applicant under present conditions, for a total of 25,158 hhpd. We do not find it credible that the 25,158 hhpd covers both the existing condition in 2014 and the proposed Project, with its (1) increased hours, (2) increased intensity of mining, and (3) expansion into the EDA.	Comment is acknowledged. In response to this comment, the Project's expected operational characteristics have been adjusted throughout the RDEIR to assume a 35% overall increase in horsepower hours per day (hhpd). Refer to Table 3-2 of the Project's Air Quality Impact Analysis (*EIR Technical Appendix B*), RDEIR Table 3-2, and appropriate sections of the RDEIR that rely on operational hhpd (e.g., air quality and greenhouse gas emissions).	Subsection 3.3.2.G & Throughout
10-17	4	The maximum that any piece of equipment is proposed to be used under your chart of existing conditions is 10 hours per day, when the Mine is proposed to be open for 20 hours per day. Your assumption that conditions will not change is based upon substantial evidence.	The hours per day disclosed in RDEIR Table 3-2 represents a conservative estimate of the total hours per day that construction equipment would be operating. While this comment is correct that mining activities can occur up to 20 hours per day, this does not mean that every piece of operational equipment shown in RDEIR Table 3-2 must operate up to 20 hours per day. Rather, the process of mining involves the physical removal of material, loading on to trucks, and conveyance to the aggregate processing and asphalt batch plants, prior to being loaded into trucks for off-site delivery. These components of the mining operation utilize different pieces of equipment. Equipment depicted in RDEIR	Subsection 3.3.2.G

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			Table 3-2 as operating 10 hours per day indicates that these individual pieces of equipment would operate 50% of the time. Given that RDEIR Table 3-2 depicts three different types of wheel loaders as operating 10 hours per day, the assumption that equipment would operate 50% of the time is a conservative assumption as the total operational hours per day for this equipment would be a combined 30 hours per day. Moreover, and as discussed in the Response to Comment 10-16, the Project's hhpd already has been artificially been inflated by to reflect a 35.05% increase over baseline hhpd.	
10-18	4	Regarding Project water consumption, you state that based on historical data from 2008 to 2012 (not based on 2007-2014, which you use elsewhere, or 2011-2014, which is what should be used under San Joaquin Raptor), the Mine has used 64,000 gpd for dust control. You state that under existing conditions, 20.33 acres are watered, but that per Figure 3-5, dust control measures will be Converted to chemical binders or pavement on a part of the existing site, and aggregate stabilization will be used on another part of the site, such that only 11.01 acres of the site will use water. You claim this will lead to a 45.84% reduction in water usage. This ignores that the Project involves disturbance and mining in the EDA which is an additional 24 acres. Your map at Figure 3-5 at DEIR 3-12 discloses no soil stabilization measures for the EDA.	The estimate of baseline water consumption has been revised to reflect billing information from EVMWD for 2015, the only year in which the current Mine owner has operated the Mine for an entire year. Based on this information, the baseline water usage has been reduced to 32,915 gpd. As shown on Figures 3-7 and 3-8 of the RDEIR, the dust control exhibit has been updated to ensure erosion control is provided within the EDA and to account for dust control on Nichols South. As a result of these revisions, acres subject to watering for dust control would be reduced from 24.90 acres under the baseline conditions to 13.20 acres under the proposed Project, with the remainder of the site subject to alternative soil stabilization. As a result, water	Subsection 3.3.2.H

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			usage under the proposed Project would be reduced from 32,915 gpd to approximately 15,466 gpd.	
10-19	4	Moreover, watering with regard to disturbance of new, soil-laden areas may require more water than the existing site did. You anticipate water demand will be at 34,660 gpd under your new proposed conditions. This assumption is not based on substantial evidence.	Refer to Response to Comment 10-18. As noted, The estimate of baseline water consumption has been revised to reflect billing information from EVMWD for 2015, which showed that the Mine used a maximum of 32,915 gpd in 2015.	Subsection 3.3.2.H
10-20	4	At 3-10 through 3-13 you describe erosion and sediment control. You describe existing conditions and proposed conditions under the Reclamation Plan but you do not describe what would happen during the proposed Project, which we calculate will last for the next 20 years.	Pursuant to SMARA § 3503(b), during on-going mining activities, all runoff from the site would be detained in one of two proposed sediment basins. These basins fulfill the SMARA requirement of "preventing potential sedimentation of streams at operations where they will provide a significant benefit to water quality." Moreover, during on-going mining operations, dust control measures would be implemented to preclude significant air quality impacts, in accordance with SCAQMD and SMARA requirements. The text in RDEIR Subsection 3.3.2.I has been revised to include a description to further clarify the erosion and sediment control during interim conditions.	Subsection 3.3.2.I
10-21	4	Blasting would occur "onsite on a planned and intermittent basis." DEIR at 3-13. You don't say how often blasting has occurred in the past or will occur under the Project.	Comment acknowledged. Text in Subsection 3.3.2.J was added to indicate the historical blasting activities on the site, as well as the maximum and average number of blasts anticipated under the proposed Project.	Subsection 3.3.2.J

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-22	4-5	You claim revegetation will occur using a specified seed mix which includes California sage brush and purple needlegrass. You do not mention that revegetation will not occur until at least 2036.	Commentator is correct that revegetation will not occur until completion of mining and reclamation activities, although it is not accurate to assume that revegetation would not occur until "at least 2036." For example, if the Nichols South site were to be reclaimed prior to Nichols North, revegetation of the Nichols South site could occur sooner than 2036. As stated in Subsection 3.3.2.K, the duration of mining activities could take an additional 6.6 to 16.1 years to complete as compared to existing operations (Project Applicant, 2016b). Moreover, and as discussed in revised Subsection 3.3.2.L and as shown in RDEIR Table 3-7, which specifies a seed mix and describes the requirements of California Code of Regulations (CCR) Section 3705(g), which mandates revegetation during interim conditions as necessary to control erosion and preclude the emergence of non-native plant species that could displace native species.	Subsection 3.3.2.K
10-23		You state that the Project must be approved by the Planning Commission (not the City Council), and that "If approved, the Project would be required to comply with all imposed Conditions of Approval." DEIR at 3-14. The DEIR omits mention that the State Mining and Geology Board recently considered assuming the duties of the City of Lake Elsinore under SMARA because the City had failed in its duties to	Pursuant to CEQA Guidelines § 21067 and CEQA Guidelines Article 4 and § 15367, the City of Lake Elsinore is the Lead Agency under whose authority this EIR has been prepared. "Lead Agency" refers to the public agency that has the principal responsibility for carrying out or approving a project. Irrespective of what may have occurred on other mining sites within the	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		properly inspect and enforce permits within the City's boundaries. See Attachment E.	City, the proposed Project would be subject to review during on-going mining operations by both the City of Lake Elsinore as well as the Office of Mine Reclamation (OMR). There is no evidence to demonstrate that the Project Applicant would violate the applicable conditions of approval or that the City would fail to enforce the conditions; on the contrary, the Project Applicant is required by the mitigation measures presented throughout the EIR to maintain records demonstrating compliance with relevant mitigation measures and conditions of approval, in accordance with SMARA.	
10-24	5	At Table 3.4 you list approvals which should have been sought before CEQA review, including (1) a Biological Opinion for the coastal California gnatcatcher ("CAGN"), from the U.S. Fish & Wildlife Service ("USFWS") and Army Corps of Engineers ("ACE"), (2) a Streambed Alteration Agreement from the California Department of Fish & Wildlife ("CDFW"), (3) an amended Notice of Intent ("NOI") for an existing NPDES permit from the Santa Ana Regional Water Quality Control Board ("RWQCB"), and (4) a Clean Water Act section 401 water quality certification from the RWQCB. All of these permits should have informed the CEQA analysis you did and the public should have been advised of their outcomes.	The approvals listed in Table 3.4 cannot be obtained until after CEQA review is concluded, and the RDEIR is certified by the City of Lake Elsinore. CEQA Guidelines § 15381 and § 15386 define the role of Responsible and Trustee Agencies, respectively, in the CEQA process. A Responsible Agency is defined as a public agency which proposes to carry out or approved a project, for which a Lead Agency is preparing an EIR. This includes all public agencies other than the Lead Agency which have discretionary approval power over the project. A Trustee Agency is defined as a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. In the case	Subsection 3.5

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			of the proposed Project, all agencies listed in this comment are Responsible or Trustee Agencies. None of the approvals and permits for the Project required by the Responsible and Trustee Agencies can be issued until after the RDEIR is certified. It is not legally feasible to obtain the referenced permits in the absence of a certified CEQA document. Refer also to the Response to Comment 10-83.	
10-25	5	Section 4.0 – Introduction to Environmental Analysis You state here that your analysis of several types of cumulative impacts relied upon a list of projects known to the City, the City of Wildomar, or the County of Riverside. We do not believe this list of projects applies to your greenhouse gas ("GHG") emissions analysis, and we question whether you used it for your air quality analysis.	RDEIR Subsection 4.02 has been supplemented to explain the cumulative context for GHG emissions. As noted therein, the 'list of projects' approach does not apply to cumulative GHG emissions or cumulative air quality emissions. Global climate change (GCC) pertains to the entire earth, and cumulative GHG emissions are defined as global emissions levels. It is not feasible or practical to generate a global scale list of projects for the 'list of projects' method of cumulative analysis. Instead the cumulative study area is determined per guidance from SCAQMD. Similarly, the analysis of air quality relies upon thresholds of significance established by the SCAQMD, which clearly indicate that direct and cumulative impacts should be treated similarly, except for the issue of toxic air contaminant (TAC) emissions. Please refer to DEIR Subsection 4.0.2 for an updated	Subsection 4.0.2

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			description of the cumulative study areas for the issues of GHG emissions and air quality.	
10-26	5	Regarding biological resources, you claim you are using the summary of projections method and using a study area of the Western Riverside County Multi-Species Habitat Conservation Plan ("MSHCP"), which we believe skews your analysis since you claim you do not have to comply with the MSHCP.	The MSHCP area is used as a cumulative impact study area, and there is no evidence or example in this comment indicating that the use of this study area "skewed" the analysis presented in the RDEIR. Use of the MSHCP as a cumulative study area for biological resources is appropriate because the MSHCP covers a region with similar ecological conditions as the Project site. As stated in RDEIR Subsection 4.3.5, the study area is appropriate because the MSHCP encompasses a large area surrounding the Project site, and provides for the long-term protection of sensitive species and communities throughout the western Riverside County region. Additionally, most cumulative development projects within the Project's vicinity would be subject to the provisions of the MSHCP, and the RDEIR now identifies a significant and unavoidable impact due to the Project's conflict with the MSHCP (despite the fact that the Project is not subject to the requirements and regulations of the MSHCP). Thus, the MSHCP is the appropriate area for assessing cumulative impacts. No further response is necessary.	Subsection 4.3.5

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-27	5	Regarding Thresholds of Significance, the DEIR states that CEQA affords the City the discretion to formulate standards of significance and recognizes that the significance may vary with the setting. While that may be true regarding greenhouse gases, guidelines both relating to cumulative impacts in general, and regarding greenhouse gases in particular require adoption of the threshold through a public review process by an agency with jurisdiction. Guideline § 15064(h)(3); Guideline § 15064.4(b)(3). The South Coast Air Quality Management District ("SCAQMD") does not have jurisdiction to control GHG emissions; those emissions are controlled by the California Air Resources Board.	CEQA Guidelines § 15064(h)(3) specifies, "A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program…that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located." The City of Lake Elsinore adopted a Climate Action Plan (CAP) in December 2011. However, and as explained in RDEIR Subsection 4.6, the City's CAP is generally applicable to traditional land use development projects and does not reference mining projects. The City's CAP establishes a performance-based standard of 6.6 MT CO_2e per service population by 2020. Service population includes both workers and residents. In the case of the proposed Project, it is not possible to achieve the CAP's performance-based service population standard of 6.6 MT CO_2e because mining activities on the Project site involve a large physical disturbance area but the Mine employs only a few people. Specifically, with approval of the proposed Project, the Mine would have a total of 10 employees. If 6.6 MT CO_2e was applied as a GHG emissions limit, emissions from the Mine would be limited to 66 MT CO_2e/yr, which is not	Subsection 4.6

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			feasible or practical. Emission of 66 MT CO_2e/yr represents a mere 0.67.1% of the Project's projected GHG emissions of 9,836.53 MT CO_2e/yr. In order to achieve such a reduction, annual mining activities would need to be reduced to approximately 5,747.6 tpy, which would allow for mining to occur only two days during the year (assuming a maximum of 5,000 tpd). Even if GHG emissions from the asphalt batch plant were to be excluded, mining activities could occur for less than five days per year. Such restrictions on mining activities at the site are not feasible and directly conflict with the Project's primary objective to expand the availability of aggregate resources within the local area. In fact, and based on guidance from the California Association of Environmental Professionals (AEP, 2016a), the methodology used for evaluating the cumulative significance of an individual project's GHG emissions must be tailored to the type of project under review. The efficiency threshold approach is specifically identified by the AEP as being "highly discriminatory against GHG intensive industries that provide vital inputs (like concrete) to support the California economy, and such a universal benchmark is not recommended…for that reason" (AEP, 2016a, p. 46).	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			In the absence of a locally-adopted threshold for evaluating the significance of the cumulative contribution of GHG emissions applicable to a mining project, the analysis in the RDEIR relies instead on the SCAQMD's 10,000 MT CO2e/year threshold for industrial projects (which is the development category that is most applicable to Project operations). As stated by the SCAQMD in its document, *Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans*, which was included as part of Agenda No. 31 of the December 5, 2008 SCAQMD Board meeting, the 10,000 MT CO2e/year threshold for industrial projects would result in an emission capture rate of 90 percent of all new or modified stationary source projects. As noted by SCAQMD staff: "*A GHG significance threshold based on a 90 percent emission capture rate may be more appropriate to address the long-term adverse impacts associated with global climate change because most projects will be required to implement GHG reduction measures. Further, a 90 percent emission capture rate sets the emission threshold low enough to capture a substantial fraction of future stationary source projects that will be constructed to accommodate future statewide population and*	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			economic growth, while setting the emission threshold high enough to exclude small projects that will in aggregate contribute a relatively small fraction of the cumulative statewide GHG emissions. The SCAQMD's position is based on the fact that SCAQMD staff estimates that these GHG emissions would account for slightly less than one percent of the future 2050 statewide GHG emissions target (85 MMTCO2eq/yr). In addition, these small projects may be subject to future applicable GHG control regulations that would further reduce their overall future contribution to the statewide GHG inventory. Finally, these small sources are already subject to best available control technologies (BACT) for criteria pollutants and are more likely to be single-permit facilities, so they are more likely to have few opportunities readily available to reduce GHG emissions from other parts of their facility." (SCAQMD, 2008a, p. 4) Accordingly, because the City of Lake Elsinore CAP does not address mining operations, the DEIR and RDEIR appropriately rely on guidance from the SCAQMD.	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			Moreover, CEQA Guidelines § 15064.4(b) identifies three factors that must be considered, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment: *(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;* *(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.* *(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.*	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			The above factors were considered by the City in determining an appropriate threshold against which to evaluate the Project's greenhouse gas emission impacts. In consideration of these three factors, the City found that the 10,000 CO_2e/yr threshold adopted by the SCAQMD for industrial facilities (where the SCAQMD is serving as the lead agency) is the most appropriate threshold for the proposed Project. Although intended only for projects where the SCAQMD is serving as the Lead Agency, the City of Lake Elsinore considered the existing environmental setting and statewide and regional plans in determining that the SCAQMD interim threshold is appropriate to apply to the proposed Project in the absence of any locally-adopted thresholds applicable to mineral resource extraction.	
10-28	5	Section 4.1 – Aesthetics The DEIR states that the Mount Palomar Observatory is less than 45 miles away and accordingly the Project is in Zone B regarding the Observatory. This means that reduced lighting is appropriate. The City claims that reduced lighting will be achieved through compliance with Municipal Code section 17.112.040 and 17.148.110, but this merely prevents direct illumination or glare on adjacent properties and prohibits lights from shining upward. This does not mitigate impacts to the Observatory.	The City's Municipal Code includes provisions that were specifically adopted to address potential lighting impacts to the Mt. Palomar Observatory. As stated in § 17.112.040, "[d]ue to the City's proximity to the Mount Palomar Observatory, the use of low pressure sodium lighting shall be encouraged." In response to this comment, the reference to Municipal Code § 17.148.110 has been omitted, and a new mitigation measure (Mitigation Measure MM 4.1-1) has been added to ensure the use of low	Subsection 4.1.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			pressure sodium lighting. The use of low pressure sodium lighting would ensure impacts to observations at the Palomar Observatory are reduced to less-than-significant levels because low pressure sodium lighting emits a very limited range of colors that can be filtered out by astronomers, who can then use the rest of the color spectrum to study the universe (Palomar Skies, 2016).	
10-29	5-6	Threshold b. At 4.1-11, you address threshold b., "Would the Project substantially damage scenic resources, including, but not limited to trees, rock outcroppings and historic buildings within a state scenic highway?" You state that the I-15 is a State- Eligible Scenic Highway not officially designated by Caltrans. However, the threshold provides that you must assess impacts "including, but not limited to" a state scenic highway, and it does not specify whether that highway must be officially designated by Caltrans.	Commentator is referred to the discussion and analysis under Thresholds a. and c. within RDEIR Subsection 4.1.3, which addresses potential impacts to scenic vistas and visual quality, respectively. Threshold b. is specifically intended to address potential aesthetic impacts to designated scenic highways. The language of Threshold b., which is taken directly from Appendix G to the CEQA Guidelines, merely defines "scenic resources" to include trees, rock outcroppings and historic buildings; the threshold itself requires an analysis of whether a project would "substantially damage scenic resources…within a state scenic highway." No revision has been made pursuant to this comment.	Subsection 4.1.4
10-30	6	You concede there are rock outcroppings, but argue that they are "generally sparse and covered with natural vegetation." They are also visited by rare birds including	Commentator has not supplied any evidence that the EDA is used by birdwatchers. Existing, natural slopes within the EDA exhibit a slope	Subsection 4.3

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		the CAGN and the orange-throated whiptail. These would be species that birdwatchers would want to see – and could see, from Nichols Road. You haven't addressed this and it is a significant impact.	ratio of approximately 3:1 (horizontal:vertical) or steeper, which does not facilitate any public access to views of wildlife that may be present within the EDA. Additionally, there are no existing publically accessible trails within the EDA; thus, wildlife viewing in the EDA is not a common occurrence (if it has ever happened at all outside of professional biology surveys conducted for an environmental permitting/compliance process). There are no public viewing areas on or surrounding the Project site. Under existing conditions, Nichols Road is a two-lane roadway with no sidewalks and no public viewing areas. Additionally, the majority of the EDA comprises steep slopes that contain no publicly-accessible trails. While impacts to sensitive biological resources are fully addressed in RDEIR Section 4.3 (and mitigated, where necessary), impacts to wildlife viewing areas would not occur with implementation of the proposed Project because no wildlife viewing areas exist. In addition, the Project Applicant provided a letter stating that since owning and operating the Mine, they have never observed or become aware of anyone stopping along Nichols Road to watch for wildlife or to observe rock	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			outcroppings. This letter is part of the administrative record and cited as (Project Applicant, 2016a) which is available at the City of Lake Elsinore for review and will be provided on a CD to this Commentator.	
10-31	6	Threshold c. is "Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?" You acknowledge that the Project would disturb an additional 24 acres on the site, but then you claim this would not be discernable from the existing mining on the site. This is patently false. It is an additional 24 acres, with endangered species on it, that nature viewers would want to see.	Text was revised in the RDEIR to indicate the proposed mining activities 'would not be significantly visually prominent' rather than 'visually different or discernable'. Commentator has not supplied any evidence that the EDA is used by nature viewers. As stated in the Response to Comment 10-30, the Project Applicant provided a letter stating that since owning and operating the Mine, they have never observed or become aware of anyone stopping along Nichols Road to watch for wildlife or observe rock outcroppings. This letter is part of the administrative record and cited as (Project Applicant, 2016a) which is available at the City of Lake Elsinore for review.	Subsection 4.1.4, Threshold c
10-32	6	You state that by 2010 there were six mines active in the Lake Elsinore area. While that may be so, we don't understand them to be in the immediate vicinity of the Project, and we are talking about (as the EIR must) impacts to the EDA.	Comment acknowledged. Text was revised to indicate that six mines are active in the Lake Elsinore area, with the closest being 1.4 miles from the Project site.	Subsection 4.1.4, Threshold c
10-33	6	Finally, you say "Although aesthetic changes to the Project site during mining activities would be noticeable, reclamation of the EDA after mining activities have ceased	With respect to the DEIR's conclusion as to the significance of impacts to visual quality from the proposed EDA, the Commentator is referred to	Subsection 4.1.4,

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		would result in a less-than- significant alternation [sic] to the visual character of the Project site." We disagree. Reclamation would not occur until at least 2036, at which time the CAGN and orange- throated whiptail may no longer be present anywhere and unable to return to the site, and impacts would be significant for at least 20 years in the interim.	the entire discussion and analysis under Threshold c. in Subsection 4.1.4. The quotation cited here does not capture the entirety of the analysis demonstrating the City's rationale for concluding that impacts due to the EDA would be less than significant. With respect to wildlife, the impacts to the CAGN were determined to be significant in DEIR Subsection 4.3, and mitigation would include preservation of CAGN habitat off site and/or in accordance with the requirements of the Biological Opinion. The impacts to the CAGN and orange-throated whiptail from the Project from habitat loss were considered to be permanent. While the on-site reclamation includes a seed mix of native annual and perennial herbaceous and shrub species found in the Study Area and/or in similar scrub communities in southwestern California, the reclamation is not CAGN mitigation, and the reclaimed area is not required to support the CAGN in the future. While no orange-throated whiptail mitigation is required, the off-site CAGN mitigation also would provide habitat for the whiptail. It also should be noted that impacts to wildlife species such as the CAGN or the orange-throated	Threshold c & Subsection 4.3

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			whiptail are discussed in RDEIR Section 4.3, *Biological Resources*; thus, it is not appropriate to discuss these impacts as it relates to the Project's aesthetics impact to visual character. Please refer to Section 4.3 for the discussion of wildlife on-site and mitigation measures imposed on the Project to reduce impacts to less-than-significant levels. With respect to (the lack of) wildlife viewing opportunities, please refer to Response to Comment 10-30. No revisions were made to the RDEIR pursuant to this comment.	
10-34	6	You also do a visual simulation of what the Project will look like to motorists on the I-15 during its implementation. Simulation 2 (Figure 4.1-7) shows an earthen berm that would obscure the hillside from view. The difference between an earthen berm and a natural hillside is a significant impact. Also, if the earthen berm obscures mining activities they won't be obscured for those on Nichols Road.	Please refer to the revised visual simulations presented as Figures 4.1-6 through 4.1-8. In addition, the construction of the earthen berm was a requirement of Conditional Use Permit No. 2014-07 and Amendment No. 1 to Reclamation Plan No. 2006-01 and is currently being constructed. Thus, construction of the earthen berm is not attributable to the currently proposed Project. Accordingly, the City finds that the construction of this berm does not comprise a significant impact to visual resources associated with the proposed Project.	Subsection 4.1.4, Threshold c

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			Moreover, the analysis under Threshold c. in RDEIR Subsection 4.1.4 includes an analysis of potential aesthetics changes visible from Nichols Road. As discussed therein, the earthen berm also would be constructed along portions of Nichols Road, and the RDEIR acknowledges that mining activities would be visible and that the berm would only partially obstruct views of the Mine along Nichols Road. However, the analysis also concludes that the EDA is not prominently visible in the context of the existing mining operations that already are permitted under existing entitlements. There is no evidence in this comment or in the administrative record demonstrating that the EDA's impacts to aesthetics would be significant. On the contrary, RDEIR Subsection 4.1 provides substantial evidence to support the conclusion that visual quality impacts would be less than significant. No revision has been made pursuant to this comment.	
10-35	6	Threshold d. asks "Would the Project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?" It would, both for Mount Palomar Observatory and for neighbors.	Please refer to Response to Comment 10-28, which addresses potential impacts to the Mount Palomar Observatory. Additionally, the proposed Project would not authorize any new lighting on-site. Instead, lighting would be allowed under the proposed Project during the Mine's extended hours of operation (i.e., from 4 a.m. to 7 a.m.), and would occur over a longer	Subsection 4.1.4, Threshold d

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			duration (i.e., approximately 6.6 to 16.1 years longer than the existing entitlements). These changes to lighting activities on-site would not result in any new impacts to surrounding residents. Any new lighting within the EDA would be oriented to illuminate areas subject to mining, which would inherently preclude any site lighting from being directed onto other properties. Furthermore, all lighting on-site would be subject to the provisions of Municipal Code § 17.112.040, which requires that "[a]ll 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." Accordingly, the City finds that there is substantial evidence to conclude that impacts due to Project lighting would be less than significant.	
10-36	6	You claim "No new lighting elements would be required in the EDA; however existing lighting would be used over a longer duration." We have difficulty believing you won't install further lighting in any of the EDA.	Mining activities progress laterally over time. Until other portions of the Mine have been mined to provide access to aggregate resources within the EDA, no mining within the EDA could feasibly occur. As such, from an operational standpoint, the lights currently used at the Mine under existing conditions also would be adequate to illuminate the EDA when other portions of the Mine are mined to allow mining equipment access to the EDA. Text was revised in	Subsection 4.1.4, Threshold d

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			Subsection 4.1.4, Threshold d. to indicate that lighting elements on the site are portable and would be moved from the current mining area to the EDA, and no new lighting elements would be added to the site. The sentence following the section quoted reads "There would be no new lighting impact to surrounding areas because intervening topography would prevent lights from impacting the homes located to the east of the EDA." Refer also to Response to Comment 10-35.	
10-37		And the longer duration of lighting, between 4 a.m. and 7 a.m. M-S and 7 p.m. – 12 a.m., will be significant for neighbors and the Observatory which is in use during that time.	Please refer to the Responses to Comments 10-28, 10-35, and 10-36 which address this comment.	Subsection 4.1.7 & Subsection 4.1.4, Threshold d
10-38	6	Further, you do not address views for motorists on the I-15 which may be affected by glare from the lighting.	All areas proposed or permitted for mining comprise the eastern and northern slopes of the Mine. Therefore, all lighting would be directed to thes north or east and focused on the slopes subject to mining activities, and not to the west toward I-15. As such, motorists using I-15 to the west would not be adversely affected by glare from the lights that will face north and east. Refer also to Response to Comment 10-35.	Subsection 4.1.4, Threshold d
10-39	6	Regarding the Observatory, the cumulative effects of lighting from this Project and others in the region will be significant.	Please refer to Response to Comment 10-28. In addition, please refer to the discussion and analysis of Threshold d. in RDEIR Subsection 4.1.5, which provides substantial evidence as to	Subsection 4.1.5 & Subsection 4.1.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			why the Project's lighting impacts would not be cumulatively considerable. No revision has been made pursuant to this comment.	
10-40	7	Section 4.2 – Air Quality Introduction. The Project is located in the South Coast Air Basin ("SCAB" or "the Basin"), which is in nonattainment for O3 (ozone), PM10, and PM2.5, if you combine the federal and state standards. Exposure to ozone can lead to reduction of breathing capacity, increased susceptibility to infections and inflammation of the lung tissue and immunological changes. Elevated PM10, and PM2.5 are linked to an increase in respiratory infections, the number and severity of asthma attacks, and hospital admission rates. As you acknowledge, "In recent years, some studies have reported an association between long-term exposure to air pollution with particulate matter and increased mortality, reduction in lifespan, and an increased mortality from lung cancer." As you also acknowledge, direct emissions of PM10 have remained more or less constant in the Basin, and direct emissions from PM2.5 have decreased only slightly. Table 4.2-3 discloses local violations of air quality standards for ozone, PM10 and PM2.5, and shows 13 days exceeded the state 8-hour standard and 4 days exceeding the state 1-hour standard for ozone and 8 days exceeding the state standard for PM10.	Comment acknowledged; as this comment merely cites information contained in the DEIR and/or the Project's air quality impact analysis, no response is necessary.	N/A
10-41	7	As you note regarding your Health Risk Assessment, the California Air Resources Board ("CARB") estimates that the average Californian is exposed to 1.2-1.8 µg/m3 of Diesel Particulate Matter ("DPM") with an average cancer	This comment appears to confuse the statewide estimated average for cancer risk with localized data produced by the SCAQMD. MATES-IV is a monitoring and evaluation study conducted by	Subsection 4.2

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		risk of 360-540 in one million. Health Risk Assessment, DEIR Appendix C, at ES-1. Yet you used the background risks provided by SCAQMD's Multiple Air Toxics Exposure Study IV ("MATES-IV") as your baseline, which only predicts an excess cancer risk of 164 in one million for the Project area (and you acknowledge that none of the SCAQMD's measuring sites is near the Project site). We think your background risk factor is not based on substantial evidence. You state that your analysis is "conservative" but based on the above consideration we have to disagree.	the SCAQMD specifically for the South Coast Air Basin (SCAB), in which the Project site is located. Estimated cancer risks reported in MATES-IV, published May 2015, are based on a network of 10 fixed sites that were used by the SCAQMD to monitor toxic air contaminants once every six days for one year (July 2012 through June 2013), and includes computer modeling to calculate estimated air toxic levels at 2km by 2km grids throughout the SCAB, including the Project site. The grid in which the Project site is located currently is reported by MATES-IV to have a cancer risk of 402 in one million (SCAQMD, 2015b), and the RDEIR and Health Risk Assessment technical report have been updated accordingly. The City finds that the Project site's background excess cancer risk of 402 in one million is based upon substantial evidence as reported by the SCAQMD in MATES-IV. Furthermore, and as discussed in RDEIR Subsection 4.2.2.E, ambient concentration and emission trends for the seven toxic air contaminants (TACs) responsible for most of the known cancer risk associated with airborne exposure in California have declined substantially. The decline in ambient concentration and emission trends of these TACs	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			are a result of various regulations CARB has implemented on a Statewide basis to address cancer risk. The overall declining trend in TACs is expected to continue in California from implementation of toxic air controls. Refer to RDEIR Subsection 4.2.2.E for a more thorough discussion of TAC trends in California. (Urban Crossroads, 2016a, pp. 23, 25) No revision to the EIR is warranted pursuant to this comment.	
10-42	7-8	You state you have used CalEEMod v. 2013.2.2 and engineering calculations for fugitive dust associated with the crushing and processing of aggregate materials in an existing project component that the operator permitted in 2014 though it was using it before then. Specifically, you evaluated emissions from: 1) On-Site Operational Equipment; 2) Mobile Source (Passenger Cars and Truck Traffic) Emissions; 3) Fugitive Dust from Material Processing; and 4) Diesel Particulate Matter (DPM) Emissions (which presumably come from the truck trips and possibly from the on-site operational equipment). DEIR at 4.2-14. You did not evaluate emissions from the existing asphalt batch plant operation on site, even though it is highly likely that the batch plant's operations will increase with	Comment is acknowledged. The analysis throughout the RDEIR has been revised to account for the asphalt batch plant operations. The asphalt batch plant was previously approved and entitled and as such is not proposed as part of the Project and does not need to be evaluated in the EIR. Nonetheless, in order to provide a conservative analysis and to remove this issue from being a potential point of contention, 100% of the emissions form the asphalt batch plant are now included in the RDEIR analysis. Please refer to the revised discussion and analysis within appropriate subject headings of the RDEIR.	Throughout & Subsection 4.2

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		increased daily tonnage from the site and the increased hours of its operation specifically requested in the permit: *Natural gas is utilized with the asphalt batch plant operations; however, asphalt batch plant operations would not increase under the proposed Project on a daily or annual basis, as compared to existing conditions.* *Although under long-term operating conditions the Project could cause a net increase in the duration of asphalt batch plant operations onsite due to the increased aggregate reserves made available by the Project, there would be no net change in the daily or annual emissions from the site associated with natural gas or electricity usage.* These conclusions are without a basis.		
10-43	8	First, even by your understated assumptions, the site will generate 35.05% more material per year, and this will naturally lead to increased operations of the batch plant daily. The Applicant has specifically asked for increased operational hours for the plant in its permit. See, e.g., DEIR at 1-2 (bottom paragraph, describing "Project or proposed Project").	Refer to the Response to Comment 10-42.	Throughout & Subsection 4.2
10-44	8	Second, you yourself concede that the emissions will continue for a longer period of time – specifically, several years (until 2036 at least) due to the increased reserves provided by the Project. The emissions from the batch plant should have been evaluated.	With respect to emissions from the asphalt batch plant, refer to Response to Comment 10-42. Additionally, while true that the proposed Project would extend mining operations on-site by approximately 6.6 to 16.1 years, the	Throughout & Subsection 4.2

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			significance of air quality emissions are evaluated based on SCAQMD regional and localized thresholds, which are based on daily emissions. As such, the extended period of operations at the Mine would not result in any new significant impacts to air quality beyond what is evaluated and disclosed by RDEIR Subsection 4.2.	
10-45	8	As the U.S. Environmental Protection Agency ("EPA") concluded in 2000, "a typical batch mix plant using a natural gas-fired dryer emits over 56,000 lb/yr of criteria pollutants, of which approximately 41,000 lb/yr are CO and approximately 10,700 lb/yr are PM-10; emissions of other criteria pollutants range from about 500 to about 12,000 lb/yr. The same plant would emit about 770 lb/yr of HAPs [hazardous air pollutants]." See Attachment N at 2-3. This conclusion was based on the assumption that the batch mix plant produced 100,000 tpy of asphalt. Attachment N at 2. This is likely an underestimate for the batch mix plant in question here given projected production levels of 856,560 tpy from the Mine. While we recognize that you would only evaluate the impacts from the 35% increase from the plant because of increased tonnage and operations, you have not included impacts to criteria pollutants or hazardous air pollutants ("HAPs") in your analysis at all – for either your analysis of compliance with the Air Quality Management Plan ("AQMP") or your HRA.	Please refer to the Response to Comment 10-42. Additionally, the calculated emissions expected from the asphalt batch plant are based on a technical study prepared by Associates Environmental, and is included as Appendix 3.5 to the Project's Air Quality Impact Analysis (*EIR Technical Appendix B*). The analysis, which conservatively evaluates 100% of asphalt batch plant emissions, was based on a maximum hourly production of 300 tons, a maximum daily production of 2,000 tons, and a maximum annual production of 330,000 tons. The analysis calculates controlled and uncontrolled emissions from the asphalt batch plant, which are in turn included in the calculation of Project-related air quality emissions in Tables 3-3 and 3-4 of the Air Quality Impact Analysis. Emissions from the asphalt batch plant also have been accounted for by the Health Risk Assessment technical report, which is included as *EIR Technical Appendix C*.	Throughout & Subsection 4.2

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-46	8	You also did not properly evaluate emissions from Project operational equipment (though we suspect they are dwarfed by the emissions from the batch plant). Specifically, you indicate that the Project Applicant has already increased the number of pieces of equipment and hours of usage for them from 20,316 to 25,158 hhpd. You claim this "represent[s] an approximate 35% increase." See Air Quality Impact Analysis, DEIR Appendix B, at 21. Again, this simple calculation is not supported by substantial evidence. Our calculator shows us that the 4,842 difference is 23.8% of 20,316. Given the increased mining capacity that the Applicant is asking for, and the increased number of hours per day, we think they will use their equipment more, if not also purchasing new equipment.	Refer to revised Table 3-2, which has been revised to artificially inflate the amount of equipment required in order to achieve a 35.05% increase in total hhpd as compared to the baseline hhpd. The equipment shown in Table 3-2 now represents a "worst-case" estimate of potential hhpd that may be needed at the Mine, which in turn results in an increase in air quality and GHG emissions.	Subsection 3.3.2.G
10-47	8	Specifically, your chart at Table 4.2-6 indicates that the most that any piece of equipment will be used per day is 10 hours – yet the Applicant is asking for 20 hours of operation time.	Refer to the Responses to Comments 10-16 and 10-17, which addresses this comment.	Subsection 4.2
10-48	8	We also believe you underestimated the trip length for trucks coming to or going from the Project. You speculated that the trip length would be a maximum of 25 miles because "25 miles is generally the maximum distance for aggregate to travel before the cost outweigh [sic] the distance of travel." This conflicts with your demand analysis earlier in the DEIR, where you state we have to look to the region as a whole including three counties.	This comment appears to confuse the DEIR's description of the South Coast Air Basin (SCAB), which encompasses all or portions of the counties of Orange, Los Angeles, Riverside, and San Bernardino, with the description of the Project's trip length. Project air quality emissions are evaluated against the thresholds of significance established by SCAQMD for the SCAB, and thus Project-related air quality emissions were evaluated in the context of the SCAB. With respect to trip length, and as noted	Subsection 4.2.3.A.2

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			in RDEIR Subsection 4.2.3.A.2, "[t]he CalEEMod default of a 20-mile one-way trip length for trucks was increased to 25 miles based on discussion with the Project Applicant and based on regional aggregate studies that have found that 25 miles is generally the maximum distance for aggregate to travel before the cost outweigh distance of travel." The City finds that the 25-mile trip length, which exceeds the default CalEEMod trip length of 20 miles, is based upon substantial evidence. (Urban Crossroads, 2016a, p. 29; SANDAG, 2011, p. 8-1; Berck, 2005) No revision is warranted pursuant to this comment.	
10-49	9	You claim, based on a theoretical study by Dr. Peter Berck, that "Project aggregate would replace materials hauled from farther distances and supply new demand for aggregate that will occur in the Riverside County region." We cannot be sure of this – it is more reasonable to assume that aggregate needs will be filled for existing customers of the Mine regardless of where they are.	The study prepared by Dr. Peter Berck provides conclusive evidence demonstrating that trip lengths in excess of 25 miles result in increased costs that likely would result in aggregate materials being provided by other mines in closer proximity to the area in which the aggregate materials would be used. Furthermore, a study prepared by the San Diego Association of Governments (SANDAG) found that when aggregate is transported by truck to the point of use, the price of the material increases about 15 cents per ton for every mile hauled, and concluded that "…the point of diminishing marginal benefit—that is, where the largest number of projects can be served with the least additional distance—occurs at the 20- to 25-mile	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			driveshed" (SANDAG , 2011, pp. ES-4 and 3-9). Moreover, the estimate of average trip distances also is based on information about average distances to customer locations as provided to the Project's air quality consultant by the Project Applicant. Accordingly, the City finds that the assumed trip length of 25 miles is based upon substantial evidence.	
10-50	9	Regarding fugitive dust, you have only analyzed dust from the Stationary Crushing and Screening Plant on site as opposed to dust generated by the Mine (including blasting and other ground-disturbing activities) itself, including the 24 new acres to be mined. See Air Quality Impact Analysis, DEIR Appendix B, at 25 (Tables).	As indicated in Tables 3-3 and 3-4, fugitive dust emissions associated with both operational equipment and mobile sources have been considered in the analysis. With respect to blasting activities, and as stated in revised RDEIR Subsection 3.3.2.J, blasting would average between six and eight blasts per year (Project Applicant, 2016c). Tables 3-3 and 3-4 have been revised to also account for blasting activities. Please refer to the updated discussion in Section 4.2.5 which accounts emissions from blasting activities.	Subsection 4.2.5, Subsection 4.2.9, Subsection 3.3.2.J Subsection 4.2.3
10-51	9	At Table 3-5 of that Analysis, you are supposed to add peak day localized emissions to background concentrations but you have included no background concentrations, so you clearly have underestimated cumulative exposures.	The analysis contained in the Project's air quality impact analysis is based on guidance and thresholds of significance from the SCAQMD, which requires that a project's individual localized air quality be measured against the Localized Significance Thresholds for each criteria pollutant.	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			The SCAQMD has published a report on how to address cumulative impacts from air pollution: *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution* (SCAQMD, 2003b). In this report the AQMD clearly states (Page D-3): *"…the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts."*	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			Accordingly, the City finds that the analysis of the Project's direct and cumulatively-considerable localized air quality impacts is based on substantial evidence per guidance of SCAQMD.	
10-52	9	In the backup to Appendix B for CalEEMod at page 1 of 13 we learn that you have assumed a land use of manufacturing with a lot acreage of 0.02 acres. This is not what the mine will produce in PM10 and PM2.5.	CalEEMod does not have a land use input for mining projects. As such, the manufacturing land use was selected because it has the closest operating characteristics to mining of any of the available land use inputs. As noted in the DEIR, PM_{10} and $PM_{2.5}$ emissions associated with the Project are calculated in CalEEMod (for PM_{10} and $PM_{2.5}$ associated with vehicular travel) and engineering calculations for PM_{10} and $PM_{2.5}$ associated with the increased activity at the crushing and screening plant. The lot acreage in CalEEMod does not factor into the PM_{10} and $PM_{2.5}$ emissions calculations.	Subsection 4.2 & Technical Appendix B
10-53	9	At 3 of 13 you assume under "construction detail" that the start date is 1/1/2016 and the end date is 12/30/2016 and there will be 0 acres of grading. This is not the Project under discussion.	Refer to the Response to Comment 10-52. As noted, PM_{10} and $PM_{2.5}$ emissions were calculated correctly and account for emissions associated with mining and processing activities at the site, based on the description of the proposed Project disclosed in RDEIR Section 3.0. There is no construction phase for the proposed Project; therefore, the input of "0" is accurate..	Subsection 4.2 & Technical Appendix B
10-54	9	At 10 of 13 we learn there will be no new natural gas use. Again, this is not credible.	As noted in the RDEIR, the Project will not result in an increase in the amount of natural gas associated with aggregate processing (because	Subsection 4.2 & Technical Appendix B

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			aggregate processing does not currently use natural gas or is it proposed to use natural gas). Natural gas would be used in conjunction with the asphalt batch plant. Although the asphalt batch plant was previously approved and entitled and as such is not proposed as part of the Project, in order to provide a conservative analysis and to remove this issue from being a potential point of contention, 100% 100% of the emissions associated with the asphalt batch plant are considered by the RDEIR. Operation of the asphalt batch plant includes emissions associated with natural gas usage.	
10-55	9	You haven't analyzed PM10 or PM2.5 from the dirt piles or mining activities – only from the Crushing and Screening Plant. See Appendix B at the eighty-ninth and one-hundred third to one-hundred sixth consecutive page of the document.	Refer to Response to Comment 10-52. PM_{10} and $PM_{2.5}$ have been calculated for aggregate mining, processing, asphalt batch plant production, and equipment/vehicles used for mining. Further, erosion control measures would be required by the City of Lake Elsinore and the SCAQMD PTO for any dirt stockpiled on-site.	Subsection 4.2 & Technical Appendix B
10-56	9	You should add the particulate matter concentrations from the Crushing and Screening Plant to ambient levels generated by the Mine itself; you haven't done this.	The Project as defined under CEQA involves the expansion of areas subject to mining by 24 acres and modifications to the operational characteristics at the Mine. Ambient levels of air emissions generated by the Mine under existing conditions are not associated with the Project evaluated in this EIR. Refer also to Response to Comment 10-51 for a discussion as to why ambient air quality emissions need not be	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			"added" to Project-related emissions based on guidance from SCAQMD.	
10-57	9	Regarding you HRA, you state "The non-residential land use with the greatest potential exposure of workers to DPM source emissions, as well as the nearest school site land use, is Temescal Canyon High School . . . which is approximately 1,000 feet south of the Project's mining impact area." DEIR at 4.2-19. You have overestimated the distance to the High School and this affects your HRA as it is factored into your calculations.	The HRA has been revised to reflect the distances shown in RDEIR Figure 3-6. Please refer also to the discussion presented in RDEIR Subsection 3.3.2.D. Additionally, the analysis relies on thresholds of significance as established by CARB. Use of CARB's threshold of significance is appropriate because CARB is the State agency responsible for implementing the Federal and California Clean Air Acts. Regulations promulgated by CARB and the SCAQMD have resulted in an overall decrease in cancer risk throughout the SCAB since 1990. Thus, Project compliance with the CARB thresholds of significance for toxic air contaminants (TACs) provides substantial evidence demonstrating that the Project's air quality pollutants would assist CARB and SCAQMD in continuing to lower cancer risks within the SCAB. Refer to the detailed discussion of Air Quality Trends in RDEIR Subsection 4.2.2.E.	Subsection 3.3.2.D
10-58	9	In the Noise section of the DEIR you state that the High School is 610 feet away; in Section 2 you say it is 558 away.	All sections of the RDEIR have been updated to utilize the distances reflected on RDEIR Figure 3-6. Refer also to the discussion presented in RDEIR Subsection 3.3.2.D.	Subsection 3.3.2.D

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-59	9	We are assessing impacts from DPM, which comes from trucks, which will go right by the High School on the off-ramp adjacent to it. Your distance figures must be revised downward, and this may well affect the HRA's conclusion that additional cancer risk is less than 10 in a million and there is a hazard index of less than one.	Exhibit 2-C in the HRA (*EIR Technical Appendix C*) clearly identifies seven discrete modeled sensitive receptor locations placed at the High School. Thus, the City finds that the Project's HRA properly includes and evaluates sensitive receptors at the high school. No changes to the EIR are necessary because the appropriate High School receptors have been included in the analysis.	Subsection 4.2 & Technical Appendix C
10-60	9	We also do not believe you used child-specific analysis for your assessment of risks to children; such an assessment should have been done given that the studies you cite show reduced lung capacity and increased asthma in children given increased exposure to the pollutants of concern. EPA's Framework for Assessing Health Risk of Environmental Exposures to Children, (Attachment O) which you did not use, 1) provides for a more complete evaluation of the potential for vulnerability at different life stages, including a focus on the underlying biological events and critical developmental periods for incorporating mode of action ("MOA") considerations; 2) evaluates the potential for toxicity after exposure during all developmental life stages; and 3) integrates adverse health effects and exposure information across life stages.	It should be noted that none of the toxic pollutants considered in the HRA for the Project result in a primary mutagenic mode of action (MOA). Notwithstanding, the RDEIR applies the 2015 OEHHA age sensitivity factors (ASFs) and accordingly adjusts for the increased susceptibility of exposure to toxic pollutants as requested by the commentator.	Subsection 4.2 & Technical Appendix C
10-61	9-10	You also should not discount that children could well live in the houses across the street and being present at the High School.	The analysis does not discount any potential children that could live in nearby homes because the potential health risks to residents also are considered. As noted in Response to Comment 10-60, the HRA was revised to include	Subsection 4.2 & Technical Appendix C

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			appropriate age-adjustment factors at the residences across the street as well as exposure to students at the High School.	
10-62	10	Your HRA does not assess impacts from the asphalt batch plant; EPA's assessment of Hot Mix Asphalt plants including asphalt batch plants concludes that the typical plant will generate 770 pounds per year of HAPs, which you have not included in your analysis, regarding either the sensitive receptors across the street from the Mine (at 320 feet away) or at the High School. See HRA (Appendix C) at 21 (stating that HRA is limited in its analysis to DPM). See also Appendix C, Appendix 5.1 (AERMOD inputs are only on-site idling, on-site travel, and off-site travel).	The HRA has been revised to account for 100% of asphalt batch plant operations. The asphalt batch plant was previously approved and entitled; nonetheless, to remove this issue as a potential point of contention and in order to provide a conservative analysis, 100% of the emissions form the asphalt batch plant are now included in the RDEIR analysis. Refer to the revised analysis and discussion in RDEIR Subsection 4.2.	Throughout & Subsection 4.2
10-63	10	In your HRA (Appendix C, at 12-14) you provide formulas by which your HRA is derived, but you provide no information on the inputs. We see some inputs in the last three pages of your HRA appendices, but not all of them. It is not possible to reproduce the calculations or to determine some assumptions that underlie them. Some are incorrect. You assume children are exposed only 180 days out of the year when they spend nine months in school, unless they go to summer school in which case it is more.	The 180 days considered in the DEIR and RDEIR and HRA technical report is supported by substantial evidence that, on average, children spend 180 days at school. For further support, please refer to the National Center for Education Statistics which is a branch of the U.S. Department of Education. Based on their surveyed data, the average length of school year in days is 180. (NCES, 2016) *EIR Appendix C* contains the HRA calculations. Additionally, the text of the HRA document itself provides sufficient detail on how emission rates, exposure periods, and risk calculations were conducted.	Subsection 4.2 & Technical Appendix C

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-64	10	We can and should assume that they will use the athletic facilities just across from the Mine year round.	The HRA includes a sensitive receptor located at the athletic facility just across from the Mine. The HRA conservatively assumes a 9-year exposure duration which severely overstates the potential impact and more than accounts for any children who may make use of the athletic fields year-round. No additional changes are needed to the RDEIR.	Subsection 4.2
10-65	10	You also are relying on SCAQMD's White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution (2003) to conclude that because the Project has (according to you) no significant individual impact, it has no cumulative impact either. See also DEIR Appendix B at 33-34 (listing cumulative projects and then failing to analyze them). It is inappropriate to rely on the SCAQMD guidance as it defies multiple CEQA Guidelines and Pub. Resources Code §21083(b)(2). See Guidelines §§ 15130(a), 15064(h)(1), 15065(a)(3), 15355(b). CEQA excuses no EIR from evaluating cumulative impacts simply because the project-specific analysis determined its impacts would be less than significant. Gordon & Herson, "Demystifying CEQA's Cumulative Impact Analysis Requirements: Guidance for Defensible EIR Evaluation," Cal. Env't'l. L. Reporter 379, 381 (Sept. 2011) (Vol. 2011, Issue 9) (Attachment P)	Refer to the Response to Comment 10-51. As noted therein, the SCAQMD utilizes the same thresholds of significance for direct and cumulative impacts. Thus, a project that has significant direct impacts also is presumed to have cumulatively-considerable impacts. As demonstrated by air quality trends within the SCAB (refer to DEIR Subsection 4.2.2.E), regulations promulgated by SCAQMD have led to a substantial decrease in air quality pollutants over time, and this decrease has occurred within the context of the SCAQMD using the same thresholds of significance for direct and cumulatively considerable impacts. Accordingly, the City finds that the RDEIR and Air Quality Impact Analysis (*EIR Technical Appendix B*) provide substantial evidence for the estimation of the Project's air quality emissions and associated direct and cumulatively considerable impacts.	Subsection 4.2.4

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-66	10	We also note we could not find the SCAQMD guidance on its website.	The referenced document is available at the following links, and also is included in the Project's administrative record. Report: http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf?sfvrsn=2 Report Appendices: http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper-appendix.pdf?sfvrsn=4	N/A
10-67	10	Threshold a. Threshold a asks whether the Project would conflict with or obstruct the implementation of the Air Quality Management Plan ("AQMP"). You rely on the 1993 SCAQMD CEQA Air Quality Handbook to conclude that the Project follows the 2012 AQMP.	This comment conflates the analysis methodology for determining compliance with AQMPs with the requirements of the 2012 AQMP. Criteria 1 and 2 are derived from the 1993 SCAQMD CEQA Air Quality Handbook, and represent the criteria a project must meet to demonstrate compliance with the applicable AQMP (SCAQMD, 1993). This methodology, which is still recommended by SCAQMD, was used in determining the Project's consistency with the 2012 SCAQMD AQMP, as the 2012 AQMP does not provide any specific	Subsection 4.2, Threshold a

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			methodology for determining consistency. Thus, the 1993 SCAQMD CEQA Air Quality Handbook was used to determine the methodology for evaluating consistency with the 2012 AQMP. This analysis methodology is standard industry practice throughout the SCAB. As demonstrated by air quality trends within the SCAB (refer to DEIR Subsection 4.2.2.E), regulations promulgated by SCAQMD have led to a substantial decrease in air quality pollutants over time, and the SCAQMD and the CARB are responsible for air quality management planning in the SCAB and throughout the State, respectively. Thus, if a project's emissions are below the relevant SCAQMD thresholds of significance, it can be concluded that the project's air quality emissions would not inhibit the ability of the SCAQMD or CARB to achieve the air quality targets as documented in the State Implementation Plan. Please refer to the revised discussion and analysis of Threshold a. in RDEIR Subsection 4.2.5. The revised analysis now identifies a significant and unavoidable impact due to a conflict with the 2012 AQMP due to the Project's regional emissions of NO_X, which would not be reduced to a level below significance with incorporation of mitigation.	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-68	10	You say the Project follows the Handbook's Criterion No. 1 because the Project's source emissions would not exceed Local Source Thresholds ("LSTs") and based on the untested Peter Berck assumptions. You need to recalculate emissions including increased emissions from the batch plant in order to properly do this analysis.	Refer to the Response to Comment 10-49, which responds to comments regarding the Peter Berck report, and also cites a study prepared by SANDAG with similar findings. As previously noted, the revised analysis throughout the RDEIR and associated technical studies now considers 100% of asphalt batch plant operations. The asphalt batch plant was previously approved and entitled; nonetheless, out of an abundance of caution, to remove this issue as a potential point of contention, and in order to provide a conservative analysis, 100% of the emissions form the asphalt batch plant are now included in the RDEIR analysis.	Throughout & Subsection 4.2
10-69	10	You say the Project follows Criterion No. 2 (the Project will not exceed the assumptions in the AQMP based on the years of the Project buildout phase) because the Lake Elsinore General Plan allows for mining on the site. You directly contradict this yourself by noting that the Project's regional emissions of NOx would exceed the regional threshold. See Table 4.2-8.	Please refer to the revised discussion and analysis of Threshold a. in RDEIR Subsection 4.2.5. The revised analysis now identifies a significant and unavoidable impact due to a conflict with the 2012 AQMP due to the Project's regional emissions of NO_X, which would not be reduced to a level below significance with incorporation of mitigation.	Subsection 4.2.5, Threshold a
10-70	10-11	Compliance with the AQMP presupposes, as you acknowledge, that Projects impose mitigation to reduce their construction and operation emissions. You aren't doing this regarding ozone precursors or PM10 or PM2.5.	As indicated in revised RDEIR Table 4.2-14, prior to mitigation the Project would exceed the SCAQMD Regional Thresholds for VOC, NO_X, and $PM_{2.5}$. Mitigation Measures MM 4.2-1 and MM 4.2-2 have been imposed on the Project, which would reduce the Project's emissions of VOCs and $PM_{2.5}$ to below a level of significance,	Subsection 4.2.5, Subsection 4.2.8, Subsection 4.2.9

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			as shown in RDEIR Table 4.2-18. Although the required mitigation also would reduce daily emissions of NO_X by 37.22 pounds per day during Summer months and by 54.91 pounds per day during Winter months, the Project's emissions of NO_X still would result in a significant and unavoidable direct and cumulatively-considerable impact due to a conflict with the SCAQMD 2012 AQMP. Further mitigation for emissions of PM_{10} and $PM_{2.5}$ are not necessary because the Project, with mitigation, would be below the Regional and Localized thresholds of significance for these pollutants. Moreover, the Project is subject to permits from the AQMD, which impose restrictions to minimize air quality pollutants associated with major stationary sources. Additionally, and pursuant to the requirements of SMARA and the AQMD, the Project would be required to conduct dust control to minimize PM_{10} and $PM_{2.5}$ emissions from the site, as discussed in detail in RDEIR Subsection 3.3.2.I. There are no other known feasible mitigation measures available to further reduce the Project's PM_{10} and $PM_{2.5}$ emissions, none are identified by this comment, and additional mitigation is not necessary because the Project's emissions of PM_{10} and	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			$PM_{2.5}$ would be below the applicable Regional and Localized thresholds of significance following mitigation.	
10-71	11	Again, you should re- assess impacts including the emissions from the batch plant.	All analyses throughout the RDEIR account for 100% of asphalt batch plant operations.	Throughout
10-72	11	Thresholds b and c. You concede that the Project would have a significant impact regarding NOx emissions.	As indicated in the revised analysis of Thresholds b. and c. in RDEIR Subsection 4.2.5, the Project would result in potentially significant impacts due to emissions of VOCs, NO_X, and $PM_{2.5}$. Following mitigation, and as presented in Table 4.2-18 emissions of VOCs and $PM_{2.5}$ would be reduced to below a level of significance. Although NO_X emissions would be reduced with the implementation of the required mitigation, the mitigation is not adequate to reduce Project-related impacts to below the SCAQMD Regional Threshold of Significance, and additional feasible mitigation is not available. Accordingly, the RDEIR identifies unavoidable direct and cumulatively-considerable impacts due to emissions of NO_X.	Subsection 4.2.5, Threshold b & c
10-73	11	Threshold d. Would the Project expose sensitive receptors to substantial pollutant concentrations? Here you acknowledge that homes and schools "can" be sensitive receptors. This is an understatement, particularly regarding schools.	Although the referenced text in the DEIR was correctly written, the text nonetheless has been revised under Threshold d. in RDEIR Subsection 4.2.5 to eliminate the word "can."	Subsection 4.2.5, Threshold d
10-74	11	Then you state that the nearest receptor is approximately 414 southeast of the Project's EDA. Also be [sic]	The HRA and associated RDEIR text have been revised to reflect the distances shown in RDEIR Figure 3-6. Please refer also to the discussion	Subsection 3.3.2.D & Subsection

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		measuring from Nichols South due to the increased intensity.	presented in RDEIR Subsection 3.3.2.D and the revised analysis under Threshold d. in RDEIR Subsection 4.2.5.	4.2.5, Threshold d
10-75	11	And your calculations are off – you previously acknowledged the nearest receptor was approximately 320 feet away. Our discussion above regarding the HRA is applicable here.	Refer to the Response to Comment 10-74.	Subsection 3.3.2.D & Subsection 4.2.5, Threshold d
10-76	11	Cumulative Impacts. Reliance on the SCAQMD White Paper is not appropriate to avoid a cumulative impacts analysis.	Refer to the Response to Comment 10-51. The SCAQMD establishes air quality emission thresholds that apply within the SCAB, as air quality planning is a regional issue that must be handled at a regional scale, and the SCAQMD is the agency that was created for such purpose within the SCAB. As indicated in the Response to Comment 10-51, the SCAQMD considers any violation of its Regional or Localized emissions thresholds to comprise both a direct and cumulatively-considerable impact. As such, the analyses contained in the DEIR and RDEIR do not "avoid" a cumulative impact analysis, as the cumulative impact analyses presented in DEIR/RDEIR Subsection 4.2.6 evaluate cumulative significance based on guidance from SCAQMD.	Subsection 4.2.6
10-77	11	Regarding background cancer risk and cumulative impacts, see Table 4.2-10, we note that CARB has advised against placing residential land uses within 500 feet of a freeway and that it has concluded that doing so results in an	The nearest classroom at the Temescal Canyon High School occurs at a distance of approximately 525 feet from the I-15 freeway. The HRA includes the cancer risk associated	Subsection 4.2

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		increased cancer risk of from 300 to 1,700 per million. See CARB Air Quality and Land Use Handbook (2005) (Attachment Q). The High School is within 500 feet of the freeway and faces cumulative exposures from existing traffic, future traffic, and the Mine site's Project.	with existing toxic sources in the vicinity of the Project, based on the SCAQMD's Mates IV study, which includes the freeway. As previously noted in the HRA, using the Mates IV would likely overstate rather than understate future cancer risks as it is assumed to be inclusive of future growth. It should be noted that due to improved emissions control technologies and increasingly stringent emissions regulations required by federal and State agencies, the cancer risk incidence in the seven (7) years between the Mates II and Mates III studies declined by approximately 15% even as population and business growth occurred throughout the region. Additionally, exposure has decreased across the entire Project area more than 50% between MATES III (2005) and MATES IV. As discussed in the HRA, the proximity to sources of toxics is critical to determining the impact experienced by a receiver. In traffic-related studies, the additional non-cancer health risk attributable to proximity was seen within 1,000 feet and was strongest within 300 feet. California freeway studies show about a 70-percent drop-off in particulate pollution levels at 500 feet. Further, based on ARB and SCAQMD emissions and modeling analyses, an 80-percent	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			drop-off in pollutant concentrations is estimated at approximately 1,000 feet from a mining operation (CARB, 2005), this is primarily due to the fact that the majority of diesel particulate matter (DPM) emissions are associated with diesel-fueled vehicle idling, on-site travel, and any on-site equipment. Additionally, the Los Angeles Harbor Department as part of the Southern California International Gateway (SCIG) Draft Environmental Impact Report (September 2011), indicates that the potential impacts from trucks traveling on roadways farther from the modeled facility showed that each roadway segment would contribute no greater than 0.2 percent of the total risks than the maximally exposed residential receptor near the modeled facility. As such, the document concludes that there is no need to model all off-site traveled roadways. Thus a modeling domain of approximately 1,000-foot evaluation distance from the Project site, where the majority of emissions would occur, is supported by research-based findings concerning TAC emission dispersion rates from roadways and large sources showing that emissions diminish substantially between 500 and 1,000 feet from emission sources. Further scientific evidence exists that clearly illustrates	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			that, specifically for a mining project, the maximum point of impact is nearest to the Project site. For this reason, although truck trips associated with the Project will extend beyond the modeling domain on the freeway or in other parts of the air basin, it is unnecessary to model additional roadway segments because the maximum point of impact would not change. For this Project, the modeling domain extends well beyond the recommended 1,000 feet from the Mine and actually includes modeled segments of over 3,000 feet on Nichols Road which is the primary truck route for the Project as illustrated in the Project's traffic study. Approximately 90 percent of the Project's truck traffic will travel to or from Interstate 15 (I-15) Freeway, as previously noted via Nichols Road. Although the Project will result in additional truck traffic along the I-15 freeway, the Project's contribution to the potential impacts that could occur is far less than what would occur at the point of maximum impact described herein and in the RDEIR. Lastly, it should be noted that the Project's trucks would represent less than one percent of the total trucks that currently traverse I-15. As such, any potential impacts that could occur as a result of Project-related traffic to any receptors adjacent to I-15 and associated on/off-	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			ramps would be negligible and no worse than the impacts at the maximally exposed sensitive receptor reported in the RDEIR.	
10-78	11	SCAQMD calculates the average background rate in the entire South Coast Basin at 1,400 in a million. See SCAQMD Guidance Document, Chapter 2 (Attachment R).	The document referenced in this comment was published by the SCAQMD on May 6, 2005. The analysis in RDEIR Subsection 4.2 relies instead on the Multiple Air Toxics Exposure Study (MATES IV), which was published by SCAQMD in May 2015 and provides much more current information than the 2005 document. As noted in the 2015 MATES IV document: "*Average risks are dramatically reduced from previous studies. The average risk is about 420 per million. This compares to about 1,400 per million in the MATES II Study, and about 1,200 per million in the MATES III Study*." (SCAQMD, 2015, p. 4-11) As disclosed in RDEIR Subsection 4.2.2.E, MATES IV predicts an excess cancer risk of 402.04 in one million in the Project area. The Project's HRA (*EIR Technical Appendix C*) and the analysis of Threshold d. in RDEIR Subsection 4.2.5 account for the estimated background incremental cancer risk in the Project area (Urban Crossroads, 2016b, pp. 24 & 31; SCAQMD, 2015b)	Subsection 4.2.5, Threshold d

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-79	11	You have failed to adequately assess either cancer risks or acute risks to adults or children.	The commenter is incorrect; the Air Quality Impact Analysis (AQIA), HRA, DEIR, and RDEIR adequately assess cancer risks and acute risks from the Project. The AQIA includes an assessment of acute (short-term) risk estimates associated with criteria pollutants. The HRA includes an assessment of chronic cancer and hazard indices. Refer also to the Responses to Comments 10-59, 10-61, 10-63, 10-64, 10-77, and 10-78.	Subsection 4.2
10-80	11	Mitigation Measures and Direct and Cumulative Impacts. You concede that the Project will lead to significant direct and cumulative impacts regarding Thresholds a, b, and c. Your proposed Mitigation Measure ("MM") to bring the Project below a level of significance is to require that all net new Project equipment horsepower hours will be CARB Tier 4 certified or better. This equipment is already in operation, see DEIR at 4.2-16, and we believe it was already Tier 4 certified so this MM does nothing.	The analysis of unmitigated Project impacts in RDEIR Subsection 4.2 (refer specifically to RDEIR Tables 4.2-13 and 4.2-14) does not account for the use of CARB Tier 4 equipment (or better). Additionally, the equipment utilized during the period of 2014/2015 is not representative of historic operations at the Mine. Regardless, Mitigation Measure MM 4.2-1 was imposed on the Project in order to ensure that all equipment used on the site comprises Tier 4 or better. Moreover, new Mitigation Measure MM 4.3-2 was imposed to further reduce Project emissions. RDEIR Tables 4.2-17 and 4.2-18 show the estimated emission levels for both Localized and Regional Thresholds, and account for the required mitigation (including the requirement to use Tier 4 or better equipment). As shown, with implementation of the required mitigation, the Project's Localized Emissions	Subsection 4.2

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			would be reduced to less-than-significant levels, and the Project's emissions of VOCs and $PM_{2.5}$ would be reduced to below a level of significance. Additional mitigation is not available to reduce the Project's NO_X emissions to below a level of significance, in part because the RDEIR utilizes overly conservative assumptions for the asphalt batch plant (as discussed in RDEIR Subsections 3.3.2.A and 3.3.2.B).	
10-81	11	As described above, we find your assertions regarding the number of horsepower hours the Project will contribute not to be credible.	Refer to the Response to Comment 10-16, which addresses this comment.	N/A
10-82	11	Section 4.3 Biological Resources The Biological Resources section analyzes impacts to the Study Area, which it defines as the EDA with a 100-foot buffer to the north and northeast. This inappropriately limits analysis that can occur beyond the site of the actual mining and onto adjacent habitat	It is unclear from this comment how the 100-foot buffer zone that was surveyed as part of the Biological Technical Report (BTR) and referenced in the DEIR "inappropriately limits analysis" of the Project's potential impacts to biological resources. The Study Area was deemed adequate to determine and analyze the types of direct and indirect impacts that could occur from this type of mining and in this location. It should be noted that potential noise impacts to breeding CAGNs were analyzed out to the 60 decibel hourly average noise contour, which is nearly 300 feet from the Project's physical impacts limit. This comment and comment letter do not identify any potential impacts that were not adequately addressed in	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			either the BTR or DEIR. No revisions to the RDEIR are necessary pursuant to this comment.	
10-83	11	It is not appropriate to conduct CEQA review without having obtained a Biological Opinion first regarding the CAGN, and, as we will explain later, with regard to the Stephens' Kangaroo Rat ("SKR"). These Biological Opinions may well conclude that the Project will cause the take of the listed species. The public should be informed of this.	A Biological Opinion will not be issued by the USFWS until the consultation process with the U.S. Army Corps of Engineers for the Project is complete. That federal consultation process is separate from the CEQA review process. The CEQA review process involves analyzing the direct, indirect, and cumulative effects of a project on special-status species like the CAGN (and SKR) and includes, for example, analyzing the effects of habitat loss and noise (see Subsection 4.3.3 of the RDEIR). Impacts to the CAGN and SKR were analyzed appropriately in the DEIR. The SKR was determined to be presently absent (impacts not anticipated) and there is a "very low" chance of SKR occupying the site in the future. Nonetheless, the Project site is located in the SKR HCP and is required to pay mitigation fees accordingly. CAGN impacts were determined to be significant, and mitigation is required (i.e., "take" of the CAGN will occur). Refer also to the Response to Comment 10-24, which explains that the Biological Opinion and Incidental Take Permit (BO/ITP) cannot be issued until after the Project is approved and this RDEIR is certified by the City of Lake Elsinore. Additionally, RDEIR Mitigation Measure MM 4.3-4 requires the BO/ITP prior to	Subsection 4.3.3, Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			commencement of mining activities within the EDA.	
10-84	12	Further, your Biological Technical Report (Appendix D) contains barely a mention of what you did to survey for the burrowing owl. CDFW Guidance calls for detailed surveys, after reviewing literature regarding burrowing owl occurrence in the area. We have no evidence that such surveys were conducted based on your passing mention that you believe the habitat is not adequate. See Attachment S.	A survey for the burrowing owl was not deemed necessary based on the results of the negative habitat assessment. Per the 2012 CDFW Staff Report on Burrowing Owl Mitigation, "[a] habitat assessment is the first step in the evaluation process and will assist investigators in determining whether or not occupancy surveys are needed" (CDFW, 2012, p. 5). The habitat assessment followed the Staff Report requirements. The habitat assessment included, for example, identifying potential habitat on site (vegetation type, structure, height, etc.) and looking for burrowing owls, potential burrowing owl burrows, and any recent or historic (within the last 3 years) sign of burrowing owls (e.g., pellets, prey remains, whitewash). This has been clarified in Subsection 2.2.3 of the Biological Technical Report (BTR, *EIR Technical Appendix D*).	Subsection 4.3.2.C & Subsection 4.3.4, Threshold a
10-85	12	Regarding animal species, the DEIR discloses that these species were present on the site during surveys: the CAGN (federally Threatened, California Species of Special Concern ("CSC")), the orange-throated whiptail (CSC), the red-diamond rattlesnake (CSC), and the Southern California rufous –crowned sparrow (State of California Watch List). The DEIR claims that additional species not observed but with potential to occur on the site include the	Comment describing the DEIR text acknowledged; no response is necessary.	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		Quino Checkerspot Butterfly ("QCB"), the SKR, and the burrowing owl.		
10-86	12	Regarding the SKR we find this assertion questionable. First, the Project's SKR survey states "The Dulzura (Dipodomys simulans) and the Stephens kangaroo rat (Dipodomys stephensi) have overlapping ranges. Dulzura kangaroo rats are known to occasionally inhabit open grasslands more characteristic of the SKR," that SKR are infrequently known to inhabit areas of denser vegetation (of which the site is not one), and that "Therefore, trapping is often the only definitive method confirming the absence or presence, distribution, and abundance of SKR in areas where they are sympatric with other kangaroo rat species, or where trace is found." See Appendix C to Appendix D, Biological Technical Report, "Stephens' Kangaroo Rat Habitat Assessment," at 1-2 (pages 101-102 of the Biological Technical Report). The Assessment also acknowledged that sign of Dulzura was found. Assessment at 3, overall page 103.[1] Despite this acknowledgement, no trapping was done and we cannot confirm that the SKR is not Present.	The Topography and Soils section of Appendix C of the Project's BTR (RDEIR *Technical Appendix D*) states, "...the steepness of the terrain and the predominance of sage scrub verses disturbed annual grasslands indicates that any k-rat present would be the Dulzura kangaroo rat and not the SKR." Therefore, trapping was not warranted. Additionally, no SKR sign was observed on site. No revisions to the RDEIR were made pursuant to this comment.	Subsection 4.3.2.C & Subsection 4.3.4, Threshold a
10-87	12	[1] (Footnote) As a legal matter, CEQA requires that to fulfill its informational role, the EIR should contain the pertinent information regarding a project, not the Appendices. You have violated this requirement here and with regard to other sections of the DEIR, including, but not limited to, Air Quality.	This comment does not provide any evidence or information demonstrating that the omission of highly technical information from the RDEIR text inhibited the public's ability to provide meaningful comments on the potential environmental effects of the proposed Project or the mitigation measures proposed to reduce those effects to the maximum feasible extent.	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			Furthermore, the referenced information is now contained in this Table R-1, and throughout the RDEIR which will be circulated for a 45-day public review period.	
10-88	12	Previously, nearly the entirety of Nichols South was habitat for the SKR, and the Assessment concedes that the SKR has been seen a half-mile away, in flat to moderately steep foothills with disturbed annual grasslands similar to what is present on the EDA. See Attachment M (the Alberhill Ranch Specific Plan Amendment No. 3 ("SPA No. 3")); see also Biological Technical Report, Figure 3 (depicting areas of non-native grasses). The conclusion of the attachment to the Biological Technical Report that the SKR is not present is less than credible.	While Attachment M to this comment letter shows Nichols South as occupied SKR habitat, the data is more than 20 years old, and the habitat has been removed and mitigated via payment of a fee to the Riverside County Habitat Conservation Agency. Based on the results of the current SKR habitat assessment on site, it was determined that the SKR is not present. Please refer also to Comment Response 10-86. No revisions to the RDEIR are necessary pursuant to this comment.	Subsection 4.3.2.C & Subsection 4.3.4, Threshold a
10-89	12	It is unlawful to take endangered species without a permit under the Endangered Species Act ("ESA"); you would need a Section 7 permit; you should conduct consultation based on the potential presence of the SKR.	Please refer to the Response to Comment 10-88. In addition, pursuant to Chapter 19.04 of the City's Municipal Code, payment of fees for planned impacts to SKR habitat in the EDA would be required, and such fees will be used to support the formation of the Riverside County Habitat Conservation Authority (RCHCA) Core Reserves as identified in the Habitat Conservation Plan for the Stephens' Kangaroo Rat in Western Riverside County, California (SKRHCP). Accordingly, a Section 7 permit for the SKR would not be required.	Subsection 4.3.2.C, Subsection 4.3.4, Threshold a, Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-90	12	Additionally, the USFWS has failed to designate critical habitat for the SKR; the site may well be within it if it were designated, and it is illegal to adversely modify or destroy critical habitat.	Section 3.1.1 of the BTR (RDEIR *Technical Appendix D*) has been revised to disclose that CAGN critical habitat is designated over the entire Study Area. Additionally, refer to Thresholds a. and b. of the RDEIR which now disclose that CAGN critical habitat is designated over the entire Study Area by the Federal Endangered Species Act. Impacts and mitigation for critical habitat will be addressed as part of the Section 7 consultation.	N/A
10-91	12	Finally, that the site is within the SKR HCP and that you may pay a fee does not absolve you of having to analyze impacts to the species either for purposes of ESA or CEQA.	Refer to the Responses to Comments 10-83 and 10-89. No further response is necessary.	Subsection 4.3.2.C, Subsection 4.3.4, Threshold a, Subsection 4.3.7
10-92	12	The USFWS recently announced that "recent surveys on some of [the] reserve areas [designated for the SKR] indicate the amount of occupied habitat has decreased over time," and that continued listing was therefore warranted. See Attachment L.	As explained in the analysis of Threshold f. in RDEIR Subsection 4.3.4, the Study Area is not located within any "Core Reserve" areas being assembled to provide for the long-term conservation of SKR. No revision is necessary in the RDEIR pursuant to this comment.	Subsection 4.3.4, Threshold f
10-93	12-13	Under SPA No. 3, the EDA and much more area being mined was designated as OS due to concerns regarding the CAGN, which was detected on the site as far back as 1997, Attachment M at 8, and is still present today. There are direct impacts to this species which you have failed to	Refer to the Response to Comment 10-83. Impacts to the CAGN are identified as significant in the RDEIR, and would be mitigated to below a level of significance with the mitigation measures presented in RDEIR Subsection 4.3.7.	Subsection 4.3.3, Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		mitigate for because you have failed to obtain a Biological Opinion.		
10-94	13	Attachment A is an overall map of the critical habitat for the CAGN. The site may well be within it. Mining would clearly be destruction or adverse modification of critical habitat, and you did not address this impact in your EIR.	Section 3.1.1 of the BTR (RDEIR *Technical Appendix D*) has been revised to disclose that CAGN critical habitat is designated over the entire Study Area. Additionally, refer to Thresholds a and b of the RDEIR which now disclose that CAGN critical habitat is designated over the entire Study Area by the Federal Endangered Species Act. Impacts/mitigation for critical habitat will be addressed as part of the Section 7 consultation.	Subsection 4.3.4, Thresholds a & b
10-95	13	The DEIR discloses that a "pair" of gnatcatchers were found, and a nest. The Biological Technical Report indicates that a pair of adults, two juveniles, and four nestlings were found.	According to the field notes of the CAGN biologist (Appendix B of the CAGN survey report appended to the BTR (RDEIR *Technical Appendix D*)), one pair of CAGN was observed during each of the 3 site visits of the CAGN survey. The pair was observed with 2 juveniles (i.e., a family unit) during the first 2 site visits. During the third visit, the pair was observed feeding 4 nestlings in a nest. Two immature CAGN were also observed nearby during that third visit and were presumed to be the juveniles from the first 2 site visits. This has been clarified in Section 4.4.2 of the BTR (RDEIR *Technical Appendix D*) and in RDEIR Subsection 4.3.2.C.	Subsection 4.3.2.C
10-96	13	As you note, CEQA Guideline section 15065(a) states that a project will have a significant impact if it "restrict[s] the range of an endangered, rare, or threatened species." This	Impacts to CAGN habitat were determined to be significant, and mitigation is required which would reduce impacts to the CAGN to below a	Subsection 4.3.4

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		Project threatens to restrict the range of two such species at least – the CAGN and the SKR.	level of significance. The Study Area is not located within any "Core Reserve" areas being assembled to provide for the long-term conservation of SKR. Additionally, "...the steepness of the terrain and the predominance of sage scrub...indicates that any k-rat present would be the Dulzura kangaroo rat and not the SKR." If a site is within the range of a species, it does not mean that it supports, or has potential to support, the species. On the contrary, the analysis demonstrates that no habitat on-site supports the SKR. No revisions to the DEIR were made pursuant to this comment and no further response is necessary.	
10-97	13	*Threshold a.* asks "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 CDFW or USFWS?" You acknowledge that you have to get a Biological Opinion regarding the CAGN, but you haven't done that yet, and it should have been done prior to your CEQA review.	Please refer to the Responses to Comments 10-24 and 10-83.	Subsection 3.5, Subsection 4.3.3, Subsection 4.3.7
10-98	13	You acknowledge that mining can have "direct impacts" to the CAGN if they are present during blasting. Any other type of mining would also have direct impacts, although you don't acknowledge that. Mining the CAGN's habitat will have significant impacts to the bird and will likely adversely modify and destroy its critical habitat.	Direct impacts to the CAGN from mining activity other than blasting (i.e., direct mortality of CAGN) are not anticipated because the CAGN would fly away from mining equipment and activity as it approaches. The RDEIR did anticipate potential impacts to nesting birds (in this case, eggs and nestlings) if clearing of	Subsection 4.3.4, Thresholds a & b, Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			habitat occurs during the nesting season, because eggs/nestlings cannot flee from mining-related disturbances. The text for Threshold a. and Mitigation Measure MM 4.3-5 were revised to clarify that habitat for the CAGN includes both brittlebush scrub and non-native grassland. Mitigation Measure MM 4.3-5 requires a prohibition against habitat removal during the breeding season unless a nest survey is conducted and nests, if present, are avoided. Please refer to the Response to Comment 10-94 regarding critical habitat.	
10-99	13	Further, with no support you state that the other species you identified on the site – the orange-throated whiptail, the red-diamond rattlesnake, and the Southern California rufous-crowned sparrow – have "low sensitivity" so any impacts to them are "less than significant." There is absolutely no basis for the conclusion there is no impact to these species from the Project.	The RDEIR does not claim that there would be no impacts to these species but does state that impacts would be less than significant. These species are not State or Federally listed as Threatened or Endangered, and based on the limited amount of potential habitat for these species that would be impacted (23.5 acres), and their lack of Threatened or Endangered Status, the impact is not considered to have a "substantial adverse effect, either directly or through habitat modifications" on the long term survival of these species. It should be noted that Mitigation Measure MM 4.3-3, which requires 33.2 acres of mitigation for the loss of 23.5 acres of non-native grassland and brittlebush scrub habitat, would also benefit	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			these species. No revision was made in the RDEIR pursuant to this comment.	
10-100	13	Regarding other species not observed on the site, you acknowledge that a species not found but with potential to be present when mining activities commenced could be significantly impacted. This is an understatement.	The commentator is incorrect by stating that impacts are an "understatement." If any listed species was to be present at the time that mining activities in the EDA commence, potential impacts would be considered significant due to the listed status (sensitivity) of the species. However, based on the negative survey results and the types of habitats (and their quality) present on in the Study Area, the likelihood of Federal and/or State listed species being present is low, so impacts are not anticipated (except for potential impacts to the CAGN, for which mitigation is provided in the RDEIR). No revisions to the DEIR were made pursuant to this comment.	Subsection 4.3.4, Threshold a
10-101	13	You claim that the chance that the EDA "could become occupied" by the QCB the SKR or the burrowing owl "is considered very low, in particular due to the ongoing nearby surface mining operations," DEIR at 4.3-11, and there would be no significant impact. As your Technical Report's appendices acknowledge, the SKR may be present now.	Refer to the Responses to Comments 10-86 and 10-100.	Subsection 4.3.2.C & Subsection 4.3.4, Threshold a
10-102	13	And the other species may become present, and the Project would clearly represent a significant, unmitigated impact to them.	Refer to the Response to Comment 10-100.	Subsection 4.3.4, Threshold a
10-103	13	Regarding habitat insularization, you claim that brittlebrush scrub in unaffected areas of the Mine site	Habitat insularization would not occur based on the on-site open space's continued connections	Subsection 4.3.4,

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		would remain and there would be no insularization. DEIR at 4.3-12. You have ignored potential impacts of development across the street and what this can do to segment habitat.	to the open space areas to the north/northeast of the Project site. Additionally, impacts to brittlebush scrub and non-native grassland would be mitigated per Mitigation Measure MM 4.3-3. No further response is necessary.	Threshold a, Subheading B.1 & Subsection 4.3.7
10-104	13-14	Regarding lighting, you claim that the Project would not introduce any new sources of light. We find it not credible there would be no lighting in the EDA. With new lighting there would be new impacts to the open space adjacent to the EDA and to the EDA itself, and the sensitive species found there. The lighting for more hours would be a significant impact as it represents another three dark hours that are not for the sensitive species on the site.	As stated in the RDEIR, there would be no new sources of light added for the Project, but existing lighting would be used for 3 more hours per day and would be necessary when mining activities reach the EDA. Text was added in the RDEIR under the discussion of Threshold a. in Subsection 4.3.4 in order to further clarify that lighting sources already present on-site would be moved into the EDA and no new lighting is required for the Project. Lighting already occurs adjacent to open space areas and the EDA during evening and early morning operations. The addition of up to 3 extra hours of artificial light per day would represent an incremental increase in existing night lighting conditions, but it would not create a new substantial, adverse effect to biological resources that would be considered significant. Lighting elements would be focused on planned mining areas, and given the steep nature of the hillsides subject to Project-related mining within the EDA, lighting would not fall directly onto open space areas not planned for mining.	Subsection 4.3.4, Threshold a

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-105	14	On noise, you acknowledge that "Indirect noise impacts to breeding gnatcatchers could occur if mining activities create noise in excess of 60 decibels (dB) hourly average in occupied brittlebush scrub during the gnatcatcher breeding season (March 1 to August 15)." Such noise may well also affect the whiptail though you don't mention it.	While noise may indirectly affect the orange-throated whiptail, the impact would not be considered substantially adverse for reasons provided in the Response to Comment 10-99. It is well documented that noise affects birds. Bird calls are important in pair bond formation, pre-copulatory display, territorial defense, alerting to danger, advertisement of food sources, etc. The CAGN, as a bird, and especially as a Federal-listed Threatened species, could be substantially, adversely affected by noise, which is why noise impacts on the CAGN were determined to be significant and would be mitigated to below a level of significance through compliance with the mitigation measures presented in RDEIR Subsection 4.3.7. No further response is necessary pursuant to this comment.	Subsection 4.3.7
10-106	14	You write that "The loss of 2.1 acres of non-native grassland in the EDA would be a cumulative impact to raptor foraging habitat and potentially nesting raptor habitat if disturbance comes between Feb. 1 to Sept. 15" and that mitigation is required. There is no mitigation for the SKR which may well be present.	Chapter 19.04 of Lake Elsinore Municipal Code requires the Project Applicant to pay an impact and mitigation fee for the SKR. With mandatory payment of the fee, the Project would be fully consistent with the SKR Habitat Conservation Plan, which would mitigate for cumulative loss of non-native grassland. Thus, impacts to the SKR would be adequately mitigated. Refer also to the Responses to Comments 10-86, 10-89, 10-92, and 10-98.	Subsection 4.3.2.C; Subsection 4.3.4, Thresholds a, b, f; Subsection 4.3.7
10-107	14	Threshold b. "Would the Project have a substantial adverse effect on any riparian habitat or sensitive natural	Refer to the Responses to Comments 10-115, 10-126, 10-127, 10-128, 10-129, and 10-137.	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		communities?" You have answered yes regarding the 21.4 acres of brittlebrush scrub and the 2.1 acres of non-native grasslands. As we discuss below, your mitigation is not adequate.		
10-108	14	Threshold d. Would the Project interfere substantially with the movement of any native or resident or migratory fish or wildlife species or with established native habitat, or migratory wildlife corridors or would it impede the use of wildlife nursery sites? You claim the Project would not because it does not serve as a wildlife corridor. As you will note from Attachment A, the Project site is close to if not in critical habitat for the CAGN. This makes it a wildlife corridor.	The EDA is a strip of land immediately east of the existing Mine. While it is physically adjacent to undeveloped land to the east and north, it is more likely that wildlife moving through the area would use land east of the EDA where it is more removed from the existing Mine. The MSHCP provides for the regional movement of wildlife through designated linkages and corridors. As stated in the RDEIR, the MSHCP does not identify the EDA as part of a linkage or corridor. Therefore, mining activity in the EDA would not interfere substantially with wildlife movement. Critical habitat is a specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species. Critical habitat does not necessarily mean corridor. The final (2007) CAGN critical habitat also is designated over the existing Mine, which is not CAGN habitat. Also refer to the Response to Comment 10-94.	Subsection 4.3.4, Thresholds a, b, d
10-109	14	The DEIR says that though the Mine is not subject to the MSHCP, the MSHCP identifies corridors and linkages and the Mine is not identified as one. It's a criteria area with a unique identifier, see Final MSHCP at 3-17 (Figure 3-1), and as you subsequently acknowledge it is identified as	Refer to the revised discussion under RDEIR Subsection 4.3.4, Threshold f. The text was revised to clarify that although the Mine is not subject to the MSHCP, a significant impact would occur as a result of implementation of the	Subsection 4.3.4, Threshold f, Subsection 4.3.8

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		within cells identified with a goal of 80-90% conservation. That you have removed yourself from the MSHCP does not absolve you of a finding of significance regarding your impacts upon it. Your impacts are significant.	proposed Project due to a conflict with the MSHCP. This impact also is now found to be significant and unavoidable under the discussion in RDEIR Subsection 4.3.8.	
10-110	14	Finally, you say there are no native nursery sites in the EDA. You are disregarding the CAGN nest with four nestlings and the juveniles you identified on site.	For the purposes of CEQA, a native wildlife nursery site refers to a specific location used time and again for breeding purposes such as a heron rookery or a bat maternal colony site. A single CAGN nest does not qualify as a native wildlife nursery site. No further response is necessary pursuant to this comment.	Subsection 4.3.4, Threshold d
10-111	14	Threshold f asks Would the Project conflict with an adopted HCP, NCCP or other approved local, regional or state habitat conservation plan. Obviously, the Project conflicts with the MSHCP; this is why you have sued to exempt yourself from it. This is a significant impact requiring mitigation.	Refer to the Response to Comment 10-109. Mitigation is not available to reduce the Project's impacts due to a conflict with the MSHCP to below a level of significance, as the only feasible mitigation would be to disallow mining within the 24-acre EDA, which would conflict with the fundamental purpose of the proposed Project (see RDEIR Subsection 3.2)	Subsection 4.3.4, Threshold f, Subsection 4.3.8
10-112	14	You claim there would be no impact to the SKR because fees would be paid to the SKR HCP. This does not change that there is a taking if SKR are present on the site, and the ACE should have to consult with the USFWS regarding impacts to the SKR likely present on the site.	As explained in Subsection 4.3.2.E.3 of the RDEIR, on May 3, 1996, the USFWS issued a permit to the Riverside County Habitat Conservation Agency (RCHCA) to incidentally take the SKR. The City of Lake Elsinore is a member agency of the RCHCA. The Project Applicant's payment of the fee mandated by Lake Elsinore Municipal Code Chapter 19.04 would be fully consistent with the SKR Habitat Conservation Plan and would mitigate for any	Subsection 4.3.2.E.1, Subsection 4.3.2.C; Subsection 4.3.4, Thresholds a, b, f; Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			potential impacts to SKR. Refer also to the Responses to Comments 10-83, 10-86, 10-89, 10-96, and 10-106.	
10-113	14	You say the Applicant is exempted from paying a fee to the MSHCP but this does not change that the Project has a significant negative impact on implementing the MSHCP.	Refer to the Response to Comment 10-109.	Subsection 4.3.4, Threshold f, Subsection 4.3.8
10-114	15	Cumulative Impacts. You state that the MSHCP is the appropriate area for assessing cumulative impacts because most cumulative development within the area of the Project must comply with the MSHCP. Having exempted yourself from the MSHCP's requirements, we don't see how you may rely on them as cumulative mitigation.	The MSHCP area is not used as cumulative mitigation, but rather as a cumulative impact study area for the issue of Biological Resources. Refer to the Response to Comment 10-26.	Subsection 4.3.5
10-115	15	You acknowledge that losing 21.4 acres of brittlebrush scrub would be a significant cumulative impact and that losing 2.1 acres of native grassland also would be a significant impact if it occurred during breeding season. We disagree with this limitation. You have previously acknowledged that the grassland is important potential foraging habitat. Its loss would be significant.	This comment incorrectly implies that the DEIR indicated that impacts to non-native grassland would only be significant during the nesting season. On the contrary, the DEIR (and the RDEIR) identified direct impacts to both 21.4 acres of brittlebush scrub and 2.1 acres of non-native grassland, and identified mitigation requiring either (or a combination of) the preservation of habitat and/or payment of fees into a mitigation bank. Separately, the DEIR (and the RDEIR) identified significant indirect impacts to nesting birds, including raptors and the CAGN, which would be mitigated to less-than-significant levels through implementation of Mitigation Measures MM 4.3-5 through 4.3-	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			9. Impacts during the breeding season and outside of the breeding season are different because adult raptors and other bird species would have the ability to move to other habitat areas in response to noise or other disturbances, whereas fledglings in a nest would not have the ability to move; thus, indirect and cumulatively considerable impacts to nesting species only would have the potential to occur during the breeding season. Regardless, direct impacts to habitat, including both brittlebush scrub and non-native grassland, would be reduced to less-than-significant levels through implementation of Mitigation Measures MM 4.3-3 and MM 4.3-4.	
10-116	15	Regarding lighting you claim again no cumulative impact. But (1) we disagree with the assumption there won't be new lighting on the EDA,	Please refer to Response to Comments 10-36 and 10-104 regarding the presence of no new lighting elements on-site. As previously stated, no new lighting sources are needed on-site; however, lighting would be used for an additional three hours and would be used in the EDA when mining activities occur in the EDA.	Subsection 4.1.4, Threshold d & Subsection 4.3.4, Threshold a
10-117	15	and (2) the additional times of lighting will be cumulatively significant with other development in the area.	The lighting elements would be pointed toward the hillside and lighting would be aimed downward to illuminate the hillside for mining activities, not pointed into the surrounding community. The lighting would have no potential to result in cumulatively considerable impacts because lighting in the EDA would not be focused in the same areas as ambient lighting	Subsection 4.1.4, Threshold d & Subsection 4.3.4, Threshold a

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			sources to the east/south/west. No change was made in the RDEIR pursuant to this comment.	
10-118	15	You acknowledge that the Project impacts to Waters of the U.S. and to CDFW streambeds are cumulatively considerable, and that the potential impacts to nesting birds protected by the Migratory Bird Treaty Act are cumulatively considerable.	Comment describing the impact conclusions to jurisdictional areas is acknowledged. As described in RDEIR Subsection 4.3.8, with implementation of the Mitigation Measures detailed in Subsection 4.3.7, the cumulatively-considerable impacts would be mitigated to below a level of significance.	Subsection 4.3.7, Subsection 4.3.8
10-119	15	Mitigation Measures. MM 4.3-1 states that prior to any mining activities on the site the Project Applicant will obtain the necessary permits from the ACE, CDFW and RWQCB for impacts to the 0.17 acres of jurisdictional waters. These permits are legally required and do not represent mitigation. They should have been obtained prior to CEQA review and their results included in your CEQA analysis.	Refer to the Responses to Comments 10-24 and 10-83. As noted, the reference permits cannot legally be obtained by the Project Applicant until the RDEIR for the Project is certified. Mitigation Measure MM 4.3-1 merely documents the requirement to obtain the required permits prior to impacts to jurisdictional waters within the EDA. Moreover, Mitigation Measure MM 4.3-2 identifies the minimum mitigation for these impacts at a 1:1 ratio, and would be enforced by the City of Lake Elsinore. This mitigation ratio was selected based on ratios used in other Cities and Counties in southern California. The minimum 1:1 ratio is within the range of ratios established by other jurisdictions and agencies. The City of Lake Elsinore finds that the 1:1 mitigation ratio for Project impacts to jurisdictional areas would fully mitigate the Project's impacts to jurisdictional areas.	Subsection 3.5, Subsection 4.3.3, Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-120	15	MM 4.3-2 provides that prior to any mining activities affecting jurisdictional waters the Applicant will mitigate at a minimum 1:1 ratio with an in-lieu fee or with habitat restoration or the equivalent. We don't see how the in-lieu fee option payable to the State mitigates federal impacts.	The in-lieu fee option payable to the State also would mitigate federal impacts because some of the waters within the State mitigation bank meet (or could meet [e.g., through creation]) the definition for Federal jurisdictional waters. As part of the permitting process specified in Mitigation Measure MM 4.3-1, the Corps, CDFW, and RWQCB would ensure that the required mitigation land contains at least 0.17-acre of CDFW streambed and 0.05 acre Corps non-wetland Waters of the U.S. (WUS). Mitigation Measure MM 4.3-2 has been revised to clarify that the required mitigation must include both 0.17 acre of CDFW streambed and 0.05 acre of Corps non-wetland WUS, although it should be noted that if the 0.17 acre of CDFW streambed also contains 0.05 acre of Corps non-wetland WUS, the total required mitigation would only be 0.17 acre.	Subsection 4.3.7, Mitigation Measure MM 4.3-2
10-121	15	We also do not find it credible that mitigation can occur, as you suggest, "at the source of the impact." The impact is going to last 20 years.	Refer to revised Mitigation Measure MM 4.3-2 in RDEIR Subsection 4.3.7. The referenced statement was incorrect and has been omitted from the RDEIR.	Subsection 4.3.7
10-122	15	Under option 2, habitat restoration, you do not specify when or where this restoration is to occur. If it is to occur on-site it is not acceptable, as this should occur anyway, and will not happen for 20 years.	This comment inaccurately states that the mitigation will not happen for 20 years. As stated in Mitigation Measure MM 4.3-2, the required mitigation must occur prior to mining activities affecting jurisdictional areas within the EDA.	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-123	15	The option should be chosen now so more specifics are included in the mitigation measure and so it is not deferred mitigation.	As stated in CEQA Guidelines § 15126.4(a)(1)(B): "Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." As stated in the CEQA Guidelines section quoted above, the identification of more than one measure to mitigate an impact is clearly acceptable under CEQA. Mitigation Measure MM 4.3-2 discusses both options and specifies the basis for selecting one option or the other by including detailed requirements that must be met in order to fulfill the mitigation requirement. Both options also provide for performance-based standards that must be met under each option prior to impacts occurring. The 1:1 ratio identified for the mitigation measure is consistent with ratios used in Cities and Counties in southern California. The ratios are within the range of ratios established by other jurisdictions	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			and agencies. Moreover, the City of Lake Elsinore would be responsible for enforcing Mitigation Measure MM 4.3-2. The City finds that Mitigation Measure MM 4.3-2: sets forth a specific mitigation ratio of 1:1, includes two specific options for meeting the required mitigation ratio (i.e., through payment of in lieu fees and/or through habitat restoration or equivalent), would fully mitigate the Project's impacts to jurisdictional areas, and is fully enforceable. Moreover, two options for the required mitigation are provided in order to allow the Corps, CDFW, and RWQCB separate options for mitigating the Project's impacts to jurisdictional areas as part of the Section 404 Permit from the Corps, Section 1602 Streambed Alteration Agreement from the CDFW, and a Section 401 Water Quality Certification from the RWQCB, as required pursuant to Mitigation Measure 4.3-1. Regardless of the outcome of the consultation process with the Corps, CDFW, and RWQCB, mitigation at a 1:1 ratio under one of the two options or a combination of the options listed in Mitigation Measure MM 4.3-2 would be required and enforced by the City of Lake Elsinore. Based on the foregoing, the City finds that Mitigation Measure 4.3-2 does not meet the definition of deferred mitigation, and is fully compliant with CEQA Guidelines § 15126.4.	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-124	15	Further, a 1:1 mitigation is barely adequate as the habitat replaced may fail.	This comment does not provide any evidence or information to substantiate the commenter's opinion that a1:1 mitigation is barely adequate. A ratio of 1:1 is typically the ratio applied by the Corps and CDFW for impacts to Federal and State non-wetland waters. Additionally, and although not anticipated, the required consultation with the Corps, CDFW, and RWQCB, as required by Mitigation Measure MM 4.3-1, may result in a higher mitigation ratio if deemed necessary by these agencies. If habitat restoration or equivalent occurs, these agencies would require performance standards through their permitting processes to ensure the long-term viability of the mitigation area(s). Further, Mitigation Measure MM 4.3-2 would separately be enforced by the City of Lake Elsinore irrespective of the results of the consultation process with the Corps, CDFW, and RWQCB. Because the 1:1 mitigation ratio is commonly used throughout southern California as mitigation for impacts to Federal and State non-wetland waters, the City of Lake Elsinore finds that Mitigation Measure MM 4.3-2 would fully mitigate the Project's impacts to jurisdictional areas to below a level of significance.	Subsection 4.3.7
10-125	15	Finally, you say that the mitigation you propose can be replaced in consultation with the jurisdictional agencies.	Refer to the Response to Comment 10-123. As indicated, any additional mitigation obligations resulting from the required permitting process	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		This is deferred mitigation which is unacceptable under CEQA.	with the Wildlife Agencies would be supplemental to the mitigation measures specified in the RDEIR. Mitigation measures presented in the RDEIR do not represent deferred mitigation pursuant to CEQA Guidelines § 15126.4.	
10-126	15	MM 4.3-3 requires that prior to any mining activities in the EDA, the Project Applicant will mitigate impacts to the 21.4 acres of brittlebrush scrub habitat at a ratio of 1.5:1 and will mitigate impacts to the 2.1 acres of non-native grassland at a 0.5:1 ratio. On what basis are you mitigating the non-native grassland at less than full replacement?	Non-native grassland in the EDA is a non-native vegetation community that does not support sensitive plant or animal species (e.g., non-native grassland is not a primary habitat type for the orange-throated whiptail). Except where burrowing owls are present (which may require a higher replacement ratio), non-native grassland is frequently mitigated at a ratio of 0.5:1, and in many jurisdictions, no mitigation is required at all. Thus, the City finds that the mitigation ratio of 0.5:1 for non-native grassland is adequate to mitigate the Project's impacts to below a level of significance because no burrowing owl or burrowing owl habitat was identified in the EDA. Furthermore, if the Wildlife Agencies determine that additional mitigation is necessary, such additional mitigation would be imposed on the Project as part of the Biological Opinion/Incidental Take Permit process, as required pursuant to Mitigation Measure MM 4.3-4. No revisions were made to the RDEIR pursuant to this comment.	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-127	15	Elsewhere the MM refers to "the 32.1-acre mitigation requirement for brittlebrush scrub habitat and the 1.1-acre mitigation requirement for the non-native grasslands." We have little confidence in your ability to assure the mitigation when you cannot specify the proper amounts of habitat in the DEIR.	The 32.1 acres of brittlebush scrub and 1.1 acre of non-native grassland referenced by this comment are not the amount of habitat impacted, but rather the amount of acreage that would be required as mitigation. 21.4 acres of impact to brittlebush scrub would be mitigated at a ratio of 1.5:1 (21.4 acres x 1.5 mitigation ratio = 32.1 acres of mitigation). Similarly, 2.1 acres of impact would occur to non-native grasslands and would be mitigated at a 0.5:1 ratio (2.1 acres x 0.5 mitigation ratio = 1.1 acres of mitigation). No revision to the RDEIR is warranted pursuant to this comment.	Subsection 4.3.7
10-128	15-16	Again, you propose an in-lieu fee option under the Fish & Game Code – again we don't think this mitigates federal impacts, this time to at least one and possibly two listed species.	The commentator is incorrect. The State conservation banks can, and do, support Federally-listed species as well as State-listed species. The required conservation of 32.1 acres of brittlebush scrub and 1.1 acres of non-native grassland habitat would provide habitat for both State and Federal listed species. The City finds that the identified mitigation in RDEIR Subsection 4.3.7 adequately mitigates the Project's impacts to brittlebush scrub and non-native grassland and to the listed State and Federal species that rely on these habitat types, to a level below significant.	Subsection 4.3.7
10-129	16	Also, you propose as another option "preservation of habitat." What habitat, when, and where? How are we to know this is adequate preservation?	Mitigation Measure MM 4.3-3 has been supplemented to require that the mitigation site for brittlebush scrub support the coastal	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			California gnatcatcher and have long-term ecological value, and further requires that the City of Lake Elsinore approve the required mitigation site. Separately, the BO/ITP required pursuant to Mitigation Measure 4.3-4 would further ensure that the selected mitigation site adequately reduces impacts to less-than-significant levels. The City finds that the required mitigation measures would provide for adequate preservation of habitat at the required mitigation ratios.	
10-130	16	Because the City has been subject to proceedings for not properly enforcing its SMARA duties previously we have no confidence this mitigation is adequate, and it is hopelessly vague and improperly deferred in violation of CEQA.	The Response to Comment 10-123 explains why the proposed mitigation does not constitute deferred mitigation under CEQA. Mitigation Measure MM 4.3-3 would be enforced by the City of Lake Elsinore; however, Mitigation Measure MM 4.3-4 separately requires the Project Applicant to obtain a BO/ITP prior to physical disturbance within the EDA. Compliance with the required BO/ITP would be assured by the CDFW and USFWS, not the City of Lake Elsinore. The requirements of the BO/ITP may be the same as stated in Mitigation Measure MM 4.3-3, or may be supplemental to Mitigation Measure MM 4.3-3. In either case, implementation of mitigation to reduce Project impacts to brittlebush scrub and non-native grassland would be required at minimum as presented in Mitigation Measure 4.3-3 and	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			would reduce the Project's impacts to below a level of significant.	
10-131	16	Additionally, it is not designed to provide habitat to either the SKR, the CAGN, or the other species found on site as it does not specify that such habitat should be in a site where they are typically found.	Refer to the Responses to Comments 10-88, 10-89, 10-92, 10-96, 10-106, and 10-112 for an explanation as to why impacts to the SKR would be less than significant with payment of fees. With regards to the CAGN, Mitigation Measure MM 4.3-3 in the RDEIR has been revised to require that any mitigation lands must "support the coastal California gnatcatcher" and "provide for long-term ecological value."	Subsection 4.3.2.C; Subsection 4.3.4, Thresholds a, b, f; Subsection 4.3.2.E.1, Subsection 4.3.7
10-132	16	MM 4.3-4 says that prior to any mining activities in the EDA, the Applicant will provide a completed Biological Opinion ("BO") and Incidental Take Permit ("ITP") to the Director of Planning for the City. The BO and ITP should have been obtained prior to CEQA review; the take still represents a significant impact, and the process should occur regarding the SKR.	Refer to the Response to Comment 10-24. As noted, the BO/ITP cannot legally be obtained by the Project Applicant until the RDEIR for the Project is certified. Refer also to the Responses to Comments 10-88, 10-89, 10-92, 10-96, 10-106, and 10-112 for an explanation as to why impacts to the SKR would be less than significant with payment of fees and why a Section 7 process for the SKR is not required.	Subsection 3.5, Subsection 4.3.2.C; Subsection 4.3.4, Thresholds a, b, f; Subsection 4.3.2.E.1, Subsection 4.3.7
10-133	16	MM 4.3-5 provides that prior to approval of the SMP or the Reclamation Plan Amendment, the Director of Planning will verify that the plans include a prohibition against the removal of non-native grassland in the EDA during the	Mitigation Measure MM 4.3-5 has been revised to instead require compliance with the prohibition against the removal of habitat as specified by the Project's proposed SMP 2015-01 and Amendment No. 2 to RP 2006-01A1.	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		general avian breeding season of February 15 to September 15.		
10-134	16	First, we believe earlier in the document you stated the same breeding season started February 1.	The general avian breeding season begins February 1. Subsection 4.3 of the RDEIR has been revised to indicate the proper breeding season (including in Mitigation Measure MM 4.3-5).	Subsection 4.3
10-135	16	Second, this does not address impacts to the CAGN or other species in the coastal sage scrub.	Mitigation Measure MM 4.3-5 is intended to protect nesting birds during the nesting season (February 1 to September 15), and specifically requires buffers around any active nests, including CAGN nests. Moreover, Mitigation Measures MM 4.3-7 and MM 4.3-8 address mitigation for direct and indirect impacts to the CAGN and other species that may be present in the brittlebush scrub habitat within areas planned for mining by the Project as well as nearby portions of the areas planned for open space. Mitigation Measure MM 4.3-7 requires that if mining occurs during the breeding season within 315 feet of the open space area a qualified biologist is required to conduct a nesting survey, and if a nest is found, mining activities would not be allowed to move within 315 of the bird's nest until the nesting period ends or a qualified biologist confirms that fledglings are no longer present. Mitigation Measure MM 4.3-8 requires nesting surveys to be conducted within 1,250 feet of blasting sites during the breeding season. If	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			nests occur within 1,250 feet of the blasting site, blasting is not allowed to occur until the end of the breeding season, or the young have fledged or the nest is no longer active. Furthermore, Mitigation Measure MM 4.3-3 and MM 4.3-4 provide for habitat-based mitigation, which would provide replacement habitat for all affected species. Thus, the City finds that direct and indirect impacts to the CAGN and other species in the on-site brittlebush scrub have been adequately mitigated by the measures presented in RDEIR Subsection 4.3.7.	
10-136	16	Third, you obviate compliance with the requirement by then providing that the Applicant will contract with a wildlife biologist if it is necessary to do removal during this period, and if active nests are discovered the biologist will establish buffers of 300 feet for the CAGN and 100 feet for other nonraptors. Again, the MM is likely useless as to the CAGN, and the buffer is insufficient for other nesting birds.	Mitigation Measure MM 4.3-5 is specifically intended to address direct impacts to nesting birds during the nesting season, including the CAGN. Mitigation Measure MM 4.3-5 provides a blanket prohibition on mining in the EDA during the nesting season unless it can be demonstrated through a focused survey that no CAGN or raptor nests are present within 300 feet of areas planned for mining and that there are no non-raptor sensitive bird nests within 100 feet of areas planned for mining. Mitigation Measure MM 4.3-5 does not require any action for mining activities that occur outside the nesting season because impacts to birds outside of the nesting season would be less than significant. Refer instead to Mitigation Measures MM 4.3-3, MM 4.3-4, and MM 4.3-6 through MM 4.3-9, which	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			have been imposed on the Project to address impacts to the CAGN in particular. The City finds that Mitigation Measure MM 4.3-5 does in fact provide appropriate protections for nesting CAGN pairs. Use of a 100-foot buffer for non-listed bird species is a standard buffer requirement applied to projects throughout southern California. There is no evidence in this comment nor in the Project's administrative record demonstrating that the 100-foot buffer is inadequate. No revisions are warranted pursuant to this comment.	
10-137	16	You conclude this measure mitigates impacts to Threshold d to a less-than-significant level, but the measure only targets non-native grassland.	Brittlebush scrub was erroneously omitted from Mitigation Measure MM 4.3-5 in the DEIR. Mitigation Measure MM 4.3-5 in the RDEIR has been updated to include brittlebush scrub.	Subsection 4.3.7
10-138	16	MM 4.3-7 says "Mining activities located greater than 315 feet away from the open space area east of the EDA can occur without limitation." This is within the EDA, which you elsewhere describe as being 600 feet wide.	Mitigation Measure MM 4.3-7 was revised in the RDEIR to clarify that the distance refers to mining activities located 500 feet away from any open space areas, either within or east of the EDA. While the EDA does measure up to 600 feet in width in places, the mitigation would apply anytime proposed mining activities approach within 500 feet of open space areas within or east of the EDA, as 500 feet is the calculated distance to the 55 dB max LEQ(10 min) noise level and represents the zone in which indirect noise impacts to nesting CAGN could occur. (Giroux, 2015b)	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-139	16	If between February 15 and August 30 mining activities will move within 315 feet of the open space, *or if mining activities are already occurring within 315 feet of the open space and will move closer* . . . , then a qualified wildlife biologist shall conduct a nesting survey for the [CAGN] in the open space that falls within 315 feet of the planned mining activity" (emphasis supplied).	Refer to the Responses to Comments 10-140 through 10-145.	Subsection 3.5, Subsection 4.3.7, Table ES-1
10-140	16	First, no mining should occur until a BO is completed which specifies adequate mitigation. That should have occurred prior to the development of this EIR.	Mitigation Measure MM 4.3-4 requires a BO and ITP prior to commencement of mining activities within the EDA. A BO/ITP can only be prepared following the certification of the Final EIR by the City of Lake Elsinore. Thus, no revision was made pursuant to this comment. Refer also to the Response to Comment 10-24.	Subsection 3.5, Subsection 4.3.7
10-141	16	Second, it sounds as if you are talking about surveys only in the open space and not in the EDA.	Refer to the Response to Comment 10-138, which addresses this comment.	Subsection 4.3.7
10-142	16	Third, there should be surveys and translocation of the other sensitive species you identified previously.	Translocation is typically reserved for specific Federal/State listed species and, sometimes, the burrowing owl. Translocation can only occur with Wildlife Agency approval and is not warranted for species like the red-diamond rattlesnake. There are many adverse effects of translocation including, but not limited to, increased stress and mortality of relocated animals, negative impacts on resident animals at release sites, increased conflicts with human interests, and the spread of diseases. Thus, translocation of the other sensitive species identified in the RDEIR would not be	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			appropriate, and impacts to such species would be mitigated through habitat-based preservation or in-lieu fees pursuant to Mitigation Measures MM 4.3-3 and MM 4.3-4. Refer also to the Response to Comment 10-99, which explains why impacts to other species would be less than significant and in any case would be mitigated through in lieu fees or habitat preservation, pursuant to Mitigation Measures MM 4.3-3 and MM 4.3-4.	
10-143	16	Fourth, nowhere in the DEIR is there a basis for concluding that the 315 foot buffer will adequately mitigate the sound from the mining operations.	Mitigation Measure MM 4.3-7 has been revised to instead require a 500-foot buffer for the CAGN. This buffer distance is based on calculations conducted by the Project's noise consultant to determine the distance from mining activities to the 55 dB max-LEQ (10 min). (Giroux, 2015b)	Subsection 4.3.7
10-144	16	Next, the MM provides that surveys should occur within seven days of mining or must be re-done. This is not sufficiently close in time to assure that species will not appear.	Mitigation Measure MM 4.3-7 was revised from "within 7 days" to "within 3 days" consistent with the other mitigation requirements in Subsection 4.3.7. The City finds that the potential maximum three-day gap is adequate to preclude impacts to nesting birds, as it is unlikely any nest would be established and populated in a three-day period (USFWS, 1997).	Subsection 4.3.7
10-145	16-17	Finally, you state that "Compliance with these requirements will be assured through the annual mining inspections, as required and reviewed by the Office of Mine Reclamation and Department of Conservation." These	The Mitigation Monitoring and Reporting Program (MMRP) table is located in Subsection ES.0, Executive Summary (see Table ES-1). All mining operations would be subject to	Table ES-1

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		measures instead should be in a Mitigation Monitoring and Reporting Program ("MMRP"), which should be subject to oversight by CDFW and USFWS.	CDFW/USFWS permits, the requirements for which would be subject to CDFW/USFWS oversight (in addition to annual inspections by OMR).	
10-146	17	MM 4.3-8 provides that within 3 days prior to any blasting activities in the EDA, a nesting survey will be conducted by a qualified wildlife biologist within 1250 feet of the blasting site. If any nests are within 1250 feet and within the line-of-sight of the blasting site, no blasting will occur until August 30 or until the biologist determines that the young have fledged or the nest is no longer active. The noise, vibration, and destabilization of the soil are all concerns here, and they should be for any species of concern you listed as present or potentially present.	Mitigation Measure MM 4.3-8 is specific to the CAGN because it is a Threatened species, which could be indirectly and significantly affected by blasting noise (within and beyond the EDA) during its nesting season. While excessive noise may also affect other avian species that are not Federal or State listed, the impact would not be substantially adverse and would, therefore, be less than significant except for species protected by the Migratory Bird Treaty Act (MBTA) that are separately mitigated by Mitigation Measure MM 4.3-5, which provides for a similar prohibition on mining activities potentially indirectly affecting nesting raptors and other birds protected by the MBTA during the nesting season. Mitigation Measure MM 4.3-8 has been clarified to explain that the Mitigation Measure apples for any CAGN nest within 1,250 feet and where direct line of sight exists.	Subsection 4.3.7
10-147	17	Then you say "If any active nests are located within 500 feet but not within the line of sight, blasting may proceed." We disagree with the measure but it should say "500 feet or more."	Mitigation Measure MM 4.3-8 has been revised to state "more than 500 feet." As noted in the Project's Noise Impact Analysis (*EIR Technical Appendix I*):	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			"*Wildlife agencies have adopted semi-official noise standards for interference with bird vocalization of 60 dBA (Leq), but not for single events. Startle response of 100% has been reported when the single event maximum noise exceeds 80 dB Lmax. Measurements of blasting noise in aggregate mining (Azusa Rock) are reported to be 65 dB Lmax at >2,000 from the blast site. For irregular terrain, this would translate into a full avian startle response at 500 feet from the blast site. With a shielded line of sight, the impact distance would be smaller.*" (Giroux, 2016a) The City finds that the buffer of 500 feet adequately protects CAGN individuals from indirect blasting noise where line-of-sight conditions do not exist and subject to concurrence by the Project biologist.	
10-148	17	Then you provide for clearing the remaining vegetation not during the nesting season, at least two weeks prior to blasting and only one year prior to blasting. This will have a significant effect on the CAGN as this is foraging habitat for the species.	Mitigation Measure MM 4.3-3 (in conjunction with Mitigation Measure 4.3-4) provides mitigation to address direct impacts to the CAGN by requiring that any habitat impacted by the Project be mitigated for at an appropriate ratio to ensure the CAGN will have adequate replacement foraging habitat. A significant direct effect to the CAGN during blasting activities would not occur due to clearing vegetation before blasting, as required by	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			Mitigation Measure MM 4.3-9. Mitigation Measure MM 4.3-8 separately provides mitigation for indirect noise impacts due to blasting activities.	
10-149	17	Overall, as we've noted, you haven't mitigated impacts to any species other than the CAGN. You claim next that you have reduced impacts to below a level of significance for all species. We disagree.	Please refer to RDEIR Subsection 4.3.4, Threshold a, Subsection 2, and Subsection 4.3.8 which explain why the significance of potential impacts to all species is less than significant or has been mitigated to less than significant. Additionally, Mitigation Measures MM 4.3-5, 4.3-6, 4.3-8, and 4.3-9 all have been imposed upon the Project to ensure that impacts to nesting birds regulated by the MBTA are precluded. This comment does not identify any specific impacts that have not been adequately addressed, other than the issues identified by the remaining comments in this comment letter, which are addressed above and below.	Subsection 4.3.4, Threshold a, Subsection 4.3.7, Subsection 4.3.8
10-150	17	You claim that MM's 4.3-8 and 4.3-9 (limiting blasting activities to areas without vegetation for 50 feet from the actual blast site outside the nesting season) will reduce impacts to all avian species to less than significant levels. We disagree; the noise level and potential impacts to the birds are significant whether it is during the nesting season or not;	Mitigation Measure MM 4.3-9 has been revised to clarify that blasting may occur during or outside of the nesting season, subject to the requirements of Mitigation Measure MM 4.3-8. The Project only has the potential to result in significant impacts to the CAGN and birds regulated by the MBTA, as explained in the Response to Comment 10-99. These potential direct and indirect impacts to the CAGN and/or nesting birds regulated by the MBTA would be fully mitigated by the mitigation measures	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			presented in RDEIR Subsection 4.3.7. Impacts to other species would be less than significant because of the limited amount of potential habitat for these species that would be impacted (23.5 acres), their lack of Threatened or Endangered status, and because the impact to other species is not considered to have a "substantial adverse effect, either directly or through habitat modifications" on the long term survival of those species. Moreover, the habitat-based mitigation required pursuant to Mitigation Measures MM 4.3-3 and MM 4.3-4 also would benefit other species. Thus, the City finds that the RDEIR properly concludes that impacts to other bird species would not occur.	
10-151	17	you have done nothing to address impacts to the rattlesnake either.	This comment is inaccurate as mitigation imposed on the Project would benefit this species (rattlesnake) as well. First, blasting would occur in areas where the vegetation has already been removed (see last sentence of Mitigation Measure 4.3-8). Therefore, it is unlikely that this rattlesnake would be present in the blast zone. Even in the unlikely event a snake is present, the loss of rattlesnake individuals would not represent a significant impact because it would not threaten the long-term viability of this non-sensitive species. Additionally, it should be noted that Mitigation Measure MM 4.3-3 requires 33.2 acres of mitigation for the loss of	Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			23.5 acres of non-native grassland and brittlebush scrub habitat, which would benefit this species by conserving habitat used by this species. Based on the foregoing, the City finds that the RDEIR properly concludes that impacts to the red diamond rattlesnake would be less than significant.	
10-152	17	You claim that impacts to wildlife corridors and nursery sites are (Threshold d) are reduced to a less than significant level based on MM's 4.3-5, but this only applies to non-native grasslands, which don't really help the CAGN, 4.3-2, which has to do with jurisdictional wetlands and appears inapplicable, and 4.3-8 and -9, which have to do with limiting blasting operations only.	As noted in the analysis of RDEIR Subsection 4.3.4, Threshold d, impacts to wildlife corridors would not occur because the Project site is not part of any proposed linkages or native wildlife nursery sites, as designated by the MSHCP. Although indirect impacts to nesting birds may occur, these impacts are mitigated by Mitigation Measures MM 4.3-3, MM 4.3-4, MM 4.3-5, MM 4.3-7, MM 4.3-8, and MM 4.3-9. Mitigation Measure MM 4.3-5 was revised to include brittlebush scrub in addition to non-native grasslands, which would help reduce impacts to the CAGN to below a level of significance. The reference to Mitigation Measure MM 4.3-2 in RDEIR Subsection 4.3.8 has been updated to refer to the correct Mitigation Measure, which is Mitigation Measure MM 4.3-3. Mitigation Measure MM 4.3-3 would mitigate impacts to sensitive vegetation communities that provide habitat for sensitive species through the payment of fees or preservation of habitat. Thus, implementation of Mitigation Measures MM	Subsection 4.3.4, Threshold d, Subsection 4.3.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			4.3-3, MM 4.3-4, MM 4.3-5, MM 4.3-7, MM 4.3-8, and MM 4.3-9 would reduce the Project's direct and indirect impacts to the CAGN to below a level of significance.	
10-153	17	Section 4.4 Cultural Resources Threshold e asks whether the Project will have impacts to tribal cultural resources under AB 52. Instead of assessing these impacts, you claim that AB 52 is only applicable to projects with NOPs dated July 1, 2015 or thereafter, and yours was dated June 25, 2015. As the comments of Anna Hoover for the Pechanga Band disclose, the Tribe asserts that the Project area is part of the Tribe's aboriginal territory and there are extensive resources in the area of the Project. You should have evaluated those resources and should have contracted with the Pechanga Tribe for the treatment of inadvertent discoveries under the pre-existing provisions of CEQA.	As stated in AB 52, Section 11 (c), "This act shall apply only to a project that has a notice of preparation or a notice of negative declaration or mitigated negative declaration filed on or after July 1, 2015." The Notice of Preparation (NOP) for the proposed Project was filed on June 25, 2015. Thus the Project is not subject to AB 52. While the Project is not subject to AB 52, cultural resources–including Tribal Cultural Resources (TCRs)–are separately addressed under EIR Subsection 4.4, Thresholds a., b., and d. and impacts were found to be less than significant. Mitigation Measure MM 4.4-1 was added to address the Pechanga Tribe's and Soboba Tribe's concerns regarding the potential discovery of subsurface artifacts. However, consultation pursuant to AB 52 is explicitly not required by the language of the legislation. Furthermore, surveys conducted by the Project archaeologist (Brian F. Smith and Associates) did not identify any TRCs (as defined in Public Resources Code [PRC] § 21074) based on scientific evidence within the proposed EDA. Additionally, prior to recirculation of the	Subsection 4.4.4, Thresholds a, b, d; Subsection 4.4.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			RDEIR, the City sent letters to the Soboba and Pechanga Tribes offering to meet to discuss any concerns that they may have regarding the proposed Project after reviewing the Responses to Comments for Comment Letters 8 and 9.	
10-154	17-18	Your cumulative impacts assessment regarding Threshold e is not credible. You state simply that the Project will have no impact to tribal cultural resources because you are not subject to AB 52. To the contrary we believe it could have cumulatively considerable impacts to tribal resources which you have not assessed. And these impacts were left out of your cultural resources survey (Appendix E2).	Refer to the Response to Comment 10-153. Cultural surveys were conducted on the Project site and did not identify any TCRs (as defined in PRC § 21074) within the EDA, which is the only portion of the Mine that would be authorized for new physical disturbance by the Project (refer also to *EIR Technical Appendix E2*). Mitigation Measure MM 4.4-1 was added to address the Pechanga Tribe's and Soboba Tribe's concerns regarding the potential for discovery of subsurface artifacts. In the absence of any TCRs within areas that would be authorized for new disturbance by the Project (i.e., the EDA), and with compliance with Mitigation Measure MM 4.4-1, the Project has no potential for cumulatively-considerable impacts to TCRs.	Subsection 4.4.4, Thresholds a, b, d; Subsection 4.4.7
10-155	18	<u>Geology and Soils</u> The DEIR states that upon completion of mining activities and once the final grades under RP 2006-01A2 are achieved, runoff from the Nichols North and South sites would be conveyed to proposed sedimentation basins on each portion of the site. We don't understand this to be until 2036. What is the plan in the interim?	This comment appears to be directed at the second paragraph of Threshold b. The prior paragraph of Threshold b states: "…all soil erosion that would happen on-site during on-going mining would be detained within the on-site sediment basin, thereby precluding sediments from impacting downstream water bodies." Text was added to the Subsection 3.3.2,	Subsection 4.5.4, Threshold b & Subsection 3.3.2, Subheading H

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			Subheading I to clarify the drainage conditions during mining operations and to indicate that two sediment basins would be used to detain sediment on-site. No further response is necessary.	
10-156	18	In your cumulative impacts analysis, you state that except for erosion hazards there are no cumulative impacts. You state that erosion hazards are reduced to a less than significant level by the requirement for an SWPPP and an NPDES permit. These can be violated and have been violated by another Mine in Lake Elsinore, which used to operate the Nichols Canyon Mine.	Pursuant to the provisions of NPDES R8-2010-0036, the City of Lake Elsinore and the Santa Ana Regional Water Quality Control Board may impose sanctions in the event violations of the SWPPP or NPDES permits occur. Relevant excerpts of NPDES R8-2010-0036 are provided below. *The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Order shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both [40 CFR 122.41 (j)(5)]* *The Clean Water Act provides that any person who knowingly makes any false*	Subsection 4.5.5

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both [40 CFR 122.41 (k)(2)). *The Permittees have adopted a number of ordinances, municipal codes, and other regulations to establish legal authority, control discharges to the MS4s and enforce these regulations as specified in 40 CFR 122.26(d)(2)(i)(A, B, C, E, and F). The Permittees are required to enforce these ordinances and to take enforcement actions against violators (40 CFR 122.26(d)(2)(iv)(B-D)).* Moreover, and pursuant to SMARA § 3503(b), under interim conditions all runoff from the mined portions of the site would be required to be fully retained on-site, as occurs under existing conditions for the Nichols North site. Figure 3-3, *Reclamation Plan No. 2006-01A2-Interim Mining Conditions*, shows the interim detention	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			basins required for both Nichols North and Nichols South. Following completion of mining activities at Nichols North and/or Nichols South, the sites would be reclaimed in a manner consistent with RP 2006-01A2. As required by RP 2006-01A2, sedimentation basins would be constructed in the Nichols North and Nichols South sites. The construction of these sedimentation basins is assured by the financial assurance required by SMARA, which OMR will not release until such a time that all requirements of the Project's Reclamation Plan No. 2006-01A2 have been fulfilled (PRC § 3805.5). Accordingly, the City finds that there are appropriate safeguards and penalties in place to ensure that violations of the required SWPPP and NPDES permit would not occur or would otherwise be subject to agency oversight, including, but not limited to, monitoring for compliance by the City.	
10-157	18	Regarding MM 4.5-1 you simply state that all recommendations of the CHJ Consultants Report should be included prior to mining activities in the EDA. Those requirements should be enumerated in the MM and included in an MMRP.	Comment acknowledged. The requirements specified in the CHJ Consultants Report have been added to MM 4.5-1 and the MMRP table (RDEIR Table ES-1).	Subsection 4.5.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-158	18-19	Section 4.6 Greenhouse Gases The full CEQA Guideline on GHG emissions, adopted under S.B. 97, which you do not include in your DEIR, is: (a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in Section 15064. A lead agency should make a good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to: (1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; or (2) Rely on a qualitative analysis or performance based standards. (b) A lead agency may consider the following when assessing the significance of impacts from greenhouse gas emissions on the environment:	As directed by SB-97, the California Natural Resources Agency (CNRA) adopted Amendments to the CEQA Guidelines for greenhouse gas emissions on December 30, 2009. On February 16, 2010, the Office of Administrative Law approved the Amendments, and filed them with the Secretary of State for inclusion in the California Code of Regulations. The Amendments became effective on March 18, 2010. (CNRA, 2010) The RDEIR relies upon the thresholds that were adopted by the CNRA pursuant to SB-97, as provided in the updated Appendix G to the CEQA Guidelines. Additionally, the provisions of SB-97 are adhered to throughout the Project's GHG study (RDEIR *Technical Appendix G*), including the use of methodologies and performance standards. Furthermore, there is no requirement under CEQA or the CEQA Guidelines to cite, verbatim, all of the statutes and guidelines pertaining to CEQA. Rather, an EIR need only comply with those requirements. There is no evidence provided in this comment or in the Project's administrative record demonstrating that any provision of the CEQA Statutes or Guidelines has not been complied with.	Subsection 4.6

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting. (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project. (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. CEQA Guideline § 15064.4.		
10-159	19	*Threshold*. You could have assessed the Project's GHG emissions based on their compliance with the City of Lake Elsinore's Climate Action Plan, which implements both AB 32 (which calls for a reduction of emissions by 2020 down to 1990 levels) and Executive Order S-3-05 (which	RDEIR Subsections 4.6.2.E.15 and 4.6.4 explain in detail why the City's CAP could not be relied upon. Refer also to the Response to Comment 10-27. Refer also to the Response to Comment 10-162, which explains why the DEIR and RDEIR properly make use of the 2020 emissions	Subsection 4.6, Subsection 4.6.2.E.15

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		calls for a reduction of emissions to 80% below 1990 levels by 2050).	target set forth by AB 32 in determining the cumulative significance of the Project's GHG emissions.	
10-160	19	Instead, you simply adopted a threshold SCAQMD uses for projects which it approves stating that emissions of under 10,000 MTCO2e are not significant. We do not think this is in keeping with the City's Climate Action Plan, and it is not a threshold "adopted by the relevant public agency through a public review process [that] include[s] specific requirements that reduce or mitigate the project's incremental contribution of [GHG] emissions." Guideline § 15064.4(b)(3)	Refer to the Response to Comment 10-27, which is responsive to this comment.	Subsection 4.6
10-161	19	The 10,000 MTCO2e threshold is also not based upon substantial evidence as it is not much different from the 25,000 MTCO2e threshold at which a facility becomes a mandatory reporter of GHG emissions both to ARB and to the EPA.	Refer to the Response to Comment 10-27, which is responsive to this comment. Moreover, just because a facility becomes subject to mandatory reporting to the ARB does not provide substantial evidence that such a level of GHG emissions would be considered significant under CEQA. Furthermore, the cited threshold of 25,000 MT CO_2e is more than 2.5 times the level of GHG emissions that would occur under the proposed Project, even with the conservative calculations in RDEIR Subsection 4.6. Specifically, RDEIR Subsection 4.6 accounts for 100% of asphalt batch plant operations, despite the fact that the asphalt batch plant is a previously-permitted use and the Project only would allow for an extension of the hours of	Subsection 4.6

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			operation of the asphalt batch plant by three hours per day (4:00 a.m. to 7:00 a.m.).	
10-162	19	Despite the City's inclusion of Executive Order S-3-05 in its Climate Action Plan, you rejected Executive Order B-30-15, which calls for an interim reduction of 40% from 1990 levels by 2030 because it has not been "enacted by the Legislature or even by CARB." Because it implements S-3-05, which the City has officially enacted as part of its goals, B-30-15 should provide guidance, and the City should have measured the emissions of the Project against this standard. The Project will be operational at that time, and even with your own measurement (with which we strongly disagree for reasons stated below), the Project would increase emissions beyond the existing levels in the City.	The analysis presented in RDEIR Subsection 4.6 was conducted in a manner consistent with the recommendations of the Association of Environmental Professionals (AEP, 2016a). As recommended by the AEP: "*The agency thresholds described earlier are all based in various ways on the GHG emissions objectives of AB 32 for 2020. As previously noted, AB 32 requires the state to achieve 1990 levels by 2020, Executive Order B-30-15 requires state to achieve 40 percent below 1990 levels by 2030, and Executive Order S-03-05 sets a goal of 80 percent below 1990 levels by 2050.* *The Committee recommends that thresholds used for project evaluation should be based on the next statewide milestone target after the project horizon. For projects with a horizon of 2020 or earlier, a threshold based on meeting AB 32 targets should be used. For projects with a horizon between 2021 and 2030, a threshold based on meeting or making substantial progress toward the 2030 target in EO B-30-15 should be used. For projects with a horizon between 2031 and 2050, a threshold*	Subsection 4.6, Subsection 4.6.E

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			based on meeting or making substantial progress toward the 2050 target in EO S-03-05 should be used." (AEP, 2016a, p. 32) As also noted by the AEP, "[t]he horizon year should be defined by the year in which the project is fully realized" (AEP 2016, p. 32). Furthermore, the AEP notes the following: "*Since GHG planning has a long horizon, out to 2050 (and beyond), reduction progress will not be a one-step process, but rather a phased set of reductions over time. Thus the best measure of whether an individual project is providing its fair share of GHG reductions, or its fair share efficiency level, is whether that project supports 'substantial progress' toward the statewide reduction targets over time; not whether the project is meeting a milestone target many years in the future, such as for 2050*." (AEP, 2016a, p. 33) AEP is a non-profit association of public and private sector professionals interested in the principles underlying the California Environmental Quality Act (CEQA). AEP works to advance the science and art of the environmental planning, analysis and evaluation and also supports the research and education of	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			CEQA related topics beneficial to the public interest. (AEP, 2016b) In the case of the proposed Project, the horizon year would be defined as the point at which mining operations proceed in accordance with SMP 2015-01 and Amendment No. 2 to Reclamation Plan No. 2006-01A1, which would occur prior to Year 2020. Because the majority of reductions anticipated to be necessary to achieve the long-term goals of AB 32 will be enacted at the State and federal levels and will occur over time as technology advances, the City finds that the application of the AB 32 target for 2020 is the appropriate threshold to use for the evaluation of the cumulative significance of the Project's GHG emissions.	
10-163	19-20	Analysis. You contend that a "full lifecycle analysis (LCA) is not included in this analysis due to lack of available guidance on LCA methodology at this time." DEIR at 4.6-17. We disagree strongly. The EPA has conducted lifecycle analyses, and there are numerous tools for you to do so, including ISO 14000.	As discussed in RDEIR Subsection 4.6.3, a full life-cycle analysis (LCA), which involves assessing economy-wide GHG emissions from the processes in manufacturing and transporting all raw materials used in the project development, infrastructure, and on-going operations is not included in this analysis due to the lack of available guidance on LCA methodology at this time. In December 2009, the Governor's Office of Planning and Research (OPR) adopted its "Final Statement of Reason for Regulatory Action, Amendments to the State	Subsection 4.6.3

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97," which notes the following: *"The amendments to Appendix F remove the term 'lifecycle.' No existing regulatory definition of 'lifecycle' exists. In fact, comments received during OPR's public workshop process indicate a wide variety of interpretations of that term. (Letter from Terry Rivasplata et al. to OPR, February 2, 2009, at pp. 5, 12 and Attachment; Letter from Center for Biological Diversity et al. to OPR, February 2, 2009, at pp. 17.) Thus, retention of the term 'lifecycle' in Appendix F could create confusion among lead agencies regarding what Appendix F requires.* *Moreover, even if a standard definition of the term 'lifecycle' existed, requiring such an analysis may not be consistent with CEQA. As a general matter, the term could refer to emissions beyond those that could be considered 'indirect effects' of a project as that term is defined in section 15358 of the State CEQA Guidelines.* *Depending on the circumstances of a particular project, an example of such*	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			emissions could be those resulting from the manufacture of building materials. (CAPCOA White Paper, at pp. 50-51.) CEQA only requires analysis of impacts that are directly or indirectly attributable to the project under consideration. (State CEQA Guidelines, § 15064(d).) In some instances, materials may be manufactured for many different projects as a result of general market demand, regardless of whether one particular project proceeds. Thus, such emissions may not be 'caused by' the project under consideration. Similarly, in this scenario, a lead agency may not be able to require mitigation for emissions that result from the manufacturing process. Mitigation can only be required for emissions that are actually caused by the project. (State CEQA Guidelines, § 15126.4(a)(4).) Conversely, other projects may spur the manufacture of certain materials, and in such cases, consideration of the indirect effects of a project resulting from the manufacture of its components may be appropriate. A lead agency must determine whether certain effects are indirect effects of a project, and where substantial evidence supports a fair argument that such effects are attributable to a project, that evidence must be considered.	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			However, to avoid potential confusion regarding the scope of indirect effects that must be analyzed, the term 'lifecycle' has been removed from Appendix F." (OPR, 2009b, pp. 71-72) Furthermore, and as noted by SCAQMD in its 2008 Interim GHG Significance Threshold Staff Proposal: "*Performing a life cycle analysis may be difficult for a number of projects or processes because life cycle emission factors may not be well established for many activities or projects and the life cycle process itself may not be known or well-defined. SCAQMD staff, however, recommends that life cycle analyses be prepared for all projects undergoing a CEQA analysis, as this will produce a more defensible approach. If, however, any component of the life cycle analysis is unavailable, unknown, or not supported by scientific evidence, the lead agency should note such an analysis would be speculative pursuant to CEQA Guidelines §15145 and terminate discussion of that impact*." (SCAQMD, 2008b, p. 3-8)	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			Life-cycle analysis (i.e., assessing economy-wide GHG emissions from the processes in manufacturing and transporting all raw materials used in the project development, infrastructure and on-going operations) depends on emission factors or econometric factors that are not well established for all processes. In the case of the proposed Project, it is not possible to know the precise end uses of aggregate materials produced on-site, as the end uses for aggregate materials vary depending on economic circumstances, development projects that may be implemented that require the use of aggregate material, etc. Furthermore, the majority of end uses of aggregate and/or asphalt material produced on-site would occur as part of separate development proposals, many of which have been or would be subject to review under CEQA. Based on guidance from the SCAQMD, which governs air quality within the SCAB and is the primary agency responsible for establishing region-wide greenhouse gas reduction measures within the SCAB, and based on guidance from OPR in their *Final Statement of Reason for Regulatory Action* (OPR, 2009b, pp. 71-72), the City finds that a LCA is not needed for the proposed Project, would be extremely	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			speculative, and is not legally required by CEQA (CEQA Guidelines § 15145).	
10-164	20	We have included one from the World Resources Institute and the World Business Council for Sustainable Development as Attachment J.	Refer to the Response to Comment 10-163. Moreover, the reference provided as Attachment J to this comment letter identifies a process for estimating LCA emissions; however, the methodology presented requires inputs that are not currently known, including product usage factors and end usage factors. Accordingly, the City finds that the information in Attachment J does not obviate the fact that a LCA would be speculative for the proposed Project (CEQA Guidelines § 15145).	Subsection 4.6.3
10-165	20	We believe your real reason for not conducting a lifecycle analysis is that you know that cement production accounts for over 6.9% of California's greenhouse gas emissions from industry, and you supply a major input into that process. See CARB, 2014 Edition, California Greenhouse Gas Inventory 2000-2012 (Attachment C), at 22 (Figure 14).	There are no components of the proposed Project that would involve the production or transport of cement products. End uses for aggregate materials produced on-site would involve many projects that would be or have been subject to project-level review under CEQA (except for projects that may be exempt from or that pre-date CEQA), and any attendant impacts associated with cement production would not be a reasonably-foreseeable consequence of the proposed Project.	N/A
10-166	20	Cement production, and asphalt cement production, leads to the emission of GHGs not just from the heating involved in creating the cement but also from the emissions of the cement material itself in that process. This is why heating the cement at lower temperatures can lead to fewer	Refer to the Response to Comment 10-165. There are no components of the proposed Project that would involve the production or transport of cement materials.	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		emissions. See Attachment B (Reducing Greenhouse Gas Emissions from Asphalt Materials (Mar. 1, 2007)).		
10-167	20	You ignore emissions from the batch plant entirely, even though it should operate under at least a 35% increase under Project conditions. This is not based on substantial evidence.	The RDEIR has been revised to account for 100% of asphalt batch plant emissions, including in RDEIR Subsection 4.6 and in the Project's Greenhouse Gas Analysis. The asphalt batch plant was previously approved and entitled, nonetheless, out of an abundance of caution, to remove this issue as a potential point of contention, and in order to provide a conservative analysis, 100% of the emissions form the asphalt batch plant are now included in the RDEIR analysis.	Throughout & Subsection 4.6
10-168	20	Specifically, your assumption that the batch plant, which you are specifically asking for additional permitted time for, from 4 a.m. to 12 p.m. M-S, see DEIR at 3-5, will not operate more during more time, with more material, including 24 acres of new material from the EDA, is simply baseless.	The RDEIR has been revised to account for 100% of asphalt batch plant emissions, including in RDEIR Subsection 4.6 and in the Project's Greenhouse Gas Analysis (*RDEIR Technical Appendix G)*.	Throughout & Subsection 4.6
10-169	20	You will use more electricity to operate the lights, more natural gas to power the plant, and you will generate more emissions from that plant. You state, *Although under long-term operating conditions the Project would result in a net increase in the total duration of asphalt batch operations on-site due to the increased amount of aggregate reserves that would be*	Firstly, the "average" would not increase from 556,349 tpy to 856,560 tpy. 556,349 tpy represents the average tonnage produced over the baseline period (2007-2014). 856,560 tpy represents the annual maximum that would be allowed under RP 2015-01 and RP2006-01A2. The actual "average" annual tonnage would very likely be less than 856,560 tpy, based on historical data for the Mine. Regardless, the analysis throughout the RDEIR accounts for the	Throughout & Subsection 4.6

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		made available by the Project and the proposed expiration date of the Project's Reclamation Plan, there would be no net change in the daily or annual emissions from the site associated with natural gas or electricity usage. There is absolutely no basis for this conclusion. First, it is wrong as to the daily and annual operations, which will increase from an average of (even according to you) 556,349 tpy to 856,560 tpy.	planned increase of 300,211 tpy that could, in theory, result from implementation of the proposed Project. In addition, the RDEIR has been revised to account for 100% of asphalt batch plant emissions, including in RDEIR Subsection 4.6 and in the Project's Greenhouse Gas Analysis (*RDEIR Technical Appendix G)*. This includes natural gas used for asphalt production. Additionally, the revised analysis accounts for a 35.05% increase in natural gas usage at the site. (Refer to the discussion in the first paragraph of RDEIR Subsection 4.6.5, Threshold a.).	
10-170	20	Second, it is wrong as to the duration of the operation of the batch plant – which will be extended because of your revised Reclamation Plan[2] – and which will extend into the applicable time period for the 40% reduction mandated by Executive Order B-30-15. This is reflected by the City of Lake Elsinore's Climate Action Plan for the reduction of GHGs to 80% below 1990 levels by 2050.	Refer to the Response to Comment 10-162. As noted, the RDEIR properly evaluates the significance of the Project's GHG emissions based on the AB 32 target for Year 2020, as compliance with this target demonstrates that the Project would assist the City of Lake Elsinore in showing substantial progress towards the ultimate achievement of the AB 32 goals for 2050, which in turn will require both technological innovations and local, state, and federal legislation to achieve.	Subsection 4.6, Subsection 4.6.E
10-171	20	[2] (Footnote) You nowhere indicate, except in the Figure that we cited to earlier, that the Amended Reclamation Plan calls for an extension in the operating time of the Mine until	Although there is no expiration date under the existing or proposed entitlements for the site, a discussion has been provided in RDEIR Subsection 3.3.2.K that it would take an	Subsection 3.3.2.K

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		2036. This is a fatal flaw in what is supposed to be an informational document for the public.	additional 6.6 to 16.1 years to complete mining activities on-site.	
10-172	20	(Footnote 2 cont'd): We tried to obtain copies of the Surface Mining Permit and Reclamation Plan applications – which you indicated you would have available for public review at your Planning Counter in the DEIR – but when we sent our assistant he was told he could not review them for 10 days. This does not fulfill the informational role of CEQA, to put it mildly.	All reference sources identified in Section 7.0 will be available on CD from the City of Lake Elsinore during the 45-day public review period for the RDEIR, and will be included in the mailing to this commentator.	Section 7.0
10-173	20	Third, you have not included the increased operation of the Crushing and Screening Plant, which will have 35% more throughput as well.	This comment incorrectly alleges that increased operations of the Crushing and Screening Plant have not been considered. As noted in Section 3.4.3 of the Project's AQIA (*EIR Technical Appendix B*), 35% of additional throughput is considered in both the AQIA and GHG studies. These factors were considered in the CalEEMod inputs for estimating both air quality and GHG emissions.	Subsection 4.2 & Subsection 4.6
10-174	21	As you acknowledge, "A numerical threshold for determining the significance of GHG emissions in the South Coast Air Basin has not been established by SCAQMD for projects where it is not the lead agency." Nor should one have been. SCAQMD is not the agency with jurisdiction over GHG emissions. CARB is.	Refer to the Response to Comment 10-27, which is responsive to this comment. The SCAQMD screening threshold for industrial projects was selected for the proposed Project in the absence of any locally-adopted thresholds that are applicable and appropriate for aggregate mining projects.	Subsection 4.6.2.E.13, Subsection 4.6.3
10-175	21	You state that SCAQMD's 10,000 MTCO2e threshold is supported by *CAPCOA's CEQA and Climate Change Handbook from 2008*, using Threshold 2.5. That Threshold explicitly states, "Unit thresholds were developed for	The DEIR and RDEIR do not rely on potential thresholds suggested by CAPCOA in 2008. For the reasons noted in Response to Comment 10-27, the analysis relies instead on guidance from	Subsection 4.6.2.E.13, Subsection 4.6.3

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		residential and commercial developments in order to capture approximately 90 percent of future development. The industrial sector is less amenable to a unit-based approach given the diversity of projects within this sector. One option would be to use a quantitative threshold of 900 tons for industrial projects in order to provide for rough equivalency between different sectors." See CAPCOA White Paper at 46-47.[3] This is a far cry from the 10,000 MT you have used.	SCAQMD for evaluating the significance of GHG emissions from industrial projects where the SCAQMD serves as the lead agency. As noted in this comment, CAPCOA Threshold 2.5 is intended to achieve a capture rate of 90 percent for future development. As indicated in Response to Comment 10-27, SCAQMD staff determined that, within the local context (i.e., the South Coast Air Basin), 10,000 MT CO_2e/yr would achieve the capture rate of 90% of new development. This level of capture is consistent with the recommendation of CAPCOA's Threshold 2.5, and also is responsive to recent case law pertaining to the analysis of GHG emissions (see *Center for Biological Diversity v. Cal. Dept. of Fish & Wildlife*, 2015 62 Cal.4th 204). While the City acknowledges that a quantitative threshold of 900 tons was identified in the CAPCOA white paper, the AEP notes the following: "*The CAPCOA analysis was only an example calculation using limited data from certain select cities in Northern and Southern California and was never intended to be used as an actual threshold. The calculation included emissions from projects that may be categorically or statutorily exempt from CEQA*." (AEP, 2016a, p. 26 at Footnote 14)	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			Moreover, the 900 MT CO_2e limit cited in the CAPCOA paper was not based on substantial evidence, and was not tailored to the local circumstances within the South Coast Air Basin (see *Center for Biological Diversity v. Cal. Dept. of Fish & Wildlife*, 2015 62 Cal.4th 204). Accordingly, and based on the foregoing, the City finds that the use of the SCAQMD screening threshold for industrial projects is the appropriate threshold of significance for evaluating the Project's GHG emissions.	
10-176	21	[3] (Footnote) The CAPCOA White Paper, which you cite to as a Handbook, should be included in the Administrative Record for this Project as you have cited to and relied upon it.	The CAPCOA White Paper referenced by this comment is included in the Project's administrative record as "(CAPCOA, 2008)." Additionally, Section 7.3 of the DEIR (and RDEIR) included a link to the CAPCOA White Paper (refer to the citation for "CAPCOA, 2008).	Section 7.0
10-177	21	You state that use of SCAQMD's industrial threshold "is most appropriate since the majority of emissions associated with the Project are a result of on-site stationary source equipment and operating activity." However, in the next section (discussing Threshold a), you (inappropriately) limit your analysis to mobile source emissions. You have wholly left out major sources of emissions in your analysis.	Although the discussion and information of all sources analyzed were included in DEIR *Technical Appendix G*, and although the data presented DEIR Table 4.6-6 presented emissions associated with operational equipment, the text discussion of operational equipment emissions was erroneously omitted from the DEIR. This has been corrected in the RDEIR; refer to the discussion of Threshold a. in Subsection 4.6.5.	Subsection 4.6.5

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-178	21	Threshold a. Would the Project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment? All you have analyzed here are mobile source emissions. You left out operational equipment, Table 4.6-3, which was supposed to lead to an increase of 4,842 hhpd, even under your (not credible) assumptions. You've left out the batch plant. You've left out the Crushing and Screening operation.	Refer to the Responses to Comments 10-16, 10-173, and 10-177, which address all components of this comment.	Subsection 4.6.5
10-179	21	And you've left out the lifecycle emissions from the Portland Cement, which as noted previously contributes 6.9% of the industrial sector's GHG profile per year (assuming CARB included both fuel combustion and clinker production in its figures, which we are unsure of). So approximately 7 MMTCO2e comes from this industry alone per year.	Refer to the Responses to Comment 10-163 and 10-165, which are responsive to this comment.	Subsection 4.6.3
10-180	21	Finally, your traffic calculations appear to assume that the Mine only operates 171 days out of the year (at maximum tonnages).	The assumption that the Mine operates only 171 days out of the year represents a worst-case analysis of Project impacts to traffic on a daily basis. If the analysis were to instead assume mining/asphalt export activities would occur during all 52 weeks of the year, then the amount of traffic produced by the Mine on a daily basis would be less than stated in the EIR because the maximum number of trips would be spread over a greater number of days. Further, for purposes of evaluating impacts due to GHGs, the intensity of daily operations is not relevant because the same number of trucks would be required on an annual basis to achieve the maximum annual	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			production limit proposed as part of SMP 2015-01 and Amendment No. 1 to Reclamation Plan No. 2006-01A1 irrespective of reasonable worst-case high-end daily mining tonnage estimates. Accordingly, the City finds that the RDEIR's analysis of GHG emissions properly accounts for the maximum number of trucks that may visit the Mine on an annual basis as a result of the proposed Project.	
10-181	21	Threshold b. Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs? All you say here is that the Project does not exceed SCAQMD's Threshold. Again, it doesn't – and shouldn't – apply.	Refer to the Response to Comment 10-27 for an explanation as to why the SCAQMD screening threshold for industrial projects was appropriately used for evaluation of the Project's potential impacts.	Subsection 4.6
10-182	21	Next you say seven of the eighteen strategies in the Scoping Plan adopted by CARB are consistent with your Project. According to your Table 4.6-7, you are consistent with only one of them (meaning the Project would not "interfere with implementation" of the measure), and the remaining 17 are "not applicable."	The text has been clarified under the discussion and analysis of Threshold b. in RDEIR Subsection 4.6.5 to indicate that the Project would not conflict with the provisions of the Scoping Plan.	Subsection 4.6.5, Threshold b
10-183	22	Per the City of Lake Elsinore's Climate Action Plan, which should apply to this Project, a reasonable reduction would be 0.8 MT CO2e/SP (per "Service Population") per year by 2020 and 2.3 MT CO2e/SP per year by 2030 (when the Project will still be in operation). This would amount to merely a reduction in 8 MT CO2e by 2020 based on your 10 employees, or 23 MT CO2e by 2030. Instead, the Project will cause an increase – according to your own	Refer to the Response to Comment 10-27, which provides an explanation as to why a Service Population-based approach is not appropriate for the proposed Project. Refer also to the revised discussion and analysis in RDEIR Subsection 4.6.	Subsection 4.6.4

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		estimates, which are fatally flawed for the reasons discussed above – of over 1,000 MT.		
10-184	22	Section 4.7 Hydrology and Water Quality According to the DEIR, under existing conditions on the Nichols North site in the western portion which is disturbed water flows into an on-site retention basin on the southwest corner of the site. For the east and north portions of Nichols North, and Nichols South, water flows in a southwesterly direction via Stove Pipe Creek and to the west beneath I-15 in a concrete box culvert. Further, a small portion of runoff from Nichols South is conveyed to the north in a swale along the northern edge of Nichols Road. You claim, with no support, that "These conditions would not change under the Project." DEIR at 4.7-3.	The referenced statement has been omitted from RDEIR Subsection 4.7.2.B. A complete description of interim and ultimate drainage conditions on site is provided in RDEIR Subsection 3.3.2.I. Refer also to the revised discussion under the analysis of Threshold c. in RDEIR Subsection 4.7.4.	Subsection 4.7.2.B & Subsection 3.3.2.I
10-185	22	Threshold a. Would the Project violate any water quality standard or waste discharge requirements? You claim that the Project would revise the SWPPP to include additional BMP measures to address the expanded mining limits. "The BMPs specified in the revised SWPPP would be required to ensure that all potential pollutants of concern were prevented, minimized and/or otherwise appropriately treated prior to being discharged from the subject property." First SWPPP's can be violated, and have been by a former owner of this mine site. See Attachment K.	Refer to the Response to Comment 10-156.	Subsection 4.7.4, Threshold a
10-186	22	Second, they don't stop pollution in runoff.	This comment incorrectly implies that implementation of BMPs as part of the required Industrial SWPPP would not adequately treat runoff from the site. Examples of BMPs currently implemented on the Project site include	Subsection 4.7.4, Threshold a, Threshold e

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			elements such as: minimize the amount of area exposed; water roads to control dust; cover or vegetate exposed areas at the completion of mining activities; routine inspections; employee training; direct runoff to a sediment basin, etc. (AE, 2015, pp. 30-32). Under the proposed Project, a revised SWPPP would include BMPs similar to the examples provided above in order to adequately treat runoff from the Project site. Under interim conditions while mining activities are occurring, all runoff from the portions of the site to be mined would be conveyed to one of two on-site sediment basins (i.e., one sediment basin each in Nichols South and Nichols North). No runoff from areas subject to on-going mining activities would leave the Project site under interim conditions; therefore, the Project has no potential to adversely affect water quality during on-going mine operations. Regarding post-reclamation water quality impacts, the only pollutant would be sediments, as there are no proposed structures or ongoing activities following mine reclamation. The reclamation plan would require stabilization of the site for final closure of the mining permit. Stabilization also is required in order to close the Industrial SWPPP permit. Hydroseeding with	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			native plant species is required prior to final closure to further stabilize the soil. Mandatory compliance with the Industrial SWPPP, which would require, among other measures, the maintenance of sediment basins on-site, would be effective in removing sediments from runoff. Thus, with mandatory compliance with the BMPs listed in the Industrial SWPPP, hydroseeding, and construction and maintenance of the on-site sediment basins, the City finds that the Project as designed would adequately attenuate sedimentation in runoff, which is the only pollutant of concern for the proposed Project.	
10-187	22	Third, we should have had the opportunity to evaluate the SWPPP for the Project: you should have included the revised SWPPP in the CEQA document. This is deferred mitigation, in violation of CEQA.	A revised SWPPP is a requirement of the SARWQCB and can be only pursued upon approval of the Project because the SARWQCB is a Responsible Agency under CEQA. Obtaining a required permit subsequent to project approval, wherein the permit cannot be issued prior to the approval of a CEQA document and where obtaining the permit already is a regulatory requirement of the SARWQCB pursuant to the Federal Clean Water Act (CWA), does not comprise deferred mitigation under CEQA. Refer also to the Response to Comment 10-24.	Subsection 3.5

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-188	22	The same is true for the revised NPDES permit you propose to get – it should have been obtained and made available for public review.	Refer to the Responses to Comments 10-24 and 10-187. The NPDES permit already is a requirement of the Federal CWA, and cannot legally be obtained until this RDEIR is certified as a Final EIR. Thus, the need for an NPDES permit does not constitute deferred mitigation under CEQA, and the NPDES permit is a ministerial permit that does not require public review (CEQA Guidelines § 15369).	Subsection 3.5
10-189	22	All you say in the document is that because "the Project would comply with mandatory SWPPP requirements and all runoff from actively mined portions of the Mine would be retained on-site during ongoing mining activities and would not affect downstream properties or facilities, impacts would be less than significant." You have not indicated how the water would be retained and the proposed detention basins are only proposed for the reclamation condition.	This comment incorrectly states that sediment basins only would be constructed on site during final reclamation activities. On the contrary, and pursuant to the requirements of SMARA, all runoff from the mined portions of the site would be required to be fully retained on-site, as occurs under existing conditions for the Nichols North site. Please refer to the Responses to Comments 10-20, and 10-199. No change to the sediment basin on the Nichols North site would be required during interim conditions, as this basin is adequately sized to detain all runoff from the Nichols North site. For Nichols South, an interim sediment basin would be constructed in the western portion of the site. RDEIR Figures 3-3 and 3-4 depict the sedimentation basins for interim and reclaimed conditions, respectively.	Subsection 3.3
10-190	22	From what we can see in the DEIR and the Hydrology Study and Drainage Analysis (Appendix H), there is no map disclosing the proposed locations of the retention	A hydraulic analysis for interim mining conditions was not required because under interim conditions, all runoff from areas subject	Subsection 3.3 & Subsection 3.3.2.I

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		basins (which won't, apparently, be on the property until 2036).	to mining activities would be retained on-site, with no discharge of runoff from the disturbed portions of the Mine. As explained in RDEIR Subsection 3.3.2.I, the required sedimentation basin would be constructed at the Nichols South site prior to commencement of mining activities within Nichols South. Refer also to RDEIR Figure 3-3, which depicts the location of the sedimentation basin for Nichols South. Additionally, there would be no change to the sedimentation basin at the Nichols North site under interim conditions.	
10-191	22	Finally, your description of the existing condition indicates that a significant portion of the runoff will be conveyed offsite via Stovepipe Creek, which contradicts your conclusions in the DEIR that the water will be retained onsite.	Under existing conditions, mining activities are not occurring on the Nichols South site; thus, no sediment basin has been constructed in this area. Rather, runoff from Nichols South under existing conditions generally follows historic drainage patterns. Once mining activities on Nichols South commence as allowed under existing approvals and entitlements, a sediment basin would be constructed in the western portion of the Nichols South site to retain all runoff from the areas subject to mining activities, thereby precluding runoff within mining areas from leaving the property as surface flow (refer to RDEIR Figure 3-3). Additionally, under existing conditions all runoff from the areas subject to mining activities on the Nichols North site are conveyed to the existing on-site sediment basin.	Subsection 4.7.2.B

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			The only portions of the Nichols North site that are conveyed to Stovepipe Creek under existing conditions is runoff from the open space areas located east of the current mining impact areas and runoff from Nichols South, which has not been subject to mining activities to date. Similarly, during mining and following reclamation of the Nichols South site, all areas not subject to mining activities (i.e., the northeastern portion of Nichols South) would continue to drain via Stovepipe Creek. Thus, the City finds that the RDEIR's description of existing and interim hydrologic conditions are correct, although minor modifications have been made in RDEIR Subsection 4.7.2.B to clarify to information in this response.	
10-192	22-23	Threshold b. Would the Project substantially deplete groundwater supplies? You say the Project represents a reduction in baseline conditions from about 64,000 gpd to a reduction in "approximately 45.84%, resulting in a total demand for 34,660 gallons of water per day." You stated in the DEIR that the Applicant's assumptions regarding prior water use would be available to the public in a "Historical Water Usage" document. You claimed this "Historical Water Usage" document was available for public review in Section 7 of the DEIR ("Project Applicant, 2015. Historic Water Usage. May 28, 2015. (Available for review at the City of Lake Elsinore Planning Division, 130 South Main Street, Lake Elsinore, CA 92530)"), but when we sent our	Refer to the Responses to Comments 5-4 and 10-18. Additionally, all documents referenced by the RDEIR will be made available by the City of Lake Elsinore during the 45-day public review period for the RDEIR. This commentator will receive a CD containing all reference materials cited by the RDEIR.	Subsection 3.3.2.H, Section 7.0

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		assistant to go review it he was told (on Friday, February 19, 2016) this documentation was not available without a subpoena.		
10-193	23	We don't find these numbers believable as they were based on figures from 2008-2012 according to your NOP, which included a year with 1,192,136 tons produced in 2008, well over two times any other year in the period and over two times your own (inflated) historical average.	Refer to the Responses to Comments 5-4 and 10-18.	Subsection 3.3.2.H
10-194	23	You claim this same water usage was present between 2007-2014, but again, we cannot test that assumption because you did not provide the documents (despite saying you were going to in your DEIR).	Refer to the Responses to Comments 5-4, 10-18, and 10-192. A copy of the water bills for 2015 is included in the Project's administrative record as "EVMWD, 2015."	Subsection 3.3.2.H
10-195	23	As we stated earlier, we also do not find your projections in reduced water usage credible because they do not include mining in the EDA.	Refer to the Response to Comment 10-18.	Subsection 3.3.2.H
10-196	23	Finally, soil binders can have their own water quality impacts. "The water quality impacts of some types of soil binders are relatively unknown and may not be allowed due to concerns about potential environmental impacts." They can "fail after heavy rainfall events – in particular, soil binders will generally experience spot failures during heavy rainfall events. If runoff penetrates the soil at the top of a slope treated with a soil binder, it is likely that the runoff will undercut the stabilized soil layer and discharge at a point further down the slope." Urban Drainage and Flood Control District, Urban Storm Drainage Criteria Manual Vol. 3 (Colorado 2010) (Attachment D). You have not addressed these points in your hydrology analysis.	Most soil binders are biodegradable and are intended for dust control. It is true that they have the potential to fail in heavy rain. However, soil binders are not intended for sediment control. Soil binders are typically applied during dry months for dust control and may require reapplication as conditions warrant. During rain events, dust control is not necessary to preclude impacts due to fugitive dust. Any potential sediment runoff due to soil binders has been previously mitigated through the site-specific SWPPP (currently under permit) through the use of BMPs, which are analyzed in RDEIR Subsection 4.7.4, Thresholds a. and e.	Subsection 4.7.4, Thresholds a. and e

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			Moreover, any sedimentation or soil binding chemicals in runoff from the site under interim conditions would be attenuated by the on-site sediment basins, which would allow sediments and other pollutants to settle out prior to water infiltrating into ground.	
10-197	23	Threshold 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 cause substantial erosion or siltation on- or off-site? Here you state "During on-going mining operations, all runoff within the areas subject to mining activities would be retained on-site by an on-site retention basin, while areas not subject to disturbance would continue to drain via Stovepipe Creek, located in the southwestern portion of the Nichols South site. As such, under ongoing mining operations, no impact would occur." DEIR at 4.7-11. The Threshold asks whether the course of a stream would be altered. The EDA contains some ephemeral channels whose course would be altered by the Project. See Figure 4.3-2 at DEIR 4.3-6. We believe it is highly likely there would be increased siltation on-site, and possibly off-site, based on prior resident comments. (Attachment K).	By definition, an ephemeral channel is a mostly dry, flows only after a rain or snow-melt event and has no baseflow component. Thus, an ephemeral channel is not a river or a stream. Aside from this definition, Threshold c asks about the alteration of a stream or river "in a manner which could cause substantial erosion or siltation on- or off-site?" As the commentator states, the RDEIR has been revised to clarify that "During on-going mining activities, all runoff within the areas subject to mining activities, including the asphalt batch plant site, would be retained on-site by retention basins. Runoff within the Nichols North mining area would be retained on-site in the southwestern corner of the Nichols North site, and runoff within the Nichols South mining area would be retained on-site within the Nichols South site in temporary sedimentation basins which would be strategically placed to ensure that all runoff from the disturbed portions of the site are conveyed to one or more of the sedimentation basins, as required by SMARA § 3503(b). Areas not	Subsection 4.7.4

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			subject to disturbance would continue to drain via Stovepipe Creek, located in the southeastern portion of the Nichols South site. As such, under ongoing mining operations, no impact due to siltation would occur." RDEIR at 4.7-13. The sediment basins located on-site are designed to provide sediment control. No runoff affected by mining activities would leave the site until reclamation; thus, there is no possibility for off-site impacts to erosion due to changes in the course of a river or stream during on-going mining activities. The Project Applicant also stated that "Water Quality issues referenced in the 10/21/11 email were connected with the previous operator, and are not representative of conditions at the site currently. Specifically, there has been a sedimentation basin and berm constructed to control stormwater and to prevent flows from leaving the site. The basin was constructed prior to [the Project Applicant's] acquisition and the berm was constructed in 2015" (Project Applicant, 2016d). Thus, there is no possibility for increased on-site or off-site siltation, and the comment describing violations associated with the previous Mine owner are not applicable to the current Mine owners or the proposed Project.	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-198	23	You state that upon final reclamation of the site, runoff that had previously been detained on-site would instead be conveyed to one of the two on-site sediment basins located in Nichols North and Nichols South, and that following water quality treatment, the flows would be conveyed via existing culverts beneath I-15 to the West. You have not addressed the situation during Project operation.	Refer to the Response to Comment 10-189.	Subsection 3.3
10-199	23	When is the second detention basin to be built and where?	The second sediment basin on the Nichols South site would be constructed and sited in a manner that ensures all runoff from areas subject to mining activities on Nichols South are fully detained on-site, in conformance with SMARA. Additionally, and also as required by SMARA, the sediment basin on the Nichols South site would be constructed as part of the initial phases of mining activities in Nichols South to ensure no runoff from areas subject to mining activities leave the site. Mining activities in Nichols South (other than the proposed extension of permitted mining hours by 3 hours per day) are not a part of the proposed Project evaluated in the EIR.	Subsection 4.7.2.B, Subsection 4.7.4, Thresholds a & c
10-200	23	Where are the existing and proposed detention basins?	RDEIR Figure 4.7-2 depicts the sediment basin that is located on the Nichols North site under existing conditions; no sediment basin is currently present on the Nichols South site. RDEIR Figures 3-3 and 3-4 depict the sedimentation basins for interim and reclaimed conditions, respectively.	Subsection 4.7.2.B, Subsection 4.7.4, Thresholds c & e

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-201	24	At 4.7-13, you state "implementation of the Project would result in less erosion and siltation than under existing conditions." This is a baseless assumption. The mining will disturb dust, dirt and other material. The Project's runoff will be more full of Total Suspended Solids.	As previously stated in RDEIR Subsection 4.7.4, Threshold e, 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 Stovepipe Creek. Runoff within the Nichols Canyon Mine site is subject to the existing SWPPP which provides BMP measures that ensure that runoff does not exceed the capacity of existing or planned storm water drainage systems; does not provide substantial, additional sources of polluted runoff; and does not otherwise degrade water quality. Examples of BMPs currently implemented on the Project site include elements such as: minimize the amount of area exposed; water roads to control dust; cover or vegetate exposed areas at the completion of mining activities; routine inspections; employee training; direct runoff to a sediment basin, etc. (AE, 2015, pp. 30-32) As indicated under the analysis of Threshold a., the Project would revise the SWPPP to include additional BMP measures, similar to the examples provided above, as necessary and appropriate, to address the expanded mining limits. Sedimentation/runoff erosion is a function of runoff velocity and particle size. Following	Subsection 4.7.2.B, Subsection 4.7.4, Thresholds c & e

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			reclamation, the property would be flatter than existing conditions, thereby resulting in reduced velocities. This coupled with the fact that the completed reclaimed site will have sediment ponds and would be stabilized as required by the Reclamation Plan and the site-specific Industrial SWPPP (currently under permit) would result in the site having less potential to generate erosion and sedimentation that may affect downstream properties as compared to the existing condition, wherein no sedimentation basin exists within the Nichols South site. Please also refer to RDEIR Figure 4.7-2, which shows the Q100 value on the Project site as 550.49 CFS in Area A, and 337.07 CFS in Area B. Figure 4.7-4 indicates that under reclaimed conditions, the Q100 value is reduced to 425.10 CFS in Area A and 323.17 CFS in Area B. This demonstrates that less erosion and siltation would occur as compared to existing conditions. Thus, during mining operations and during reclamation, there would be less erosion and siltation than under existing or historic conditions.	
10-202	24	It sounds rather like you are describing the reclamation condition, but that will not occur until 2036 at the earliest.	Refer to the Response to Comment 10-201. As noted, less erosion and siltation would occur under interim conditions because a sedimentation basin would be constructed in	Subsection 4.7.2.B, Subsection 4.7.4,

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			Nichols South to control peak velocity and preclude sediment-laden runoff from leaving the portions of the site subject to mining activities. Under long-term conditions, peak flows would be reduced as compared to historic drainage conditions, and runoff would contain less sediment due to the construction of the permanent sedimentation basin as required by RP 2006-01A2.	Thresholds c & e
10-203	24	Threshold 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? The answer is yes. You will alter 0.17 acres of streams on the site. This is a significant impact.	Refer to the Response to Comment 10-197. Furthermore, impacts to the 0.17-acre of ephemeral channel are identified as a significant impact in RDEIR Subsection 4.3, which concludes that impacts to the ephemeral channel would be mitigated to less-than-significant levels with implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2. Moreover, this comment appears to omit the last part of the threshold of significance, which, when read in context, asks: "Would the Project substantially alter the existing drainage pattern of the site or area…in a manner that would result in flooding on-or off-site?" The analysis under Threshold d. provides substantial evidence that flooding on- or off-site would not occur under interim or reclaimed conditions.	Subsection 4.7.4, Subsection 4.7.6
10-204	24	You fail to acknowledge it in your discussion, however, instead repeating your assertion that during ongoing mining operations, all runoff within the areas subject to mining	All water would be retained on-site during mining operations pursuant to the requirements of SMARA. Specifically, California Code of	Subsection 4.7.4 & Subsection 3.3

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		activities would be retained on-site. How are we to know this? Where is it demonstrated? Your conclusion that "no impact would occur" defies the Threshold.	Regulations, Title 14, Division 2, Chapter 8, Subchapter 1, Article 9 at § 3706(d) requires the following: *"Surface runoff and drainage from surface mining activities shall be controlled by berms, silt fences, sediment ponds, revegetation, hay bales, or other erosion control measures, to ensure that surrounding land and water resources are protected from erosion, gullying, sedimentation and contamination. Erosion control methods shall be designed to handle runoff from not less than the 20 year/1 hour intensity storm event."* Additionally, RDEIR Figure 3-3 depicts the sediment basins and berms planned during active mining operations on both Nichols North and Nichols South.	
10-205	24	Threshold e. We have addressed our problems with your assumptions regarding stormwater runoff earlier in this section.	Refer to the Responses to Comments 10-184 through 10-204.	Subsection 4.7.4
10-206	24	Your noise analysis is based on assumptions that are elsewhere contradicted in your document. First you assume that the nearest residential receptor is 414 feet away; in the Air Quality section you concluded that the receptor was 320 feet away.	Refer to the Response to Comment 10-8. As noted, the Noise Study has been updated to reflect accurate distances to surrounding sensitive receptors. Specifically, the nearest residential receptor is now identified as occurring 386 feet southeast of the nearest portion of the proposed mining limits (refer also	Subsection 3.3.2.D

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			to RDEIR Figure 3-6). The use of 320 feet for the Air Quality analysis in the DEIR was overly conservative in that it underestimated the distance (assumed a closer distance) to the nearest residential receptor.	
10-207	24	Second you assume the High School is 610 feet south; in Section 2 you say it is within 558 feet.	Refer to the Responses to Comments 10-8 and 10-206. The noise calculations have been revised to depict a distance of 586 feet between the nearest classroom building and the closest mining impact limits (refer also to RDEIR Figure 3-6).	Subsection 3.3.2.D
10-208	24	Nichols South is directly across from the High School and expanded mining operations in terms of hours and intensity are proposed there. This site may be closer than what you have measured. Yet you measured existing noise at the Nichols North site, which is further away.	Refer to the Responses to Comments 10-8, 10-206, and 10-208. This comment incorrectly asserts that mining activities on the Nichols South site would be intensified as a result of the proposed Project. The Project would not authorize any new physical disturbance at the Nichols South site. The only change to the Nichols South site as part of the Project is the extended hours when mining activity can occur (i.e., additional hours between 4:00 a.m. and 7:00 a.m.). Although it is unlikely that students are at the school during these hours, the analysis nonetheless assumes that students could be present for activities such as sports practice or tutoring. The analysis demonstrates that the total combined noise level would be 53 dBA L_{50}, which is below the pre-7:00 am noise standard for schools of 55 dB L_{50}. Accordingly, the City	Subsection 3.3.2.D & Subsection 4.8

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			finds that the RDEIR properly evaluates potential noise impacts affecting sensitive receptors at the high school, and demonstrates that impacts would be less than significant, even during pre-7:00 am mining activities. With respect to noise measurements, measurements for existing conditions were collected along Nichols Road in two locations because these represent the areas with the highest potential for background noise due to traffic along Nichols Road as well as traffic from I-15. Any noise measurements taken within the Nichols South site would simply show reduced ambient noise levels due to distance from traffic along Nichols Road.	
10-209	24	Regarding vibration, you state that the nearest structure is approximately 500 feet southeast of the existing disturbance limits associated with the Nichols South site, when you should have been measuring 320 feet to the nearest receptor. We don't have confidence that you have properly calculated the possible vibration levels.	The analysis in RDEIR Subsection 4.8.7.A has been revised to reflect a distance of 386 feet to the nearest structure. As shown in the revised discussion, peak particle velocity of 0.0044 inches per second is predicted at the nearest structure, which is below the 0.01 in/sec threshold established by the City of Lake Elsinore Municipal Code § 17.176.020. Thus, the RDEIR demonstrates that impacts would be less than significant.	Subsection 4.8.7, Threshold b
10-210	24	Thresholds a, c, and d. Would the Project result in exposure of persons to or generation of noise levels established in the local General Plan or noise ordinance? Would the Project	This comment is correct. During nocturnal mining operations (i.e., after 10:00 pm and before 7:00 am), a buffer distance of 1,820 feet	Subsection 4.8.10,

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		result in a substantial permanent increase in ambient noise levels above levels existing without the Project? Would the Project result in a substantial temporary increase in ambient noise levels above levels existing without the Project? You concede in response to these thresholds that eight homes may be affected with noise levels over the 55 dB Leq (10 min) maximum for daytime and that meeting the nocturnal residential standard of 45 dB Leq (10 min) can only be achieved by maintaining an adequate distance separation to achieve sufficient "spreading losses.	must be maintained, as required by Mitigation Measure MM 4.8-3, which would reduce noise levels to below the residential nighttime standard of 40 dB. Compliance with the required mitigation would reduce Project impacts to residential uses during nocturnal hours to below a level of significance. With respect to daytime noise, homes within 794 feet of planned mining activities would be exposed to noise levels exceeding the 50 dBA L_{50} standard when a 15-foot headwall cannot be maintained. This is disclosed as a significant unavoidable impact of the proposed Project for which additional feasible mitigation is not available.	Subsection 4.8.11
10-211	24-25	Regarding Project-related traffic noise, you concede that trucks may come and going between 4 a.m. and 7 p.m. and between 10 p.m. and 12 p.m.,[4] and you concede that "Because every truck from 4:00 am to 7:00 pm and 10:00 pm to midnight is the noise equivalent of 10 trucks in the CNEL calculation, this worst-case assumption increases the Project traffic noise contribution by 2 dB as compared to existing conditions." But you claim that: *CNEL by definition is an annual average. On rare occasion during nocturnal hauling events, truck traffic noise may be higher than average. Conversely, the assumption of 5,000 tons per day of hauling would consume the allowed annual production tonnage in far less than 365 days per year of hauling. Any isolated noise*	Daily CNELs may vary by season, weather conditions, etc. The California Division of Aeronautics has established the annual average CNEL as the defining threshold to account for such variability. The definition of a "noise impact boundary" for any California airport is: "… the locus of points around an airport for which the annual CNEL is equal to the airport noise standard established in Section 5102 of the California Code of Regulations." (21 CA ADC #5001). For purposes of consistency, the California definition of an airport noise impact boundary	Subsection 4.8.4.B, Subsection 4.8.7, Threshold a, Subheading B.

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		"spike" during a rare nocturnal haul event would be more than balanced out by the many days of near- zero truck noise in the annual average CNEL calculation. By our understanding, CNEL is not "by definition" an annual average. It can be calculated that way, but it is based on a daily average, and that daily average would be appropriate for calculating noise impacts from this Project. Local residents are highly likely to be disturbed by truck traffic between 10 pm and 12 am and 4 am to 7 am, and this is not likely to "balance out" just because it may not happen every night.[5]	has been applied to any Project-related on-road traffic noise impacts relative to the City of Lake Elsinore Noise Element standards. Regardless, and for informational purposes, the maximum daily CNEL for a 24-hour special materials hauling event is also included in the updated analysis. Refer to the revised discussion of Threshold a. in RDEIR Subsection 4.8.7 and RDEIR Tables 4.8-9 and 4.8-11.	
10-212	25	Given the Riverside County noise prohibitions, you should have measured the Project's increase to traffic noise against the 55 dB Leq (10 min) daytime and 45 dB Leq (10 min) nighttime standards (as you did regarding cumulative impacts).	As indicated in Riverside County Ordinance No. 847, "*No person shall create any sound, or allow the creation of any sound, **on any property** that causes the exterior sound level on any other occupied property to exceed the sound level standards…*" depicted in RDEIR Table 4.8-5 (emphasis added). Thus, the 55 dB Leq (10 min) daytime and 45 dB Leq (10 min) nighttime standards apply only to stationary noise sources, not mobile sources. The analysis of direct impacts due to traffic demonstrates that the Project would result in transportation-related noise increases of less than 3.0 dBA CNEL at nearby sensitive receptors. Most people cannot distinguish a change in the noise environment that differs by less than 3 dB between the pre- and post-Project exposure if the change occurs	Subsection 4.8

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			under ambient conditions. The analysis also shows that Project traffic would not contribute more than 3.0 dBA CNEL to nearby sensitive receptors that would be affected by noise levels above the "Normally Acceptable" (City of Lake Elsinore) or "Clearly Acceptable" (County of Riverside) values identified in RDEIR Tables 4.8-3 and 4.8-5 for surrounding land uses. As such, impacts are properly concluded to be less than significant on a direct basis. For the cumulative analysis, and because the City and County noise ordinances do not identify any noise thresholds for mobile sources, the analysis has been revised to instead rely on the "Normally Acceptable" (City of Lake Elsinore) or "Clearly Acceptable" (County of Riverside) values identified in RDEIR Tables 4.8-3 and 4.8-5 for surrounding land uses. Based on the values presented in the tables, the Project's traffic-related noise impacts would be less-than-cumulatively considerable. The cumulative analysis also indicates that Project-related traffic would contribute less than 3.0 dBA CNEL at all nearby sensitive receptors under all cumulative scenarios. Cumulative stationary source noise impacts are addressed separately in RDEIR Subsection	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			4.8.8.A.3, which combines mining operation, aggregate processing, and the asphalt plant into a cumulative analysis.	
10-213	25	[4] (Footnote) You concede that "Existing trucking to/from the Project site currently occurs mainly from 7:00 am to 5:00 pm," DEIR at 4.8-16, so you have to evaluate a portion of the entire 400 truck trips for the site as coming during the late evening and early morning hours.	As noted in the revised analysis, the Project Applicant considers a scenario of one load every 5 minutes evenly spread over 24 hours to be a plausible worst-case assumption. The special hauling event would introduce 576 truck trips over a 24-hour period (288 in / 288 out). This would result in approximately 24 truck trips per hour, which is accounted for in the revised analysis of transportation-related noise impacts. Page 9 of the Project's Noise Impact Analysis states: "*Existing trucking to/from the project site occurs mainly from 7 a.m. to 5 p.m. (Urban Crossroads, Traffic Impact Analysis). As a worst-case, both existing truck traffic of 260 trips per day and the possible increase to 400 trips per day were assumed to occur between 4 a.m. and midnight. Because every truck from 4 a.m. to 7 a.m. and 10 p.m. to midnight is the noise equivalent of 10 trucks in the CNEL calculation, this worst-case assumption increases the project traffic noise contribution by +2 dB for existing conditions.*"	Subsection 4.8.7, Threshold a,c,d, Subheading B

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			Accordingly, the analysis in the RDEIR adequately discloses potential nocturnal noise impacts and demonstrates that the Project's incremental noise increase would be below the 3 dBA CNEL that is considered to comprise a perceptible and potentially significant increase in ambient noise levels.	
10-214	25	[5] (Footnote) We also think your conclusion that the Mine will only be operating 171 days a year under conditions of 5,000 tpd is highly questionable and result-oriented in this case.	Refer to the Response to Comment 10-14. The assumption of 5,000 tpd represents a "reasonable worst case" scenario for purposes of evaluating the Project's potential operational and traffic-related noise impacts. Refer also to the revised discussion in RDEIR Subsection 3.3.2.B.	Subsection 3.3.2.B
10-215	25	Cumulative Impacts. Here you concede that traffic noise cumulatively with other noise and other traffic noise "may" exceed the nighttime standard of 45 dB Leq (10 min). It definitely will, since merely noise from the Project will exceed this standard.	The 45 dB Leq (10 min) standard applies only to stationary noise sources; the DEIR erroneously compared traffic impacts against the stationary noise standards. Cumulative stationary source noise impacts have already been considered by combining mining operation, aggregate processing, and the asphalt plant into the cumulative analysis. There are no other sources of stationary noise in the immediate vicinity of the Project site that could result in cumulatively considerable noise impacts affecting nearby sensitive receptors. Moreover, the revised analysis in RDEIR Subsection 4.8.8 demonstrates that Project-related traffic noise impacts would be less-than-	Subsection 4.8

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			cumulatively considerable based on County and City thresholds of significance for transportation-related noise impacts. Refer also to the Response to Comment 10-212.	
10-216	25	Mitigation Measures. MM 4.8-1 provides that all trucks accessing the Project site shall be equipped with mufflers. This would be required anyway and we are sure that it was factored into your background calculations. So the mitigation measure is ineffective.	Mitigation Measure MM 4.8-1 merely restates the requirements of the California Vehicle Code, and was provided to ensure compliance with the standard. Because this comment is correct that the use of mufflers is already a requirement, Mitigation Measure MM 4.8-1 has been omitted from the RDEIR.	Subsection 4.8.10
10-217	25	MM 4.8-2 provides that signs will be placed indicating that loaded trucks are prohibited from turning onto eastbound Nichols Road. They likely would not be turning in this direction anyway, as you have acknowledged.	Mitigation Measure MM 4.8-2 is imposed to ensure that the assumptions made in the Noise Impact Analysis are consistent with operations at the Mine. The installation of a sign would help prevent any trucks from accidently heading eastbound on Nichols Road, which could result in increased noise impacts to sensitive receptors located east of the Mine.	Subsection 4.8.10
10-218	25	Additionally, we don't see why the prohibition should not also apply to empty trucks which likely make just as much noise.	Trucks would enter the mine with their cargo hold empty, but leave the Mine with a full load. Thus, the sign referenced in this comment would not affect empty trucks. Nonetheless, Mitigation Measure MM 4.8-1 (previously MM 4.8-2) has been revised to omit the term "loaded."	Subsection 4.8.10
10-219	25	MM 4.8-3 says noise-generating activities in the EDA will be prohibited within 1250 feet of any residential structure during the nocturnal hours of 10 pm to 7 am if a direct line of sight exists between the mining and the associated	Refer to the updated analysis in RDEIR Subsection 4.8. With inclusion of the asphalt batch plant noise levels (at 100%), the nocturnal distance buffer has increased to 1,820 feet. If a	Subsection 4.8.9

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		structures, but that if the line of sight is blocked the activities may come within 500 feet if the mining maintains a minimum 15-foot headwall. We aren't sure that you have assured that nighttime noise levels won't be exceeded with this provision. The DEIR suggests to the contrary.	15-foot high headwall is maintained, the headwall would block the line-of-sight to nearby sensitive receptors, thereby reducing noise levels and resulting in a reduction in the required avoidance distance. The Noise Impact Analysis (RDEIR *Technical Appendix I*) includes the formula used for calculating nocturnal avoidance distances using the following equation: Nocturnal: INV LOG [1.7 + (REF-40-ABS-TSF)/25] Where: 1.7 – inverse log (50 feet) REF = reference noise level at 50 feet ABS = atmospheric absorption factor = zero near-field to -3 at 3,000 feet TSF = terrain screening factor = 12 for a 15-foot bench drop, 0 for line of sight 25 = rough terrain distance dispersion coefficient The resulting calculations demonstrate that a nocturnal avoidance distance of 1,820 feet from nearby residential uses to the southeast and 3,200 feet from residential uses to the southwest is adequate to reduce noise levels affecting nearby residential uses to below the nocturnal significance threshold of 40 dBA L_{50}.	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-220	25-26	MM 4.8-4 states that when mining activities occur within 500 feet of residences during the daytime, the mining operator will provide and maintain a 15-foot-high headwall whenever possible. This won't minimize noise impacts to a less than significant level, as you have recognized in the text.	Revised Mitigation Measure MM 4.8-3 (previously MM 4.8-4) has been revised to reflect a distance of 794 feet between mining operations and the nearest residential structure during daytime hours. Additionally, because it would not be possible in some cases to achieve the required 15-foot minimum headwall, RDEIR Subsection 4.8 concludes that noise during mining would expose sensitive receptors located within 794 feet of mining activities to unacceptable daytime noise levels, and this is identified as a significant and unavoidable impact of the proposed Project.	Subsection 4.8.10 & Subsection 4.8.11
10-221	26	Section 4.9- Traffic and Circulation Here you disclose that for Passenger Car Equivalents you have used 1.5 for 2-axle trucks, 2.0 for 3-axle trucks, and 3.0 for 4-axle trucks. In Section 3 of the DEIR (Table 3-1 at 3- 10) you used a PCE ratio of 3 for all trucks and this is more appropriate.	Refer to the Response to Comment 10-15. The PCE assumptions referenced in this comment were only discussed under Subsection 4.9.3.B, *Existing (2015) Traffic Counts*, which states that the PCE factors referenced by the comment were applied to existing traffic, and not for traffic associated with the proposed Project. As stated in RDEIR Table 4.9-11 (refer to footnote #3), Project traffic is instead based on PCE factor of 3.0 PCE per truck. No revision was made in the RDEIR pursuant to this comment.	Subsection 4.9.3.B
10-222	26	You say these factors follow the values recommended for use in the San Bernardino County Congestion Management Plan ("CMP"), which is not applicable, and that they "exceed the 2.0 factor recommended for use in the County of Riverside Traffic Study Guidelines." The PCE you have	Refer to the Response to Comment 10-221. The document in Attachment F is a focused study on heavy vehicles specifically within "work zones." No improvements to Nichols Road or other roadways are proposed (or required) as part of	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		used is an underestimate. Attachment F calculates PCE values of 2.8 to 7.7 as appropriate for trucks in work zones and on two-lane highways which is what the on- bound and off-bound ramps are.	the Project that would make it a work zone. There are no components of the proposed Project that would restrict movement on any roadways, including the "on-bound and off-bound ramps," and thus no "work zones" would result from the proposed Project. Attachment F calculates potential "delay-based PCE" (D-PCE), which is noted in Attachment F as being "…affected by the length of the work zone, the speed difference between cars and heavy vehicles, traffic volume, percentage trucks and other work zone factors." Because no "work zones" would result from the proposed Project, the D-PCE factors identified in Attachment F are not applicable to the proposed Project. Also, Caltrans prefers the use of actual vehicles in the evaluation of their facilities, as opposed to PCE, due to the potential to grossly overstate potential impacts to State facilities. Caltrans District 8 guidance has been to conduct freeway analysis based on actual vehicles, where trucks are accounted for as a percentage of total traffic. No revision was made in the RDEIR pursuant to this comment.	
10-223	26	Regarding Existing Daily Truck Trips, you say that Table 4.9-1 reflects "typical operating characteristics" for the existing Mine site where truck activity is heaviest in the late am hours (specifically 10 am, after the AM peak), then	The observed peak hours for the mine were determined to occur between the hours of 10:00 a.m. to 11:00 a.m. and 12:00 p.m. to 1:00 p.m., representing approximately 15.3% and 12.4%,	Subsection 4.9.3.E.1

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		remains steady and tapers off in the mid- to late-afternoon hours. We should not assume this pattern will continue when the Mine's hours are increased to starting at 4 am instead of 7 am. More truck traffic will probably be generated during the AM peak.	respectively, of total existing traffic from the Project site (refer to RDEIR Table 4.9-1). In an effort to conduct a conservative analysis, the percentage of overall daily truck trips shown at 10:00 a.m. and 12:00 p.m. have been utilized for the typical commute hours for the AM and PM peak hours (i.e., 7:00am-9:00am and 4:00am-6:00pm, respectively). As shown in RDEIR Table 4.9-11, the Project-related AM and PM peak hour volumes reflect 15.3% and 12.4% of total ADT, respectively. This is a conservative assumption because it applies a higher percentage of truck trips from the site during the typical AM and PM peak hours as compared to what was observed under baseline conditions. Furthermore, there is no evidence to support the contention that more truck trips would occur during the AM peak hour. On the contrary, because Project-related trips would be spread out over a 24-hour period in order to account for all Project related traffic what would occur during the daytime and nighttime hours, rather than the 17 hours allowed Monday through Friday under existing conditions related to aggregate export activities, it is likely that AM peak hour trips would be less than what is stated in the RDEIR. Moreover, truck operators are inherently incentivized to avoid peak hours for delivery of	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			materials because of traffic delays and associated increase in fuel cost; this is likely in part why the data presented in RDEIR Table 4.9-1 provides evidence that that peak hour trips for the Mine under existing conditions occurs between 10:00am-11:00am and 12:00pm-1:00pm, and not during the typical AM/PM peak hours of 7:00am-9:00am and 4:00pm-6:00pm. No revisions to the RDEIR have been made pursuant to this comment, as there is no evidence to support the contention that substantially more trips would occur during the AM peak hour under the proposed Project. On the contrary, the RDEIR provides a conservative analysis by applying non-peak hour traffic percentages to the typical AM and PM peak hours.	
10-224	26	You also disclose at 4.9-4 that your basic freeway segment analysis relies on truck trips as opposed to PCE. This results in an underestimate, particularly regarding the heavier trucks.	Caltrans prefers the use of actual vehicles in the evaluation of their facilities, as opposed to PCE, due to the potential to grossly overstate potential impacts to State facilities. Caltrans District 8 guidance has been to conduct freeway analysis based on actual vehicles, where trucks are accounted for as a percentage of total traffic. Caltrans data reported on their Performance Measurement System website also are represented in actual vehicles (as opposed to PCE).	Subsection 4.9.3.E

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-225	26	You state regarding the Western Riverside County of Governments ("WRCOG") Transportation Uniform Mitigation Fee ("TUMF") that it has collected $605 million and completed 78 projects, "which demonstrates that TUMF is an effective program." You haven't stated what proportion of the $605 million collected has been spent.	Information regarding the TUMF program has been updated per the updated 2015 Annual Summary (refer to RDEIR Subsection 4.9.4.E.1). Additional information was added regarding the amount of money spent on TUMF improvements in the WRCOG area overall, and within the Southwest Zone, which includes the City of Lake Elsinore. Refer to RDEIR Subsection 4.9.4.E.1	Subsection 4.9.4.E.1
10-226	26	You state regarding the City of Lake Elsinore Traffic Infrastructure Fee ("TIF") program that improvements are identified by location and not by "specific geometrics." Therefore, we doubt that the required improvements will be made.	While ultimately the improvements identified in the City's FY 2014-20 Capital Improvement Budget (CIB) will be implemented along with other improvements not currently identified in the CIB, the timing of such improvements is not currently known. Accordingly, TUMF/TIF improvements to facilities impacted by the Project would represent cumulatively considerable significant and unavoidable impacts in the near term, as disclosed in RDEIR Subsection 4.9.11.	Subsection 4.9.11
10-227	26	At 4.9-19 you indicate that cumulative projects were reviewed to determine which would likely contribute "measurable" traffic, which you define as 50 or more peak hour trips through study area intersections. This results in a significant underestimate, as the 50 or more peak hour trip standard is what you have used for significance for the Project individually. See DEIR at 4.9-14, DEIR at 4.9-23. You concede any other cumulative projects were not considered.	Cumulative development projects found to individually generate fewer than 50 peak hour trips have not been manually routed onto the study area network because these projects would likely not result in or measurably contribute to any significant impacts. As an exception, if there are a number of cumulative developments located within close proximity to one another and together generate more than 50 peak hour trips, then these projects have been included.	Subsection 4.9.5.H.4 & Subsection 4.9.5.H.5

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			For example, The Colony, Back Basin Specific Plan and East Lake Specific Plan, and John Laing Homes (Phase 2) were included as a cumulative development which together generate more than 50 peak hour trips. Please refer to Table 4.9-12 for a full list of cumulative developments included in the analysis. The ambient compounded annual growth added to the existing traffic counts would account for any nominal traffic attributable to smaller projects that were not manually routed. Overall, the average growth for the study area intersections is approximately 10.22% per year (compounded annually) when comparing the existing to EAPC traffic forecasts. Thus, the City disagrees with this commentator's assertion that other cumulative projects were not appropriately considered.	
10-228	26-27	You state that for EAPC (Existing + Ambient + Project + Cumulative) and Horizon Year (2035) traffic conditions you used between a 9.12 and 11.76 percent factor compounded annually for the intersections under study.[6] But regarding the cumulative projects you haven't analyzed you state that their contributions "would be captured by the 2% annual ambient growth rate." So we are confused as to what inputs you used – whether it was 2% or 9.12 – 11.76%.	EAPC traffic conditions include existing traffic counts, plus 2%, plus traffic associated with the proposed Project and traffic associated with cumulative developments. Horizon Year traffic conditions include long-range model traffic forecasts, plus the addition of Project traffic. These steps are taken to ensure adequate growth from EAPC to Horizon Year traffic conditions. When comparing the total growth evaluated for Horizon Year traffic conditions to Existing conditions, the annual growth (over 20 years) is	Subsection 4.9.5.H.3

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			approximately 9.12-11.76 percent per year (compounded annually). These values far exceed the 2.74, 2.54, and 2.51 percent annual growth rate in population, households, and employment for the City of Lake Elsinore. As such, the forecasts evaluated for the purposes of the TIA's study area are conservative in nature and overstate, as opposed to understate, potential traffic impacts.	
10-229	27	[6] (Footnote) The City projects a 2.74 percent growth rate compounded annually plus a 2.54 percent growth rate in households plus a 2.51% percent growth rate in jobs.	Refer to the Response to Comment 10-228.	Subsection 4.9.5.H.3
10-230	27	For your Near-Term Traffic Forecasts, you indicate you used a build-up versus build-out analysis but you do not describe what the build-out analysis entails.	Please refer to RDEIR Subsections 4.9.5.H.5 and 4.9.5.H.6, which explain the buildup and buildout approaches. As noted, the buildup approach combines existing traffic counts with a background ambient growth factor and traffic from cumulative developments to forecast the near-term 2016 traffic conditions. The buildout approach utilizes a cumulative impact network using the Riverside County Transportation Analysis Model (RivTAM), which includes transportation networks and land uses expected to occur within the City of Lake Elsinore and surrounding areas within Riverside County with General Plan buildout. Under the Buildout approach, Project traffic is added to the RivTAM model to determine long-term impacts to traffic.	Subsection 4.9.5.H.5 & Subsection 4.9.5.H.6

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-231	27	Regarding the build- up analysis, you indicate that it includes the ambient growth factor of 2%. How does the build-out approach differ?	Please refer to RDEIR Subsections 4.9.5.H.5 and 4.9.5.H.6, which explain the buildup and buildout approaches. As noted, while the buildup approach utilizes a 2% annual growth rate, while the buildout approach utilizes the growth that would occur under buildout of the General Plan, per the RivTAM model, to evaluate Horizon Year impacts.	Subsection 4.9.5.H.5 & Subsection 4.9.5.H.6
10-232	27	Also, build-up would appear to underestimate 2016 road conditions given that Lake Elsinore's growth factor is higher.	Refer to the Response to Comment 10-228.	Subsection 4.9.5.H.3
10-233	27	You state that the 2016 roadway network is similar to the existing roadway network "with the exception of future roadways and intersections proposed to be developed by the Project." You haven't identified these.	The Project does not propose future roadways and/or intersections. The only roadways assumed to be developed as part of cumulative projects are those improvements necessary to provide access from the cumulative developments to the local/regional road networks. In other words, any roads associated with cumulative developments were not improved then the associated cumulative project would not be developed. Text in the RDEIR has been revised accordingly. Please refer to Subsection 4.9.5.H.5.	Subsection 4.9.5.H.5
10-234	27	Threshold a. Would the Project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system?	Text was updated in RDEIR Subsection 4.9.7, Threshold a, Subsection C.1 and throughout the RDEIR to indicate that the LOS at the I-15 Northbound Ramp at Nichols Road would operate at LOS F under both AM and PM peak hours.	Throughout & Subsection 4.9.7, Threshold a, Subsection C.1

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		EAPC Conditions – Intersection Operation and Signal Warrant Analysis. Here you indicate that the I-15 Northbound and Southbound Ramps at Nichols Road would be affected beyond LOS D. You state in the text that the Northbound Ramps would be at LOS E during the PM peak, but Table 4.9-21 discloses it would be at LOS F.		
10-235	27	You concede that the Project would have cumulatively considerable impacts regarding the Northbound Ramps but not the Southbound Ramps because you claim there would be fewer than 50 trips generated during the peaks for the Southbound Ramps. Also, when you look at Figure 4.9-4 at page 4.9-41 it discloses more trips going Southbound than Northbound.	A traffic study is normally not required by Caltrans for State Facilities that currently operate at a LOS A or B, unless a project contributes more than 100 trips to the facility. RDEIR Subsection 4.9 has been revised to disclose a near-term cumulatively-considerable significant and unavoidable impact at both the I-15 northbound and southbound ramps, despite the fact that the Project would contribute less than 100 trips to the intersection of Nichols Road at the I-15 Southbound Ramps (refer to the discussion in RDEIR Subsection 4.9.7, Threshold a., Subsection C.) It should be noted that impacts to these intersections would be reduced to below a level of significance once the City of Lake Elsinore constructs traffic signals at the affected intersections as part of the DIF/TUMF programs.	Subsection 4.9.11
10-236	27	We believe you've used the wrong standard for a cumulative impact analysis and there would be cumulative impacts to the Southbound Ramps.	Commentator is confusing intersection analysis with Off-Ramp queuing, merge/diverge, and/or freeway mainline segment analyses. On the freeway ramps and mainline segments, the Project contributes fewer than 25 peak hour PCE	Subsection 4.9.7

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			trips to any segment/ramp in any direction (see RDEIR Exhibit 4.9-5). Per Caltrans' Guidelines, and as explained throughout RDEIR Subsections 4.9.7 and 4.9.8, this low level of traffic would not normally require a traffic study (which is normally triggered by 50 or more peak hour trips) and would not result in the potential for a cumulatively considerable effect. Nonetheless, in an effort to be conservative, the RDEIR now concludes that impacts to Caltrans facilities would be cumulatively considerable where the nearby facilities are projected to operate at an unacceptable LOS under near- or long-term conditions. RDEIR Subsection 4.0.2 explains the scope of cumulative impacts and the methodology for assessing near-term cumulative impacts due to traffic. As discussed in Subsection 4.0.2, the 'list of projects' method was deemed appropriate for the near-term cumulative analysis, while the long-term cumulative analysis instead relies on buildout of the various General Plans and associated transportation facilities in the Project region.	
10-237	27	As noted above we think you have underestimated the number of AM peak trips at least.	Refer to the Responses to Comments 10-223 and 10-236.	Subsection 4.9

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-238	27	Horizon Year Traffic Conditions. You repeat your argument here regarding impacts to the Southbound Ramps, and we disagree.	Refer to the Responses to Comments 10-223 and 10-236.	Subsection 4.9
10-239	27	Horizon Year – Freeway Segment Analysis. Here you state that the Project would contribute traffic to the freeway segments analyzed only at 12 trips in the AM peak and 11 trips in the PM peak to the Northbound segment of I-15 and only 15 trips in the AM peak and 13 trips in the PM peak for the Southbound segment. There is an inconsistency in this analysis given you have higher numbers going on the Northbound and Southbound Ramps. If they are going on the ramps they are going on the freeway.	Refer to Figures 4.9-3 and 4.9-4. As shown on Figure 4.9-4, the trip distribution modeling for the proposed Project assumes that 47% of Project inbound and outbound truck trips would originate from/head to the south, while only 40% of Project inbound and outbound truck trips would originate from/head to the north. By contrast, and as shown on RDEIR Figure 4.9-3, the modeling assumed that 65% of inbound and outbound passenger trips would come from or travel to the north, with the remaining 35% inbound and outbound trips coming from or traveling to the south. Passenger car trips represent a much smaller component than truck trips, but passenger car trips during the AM and PM peak hours are assumed to comprise 25% of total daily passenger trips, while truck trips are assumed to comprise 15.25% of total daily truck trips, consistent with observed peak hours at the Mine over the baseline period. Nonetheless, because truck trips comprise the bulk (95.2%) of Project-related daily traffic, and because 47% of truck trips are assumed to originate/head towards the south and only 40% of truck trips are assumed to originate/head towards the north, the Project would result in more traffic on the	Subsection 4.9

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			southbound on- and off-ramps as compared to the northbound on- and off-ramps during peak hours. Moreover, inbound and outbound trips on the northbound/southbound segments need not balance, given that workers would be on-site more than 8 hours per day and that inbound and outbound truck trips could occur over a 24-hour period.	
10-240	27	Additionally, this analysis represents an underestimate because you disclosed earlier you are not using PCEs here.	Refer to the Response to Comment 10-236. Caltrans prefers the use of actual vehicles in the evaluation of their facilities, as opposed to PCE, due to the potential to grossly overstate potential impacts to State facilities. Caltrans District 8 guidance has been to conduct freeway analysis based on actual vehicles, where trucks are accounted for as a percentage of total traffic.	Subsection 4.9
10-241	28	Horizon Year – Freeway Merge/Diverge Analysis. Again we disagree with your conclusion you are not cumulatively contributing to the Southbound Ramps.	Refer to the Responses to Comments 10-224 and 10-240.	Subsection 4.9
10-242	28	We find your traffic numbers not to be based on substantial evidence. You state that your current average daily trips are based on the assumption that the Mine produces 5,000 tons per day ("tpd"), DEIR at 2-16, when even at your inflated figure of 556,349 tpy this would mean the Mine was only operating for 111 days of the year.	The assumption that the Project would operate at 5,000 tpd for a period of 111 days represents a "reasonable worst-case" analysis of Project impacts due to traffic. Had the traffic study and EIR assumed instead that operations occurred evenly throughout the entire year, then the amount of daily traffic would be substantially less than reported in the traffic study and EIR because the number of trips would be spread over more days. Thus, the analysis presents a worst-	Subsection 4.9.2 & Subsection 4.9.5.H.1

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			case assessment of potential impacts assuming the reasonable high-end estimated daily production over a period of 111 days.	
10-243	28	You further calculate that the tpd would remain the same with the Project and that truck trips must be assessed as a percentage of the 5,000 tpd figure. We're not sure why you calculated the baseline using 5,000 tpd but it clearly means that your baseline of 260 truck trips per day is overstated.	Refer to the discussion in RDEIR Subsection 3.3.2.B, which provides substantial evidence as to why 5,000 tpd was selected as a reasonable high end estimate for daily tonnage. The assumption represents peak operations, thereby overstating likely tonnage per day produced. The assumption used is highly conservative in nature (overstated) because it assumes peak operations rather than a lower average level of daily operations over 52 work weeks. If the Mine were to operate all 52 weeks out of the year, reported Project-related traffic volumes would be less on a daily basis. Thus, the assumption used in the Traffic Impact Analysis is conservative and a reasonable worst case scenario, and this worst case assumption is applied both to existing and proposed traffic volumes. Accordingly, no revision has been made to the RDEIR pursuant to this comment.	Subsection 4.9.2 & Subsection 4.9.5.H.1
10-244	28	Threshold b. Would the Project exceed, individually or cumulatively, a LOS established by the County Congestion Management Agency for designated roads or highways? You cite to your findings previously; please see our comments regarding them above.	Refer to the revised discussion and analysis of Threshold a. in RDEIR Subsection 4.9.7. As shown, impacts to nearby Caltrans facilities were evaluated as cumulatively considerable if the facility is shown to operate at a deficient LOS, regardless of the amount of traffic contributed by the Project. This revised analysis represents a	Subsection 4.9.2 & Subsection 4.9.5.H.1

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			highly conservative analysis because the amount of Project traffic affecting Caltrans facilities is below the 50 trip peak hour threshold at which Caltrans normally would require a traffic study, except at the intersection of Nichols Road at the I-15 Northbound Ramps.	
10-245	28	At 4.9-36 you concede that your TIA is premised on the existing hours of the Mine and not the proposed hours, and you say this represents a "worst case analysis." To the contrary, with the increased hours of operating at the Mine in the morning you are likely to have more trips during the AM peak and this should have been analyzed.	Refer to the Response to Comment 10-223, which addresses this comment.	Subsection 4.9.3.E.1
10-246	28	Section 4.10- Utilities and Services (Water Usage, Electricity, and Natural Gas) You state that the Project "does not meet the definition of a project that is subject to the WSA requirements of SB 610." To the contrary, as you quote it, SB 610 says that a project includes "a proposed industrial . . . plant, occupying more than 40 acres," which yours does (and which will be mined more intensively under the proposed Project), or "a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project." This Project definitely qualifies: a 500 dwelling unit project would use (assuming 3.1 persons per unit at 264 gpd which is EVMWD's historical average) 0.92 afy compared to the Project which will cause 71.1 afy. Even at 35% of that figure you are at more.	The Project site (for purposes of new or expanded water use) comprises only 24 acres (i.e., the EDA). There are no other changes to areas permitted for mining activities at the Mine except for hours of operation, which would be extended to the 20 hour period of 4:00 a.m. to 12:00 a.m. Additionally, pursuant to Section 10912 of the California Water Code, the proposed Project does not meet any of the listed land use types. The reference to industrial use references 650,000 s.f. of floor area – which does not exist at the Nichols Canyon Mine. Section 10912 also includes a "catch all" provision by including as one of the definitions	Subsection 4.10.2.F.1

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			of a "Project" as a "…project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project." As indicated in RDEIR Subsection 3.3.2.H, the Project would result in a net reduction in watering at the site by 46.99%. Because the Project would result in a net reduction in water demand as compared to existing conditions, the Project would not "demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project." Accordingly, the provisions of SB 610 do not apply to the proposed Project. Furthermore, the EVMWD wrote a comment letter in response to the DEIR for the Project, which is dated February 19, 2016 (refer to Comment Letter 5). The EVMWD stated "Even though this RPSMP project did not require a Water Supply Assessment (WSA) given that does not meet the definition established by SB 610, the 2010 UWMP's water demand projections include RPSMP's demand requirements" (refer specifically to Comment 5-5). Thus, the EVMWD concurs that the Project does not meet the definition established by SB 610 as a project requiring a water supply assessment.	

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-247	28	You calculated your water usage using a baseline of 64,000 gallons per day ("gpd"), or over 71 acre feet per year ("afy"). You claim this was "Based on historical data for the Mine between 2007 and 2014." DEIR at 2-16. We find these numbers not believable, since you also stated in your Notice of Preparation ("NOP") that the average between 2008 and 2012 was 64,000 gpd, and the average annual production of the mine during those years was much higher, given the annual production of 1,192,136 tons in 2008. If these figures are based on "estimates" from the Applicant, those estimates are not credible.	Variation in annual tonnage does not affect areas subject to sediment and erosion control. Dust control is required for every portion of the Mine that will remain disturbed until the site is reclaimed in conformance with RP 2006-01A2. Regardless, and as shown on RDEIR Figure 3-7 and Figure 3-8, the Project proposes to use chemical, pavement, or alternative aggregate stabilization techniques over 46.14% (11.31 acres) of the actively mined areas, whereas under existing and baseline conditions only water was used on-site for dust suppression and erosion control over 24.9 acres. Water estimates for the Mine were updated and now are based on the 2015 water bills the Project Applicant received of actual water usage from the EVWMD. The City finds that the Applicant's estimates of future water usage are based on substantial evidence (refer to "EVMWD, 2015" provided on the references CD, available at the City of Lake Elsinore). Nonetheless, the fact remains that implementation of the proposed Project would reduce areas subject to watering by 11.7 acres as compared to existing baseline conditions, thereby resulting in a net reduction in the use of water at the Mine as compared to baseline conditions. No further response is necessary.	Subsection 4.10.2.A
10-248	28	Actual bills from the Elsinore Valley Municipal Water District ("EVMWD") should be produced.	Comment is acknowledged. As previously stated in the Response to Comment 10-194, the	Subsection 3.3.2.H &

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
			actual water bills from EVMWD h are provided as part of the RDEIR's administrative record, and are cited as (EVMWD, 2015). Please refer to the updated text in Subsection 3.3.2.H and RDEIR Section 4.10, *Utilities and Service Systems*, for information regarding the Mine's water bills. A new baseline utilized throughout the RDEIR assumes 32,915 gpd used on-site.	Subsection 4.10.2.A
10-249	28	Again, you said they were available in the DEIR, and we asked for them, but were told we would have to subpoena them	All reference materials cited in the RDEIR will be made available by the City of Lake Elsinore during the public review period for the RDEIR, and this commentator will receive a CD containing the reference materials.	Section 7.0
10-250	28-29	As you note, Executive Order B-29-15 ordered the State Water Resources Control Board ("SWRCB") to impose mandatory water restrictions to achieve a 25% reduction through Feb. 18, 2016. This was extended by Governor Brown's Executive Order B-36-15 (Attachment G) which required the SWRCB to mandate ongoing reductions, which it did shortly thereafter. See Attachment H. Applicable to EVMWD is Article 22.5, Section 865(c)(10), which states that each urban water supplier whose average July-September 2014 R-GPCD was 215 or more will reduce its total potable water production by 36 percent for each month as compared to the amount used in the same month in 2013.	As shown in Figure 3-7 and Figure 3-8, current watering of the site is 24.90 acres, and accounts for 100% of the dust control measures used on-site. With implementation of the proposed Project, the overall area for dust control would be 24.51 acres. Of those 24.51 acres, 11.31 acres (46.14%) would be subject to alternative dust control measures, and only 13.2 acres (53.86%) of the site would be subject to watering. Thus, as indicated in RDEIR Subsection 3.3.2.H, the Project would result in a net reduction in watering at the site by 46.99% as compared to existing conditions. The Project would comply with the mandatory water restrictions by resulting in a net decrease in water use at the site as compared to existing, pre-Project conditions.	Subsection 3.3.2.H, Subsection 4.10.2.A & Subsection 4.10.4, Threshold c

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-251	29	As the DEIR discloses, the Project obtains its water from a fire hydrant. EVMWD Ordinance No. 225 (which you don't mention but which is applicable) states regarding Stage 4.b. that uses of water from hydrants "shall be limited to firefighting, related activities, and/or other activities necessary to maintain the health, quality and welfare of the community and shall not be used for construction uses.	As indicated in EVMWD Ordinance No. 225, during a Stage 4(b) event the following restriction applies: *"Use of water from fire hydrants shall be limited to firefighting, related activities and/or other activities necessary to maintain the health, safety and welfare of the citizenry and shall not be used for construction uses."* In the case of the proposed Project, water usage at the site is necessary to provide for dust control. The control of dust using water from fire hydrants is necessary to "maintain the health, safety and welfare of the citizenry." Additionally, the Project does not involve any construction uses. Furthermore, the Project results in a net reduction in water usage as compared to baseline conditions. Finally, the EVMWD is currently under Stage 3a restrictions pursuant to EVMWD Ordinance No. 225, and at the peak of the drought only implemented Stage 4.a restrictions. The EVMWD has not declared a Stage 4.b alert in response to the recent drought.	N/A
10-252	29	We're in Stage 4.a. already. You should have addressed the impacts of this ordinance on, among other things, your dust control plans (both respecting air quality and hydrology). See Attachment I.	Refer to the Response to Comment 10-251.	N/A

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
10-253	29	You claim that because you propose to use pavement, soil binders and aggregate stabilization this will reduce your water usage from covering 20.33 acres to 11.01 acres, and this is the source of your stated 45.8% reduction. The acreage you are talking about clearly does not include the EDA. Compare Figure 4.10-1 (DEIR at 4.10-17) with Figure 1-1 (DEIR at 1-3) and Figure 2-2 (DEIR at 2-5). This is also obvious from the acreage you speak of: the EDA on its own is 24 acres.	Refer to RDEIR Figures 3-7 and 3-8, which show the revised Dust Control Plans for Nichols North and Nichols South, respectively. As shown on these exhibits, areas subject to watering for dust control will be reduced from 24.90 acres to 13.2 acres, reflecting a 46.99% reduction. The revised Figure 3-7 depicts dust control needed in the EDA.	Subsection 3.3.2.H, Subsection 4.10.2.A & Subsection 4.10.4, Threshold c
10-254	29	You write, "Although the approval would extend the duration of mining activities on site as necessary to mine and reclaim the proposed [EDA], the EVMWD has determined it has sufficient supplies to meet the demand for projected normal year and single dry year and multiple dry-year supply." The Project will extend the duration of the mining and the need for water is projected to extend beyond the period the EVMWD's Urban Water Management Plan ("UWMP") analyzes – even assuming the mine is reclaimed in 2036, which is may well not be.	The EVMWD's UWMP accounts for annual demands for water usage. While true that the Project would extend the duration of mining activities by between 6.6 and 16.1 years, mining operations at the site are nonetheless accounted for by EMWD's UWMP (refer to Comment 5-5). Moreover, the Project would reduce water consumption at the Mine by approximately 46.99% as compared to baseline conditions (refer to the Response to Comment 10-253).	Subsection 3.3.2.H, Subsection 4.10.2.A & Subsection 4.10.4, Threshold c
10-255	29	You assert without support that EVMWD is including the Mine's water usage in its UWMP projections. Tables ES-9, -10, and -11 of the UWMP do not so indicate.	Refer to Comment 5-5, wherein the EVMWD explicitly confirms that the Project is included in the water demand projections of the UWMP. Refer also to the Response to Comment 10-253	Subsection 3.3.2.H, Subsection 4.10.2.A & Subsection 4.10.4, Threshold c
10-256	29	Finally, the UWMP did not project the cutbacks in supply required by Executive Orders B-29-15 and B-36-15, the	The Project would reduce water consumption at the Mine by approximately 46.99% (refer to the Response to Comment 10-253). Thus, the	Subsection 3.3.2.H, Subsection

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		SWRCB's Orders (36% for EVMWD), or EVMWD Ordinance No. 225.	Project would be in full compliance with the water reduction mandates of Executive Orders B-29-15 and B-36-15, the SWRCB's Orders, and EVMWD Ordinance No. 225.	4.10.2.A & Subsection 4.10.4, Threshold c
10-257	29	There would also be cumulative water demand impacts for these reasons, contrary to your assertions.	Because the proposed Project would result in a reduction in water consumption at the Mine by approximately 46.99% (refer to the Response to Comment 10-253), there is no basis for determining that the Project's water consumption would be cumulatively considerable; on the contrary, the reduction in water consumption under the proposed Project demonstrates that a cumulatively-considerable impact to water supply would not and could not occur. Moreover, the Project is accounted for in the water demand projections made in the UWMP (refer to Comment 5-5).	Subsection 3.3.2.H, Subsection 4.10.2.A & Subsection 4.10.4, Threshold c
10-258	29	Threshold h. Would the Project require or result in the construction of new electrical, natural gas or telecommunications facilities or the expansion of existing facilities? You state that "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." (DEIR at 4.10-19) (emphasis supplied). This use of the term "substantial" is contrary to what you say in other elements of the document, where you know that you cannot have increased operational characteristics. As we've stated	With respect to Threshold h., specifically, the EIR correctly notes that there are no changes to the operational characteristics that would result in new physical impacts due to the construction or expansion of electrical, natural gas, or telecommunication facilities. Electricity already is provided to the site, and no new facilities are needed. Natural gas would be delivered to the Project site by truck on an as needed basis by a service company, and thus no new natural gas facilities would be needed to serve the Project. No new telecommunications facilities are needed	Throughout

COMMENT NUMBER	COMMENT LETTER PAGE NUMBER	COMMENT	RESPONSE	RDEIR PAGE NUMBER WITH REVISIONS (IF APPLICABLE)
		earlier we find your assertions regarding the operational characteristics of the Project to not be credible.	to serve the Project, and none are proposed. Accordingly, the City finds that the discussion, analysis, and conclusions for Threshold h. in RDEIR Subsection 4.10.4 to be accurate.	
10-259	30	Given the substantial revisions that are necessary, we believe this DEIR should be substantially revised and recirculated so the City complies with its obligations under CEQA.	Comment acknowledged; the DEIR has been revised and will be recirculated for an additional 45-day public review period.	N/A
10-260	30	We look forward to your responses. Please notify us of the availability of a Final Environmental Impact Report when it becomes available at collins@blumcollins.com and bentley@blumcollins.com. Thank you.	Comment acknowledged; Commentator will be noticed for the RDEIR 45-day public review period as well as for public hearings concerning this Project.	N/A

ES.0 EXECUTIVE SUMMARY

ES.1 INTRODUCTION

The California Environmental Quality Act (CEQA), Public Resources Code § 21000, et seq. requires that before a public agency makes a decision to approve a project that could have one or more adverse effects on the physical environment, the agency must inform itself about the project's potential environmental impacts, give the public an opportunity to comment on the environmental issues, and take feasible measures to avoid or reduce potential harm to the physical environment.

This Environmental Impact Report (EIR), having California State Clearinghouse (SCH) No. 2006051034 was prepared in accordance with CEQA Guidelines Article 9, § 15120 to § 15132, to evaluate the potential environmental impacts associated with the proposed Surface Mining Permit No. 2015-01 and Amendment No. 2 to Reclamation Plan 2006-01 (hereafter, the "Project" or "proposed Project"). This EIR does not recommend approval, approval with modification, or denial of the proposed Project; rather, this EIR is a source of factual information regarding potential impacts that the Project may cause to the physical environment. The Draft EIR (DEIR) ~~will~~ was initially~~be~~ available for public review ~~for a minimum period of 45 days~~between January 8, 2016 and February 22, 2016. The City of Lake Elsinore received a total of ten (10) comment letters during the DEIR's public review period and postponed preparation of the Final EIR (FEIR) until it could evaluate comments set forth in the letters.

Based on the volume and nature of the comments, the City directed the preparation of this Recirculated Draft EIR (RDEIR). For purposes of this document, the terms "EIR" and "RDEIR" refer to this document which will be recirculated for an additional 45-day public review period, while "DEIR" refers to the initial EIR document that was circulated for public review from January 8, tor February 22, 2016. The Project as originally proposed by the Project Applicant and described in the previously circulated DEIR remains the "proposed Project" for purposes of review in this RDEIR, with minor modifications as summarized in Subsection R.3. This Recirculated Draft EIR (RDEIR) will be used by the City of Lake Elsinore and other interested parties to identify the significant environmental impacts associated with the proposed Project. This RDEIR includes all sections of the DEIR, because the DEIR is being recirculated for public review in its entirety. This RDEIR, along with any comment letters received by the City of Lake Elsinore during the RDEIR's public review period and written responses thereto, will comprise the Final EIR, which will be considered for certification by the City Lake Elsinore Planning Commission.

Notice of the RDEIR must be given in the same manner as notice of the previously circulated DEIR (CEQA Guidelines §15088.5[d]). Accordingly, notice of this RDEIR will be provided to all organizations and individuals who previously requested notice in writing, through publication in The Press Enterprise (a newspaper of general circulation in the Project area), and by making available copies of the RDEIR at local libraries (the Altha Merrifield Memorial Library and Vick Knight Community Library). Additionally, the Lead Agency will provide notice to every agency, person, or organization that commented on the original DEIR, and will re-notice all surrounding property owners and Responsible and Trustee Agencies who were notified during the initial public review period for the DEIR.

The 45-day public review period for this RDEIR is set forth by CEQA Guidelines § 15088.5(d), which requires that the public review period for a DEIR (or RDEIR) shall not be less than 30 days nor longer than 60 days except under unusual circumstances. When a DEIR (or RDEIR) is submitted to the State Clearinghouse, the public review period must be at least 45 days unless a shorter period, not less than 30 days, is approved by the State Clearinghouse. All of the noticing procedures and requirements set forth in CEQA Guidelines § 15088.5(d), § 15086, § 15087, and § 15105 for circulation of a DEIR will be complied with during the 45-day noticing period for this RDEIR.

After consideration of public comment, the City of Lake Elsinore will consider certifying the ~~Final EIR~~FEIR and adopting required findings in conjunction with Project approval. In the case that there are any adverse environmental impacts that cannot be fully mitigated, the City of Lake Elsinore must adopt a Statement of Overriding Considerations, stating why the City is taking action to approve the Project with or without modification despite its unavoidable impacts.

This Executive Summary complies with CEQA Guidelines § 15123, "Summary." This RDEIR document includes a description of the proposed Project and evaluates the physical environmental effects that could result from Project implementation. The City of Lake Elsinore determined that the scope of this EIR should cover 10 subject areas. The scope was determined through the completion of an Initial Study accepted by the City of Lake Elsinore's independent judgment pursuant to CEQA Guidelines § 15063, and in consideration of public comment received by the City in response to this EIR's Notice of Preparation (NOP). The Initial Study, NOP, and written comments received by the City in response to the NOP, are attached to this EIR as *Technical Appendix A*. As determined by the Initial Study and in consideration of public comment on the NOP, the 10 environmental subject areas that could be reasonably and significantly affected by planning, constructing, and/or operating the proposed Project are analyzed herein, including:

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Greenhouse Gas Emissions
7. Hydrology and Water Quality
8. Noise
9. Transportation and Circulation
10. Utilities and Service Systems

Refer to RDEIR Section 4.0, *Environmental Analysis*, for a full account and analysis of the subject matters listed above. As mentioned, the scope of this EIR includes these 10 subject areas as determined through the completion of an Initial Study pursuant to CEQA Guidelines §15063, and in consideration of public comment to this EIR's NOP. Subject areas for which the Initial Study concluded that impacts would be clearly less than significant and that do not warrant detailed analysis in this EIR are addressed in EIR Section 5.0, *Other CEQA Considerations*.

For each of the 10 subject areas analyzed in detail in Section 4.0, this EIR describes: 1) the physical conditions that existed at the approximate time this EIR's NOP was filed with the California State Clearinghouse (June 2015); 2) discloses the type and magnitude of potential environmental impacts resulting from Project planning, construction, and operation; and 3) if warranted, recommends feasible mitigation measures that would reduce or avoid significant adverse environmental impacts that the proposed Project may cause. A summary of the proposed Project's significant environmental impacts and the mitigation measures imposed by the City of Lake Elsinore on the Project to lessen or avoid those impacts is included in this *Executive Summary* as Table ES-1, *Mitigation Monitoring and*

Reporting Program. The City of Lake Elsinore applies mitigation measures which it determines 1) are feasible and practical for project applicants to implement, 2) are feasible and practical for the City of Lake Elsinore to monitor and enforce, 3) are legal for the City to impose, 4) have an essential nexus to the Project's impacts, and 4) would result in a benefit to the physical environment. CEQA does not require the Lead Agency to analyze an exhaustive list of every imaginable mitigation measure, or measures that are duplicative of mandatory regulatory requirements.

This RDEIR also discusses alternatives to the proposed Project. Alternatives are described that would attain most of the Project's objectives while avoiding or substantially lessening the proposed Project's significant adverse environmental effects. A full discussion of Project alternatives is found in Section 6.0, *Alternatives*.

ES.2 PROJECT OVERVIEW

ES.2.1 LOCATION AND REGIONAL SETTING

The Nichols Canyon Mine comprises approximately 199~~211~~ acres in the northeastern portion of the City of Lake Elsinore (see Figure 3-1, *Regional Map*, in Section 3.0, *Project Description*). From a regional perspective, the Nichols Canyon 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. At the local scale, State Route 74 (SR-74) is located approximately 1.0 mile to the 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 of the Nichols Canyon Mine. Specifically, the Nichols Canyon Mine is located east of I-15 and north and south of Nichols Road (see Figure 3-2, *Vicinity Map* in Section 3.0, *Project Description*, of this RDEIR*)*. Interstate 15 (I-15) abuts the Mine's western boundary. The property is divided into two segments by Nichols Road with approximately 154 acres located north of Nichols Road and approximately 57 acres located south of Nichols Road.

The City of Lake Elsinore General Plan divides the City and its SOI into sixteen Districts/Sphere Plans. As illustrated on Figure 2-1, *Alberhill District Land Use Plan*, in Section 2.0, *Environmental Setting*, of this RDEIR, the Nichols Canyon Mine is located in the Alberhill District. The Alberhill District encompasses approximately 4,240 acres and consists primarily of extractives uses, vacant lands, and emerging construction of residential and commercial uses as well as a community park. Additionally, the Nichols Canyon Mine lies within the geographical limits of the Alberhill Ranch Specific Plan. The Specific Plan area is located in the north central portion of the City of Lake Elsinore with the majority of the Specific Plan area located west of I-15 with smaller portions of the Specific Plan located east of I-15, including the Nichols Canyon Mine. Refer to RDEIR Section 2.0, *Environmental Setting*, for more information related to the regional and local setting of the Project site.

ES.2.2 PROJECT OBJECTIVES

The primary objectives of the proposed Project are to expand the area permitted to be mined by 24 acres; reduce the Mine's permitted annual tonnage of exported materials from 4,000,000 tons per year (tpy) to 856,560 tpy (inclusive of aggregate materials); and lengthen the hours of operation for mining, processing, and export 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 and asphalt batch plant operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate export activities. The following is a list of specific objectives that the proposed Project is intended to achieve.

A. To increase the available high-quality aggregate reserves available ~~on the property~~within the local area in order to help meet the regional demand for aggregate material, to make the best use of the Mine's aggregate resources, and by revising approved Reclamation Plan 2006-01A1 to accommodate an expansion to the approved limits of aggregate mining activities.

B. To facilitate more efficient export processing of aggregate materials from the Mine site by extending the permitted operational hours for mining activities on-site.

C. To better reflect actual mining capacity for the Mine site by reducing the annual tonnage allowed to be mined and exported from the Nichols Canyon Mine site.

D. To reclaim the 199-acre Mine site to a usable condition by revising Reclamation Plan 2006-01A1 to identify ultimate site elevations in conformance with the Surface Mining and Reclamation Act of 1975 (SMARA) and the regulations and requirements of the City of Lake Elsinore.

E. To minimize environmental impacts associated with mining and reclamation activities at the Nichols Canyon Mine site in conformance with the requirements of SMARA and the City of Lake Elsinore.

F. To establish updated standards for operational mining activities at the Nichols Canyon Mine site in a manner that complies with all applicable federal, state, and local regulations and requirements.

G. To maximize the use of aggregate reserves and create the most usable space from the Mine's disturbance by designing slopes that accomplish this objective.

ES.2.3 PROJECT SUMMARY DESCRIPTION

The existing Nichols Canyon Mine comprises approximately 199 acres located both north and south of Nichols Road, in the northeastern portion of the City of Lake Elsinore. Approximately 156 acres of the Nichols Canyon Mine is located north of Nichols Road (Nichols North) and approximately 43 acres of the Nichols Canyon Mine is located south of Nichols Road (Nichols South). The Nichols North and Nichols South sites are both subject to an approved Reclamation Plan (RP 2006-01A1). Under existing conditions, the Nichols North site primarily encompasses stockpiles, excavated mining pits, interior unpaved roads, and support equipment for aggregate mining operations, with a drainage basin located in the southwest corner of the site. The Nichols South site has largely been disturbed by the prior removal of overburden from the site and is regularly disked as part of on-going fire abatement activities.

This RDEIR analyzes the physical environmental effects associated with all components of the Project, including planning and ongoing operation. The governmental approval requested from the City of Lake Elsinore to implement the Project consists of a surface mining permit (SMP No. 2015-01) and an amendment to RP 2006-01A1 (RP 2006-01A2), which proposes to: increase the total area subject to mining activities on the approximately 199-acre Nichols Canyon Mine from approximately 116 acres to approximately 140 acres, representing an increase of approximately 24 acres; 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 and asphalt batch plant operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate export activities (asphalt materials already are allowed to be exported 24 hours per day pursuant to CUP 2014-07); and reduce the Nichols Canyon Mine's permitted annual tonnage from 4,000,000 tons per year (tpy) to 856,560 tpy.

As disclosed in Section 3.0, *Project Description*, an asphalt batch plant is an existing, approved, on-site use pursuant to Conditional Use Permit No. CUP 2014-07 approved by the City of Lake Elsinore in 2015. Thus, the batch plant has already been approved by the City along with a CEQA environmental compliance document that was not challenged by any third party. During the public comment period on the DEIR, several third parties incorrectly asserted that the DEIR failed to adequately analyze the proposed Project's impacts. Several of these commentators also incorrectly claimed that the DEIR needed to re-analyze and include the batch plant's impacts as part of this EIR. While the City disagrees with these claims because the batch plant has already been approved under CUP 2014-07 and previously evaluated in an approved MND Addendum that was not challenged, in an effort to provide a conservative and overly-inclusive analysis of the Project's impacts on the environment (as opposed to potentially underestimating the Project's impacts), and to remove this issue from being a point of contention, this EIR includes analyses of the batch plant's impacts in all relevant CEQA Appendix G topics.

Refer to RDEIR Section 3.0, *Project Description*, for a detailed description of the proposed Project.

ES.3 RDEIR PROCESS

As a first step in complying with the procedural requirements of CEQA for an EIR, an Initial Study was prepared by the City of Lake Elsinore to determine whether any aspect of the proposed Project, either individually or cumulatively, may cause a significant adverse effect on the physical environment (refer to *Technical Appendix A* for a copy of the Initial Study). For this Project, the Initial Study indicated that this EIR should focus on 10 environmental subject areas listed above in Subsection ES.1. After completion of the Initial Study, the City filed a NOP with the California Office of Planning and Research (State Clearinghouse) to indicate that an EIR would be prepared. In turn, the Initial Study and NOP were distributed for a 30-day public review period, which began on June 25, 2015.

The City of Lake Elsinore received written comments on the scope of the EIR during those 30 days, which were considered by the City during the preparation of this EIR.

~~This~~ The DEIR ~~is being~~was circulated for review and comment by the public and other interested parties, agencies, and organizations for a 45-day review period that extended from January 8, 2016 and February 22, 2016. During the 45-day public review period, public notices announcing availability of the Draft EIR ~~will be~~were mailed to interested parties, an advertisement was ~~ill be~~ published in the a newspaper of general circulation in the Project area, and copies of the Draft EIR and its Technical Appendices ~~will be~~ were available for review at the locations indicated in the public notices. Following the public review period, the City of Lake Elsinore received a total of ten

(10) comment letters and postponed preparation of the Final EIR (FEIR) until it could evaluate comments set forth in the letters

Based on the volume and nature of the comments, the City directed the preparation of this Recirculated Draft EIR (RDEIR). For purposes of this document, the terms "EIR" and "RDEIR" refer to this document which will be recirculated for an additional 45-day public review period, while "DEIR" refers to the initial EIR document that was circulated for public review from January 8, tor February 22, 2016. The Project as originally proposed by the Project Applicant and described in the previously circulated DEIR remains the "proposed Project" for purposes of review in this RDEIR, with minor modifications as summarized in Subsection R.3. This Recirculated Draft EIR (RDEIR) will be used by the City of Lake Elsinore and other interested parties to identify the significant environmental impacts associated with the proposed Project. This RDEIR includes all sections of the DEIR, because the DEIR is being recirculated for public review in its entirety. This RDEIR, along with any comment letters received by the City of Lake Elsinore during the RDEIR's public review period and written responses thereto, will comprise the Final EIR, which will be considered for certification by the City Lake Elsinore Planning Commission.

Notice of the RDEIR must be given in the same manner as notice of the previously circulated DEIR (CEQA Guidelines §15088.5[d]). Accordingly, notice of this RDEIR will be provided to all organizations and individuals who previously requested notice in writing, through publication in The Press Enterprise (a newspaper of general circulation in the Project area), and by making available copies of the RDEIR at local libraries (the Altha Merrifield Memorial Library and Vick Knight Community Library). Additionally, the Lead Agency will provide notice to every agency, person, or organization that commented on the original DEIR, and will re-notice all surrounding property owners and Responsible and Trustee Agencies who were notified during the initial public review period for the DEIR.

After the close of the 45-day ~~Draft~~ RDEIR public comment period, the City will prepare and publish responses to written comments it received on the environmental effects of the proposed Project. The ~~Final EIR~~FEIR will then be considered by the Lake Elsinore ~~City Council~~Planning Commission prior to deciding to approve, approve with modification, or reject the proposed Project. Approval of the proposed Project would be accompanied by the adoption of written findings and a statement of overriding considerations for any significant unavoidable environmental impacts identified in the ~~Final~~ FEIR. In addition, the City must adopt a Mitigation, Monitoring, and Reporting Program (MMRP), which describes the process to ensure implementation of the mitigation measures identified in the Final EIR. The MMRP will ensure CEQA compliance during implementation of the Project.

ES.4 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

CEQA Guidelines § 15123(b)(2) requires that areas of controversy known to the Lead Agency (City of Lake Elsinore) be identified in the Executive Summary. The Lead Agency has not identified any issues of controversy associated with the proposed Project.

Regarding issues to be resolved, this RDEIR addresses the environmental issues that are known by the City, that are identified in the Initial Study prepared for the Project, and that were identified in the comment letters that the City of Chino received on this RDEIR's NOP (refer to *Technical Appendix A*). Environmental topics raised in written comment to the NOP are summarized in Table 1-1, *Summary of NOP Comments*, in Section 1.0 of this EIR and include but are not limited to the topics

of air quality, biological resources, cultural resources, greenhouse gas emissions, transportation/traffic, hydrology and water quality, and utilities and service systems. Additionally, during the public review period for the DEIR, comment letters were received and are addressed in RDEIR Subsection R.3 and throughout this RDEIR.

ES.5 ALTERNATIVES TO THE PROPOSED PROJECT

In compliance with CEQA Guidelines §15126.6, an EIR must describe a range of reasonable alternatives to the Project or to the location of the Project. Each alternative must be able to feasibly attain most of the Project's objectives and avoid or substantially lessen the Project's significant effects on the environment. A detailed description of each alternative evaluated in this EIR, as well as an analysis of the potential environmental impacts associated with each alternative, is provided in EIR Section 6.0, *Alternatives*. Also described in Section 6.0 is a list of alternatives that were considered but rejected from further analysis.

The alternatives considered by this EIR include those listed below.

ES.5.1 NO PROJECT ALTERNATIVE

The No Project Alternative considers no mining activities within the Expanded Disturbance Area (EDA). Mining would be permitted within the existing approved Nichols Canyon Mine Reclamation Plan limits. This alternative was selected by the Lead Agency for the purpose of conducting a comparative analysis of the environmental effects of the proposed Project to the environmental effects of the No Project ~~a~~Alternative which would leave the EDA in its existing condition. Under existing conditions mining occurs within the existing approved Nichols Canyon Mine Reclamation Plan limits. If the proposed Project were not approved, it is reasonable to expect that the EDA's undeveloped property would remain vacant and no mining would occur within the EDA.

ES.5.2 REDUCED EXPANDED DISTURBANCE AREA ALTERNATIVE

The Reduced Expanded Disturbance Area (REDA) Alternative, as depicted on Figure 6-1, *Reduced Expanded Disturbance Alternative*, considers a reduction in the proposed EDA from approximately 24 acres under the proposed Project to approximately 17 acres~~, as depicted on Figure 6-1, *Environmentally Superior Alternative*~~. All other components of the REDA would be the same as described for the proposed Project in EIR Section 3.0, *Project Description*. This alternative was selected by the Lead Agency to consider an alternative that would reduce to a level below significant the Project's daytime operational noise impacts to sensitive noise receptors (i.e., residential uses southeast of the EDA) that are located within 794~~500~~ feet of mining operations (i.e., eight homes located east of Dexter Avenue and south of Nichols Road that would be exposed to daytime mining-related noise levels exceeding 55 dB Leq (10-min) under the proposed Project). Additionally, this alternative also would reduce the Project's impacts to biological resources, but would not avoid the Project's significant and unavoidable impact due to a conflict with the MSCHP. Nonetheless, because this alternative would eliminate the Project's significant and unavoidable impacts due to daytime operational noise, and would reduce impacts to biological resources, this alternative has been selected as the "Environmentally Superior Alternative" pursuant to CEQA Guidelines § 15123.6(e)(2).

ES.5.3 REDUCED TRAFFIC ALTERNATIVE

Under near-term cumulative (Existing plus Ambient plus Project plus Cumulative [EAPC] 2016) conditions and Horizon Year (2035) conditions, the Project would contribute more than 25~~50~~ peak hour trips to the intersection of Nichols Road at I-15 Northbound On- and Off-Ramps and the intersection of Nichols Road at I-15 Southbound On- and Off-Ramps. Project-related traffic would therefore contribute to the need for improvements to these intersections under near-term conditions, and to the need for freeway improvements under long-term (2035) conditions to address freeway mainline segment, freeway merge/diverge, and queuing issues. While improvements are currently planned by Caltrans, the TUMF program, and/or the City's TIF program, the improvements would likely not be in place at their time of need (before the deficiency occurs). The Project Applicant has no control over the pace of Caltrans, TUMF, or TIF improvements. Thus, the only viable alternative that would reduce the Project's cumulatively considerable traffic impacts ~~to a level below significant~~ would be to reduce the maximum allowed daily tonnage such that the proposed Project would contribute~~ fewer than 50 peak hour trips~~ less traffic to the I-15 Northbound On- and Off-Ramps at Nichols Road and the I-15 Southbound On- and Off-Ramps at Nichols Road.

Accordingly, the Reduced Traffic Alternative (RTA) considers a reduction in maximum daily tonnage at the Mine from 5,000 tons per day (tpd) to 4,250~~4,578~~ tpd, with approximately 1,490~~1,330~~ tpd attributable to the proposed Project and ~~3,248~~2,760 tpd attributable to baseline operational conditions. Using the values presented in EIR Table 4.9-11, 1,490~~1,330~~ tpd would result in approximately 361~~223~~ average daily trips (ADT), with 55~~49~~ AM peak hour trips and 45~~40~~ trips during the PM peak hour. Due to the restriction in tpd, it is expected that this alternative ~~would~~ may take ~~approximately 9%~~ longer to achieve the final grades as specified by RP 2006-01A2 due to the reduction in daily maximum operating capacity at the Mine.

All other components of the RTA would be identical to the proposed Project. This alternative was selected to eliminate the Project's near-term EAPC (2016) cumulatively considerable impacts to transportation and traffic, and reduce the Project's Horizon Year (2030) cumulatively considerable impacts to transportation and traffic, which also would reduce the Project's daily emissions of air quality pollutants and traffic-related noise.

ES.6 SUMMARY OF IMPACTS, MITIGATION MEASURES AND CONCLUSIONS

ES.6.1 EFFECTS FOUND NOT TO BE SIGNIFICANT

The scope of detailed analysis in this EIR includes 10 subject areas determined through the completion of an Initial Study prepared by the City of Lake Elsinore pursuant to CEQA Guidelines §15063 and CEQA Statute §21002(e), as well as consideration of public comments received by the City on this EIR's NOP. The Initial Study, NOP, and public comments received in response to the NOP, are attached to this EIR as *Technical Appendix A*. Subject areas for which the City concluded that impacts clearly would be less than significant and that do not warrant further analysis in this EIR include: Agricultural Resources, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation. This EIR addresses these topics in EIR Subsection 5.0, *Other CEQA Considerations*.

ES.6.2 IMPACTS OF THE PROPOSED PROJECT

Table ES-1, *Mitigation Monitoring and Reporting Program,* provides a summary of the proposed Project's environmental impacts, as required by CEQA Guidelines §15123(a). Also presented are the mitigation measures recommended by the City of Chino to further avoid adverse environmental impacts or to reduce their level of significance. After the application of all feasible mitigation measures, the Project would result in two significant and unavoidable environmental effects, as summarized below.

- Air Quality Threshold a: Significant Unavoidable Direct and Cumulatively-Considerable Impact. As shown in Table 4.2-18, *Summary of Peak Operational Emission (With Mitigation)*, with implementation of the required mitigation, the Project's emissions of NO_x would exceed the SCAQMD Regional Threshold of Significance for this pollutant. NO_X is a pre-cursor to ozone, for which the region is considered non-attainment under both State and Federal standards. Although the Project would not exceed the regional growth forecasts because the Project would only result in the addition of two new employees on-site, the Project's level of NO_X emissions represents a conflict with the SCAQMD 2012 AQMP; this is evaluated as a significant direct and cumulatively-considerable impact of the proposed Project for which no additional, feasible mitigation is available.

- Air Quality Threshold b and c: Significant Unavoidable Direct and Cumulatively-Considerable Impact. As shown in Table 4.2-18, *Summary of Peak Operational Emission (With Mitigation)*, the Project's emissions of NO_X still would exceed the SCAQMD's Regional Thresholds even with the incorporation of mitigation. NO_x emissions would contribute to the region's non-attainment status for ozone. Accordingly, the Project's impact due to a violation of air quality standards for an ozone precursor (NO_x), a contribution to air quality violations for ozone, and a cumulatively considerable net increase of ozone precursors represent significant and unavoidable impacts of the proposed Project on both a direct and cumulatively-considerable basis for which additional feasible mitigation is not available.

- Biological Resources Thresholds e, and f: Direct Significant and Unavoidable Impact. The Project would result in direct impacts due to non-compliance with City Ordinance 1124 and the MSHCP. Although the Project would mitigate its impacts to biological resources to below a level of significance, the Project's non-compliance with Ordinance 1124 and the MSHCP nonetheless represents significant and unavoidable direct impacts of the proposed Project that cannot be mitigated to below a level of significance. However, because the vast majority of properties within the MSHCP area and that are subject to Ordinance 1124 (or other the implementing ordinance of other local jurisdictions) would be required to comply with the provisions of the MSHCP and all MSHCP-related requirements, the Project's non-compliance with Ordinance 1124 and the MSHCP would be less-than-cumulatively considerable.

- Noise Thresholds a, c, and d: Direct and Cumulatively Considerable Significant and Unavoidable Impact. ~~Although i~~Implementation of Mitigation Measures MM 4.8~~3~~-1 through MM 4.8~~3~~-3 would reduce the Project's operational-related noise impacts during the extended nocturnal hours~~,~~; however, during daytime operations nearby residential structures located

within 794 feet of mining activities within the EDA would be exposed periodically to noise levels exceeding the Riverside County daytime noise standard of 50 dBA L_{50}. Thus, a significant impact would occur during the phases of mining within the southeastern portions of the proposed Expanded Disturbance Area (EDA) that are located within 794 feet of the residential structures and when a minimum headwall of 15 feet in height cannot be maintained between mining areas and nearby residential structures~~located within approximately 500 feet of mining activities~~. During this phase of mining operations, the nearby residences located within approximately 794 ~~500~~ feet of mining activities would be exposed to noise levels exceeding 55 dBA L_{50} ~~Leq (10 min)~~, which represents a significant and unavoidable impact of the proposed Project on both a direct and cumulatively-considerable basis.

- Transportation and Circulation Threshold a: Cumulatively Significant and Unavoidable Impact. As detailed in Table 4.9-30, *Intersection Analysis for EAPC (2016) Conditions with Improvements*, with implementation of Mitigation Measures MM TR-1 and MM TR-2 and installation of traffic signals, the LOS for the intersection of the I-15 Northbound ramps at Nichols Road would improve from LOS F to LOS D during the AM and PM peak hours under Year 2016 conditions. Additionally, with implementation of Mitigation Measures MM TR-1 and MM TR-2, the LOS for the intersection of the I-15 Southbound Ramps at Nichols Road would improve from LOS F to LOS D during the AM and PM peak hours under Year 2016 conditions. Similarly, and as shown in Table 4.9-31, *Intersection Analysis for Horizon Year (2035) Conditions With Improvements*, with implementation of Mitigation Measures MM TR-1 and MM TR-2 and installation of traffic signals, the LOS for the intersection of I-15 Northbound ramps at Nichols Road would operate at an acceptable LOS D with implementation of the Project under long-term (Year 2035 conditions). With implementation of Mitigation Measures MM TR-1 and MM TR-2, the LOS for the intersection of the I-15 Southbound Ramps at Nichols Road would operate at LOS C in the AM peak hour and LOS D in the PM peak hour under long-term (Year 2035) conditions. Thus, with improvements, the Project's cumulatively--considerable impacts to the intersections of the I-15 Northbound On- and Off-Ramps at Nichols Road and I-15 Southbound On- and Off-Ramps at Nichols Road under Year 2016 and Year 2035 conditions would be reduced to less-than-significant levels. However, no schedule is prescribed by the TUMF or TIF program for these improvements, and it is not practical to assume that the improvements would be installed by 2016 (when operations pursuant to SMP 2015-01 and RP2006-01A2 are expected to commence). Improvement schedules for these improvements are partially dependent on the pace of new development and associated pace of fee collection that occurs under the TUMF and the TIF. Under CEQA, a fair-share monetary contribution to a mitigation fund is adequate mitigation if the funds are part of a reasonable plan that the relevant agency (in this case WRCOG and the City of Lake Elsinore) is committed to implementing. As such, while the proposed Project can mitigate its cumulatively considerable contribution to these impacts through the payment of fees, the improvements would likely not be in place at their time of need (before the deficiency occurs). As such, this EIR recognizes a short-term and unavoidable cumulatively considerable impact at these locations, which would occur until the TUMF and TIF improvements are in place.

  The proposed Project would contribute to, but would not cause, impacts to the I-15 Northbound freeway segments (LOS F in the AM peak hour and LOS E during the PM peak

hour) and the I-15 Southbound freeway segments (LOS F in the PM peak hour) under Horizon Year (2035) conditions. Although the Project's level of traffic affecting these facilities would be below the threshold at which Caltrans normally would require a traffic study, the Project's contribution to these deficiencies are nonetheless considered cumulatively considerable. Long-range plans by Caltrans for the I-15 Freeway include the construction of two tolled Express Lanes from Cajalco Road to Central Avenue (SR-74), which are improvements that are subject to available funding. Planned improvements to the I-15 Northbound and Southbound mainlines would improve LOS along these freeway segments. With improvements, the I-15 Southbound freeway segments would improve to LOS C in the AM peak hour and LOS E during the PM peak hour. Additionally, the Northbound freeway segments would improve to LOS E during the AM peak hour and LOS D during the PM peak hour. Thus, while planned Caltrans improvements to these freeway segments would improve the LOS, both the Northbound and Southbound freeway segments would continue to operate at a deficient LOS during at least one peak hour. There is no additional feasible mitigation to reduce these cumulatively-considerable impacts to below a level of significance. Moreover, the timing of Caltrans' improvements is not currently known. Therefore, the EIR recognizes the Project's cumulatively-considerable impacts to the I-15 Northbound and Southbound freeway segments as cumulatively-considerable and unavoidable impacts of the proposed Project.

~~The Project would contribute more than 50 peak hour trips to the merge/diverge ramp junction of I-15 Northbound at Nichols Road under Horizon Year (2035) conditions.~~ Project-related traffic would contribute to, but would not directly cause, the deficient LOS at the merge/diverge ramp junctions of I-15 Northbound Off-Ramp at Nichols Road (LOS E in the AM peak hour) and the I-15 Southbound On- and Off-Ramps at Nichols Road (LOS E in the PM peak hour) under Horizon Year (2035).~~;~~ Although the Project's level of traffic affecting these facilities would be below the threshold at which Caltrans normally would require a traffic study, the Project's contribution of traffic to ~~accordingly, the Project's impacts to this~~ these merge/diverge ramp junction under Horizon Year (2035) conditions nonetheless would be cumulatively considerable. Long-range plans by Caltrans for the I-15 Freeway include the construction of two tolled Express Lanes from Cajalco Road to Central Avenue (SR-74), which are improvements that are subject to available funding. As shown in Table 4.9-31, with construction of the planned improvements, the queuing issues at the I-15 Northbound Off-Ramp at Nichols Road and I-15 Southbound On- and Off-Ramps at Nichols Road would be reduced to acceptable levels. However, it is possible that queuing deficiencies may still be experienced in the interim period prior to the completion of the improvements to I-15. As such, the Project's impacts to the I-15 Freeway ~~n~~Northbound ~~o~~Off-~~r~~Ramp and the I-15 Freeway Southbound On- and Off-Ramps under Horizon Year (2035) represent~~s~~ a near-term significant and unavoidable impact of the proposed Project for which no feasible mitigation is available.

Under Horizon Year (2035) conditions, the Project would contribute to, but would not directly cause queuing issues during the weekday peak 95th percentile traffic flows at the I-15 Freeway Northbound and Southbound Freeway Off-Ramps. Although the Project's level of traffic affecting these facilities would be below the threshold at which Caltrans normally would require a traffic study, t~~T~~he Project's contribution to this projected deficiency is evaluated as a cumulatively considerable impact. As noted above, long-range plans by

Caltrans for the I-15 Freeway include the construction of two tolled Express Lanes from Cajalco Road to Central Avenue (SR-74), which are improvements that are subject to available funding. As shown in Table 4.9-32, *Basic Freeway Segment Analysis for Horizon Year (2035) Conditions with Improvements*, even with the planned Express Lanes, the I-15 Nnorthbound ~~segment at the~~ and Southbound ~~o~~Off-~~r~~Ramps ~~with~~ at Nichols Road would continue to operate at a deficient LOS during at least one peak hour. ~~experience a deficient LOS E during the AM peak hour, and the southbound freeway off ramp at Nichols Road would experience a deficient LOS E during the PM peak hour. There are no additional improvements planned along these segments of the I-15, nor are there any funding mechanisms identified by Caltrans for such cumulatively considerable impacts. However, and as noted previously, the Project would contribute fewer than 50 peak hour trips to these freeway mainline segments.~~ As such, the Project's contribution to the ~~projected freeway mainline~~I-15 Northbound and Southbound Off-Ramps queuing deficiencies under Horizon Year (2035) conditions represents ~~a less than~~ cumulatively ~~–~~considerable impacts of the proposed Project for which no feasible mitigation is available.

- Transportation and Circulation Threshold b: Cumulatively Significant and Unavoidable Impact. As discussed above under the discussion of Transportation and Circulation Threshold a., the Project would result in cumulatively considerable impacts for which feasible mitigation is not available at the following facilities:

  - EAPC (2016) Conditions:
    - Cumulatively considerable impact to the I-15 Northbound Ramps/Nichols Road intersection (LOS F AM and PM peak hours);
    - Cumulatively considerable impact to the I-15 Southbound Ramps/Nichols Road intersection (LOS F in the AM and PM peak hours);
    - Cumulatively considerable impact due to the need to signalize the I-15 Northbound Ramps/Nichols Road intersection; and
    - Cumulatively considerable impact due to the need to signalize the I-15 Southbound Ramps/Nichols Road intersection.

  - Horizon Year (2035) Conditions:
    - Cumulatively considerable impact to the I-15 Northbound Ramp/Nichols Road intersection (LOS F during both AM and PM peak hours);
    - Cumulatively considerable impact to the I-15 Northbound Ramp/Nichols Road intersection (LOS F during both AM and PM peak hours);
    - Cumulatively considerable impact to the I-15 Southbound Ramps/Nichols Road intersection (LOS F for both AM and PM peak hours);
    - Cumulatively considerable impact to the I-15 Southbound Freeway Segments (LOS F during the PM peak hour);
    - Cumulatively considerable impact to the I-15 Northbound Freeway Segments (LOS F during the AM peak hour and LOS E during the PM peak hour);
    - Cumulatively considerable freeway off-ramp queuing impact to the I-15 Northbound Off-Ramp at Nichols Road (2,838 ft. queue during the AM peak hour and 3,520 ft. queue during the PM peak hour);

- Cumulatively considerable impact to the I-15 Southbound Off-Ramp/Nichols Road Freeway Ramp Junction Merge/Diverge (LOS F during the PM peak hour);
- Cumulatively considerable impact to the I-15 Northbound On-Ramp/Nichols Road Freeway Ramp Junction Merge/Diverge (LOS F during the AM peak hour and LOS E during the PM peak hour);
- Cumulatively considerable impact due to the need to signalize the I-15 Northbound Ramps/Nichols Road intersection; and
- Cumulatively considerable impact due to the need to signalize the I-15 Southbound Ramps/Nichols Road intersection.

~~• at the junction of Nichols Road and the I-15 northbound ramps; would contribute to the need for signalization of Nichols Road at the I-15 northbound ramps; would contribute to queuing issues during the weekday peak 95th percentile traffic flows at the I-15 Freeway Northbound Off Ramp; and would contribute to, but would not cause, the projected deficiency at the freeway merge/diverge junctions of I-15 Northbound Ramps at Nichols Road. This facility is part of the CMP roadway network. Although with implementation of the improvements programmed as part of TUMF and/or TIF these impacts would be reduced to less than significant levels (with exception of the Project's cumulatively considerable junction merge/diverge impacts, which would remain significant and unavoidable), improvement schedules for these improvements are partially dependent on the pace of new development and associated pace of fee collection that occurs under the TUMF and the TIF. Under CEQA, a fair share monetary contribution to a mitigation fund is adequate mitigation if the funds are part of a reasonable plan that the relevant agency (in this case WRCOG and the City of Lake Elsinore) is committed to implementing. As such, while the proposed Project can mitigate its cumulatively considerable contribution to these impacts through the payment of fees, the improvements would likely not be in place at their time of need (before the deficiency occurs). As such, this EIR recognizes a short-term and unavoidable cumulatively considerable impact at these locations, which would occur until the TUMF, TIF, and planned Caltrans improvements are in place.~~

Table ES-1 Mitigation Monitoring and Reporting Program

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
4.1 AESTHETICS				
No unique or scenic vistas would be impacted by the Project. The Project site does not contain any scenic vistas, nor does it offer unique views of any visually prominent features; therefore, impacts to scenic vistas resulting from the Project would be less than significant.	Less-than-Significant	MM 4.1-1 All portable lighting elements used for mining activities shall be required to use low pressure sodium light bulbs in order to follow the recommendation of City Municipal Code Chapter § 17.112.040. This requirement shall be enforced by the Mine Operator.	Project Applicant, Mine Operator/ Lake Elsinore Planning Division	Throughout the duration of mining activeitis on-site
The Project has no potential to damage scenic resources within a scenic highway corridor, because the property is not visible from a designated scenic highway corridor.	Less-than-Significant			
The Project would not substantially degrade the existing visual character or quality of the site or its surrounding areas during mining operations. Although the Project would expand the permitted limits of mining by 24 acres, the expansion would be viewed as a logical extension of existing mining activities at the Nichols Canyon Mine, and would be visually similar to other mining activities that occur to the west, south, and southwest of the EDA.	Less-than-Significant			
The Project would not create substantial amounts of light or glare. Compliance with the City of Lake Elsinore Municipal Code § 17.112.040 would ensure less-than-significant impacts associated with light and glare affecting day or nighttime views in the area. Although not required because impacts would be less than significant, Mitigation Measure MM 4.1-1 has nonetheless been identified to be required on the Project to ensure the use of low pressure sodium lighting on-site, consistent with the recommendation of City Municipal Code §17.112.040.	Less-than-Significant			

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
4.2 AIR QUALITY				
Project attributes and features are consistent with and support AQMP air pollution reduction strategies and promote timely attainment of AQMP air quality standards. However, the Project's operational impacts would exceed the SCAQMD localized thresholds for PM10 and PM2.5, and also would exceed the SCAQMD regional thresholds for VOCs, NOX, and PM2.5. As such, prior to mitigation the Project would not be consistent with the AQMP. Impacts would be significant on a direct and cumulatively considerable basis.	Significant Unavoidable Direct and Cumulatively-Considerable Impact	MM 4.2-1: The Project Applicant shall ensure that all net new Project equipment horsepower hours as summarized in Table 3-2 of the "Amendment No. 2 to Reclamation Plan 2006-001 Air Quality Impact Analysis City of Lake Elsinore," dated July 14, 2016, by Urban Crossroads, shall be California Air Resources Board (CARB) Tier 4 Certified or better. A list of construction equipment shall be maintained on-site by the Mine operator demonstrating compliance with this requirement, and the list shall be made available to the City upon request and during annual reporting for the Mine. MM 4.2-2 Prior to operation of the asphalt batch plant on-site, the Project Applicant shall provide evidence to the City of Lake Elsinore Planning Division that a Permit to Operate (PTO) for the asphalt batch plant has been obtained through SCAQMD. The PTO shall specify Best Available Control Technologies (BACT), which may include, but shall not necessarily be limited to, the operation of a natural gas with low NOX burner, consistent with SCAQMD BACT Guidelines for operation of asphalt batch plants (SCAQMD, 2008c, Part D).	Project Applicant, Mine Operator/ Lake Elsinore Planning Division Project Applicant, Mine Operator/ Lake Elsinore Planning Division	Throughout the duration of mining activities on-site Prior to operation of the asphalt batch plant on-site.
The Project would exceed the SCAQMD regional thresholds for VOCs, NOX, and PM2.5 emissions during Project operation. Emissions of VOCs and NOX would contribute to the regions non-attainment status for ozone, and the Project's emissions of PM2.5 would contribute to the region's non-attainment status for particulate matter. As such, Project-related air emissions would violate SCAQMD air quality standards and contribute to the non-attainment of criteria pollutants (ozone and PM2.5), which is a significant direct and cumulatively considerable impact.	Significant Unavoidable Direct and Cumulatively-Considerable Impact			
The Project would not result in or contribute to a CO "Hot Spot." The Project also would not result in a significant adverse health impact to sensitive receptors and would not result in a significant health risk impact. Thus a less-than-significant impact to sensitive receptors during operational activity is expected. The carcinogenic risk attributable to DPM emissions from the proposed Project would be less than 10 in one million for the residential, worker, and school child exposure scenarios. Thus, the Project's DPM emissions would be below	Less-than-Significant			

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
the SCAQMD's threshold for direct and cumulatively considerable emissions and would be less than significant. The Project does not propose any uses or activities that would result in potentially significant operational-source odor impacts. Potential sources of operational odors generated by the Project would include disposal of miscellaneous refuse and the operation of the asphalt batch plant. Consistent with City requirements, all Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations. Odors associated with the asphalt batch plant would be less than significant on both a direct and cumulative basis due to the low level of odors affecting sensitive receptors, likely production schedules, and prevailing wind patterns. Accordingly, operational-source odor impacts would be less than significant.	Less-than-Significant			
4.3 BIOLOGICAL RESOURCES				
Implementation of the Project would not impact any sensitive plant species. The Project would impact the habitat of the federally-listed threatened coastal California gnatcatcher and could potentially directly impact the coastal California gnatcatcher during blasting activities by displacing or potentially harming individual gnatcatchers in the area subject to blasting. Impacts to coastal California gnatcatcher habitat would be significant. Impacts to other sensitive plant or animal species not identified on-site during biological field surveys would be less than significant based on substantial evidence that the species do not occur on-site. Cumulatively considerable impacts to nesting raptors may occur if construction occurs within the raptor	Less-than-Significant	MM 4.3-1 Prior to any activities affecting jurisdictional waters within the EDA, the Project Applicant shall obtain the necessary authorizations from the Corps, CDFW, and RWQCB for impacts to 0.17 acre of jurisdictional waters. Authorizations may include a Section 404 Permit from the Corps, Section 1602 Streambed Alteration Agreement from the CDFW, and a Section 401 Water Quality Certification from the RWQCB. Evidence of all required authorizations shall be provided to the City of Lake Elsinore. MM 4.3-2 Prior to any activities affecting jurisdictional waters within the EDA, the Project shall mitigate impacts to 0.17 acres of jurisdictional waters and 0.05 acre Corps non-wetland Waters of the U.S. at a minimum 1:1 ratio. This mitigation ratio was selected based on ratios used in many other cities and counties in southern California. The minimum 1:1 ratio is within the range of ratios established by other jurisdictions and agencies. The 0.17 acre jurisdictional mitigation requirement shall be met by the Project Applicant through one or a combination of both of the following two options:	Project Applicant / Lake Elsinore Planning Division, Corps, CDFW, and RWQCB Project Applicant / Lake Elsinore Planning Division	Prior to impacts affecting jurisdictional waters within the EDA Prior to mining activities impacting jurisdictional waters within the EDA

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
breeding season (February 1 to September 15), and impacts to 2.1 acre of raptor foraging habitat (non-native grassland) also represent a cumulatively considerable impact. Also, based on the positive gnatcatcher survey results, there is potential for significant indirect noise impact to breeding gnatcatchers that may be located within the open space areas located east and north of the EDA. Mining operational noise and noise from blasting activities also would indirectly impact coastal California gnatcatchers in areas within the range of a startle response reaction, prior to mitigation.		a) In Lieu Fee Option: Mitigation can be fully or partially satisfied via an in-lieu fee payment to a mitigation bank pursuant to California Fish and Game Code Section 1797-1799.1, which establishes a system of conservation and mitigation banks in order to provide a means of mitigating impacts to wetlands, endangered/threatened species, and otherwise sensitive resources. The Project Applicant would contribute funds to such a bank that would in turn be used to create, restore, protect, or enhance streambed habitats. The CDFW-approved Soquel Canyon Mitigation Bank that serves Riverside County has jurisdictional water credits for sale and is one option for this mitigation (CDFW, 2016). Other options also may be available. b) Habitat Restoration Option or Equivalent: Mitigation can be fully or partially satisfied by creation, restoration, and/or enhancement. The methods and location for this mitigation shall be determined through consultation with the regulatory agencies during the federal and state permitting process. Plant species used for any of these mitigation methods must be locally native (seeds, container, and/or cuttings) and mitigation by any of these methods must be accompanied by a three-year mitigation monitoring plan prepared by a professional restoration ecologist. The mitigation monitoring plan is required to identify performance, schedule, monitoring, and maintenance criteria. Mitigation for impacts to State streambeds shall be considered complete only when monitoring is complete and the following success criteria is met: (1) At least 50% of the vegetation present is dominated by locally native species, (2) there is evidence of natural recruitment of multiple locally native species, (3) no more than 15% cover by California Invasive Plant Council (Cal-IPC) List A and B species, and (4) no more than 15% cover by other weedy species.		
The Project would result in the loss of 21.4 acres of brittlebush scrub (a subset of coastal sage scrub) and 2.1 acres of non-native grassland. The loss of brittlebush scrub is considered significant on a direct and cumulatively considerable basis because this vegetation community provides habitat for sensitive wildlife, including the coastal California gnatcatcher. Impacts to 2.1 acres of non-native grassland would be significant on a cumulatively considerable basis because it would cumulatively affect foraging habitat for raptors. Additionally, the clearing of non-native grassland areas in the EDA during the breeding season for MBTA-protected birds and raptors (February 1 to September 15) represents a potential significant direct and cumulatively considerable impact.	Less-than-Significant	MM 4.3-3 Prior to any mining activities within the EDA, the Project Applicant shall mitigate impacts to 21.4 acres of brittlebush scrub at a ratio of 1.5:1. The mitigation site for brittlebush scrub (a subset of coastal sage scrub) shall support the coastal California gnatcatcher and shall have long-term ecological value based upon patch size and spatial relationship to other natural lands, as determined by the City of Lake Elsinore, CDFW, and/or USFWS. Additionally, the Project Applicant shall mitigate impacts to 2.1 acres of non-native grassland at a 0.5:1 ratio. The mitigation ratios for brittlebush scrub and non-native grassland were selected based on ratios used in many other	Project Applicant / Lake Elsinore Planning Division	Prior to mining activities within the EDA
The Project would impact approximately 0.05 acre of Corps non-wetland WUS and 0.17 acre of CDFW streambed. Impacts to this jurisdictional feature would be significant on a direct and cumulatively considerable basis and require permits from the Corps, RWQCB, and the CDFW.	Less-than-Significant			

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
There is no potential for the Project to interfere with the movement of fish or impede the use of a native wildlife nursery site. The Project has the potential to impact nesting birds protected by federal and State regulations on a cumulatively considerable basis, if clearing of 2.1 acres of non-native grassland were to occur during the nesting season (February 1 to September 15). The Project is not subject to the requirements of the MSHCP, and would therefore not be subject to Ordinance 1124 which created a development mitigation fee in accordance with the MSHCP. Project impacts to habitat, sensitive species, and jurisdictional areas would be mitigated to below a level of significance through the implementation of the mitigation measures provided in EIR Subsection 4.3.7, which includes a requirement for the Project Applicant to obtain appropriate permits directly through the Wildlife Agencies. Permits that may be required include a Section 404 Permit from the Corps, Section 1602 Streambed Alteration Agreement from the CDFW, a Section 401 Water Quality Certification from the RWQCB, and a Biological Opinion/Incidental Take Permit (BO/ITP) from the USFWS. Thus, the Project would provide direct mitigation for impacts to biological resources on-site and would not rely on the take authority granted by the MSHCP and Ordinance 1124; thus, payment of the fees pursuant to Ordinance 1124 is not required and would not serve to mitigate any of the Project's direct, indirect, or cumulatively considerable impacts to biological resources. Nonetheless, the Project's direct impact due to non-compliance with City Ordinance 1124 represents a significant and unavoidable direct impact of the	Significant and Unavoidable Direct Impact	cities and counties in southern California. The ratios are within the range of ratios established by other jurisdictions and agencies. The 32.1-acre mitigation requirement for brittlebush scrub and the 1.1-acre mitigation requirement for non-native grassland shall be met through one or a combination of both of the following two options: a) In Lieu Fee Option: Mitigation can be fully or partially satisfied via an in-lieu fee payment to a mitigation bank pursuant to California Fish and Game Code Section 1797-1799.1, which establishes a system of conservation and mitigation banks in order to provide a means of mitigating impacts to wetlands, endangered/threatened species, and otherwise sensitive resources. The Project Applicant would contribute funds to such a bank that would in turn be used to create, restore, protect, or enhance streambed habitats. The CDFW-approved Soquel Canyon Mitigation Bank that serves Riverside County has coastal sage scrub credits for sale and is one option for this mitigation (CDFW, 2016). Other options also may be available. b) Preservation of Habitat: Mitigation can be fully or partially satisfied by preservation of suitable habitat. Habitat proposed to be preserved as brittlebush scrub mitigation must meet the general criteria for coastal sage scrub habitat (Holland 1986), support the coastal California gnatcatcher, have long-term ecological value based upon patch size and spatial relationship to other natural lands, and be of high quality. Habitat preserved for nonnative grassland impacts must meet the criteria for non-native grassland habitat (Holland 1986). Non-native grassland impacts also may be mitigated through preservation of coastal sage scrub habitat as it is considered to be a higher quality habitat. The location(s) for habitat preservation shall be approved by the City of Lake Elsinore. MM 4.3-4 Prior to any mining activities within the +/- 24-acre EDA, the Project Applicant shall provide a completed Biological Opinion/Incidental Take Permit (ITP) from the USFWS to the Director of the City of Lake Elsinore Planning Division (or his/her designee). MM 4.3-5 As required by the Project's Surface Mining Permit and Amendment No. 2 to Reclamation Plan No. 2006-01A1, the removal of habitat, including brittlebush scrub or non-native grassland, in the +/- 24-acre EDA during the general avian breeding season (February 1 to September 15) shall be prohibited. If vegetation must be removed	Project Applicant / Lake Elsinore Planning Division Project Applicant, Mine Operator / Lake Elsinore Planning Division	Prior to removal of vegetation within the EDA during the breeding season Prior to any mining activities within the EDA during avian breeding season

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
proposed Project that cannot be mitigated to below a level of significance. However, because the vast majority of properties within the City and surrounding areas are subject to Ordinance 1124 or other MSHCP implementing ordinances of other local jurisdictions, and would not conflict with these ordinances; therefore, the Project's non-compliance with Ordinance 1124 and the MSHCP would be less-than-cumulatively considerable. The Project would not conflict with any other local policies or ordinances protecting biological resources.		during this season, the Project Applicant shall direct a qualified biologist to conduct a nesting bird survey of potentially suitable nesting vegetation prior to removal. Surveys shall be conducted no more than three (3) days prior to scheduled removals. If active nests are identified, the biologist shall establish buffers around the vegetation containing the active nest (300 feet for the California gnatcatcher and raptors; 100 feet for other non-raptors). The vegetation containing the active nest shall not be removed, and no clearing or mining activities shall occur within the established buffer, until a qualified biologist has determined that the nest is no longer active (i.e., the juveniles are surviving independent from the nest). If clearing is not conducted within three days of a negative survey, the nesting survey shall be repeated to confirm the absence of nesting birds. The Project Applicant shall maintain records of: a) all new clearing activities that occur during the general avian breeding season; b) the results of all pre-construction nesting surveys; c) mitigation or avoidance measures that were undertaken during the breeding season; and d) areas within the EDA that have been disturbed outside of the general avian breeding season. These records shall be maintained on-site at all times and made available for City inspection upon request.		
The Project site is exempt from the Western Riverside County MSHCP; nonetheless, the Project would not implement the MSHCP conservation goals for MSHCP Cell Group W. As such, and for purposes of fully disclosing impacts that may result from the proposed Project, the Project's non-compliance with the MSHCP represents a significant direct impact. The Project Applicant is required to contribute mitigation fees pursuant to the SKR HCP, which would ensure Project consistency with the SKR HCP; accordingly, impacts due to a conflict with the SKR HCP would be less than significant. Although impacts are less than significant, Mitigation Measure MM 4.3-10 has been imposed on the Project to ensure the timely payment of fees pursuant to Chapter 19.04 of the City of Lake Elsinore's Municipal Code. The proposed Project is not subject to any additional Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans. Therefore, no additional impacts due to a conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state	Significant and Unavoidable Direct Impact	MM 4.3-6 Prior to any mining activities within the EDA, the Project Applicant shall provide evidence (in the form of a letter from a qualified biologist) to the City of Lake Elsinore Planning Division that a qualified biologist has met with the mine operator to explain the Project's biological mitigation requirements and techniques to minimize indirect effects. The biologist shall be contracted by the Project Applicant to perform any necessary follow up to ensure that mine personnel are informed and minimizing indirect effects to areas outside of the approved limits of mine disturbance. MM 4.3-7 Mining activities located more than 500 feet away from the open space area within or east of the EDA can occur without limitations. If between February 15 and August 30 (the breeding season of the coastal California gnatcatcher) mining activities will move within 500 feet of the open space within or east of the EDA, or if mining activities are already occurring within 500 feet of the open space within or east of the EDA and will move closer to the open space within or east of the EDA, then a qualified biologist shall conduct a nesting survey for the coastal California gnatcatcher in the open space area that falls within 500 feet of the planned mining activity. The survey shall be conducted no more than three days before the mining activity moves closer to the open space. If the nesting survey is negative, then mining activities may move closer to the open space within three days of the nesting survey. In the event	Project Applicant , Project Biologist / Lake Elsinore Planning Division Project Applicant , Mine Operator/ Lake Elsinore Planning Division	Prior to mining activities within the EDA. Prior to any mining activities within 500 feet of the open space area within or east of the EDA during coastal California gnatcatcher breeding season.

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
habitat conservation plan would occur beyond the Project's significant direct impact due to non-compliance with the MSHCP.		that a nesting survey is positive, then mining activities shall not be allowed to move within 500 feet of the bird's nest (or any closer to the nest if mining is already occurring within 500 feet) until the nesting period ends (August 30) or until a qualified biologist has determined that the young have fledged or the nest is no longer active. Areas subject to avoidance shall be marked with orange construction fencing. Compliance with these requirements will be assured through the annual mining inspections, as required and reviewed by the Office of Mine Reclamation and Department of Conservation.		
		MM 4.3-8 Within three days prior to any blasting activities within the proposed EDA from February 15 through August 30, a nesting survey for the coastal California gnatcatcher shall be conducted by a qualified biologist within 1,250 feet of the blasting site. If any costal California gnatcatcher nests are located within 1,250 feet and within line-of-sight of the blasting site, no blasting shall occur until August 30 or until a qualified biologist has determined that the coastal California gnatcatcher young have fledged or the nest is no longer active. If any active coastal California gnatcatcher nests are located more than 500 feet but not within line-of-sight of the blasting site, blasting may proceed after verification by the biologist that the nest is not in the line of sight. All vegetation within areas that would be subject to mining during the next coastal California gnatcatcher nesting season (February 15 through August 30) must be cleared outside the nesting season at least 2 weeks prior to blasting and no more than 1 year prior to blasting.	Project Applicant, Project Biologist / Lake Elsinore Planning Division	Within three days prior to blasting activities within the EDA
		MM 4.3-9 For blasting activities that occur outside the coastal California gnatcatcher nesting season (September 1 through February 14), or blasting activities during the nesting season subject to the requirements Mitigation Measure MM 4.3-8, vegetation shall not be present within 75 feet of the charge location (i.e., the location in which the charge is placed) for the blast site. Vegetation within 75 feet must be cleared at least 2 weeks and no more than 1 year prior to blasting.	Project Applicant, Mine Operator / Lake Elsinore Planning Division	At least two weeks and no more than one year prior to blasting activities within the EDA
		MM 4.3-10 Prior to any mining activities within the EDA, the Project Applicant shall pay fees pursuant to Chapter 19.04 of the City of Lake Elsinore's Municipal Code for the planned 23.5-acre impact to SKR habitat that would result from mining in the EDA. Such fees shall be used to support the formation of the Riverside County Habitat Conservation Authority Core Reserves as identified in the Habitat Conservation Plan for the Stephens' Kangaroo Rat in Western Riverside County, California.	Project Applicant, Mine Operator / Lake Elsinore Planning Division	Prior to mining activities within the EDA.

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
4.4 CULTURAL RESOURCES				
One previously recorded historic site, RIV-8116, was present within the Project site and it has since been relocated by BNSF. Surface artifacts were observed and collected during the relocation of RIV-8116. Additionally, because Site RIV-8116 does not contain any subsurface cultural deposits and lacks any further research potential, the site was evaluated as not unique and not significant under CEQA criteria. Thus, the Project would have no impacts to historical resources.	No Impact	MM 4.4-1 If during ground disturbing activities, unanticipated cultural resources are discovered, the following procedures shall be followed. Unanticipated cultural resources may include previously unknown sacred sites and items, midden deposits, artifacts, hearths, bedrock outcrops, human remains and other resources, etc. (a cultural resource site is defined as being a feature and/or three or more artifacts in close associated with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to sacred or cultural importance): 1) All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a meeting is convened between the Applicant, the Project archaeologist, the Native American tribal representative (or other appropriate ethnic/cultural group representative), and the City Archaeologist to discuss the significance of the find. If not already employed by the Project Applicant, a City-approved archaeologist shall be employed by the Project Applicant to assess the value/importance of the cultural resource, attend the meeting described, and continue monitoring of all future site grading activities as necessary. 2) The Applicant shall call the City Archaeologist immediately upon discovery of the cultural resource to convene the meeting. 3) At the meeting with the aforementioned parties, the significance of the discoveries shall be discussed and a decision is to be made with the concurrence of the City Archaeologist, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resource. Consistent with California Public Resources Code Section 21083.2(b) and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance shall be the preferred method of preservation for tribal cultural resources, sacred sites, and archaeological resources, if feasible. 4) Further ground disturbance shall not resume within the area of discovery until a meeting has been convened with the aforementioned parties and a decision is made with the concurrence of the City Archaeologist, as to the appropriate mitigation measures. 5) If the Project Applicant, Project archaeologist, and Tribe cannot agree on the significance of, avoidance of, or mitigation for such resources, these issues shall be presented to the	Project Applicant, Mine Operator, Project Archaeologist / Lake Elsinore Planning Division	During ground disturbing activities, when an unanticipated cultural resource is discovered.
The Project would not impact any known or suspected prehistoric archaeological resources. No prehistoric archaeological resources have been identified on the Project site or in the surrounding area. However, the potential nonetheless exists for resources to be unearthed during ground disturbing activities. Thus, the Project's potential to physically impact an archeological resource that could be buried beneath the surface represents a significant impact for which mitigation is required.	Less-than-Significant			
There is a very low likelihood that the Project's construction activities could uncover paleontological resources that may be buried beneath the ground surface. As such the Project would have a less-than-significant impact to these resources because the likelihood of finding fossiliferous materials within the Project site during any further excavation/grading activities is very low to nil.	Less-than-Significant			
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 and California Public Resources Code § 5097	Less-than-Significant			

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
et. seq. Mandatory compliance with State law would ensure that human remains, if encountered, are appropriately treated and would preclude the potential for significant impacts to human remains. As described under Threshold e) above, 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. Thus, there would be no impact in this regard. Moreover, consistent with the public participation prerogatives of CEQA, during the public comment period on the revised and recirculated DEIR, the City did provide written notification to several tribes of the City's willingness to consult and meet with them should they so desire, notwithstanding the inapplicability of AB 52. The results of meetings with the Tribes, if the Tribes request a meeting, will be documented in the Final EIR for the Project.	No Impact	Planning Director for determination. The Planning Director shall make the determination based on the information submitted by the Tribe, the religious beliefs, customs, and practices of the Tribe, and the provisions of the California Environmental Quality Act regarding tribal cultural and archaeological resources. Notwithstanding any other rights available under law, the decision of the Planning Director shall be appealable to the Planning Commission and/or City Council. 6) The Project Applicant shall waive any and all claims to ownership of Native American ceremonial and cultural artifacts that may be found on the Project site. Upon completion of authorized and mandatory archeological analysis, the Applicant should return said artifacts to the Tribe within a reasonable time period agreed to by the Parties and not to exceed (30) days from the initial recovery of the items.		
4.5 GEOLOGY AND SOILS				
The Project would not expose people or structures to substantial adverse seismic risks. No active faults are located on the Mine site so there is no potential for fault surface rupture. As with all properties in southern California, the Project site is subject to seismic ground shaking associated with earthquakes. With implementation of the recommendations contained in the Project's Report of Slope Stability Investigation, potential seismically induced hazard impacts would be reduced to less than significant levels. The Project would have a less-than-significant impact regarding soil erosion and the loss of topsoil. Dust control is proposed during mining, the site would be revegetated as mining activities conclude, and a sedimentation basin is proposed as	Less-than-Significant Less-than-Significant	MM 4.5-1 Prior to mining activities in the +/- 24-acre EDA, the Director of the City of Lake Elsinore Engineering Division (or his/her designee) shall verify that all of the recommendations given in the Project's April 15, 2015 "Report of Slope Stability Investigation Proposed Nichols Mine Expansion, Lake Elsinore, California" (Job No. 15082-8) by CHJ Consultants are incorporated into the mining specifications for SMP 2015-01 and Reclamation Plan No. 2006-01A2., The recommendations shall including but not be limited to the following: • Conduct annual slope inspection during excavation of rock slopes, consistent with State requirements, and include the development plan in the slope inspection to address the potential for unknown or newly exposed discontinuities. • Prepare the final benched slope faces to include scaling to ensure removal of loose or potentially unstable blocks. If raveling or instability is evident, the bench width should be increased to provide a suitable buffer to daylighted or unstable features and a sufficient surface area to mitigate rockfall. Based on the dip	Project Applicant, Mining Operator / Lake Elsinore Engineering Division	Prior to mining activities in the 24-acre EDA

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
part of the Mine's revised reclamation plan. The potential for the Project to cause rock falls and soil instability during mining activities would be reduced to less-than-significant levels with design approaches for scaling and benched slope faces per the recommendations of the Project's Report of Slope Stability Investigation. Soils would be removed during mining activities, and no structures are proposed as part of the Project that would require structural stabilization by soil material. Thus, a less than significant soil stability impact would occur. The Project would not install septic tanks or alternative wastewater disposal systems. Accordingly, no impact would occur associated with soil compatibility for wastewater disposal systems.	Less-than-Significant Less-than-Significant No Impact	angle of the planar, and wedge and topple structures identified in kinematic evaluation, it is anticipated that these features can be mitigated by the proposed benching scheme. Adjustments may be made to prevent daylighted slip planes or unstable wedges. • Ensure overall final cut slopes in the rock materials are no steeper than design angles up to the maximum proposed height. Contacts between geologic units may influence the geometry of finished slopes. • Remove or stabilize unstable, rounded boulders on slopes steeper than approximately 1-1/2(h) to 1(v), where accessible. Areas below loose rock, if left in place during mining, should be restricted from access and indicated by means of signage or fencing. • Scale finished slopes above areas proposed for development with commercial or residential uses of all loose blocks during excavation and include sufficient benching to mitigate potential rockfall. A v-ditch, dry moat, or physical barrier (wall, fence) of sufficient strength/capacity to mitigate rockfall should be constructed along the base of slopes steeper than 1-1/2(h) to 1(v) in areas adjacent to commercial or residential development. Based on the proposed bench configuration for the slopes, a 25-foot wide fenced area at the base of the slope is expected to provide catchment for rockfall. • Conduct periodic observation of mine benches for indicators of potential instability above working areas during mining operations. Monitoring of slope conditions for failure warning signs is the most important means for protecting mine workers (Girard & McHugh, 2000, p. 2) as it can prevent exposure of personnel to potentially hazardous conditions. • Protect slopes with berms or drainage improvements as necessary to prevent slope erosion in the areas where natural slopes drain onto the reclaimed slopes.		
4.6 GREENHOUSE GAS EMISSIONS				
The Project would result in approximately 9,836.53 MTCO2e per year (of which 7,464.05 MT CO2e/yr would be from the previously-reviewed asphalt batch plant and 2,372.48 MT CO2e/yr attributable to expanded Mine operations). Thus, the	Less-than-Significant	Impacts would be less than significant; thus, no mitigation is required.	N/A	N/A

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
proposed Project would not exceed the SCAQMD's interim threshold of 10,000 MTCO2e per year and a less-than-significant impact would occur. (Urban Crossroads, 2016c, p. 31) Project GHG emissions would not result in or cause a potentially significant impact on the environment because Project emissions would be below SCAQMD's interim screening threshold for industrial uses of 10,000 MT CO2e/yr. As noted by SCAQMD staff: *"…the policy objective of staff's recommended interim GHG significance threshold proposal is to achieve an emission capture rate of 90 percent of all new or modified stationary source projects. A GHG significance threshold based on a 90 percent emission capture rate may be more appropriate to address the long-term adverse impacts associated with global climate change because most projects will be required to implement GHG reduction measures. Further, a 90 percent emission capture rate sets the emission threshold low enough to capture a substantial fraction of future stationary source projects that will be constructed to accommodate future statewide population and economic growth, while setting the emission threshold high enough to exclude small projects that will in aggregate contribute a relatively small fraction of the cumulative statewide GHG emissions. This assertion is based on the fact that staff estimates that these GHG emissions would account for slightly less than one percent of future 2050 statewide GHG emissions target (85 MMT CO2e/yr). In addition, these small projects may be subject to future applicable GHG control regulations that would further reduce their overall future contribution to the statewide GHG*	Less-than-Significant			

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
inventory. Finally, these small sources are already subject to BACT for criteria pollutants and are more likely to be single-permit facilities, so they are more likely to have few opportunities readily available to reduce GHG emissions from other parts of their facility." (SCAQMD, 2008) To this end, the analysis demonstrates that the Project is consistent with, or otherwise not in conflict with, recommended measures and actions in the CARB December 2008 Scoping Plan (CARB Scoping Plan). The CARB Scoping Plan establishes strategies and measures to implement in order to achieve the GHG reductions goals set forth in the Global Warming Solutions Act of 2006 (AB 32). (Urban Crossroads, 2016c, p. 1) Moreover, and as noted in Appendix D to the CAP: *"If it is determined that a proposed project does not fall within the assumptions of the General Plan and/or is not consistent with the CAP, incorporating all applicable measures as binding and enforceable components of the project, further CEQA analysis would be required. The applicant must demonstrate to the City's satisfaction how the project will achieve its share of the established targets…The project would also be required to demonstrate that it would not substantially interfere with implementation of the CAP strategies or measures." (Lake Elsinore, 2011c, p. D-3)* Accordingly, because the Project's GHG emissions would not be significant based on SCAQMD guidelines, and because a Project-specific analysis was conducted demonstrating that the Project would not interfere with CAP implementation, the Project would not result in any impacts due				

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
to a conflict with the City's CAP.				
4.7 HYDROLOGY AND WATER QUALITY				
The Nichols Canyon Mine is required to comply with a Stormwater Pollution Prevention Plan (SWPPP) and obtain coverage under a National Pollutant Discharge Elimination Permit (NPDES). The currently approved and implemented SWPPP includes BMPs, which include, but are not limited to, the following: minimizing the amount of area exposed; watering of roads to control dust; covering or vegetating exposed areas at the completion of mining activities; routine inspections by the Mine operator; employee training; and directing runoff to sediment basins (AE, 2015, pp. 30-32). The currently approved BMPs along with any additional BMPs identified by the revised SWPPP that is a mandatory regulatory requirement pursuant to Section 402 of the Clean Water Act that authorizes the NPDES permit program would ensure the Project would not violate any water quality standards or waste discharge requirements. Thus, the Project would not violate any water quality standards or waste discharge requirements.	Less-than-Significant	MM 4.7-1 Prior to final inspection for reclamation activities, the City of Lake Elsinore shall ensure that sedimentation basins are designed to include spillways capable of passing the 1000-year flow rates, and shall ensure that the sedimentation basins are designed to allow for percolation of the basin volume within 72 hours. If percolation rates exceed 72 hours, then an outflow pipe shall be installed to ensure the basins drain completely within 72 hours, in conformance with California Stormwater Quality Association requirements. Where physically feasible, a paved slope interceptor drain shall be provided along the top of cut slopes where the drainage path is greater than 40 linear feet towards the cut slope in accordance with the County of Riverside Department of Building and Safety requirements. The City also shall ensure the sedimentation basins comply with all stormwater regulations in effect at the time of final inspection for reclamation activities.	Project Applicant, Mine Operator / Lake Elsinore Engineering Division	Prior to final inspection for reclamation activities.
The Project does not propose the installation of any water wells on the Project site that would extract groundwater. Also, the proposed Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in an aquifer volume or lowering of the groundwater table.	Less-than-Significant			
The Project would not result in substantial erosion on-or-off-site.	Less-than-Significant			
Alterations to the drainage characteristics	Less-than-Significant			

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
(i.e., drainage pattern and flow rate) of the Project site would minimize the risk of on- and off-site flooding and would not substantially increase the rate of surface runoff.				
The proposed Project would not create or contribute runoff that would exceed the capacity of existing or planed stormwater drainage systems, nor would the Project provide additional sources of polluted runoff.	Less-than-Significant			
The proposed Project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities.	Less-than-Significant			
There are no other components of the proposed Project with a potential to substantially degrade water quality.	No Impact			
The proposed Project does not involve the construction of housing and is not located within a 100-year flood hazard area.	No Impact			
The proposed Project is not located within a 100-year flood hazard area, and would not result in the construction of new structures within a 100-year flood hazard area which could impede or redirect flows.	No Impact			
The proposed Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of the failure of a levee or dam.	Less-than-Significant			
The proposed Project is not subject to inundation from seiche, tsunami, or mudflow.	No Impact			
4.8 NOISE				
Impacts associated with Project-related traffic would be less than significant on both a direct and cumulatively considerable basis. Operational (mining)	Significant Direct and Cumulatively Considerable	MM 4.8-1 A sign shall be placed at each of the Mine's egress driveways indicating that truck trips are prohibited from turning onto eastbound Nichols Road except during deliveries to areas east of the Mine and/or during emergency conditions.	Project Applicant, Mining Operator / Lake Elsinore Planning Division	Throughout the duration of mining activities on-site

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
related noise would be less than significant at the nearest Temescal Canyon High School building and at the nearby gas station. However, noise associated with the Project's mining operations could exceed the County's Noise Ordinance criteria for residential structures located east of El Toro Road and south of Nichols Road during both day and nighttime hours when mining activities occur within 794 feet of the residential structures (daytime) where a direct line of sight exists, or within between 1,820 or 603 feet (nighttime) of the residential structures depending on whether line-of-sight exists. Additionally, residences to the southwest of the Mine and located within 3,200 feet of the Mine could be impacted during nighttime hours where a direct line of sight exists and when mining activities are occurring within 3,200 feet of the nearest home. These operational impacts also are cumulatively considerable because the Project's operational noise would combine with background noise levels, such as traffic-related noise.		MM 4.8-2 Noise-generating mining activities in the Expanded Disturbance Area (EDA) shall be prohibited from occurring within 1,820 feet of any occupied residential structure located southeast of the EDA during the nocturnal hours of 10:00 pm and 7:00 am if a direct line-of-sight exists between the mining activity and the occupied structure(s). Noise generating mining equipment activities shall also be prohibited from occurring within 3,200 feet of any occupied structure located southwest of the Mine; however, aggregate processing and asphalt batch plant operations shall be permitted due to their noise generation being less than significant when no mining equipment is operating concurrently within the 3,200 feet of the nearest residence. If the line-of-site is blocked, noise-generating activities may extend to within 603 feet of occupied residential structures to the southeast between 10:00 p.m. and 7:00 a.m. No buffer is required to homes to the southwest. The line-of-sight is considered "blocked" if bench mining maintains a minimum 15-foot high headwall between the noise-generating mining activity and any occupied residential structure. Areas subject to nocturnal activity restrictions shall be identified by markers placed at the 1,820-foot or 603 foot-distance (depending on whether a line-of-sight exists) in the eastern portion of the Mine, and at the 3,200-foot distance in the western portion of the Mine, as measured from the nearest residential structure to the southeast or southwest.	Project Applicant, Mining Operator / Lake Elsinore Planning Division	Throughout the duration of mining activities on-site
The Project would not expose persons to or generate excessive groundborne vibration noise levels.	Less-than-Significant	MM 4.8-3 When mining operations during the daytime occur in the EDA within 794 feet of any residential structure, the Mining Operator shall provide and maintain a minimum 15-foot high headwall between noise-generating mining activities in the EDA and off-site residences to the east, whenever physically feasible.	Project Applicant, Mining Operator / Lake Elsinore Planning Division	Throughout the duration of mining activities on-site
The Project would have a less-than-significant impact regarding impacts to airstrips and airports, due to the Project's distance and location outside of the March Air Reserve Base influence policy area, location outside of the Skylark Field Airport influence policy area and distance from the McConville airstrip. As such, the Project would not expose people to excessive noise levels associated with a public airport or public use airport.	Less-than-Significant			
4.9 TRANSPORTATION AND CIRCULATION				
As discussed under Threshold a), the addition of Project-related traffic under	Cumulatively Significant and Unavoidable Impact	MM TR-1 Within 60 days of approval of SMP 2015-01 and the revised Reclamation Plan No. 2006-01A2, the Project Applicant shall	Project Applicant / Lake Elsinore Planning Division	Within 60 days of approval of SMP 2015-01 and the revised

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
EAPC (2016) conditions and Horizon Year (2035) conditions would contribute to intersection operational LOS deficiencies at the intersections of Nichols Road and the I-15 Northbound and Southbound Ramps and also would contribute to a need to signalize these intersections. Although Project traffic at the intersection of Nichols Road at the I-15 Southbound Ramps would be below the threshold at which Caltrans would normally require a traffic impact study, impacts to this intersection are nonetheless considered to be cumulatively considerable. The Project would contribute more than 50 peak hour trips to the I-15 Northbound Ramps at Nichols Road during both the AM and PM peak hours, representing a cumulatively-considerable impact. Because the projected LOS deficiencies would occur both with and without the addition of Project traffic, the Project's contributions to the projected LOS deficiencies and need for signalization at the Nichols Road and I-15 Northbound and Southbound Ramps represent cumulatively considerable impacts under both EAPC (2016) and Horizon Year (2035) conditions. As previously noted and as shown in Figure 4.9-5, the Project would generate fewer than 50 peak hour trips to nearby segments of I-15, which operates at LOS B and C under existing conditions. The Project's contribution of traffic to the I-15 mainline is below the threshold used by Caltrans for determining when a traffic impact study is required (Caltrans, 2002). Nonetheless, and in an effort to provide a conservative estimate of the Project's potential impacts to traffic, the Project would result in cumulatively-considerable impacts to the following I-15 facilities under Horizon Year (2035) conditions:		pay appropriate Development Impact Fees/Traffic Impact Fees at the rates then in effect pursuant to Chapter 16.74.040 of the City of Lake Elsinore Municipal Code. MM TR-2 Within 60 days of approval of SMP 2015-01 and the revised Reclamation Plan No. 2006-01A2, the Project Applicant shall pay applicable Transportation Uniform Mitigation Fee (TUMF) fees at the rates then in effect in accordance with Chapter 16.83 of the City of Lake Elsinore Municipal Code.	 Project Applicant / Lake Elsinore Planning Division	Reclamation Plan No. 2006-01A2 Within 60 days of approval of SMP 2015-01 and the revised Reclamation Plan No. 2006-01A2

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
• Cumulatively considerable impact to the I-15 Southbound Freeway Segments (LOS F during the PM peak hour); • Cumulatively considerable impact to the I-15 Northbound Freeway Segments (LOS F during the AM peak hour and LOS E during the PM peak hour); • Cumulatively considerable freeway off-ramp queuing impact to the I-15 Northbound Off-Ramp at Nichols Road (2,838 ft. queue during the AM peak hour and 3,520 ft. queue during the PM peak hour); • Cumulatively considerable impact to the I-15 Southbound Off-Ramp/Nichols Road Freeway Ramp Junction Merge/Diverge (LOS F during the PM peak hour); • Cumulatively considerable impact to the I-15 Northbound On-Ramp/Nichols Road Freeway Ramp Junction Merge/Diverge (LOS F during the AM peak hour and LOS E during the PM peak hour) I-15 is the only CMP designated facility in the Project area. It should be noted, and as shown in Figure 4.9-5, the Project would not contribute more than 50 peak hour trips to any SHS facilities, with exception of the intersection of I-15 Northbound Ramps at Nichols Road. Because both directions of the I-15 freeway operate at LOS B or C under existing conditions and because the Project would contribute fewer than 50 peak hour trips to the I-15, a traffic study for these facilities normally would not be required based on guidance from Caltrans' Guidelines (Caltrans, 2002). Nonetheless, and in order to provide a conservative analysis of Project-related impacts, the Project's contribution to impacts to I-15-related facilities is considered cumulatively considerable.	Cumulatively Significant and Unavoidable Impact			

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
As described above under Threshold 4.9.a), the Project would contribute to, but would not directly cause, a deficient LOS at the following SHS facilities: • EAPC (2016) Conditions: -Cumulatively considerable impact to the I-15 Northbound Ramp/Nichols Road intersection (LOS F AM and PM peak hours); -Cumulatively considerable impact to the I-15 Southbound Ramp/Nichols Road intersection (LOS F AM and PM peak hours); -Cumulatively considerable impact due to the need to signalize the I-15 Northbound Ramps/Nichols Road intersection; and -Cumulatively considerable impact due to the need to signalize the I-15 Southbound Ramps/Nichols Road intersection. • Horizon Year (2035) Conditions: -Cumulatively considerable impact to the I-15 Northbound Ramp/Nichols Road intersection (LOS F during both AM and PM peak hours); -Cumulatively considerable impact to the I-15 Southbound Ramp/Nichols Road intersection (LOS F AM and PM peak hours); -Cumulatively considerable impact to the I-15 Southbound Freeway Segments (LOS F during the PM peak hour); -Cumulatively considerable impact to the I-15 Northbound Freeway Segments (LOS F during the AM peak hour and LOS E during the PM peak hour); -Cumulatively considerable freeway off-ramp queuing impact to the I-15 Northbound Off-Ramp at Nichols Road (2,838 ft. queue during the AM peak hour and 3,520 ft. queue during the PM peak hour);				

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
-Cumulatively considerable impact to the I-15 Southbound Off-Ramp/Nichols Road Freeway Ramp Junction Merge/Diverge (LOS F during the PM peak hour); -Cumulatively considerable impact to the I-15 Northbound On-Ramp/Nichols Road Freeway Ramp Junction Merge/Diverge (LOS F during the AM peak hour and LOS E during the PM peak hour); -Cumulatively considerable impact due to the need to signalize the I-15 Northbound Ramps/Nichols Road intersection; and -Cumulatively considerable impact due to the need to signalize the I-15 Southbound Ramps/Nichols Road intersection.				
Because the above-listed LOS deficiencies would occur both with and without Project-related traffic, the Project's contribution to the above-listed CMP roadway deficiencies represents cumulatively considerable impacts of the proposed Project.	No Impact			
There is no potential for the Project to change air traffic patterns or create substantial air traffic safety risks.	Less-than-Significant			
No significant transportation safety hazards would be introduced as a result of the proposed Project.	Less-than-Significant			
Adequate emergency access is currently and will continue to be provided at the Project site. The Project would not result in inadequate emergency access to the site or surrounding properties.	Less-than-Significant			
Potential impacts to the performance or safety of transit, bicycle, and pedestrian systems would be less than significant.	Less-than-Significant			

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
4.10 UTILITIES AND SERVICE SYSTEMS				
The Project would result in only a nominal increase in demand for wastewater treatment capacity due to the addition of two new employees. Additionally, all wastewater generated on-site would be collected by a wastewater haul company that would dispose of the wastewater at a treatment plant that meets the wastewater treatment requirements of the Santa Ana RWQCB.	Less-than-Significant	Impacts would be less than significant; thus, no mitigation is required.	N/A	N/A
The Project would not require the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	No Impact			
The Project would result in a net decrease in demand for water resources, as SMP No. 2015-01 requires the use of soil binders in lieu of water trucks to meet a portion of the Mine's demands for dust suppression. Specifically, areas subject to water usage for dust control would decrease from approximately 24.90 acres to approximately 13.20 acres. Accordingly, the Project would therefore have no potential to result in or require new or expanded entitlements.	No Impact			
The Project would result in a net decrease in demand for water on-site, and would therefore not require or result in the construction of new or expanded water treatment facilities.	No Impact			
The wastewater haul company would dispose of all wastewater generated by the Project at permitted facilities with sufficient capacity to handle Project-generated wastewater, and the Project would not result in or require expanded wastewater treatment capacity.	No Impact			

IMPACTS	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MEASURES	RESPONSIBLE PARTY/ MONITORING PARTY	IMPLEMENTATION STAGE
The Project would generate a nominal increase in the amount of solid waste produced on-site due to the addition of two new employees. This nominal increase in solid waste generation would not cause or substantially contribute to diminished landfill capacity.	Less-than-Significant			
The Project would comply with all applicable federal, state, and local statutes and regulations related to solid waste disposal, reduction, and recycling.	Less-than-Significant			
The Project would not result in the construction of new electrical, natural gas or telecommunication facilities or expansion existing facilities, the construction of which would cause significant environmental effects.	No Impact			

1.0 INTRODUCTION

1.1 PURPOSES OF CEQA AND THIS EIR

As stated by the California Environmental Quality Act (CEQA) Guidelines § 15002, the basic purposes of CEQA are to:

- Inform governmental decision makers and the public about the potential, significant environmental effects of proposed government actions (including the discretionary approval of land entitlement applications submitted by private parties);
- Identify the ways that environmental damage can be avoided or significantly reduced;
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if a project will be approved involving significant environmental effects.

This Environmental Impact Report (EIR) is an informational document that represents the independent judgment of the City of Lake Elsinore regarding the physical environmental effects that could result from the ~~operation of the~~ proposed Project. The "Project" or "proposed Project" is herein defined as (1) approval of a surface mining permit (SMP No. 2015-01); and (2) the second amendment to an existing approved Reclamation Plan (Reclamation Plan No. 2006-01A1 [RP 2006-01A1]) for an existing aggregate mining site known as the Nichols Canyon Mine (CA Mine ID # 91-33-0098). The Nichols Canyon Mine is a vested mining operation, as the City has previously confirmed. As will be discussed in detail in Chapter 3.0, in response to comments received during the scoping process for this EIR, the City has requested and the Project ~~a~~Applicant has agreed to apply for a surface mining permit notwithstanding the Mine's vested status in order to more clearly define and condition the activities proposed as part of the Project. In agreeing to apply for a surface mining permit, the Project applicant expressly does not waive and reserves all vested mining rights at the Mine to the fullest extent under the law. For purposes of this EIR, the proposed SMP No. 2015-01 and RP 2006-01A2 are amendments to valid, existing entitlements affecting operations at an existing vested mining operation. The Nichols Canyon Mine is located within the City of Lake Elsinore, east of Interstate 15 (I-15); north and south of Nichols Road; and west of Lindell Road and El Toro Road.

The terms "Project" or "proposed Project" also refer to the incremental changes that would result from approval of the proposed Project, such as increased traffic and additional employees, pursuant to CEQA's requirements for evaluating revisions to on-going activities. The term "Project" refers to the discretionary actions required to implement SMP No. 2015-01 and RP 2006-01A2 as proposed and all of the activities associated with the implementation including planning and ongoing operation. Governmental approvals requested from the City of Lake Elsinore by the Project Applicant to implement the Project include approval of a surface mining permit (SMP No. 2015-01)

and an amendment to Reclamation Plan (RP) No. 2006-01A1 (Case No. RP 2006-01A2) as described above, and other related discretionary and administrative actions as may be required to operate and reclaim the site in a manner consistent with those entitlements.

As a first step in the CEQA compliance process, an Initial Study was prepared by the City of Lake Elsinore pursuant to CEQA Guidelines § 15063 to determine if the Project could have a significant effect on the environment. The Initial Study determined that implementation of the Project has the potential to result in significant environmental effects, and a Project EIR, as defined by CEQA Guidelines § 15161, is required. Pursuant to CEQA Guidelines § 15161, a Project EIR should "…focus primarily on the changes in the environment that would result from the development project," and "…examine all phases of the project including planning, construction, and operation." Accordingly, and in conformance with CEQA Guidelines § 15121(a), the purposes of this EIR are to: (1) disclose information by informing public agency decision makers and the public generally of the significant environmental effects associated with all phases of the Project, (2) identify possible ways to minimize or avoid those significant effects, and (3) to describe a reasonable range of alternatives to the Project that would feasibly attain most of the basic Project objectives but would avoid or substantially lessen its significant environmental effects.

1.2 DEFINITION OF TERMS

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 and Project site as will be used throughout this EIR document (refer also to Figure 1-1, *Nichols Canyon Mine*):

- **Expanded Disturbance Area (EDA):** The proposed approximately 24-acre increase in mining disturbance at the Nichols Canyon Mine, occurring wholly on the Nichols North portion of the site.
- **Historical Baseline:** The average operational characteristics of the Nichols Canyon Mine between 2007 and 2014 (refer to Subsection 2.1, *CEQA Requirements for Environmental Setting and Baseline Conditions*).
- **Nichols Canyon Mine or Mine:** The approximately 199 acres that are vested for mining activities and that are subject to approved RP 2006-01A1, including lands located both north and south of Nichols Road.
- **Nichols North:** The approximately 156 acres of the Nichols Canyon Mine located north of Nichols Road.
- **Nichols South:** The approximately 43 acres of the Nichols Canyon Mine located south of Nichols Road.
- **Project or proposed Project:** The proposed approval of SMP No. 2015-01, which includes: 1) authority to conduct mining and an increase in operational hours from between 7:00 a.m. and 12:00 a.m. (Monday through Friday, excluding Federal Holidays) and between 7:00 a.m. and 7:00 p.m. (Saturdays only) to between 4:00 a.m. and 12:00 a.m. (Monday through Saturday, excluding Federal Holidays) for mining equipment and asphalt batch plant operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate and asphalt batch plant export activities; 2) expansion of the approved mining

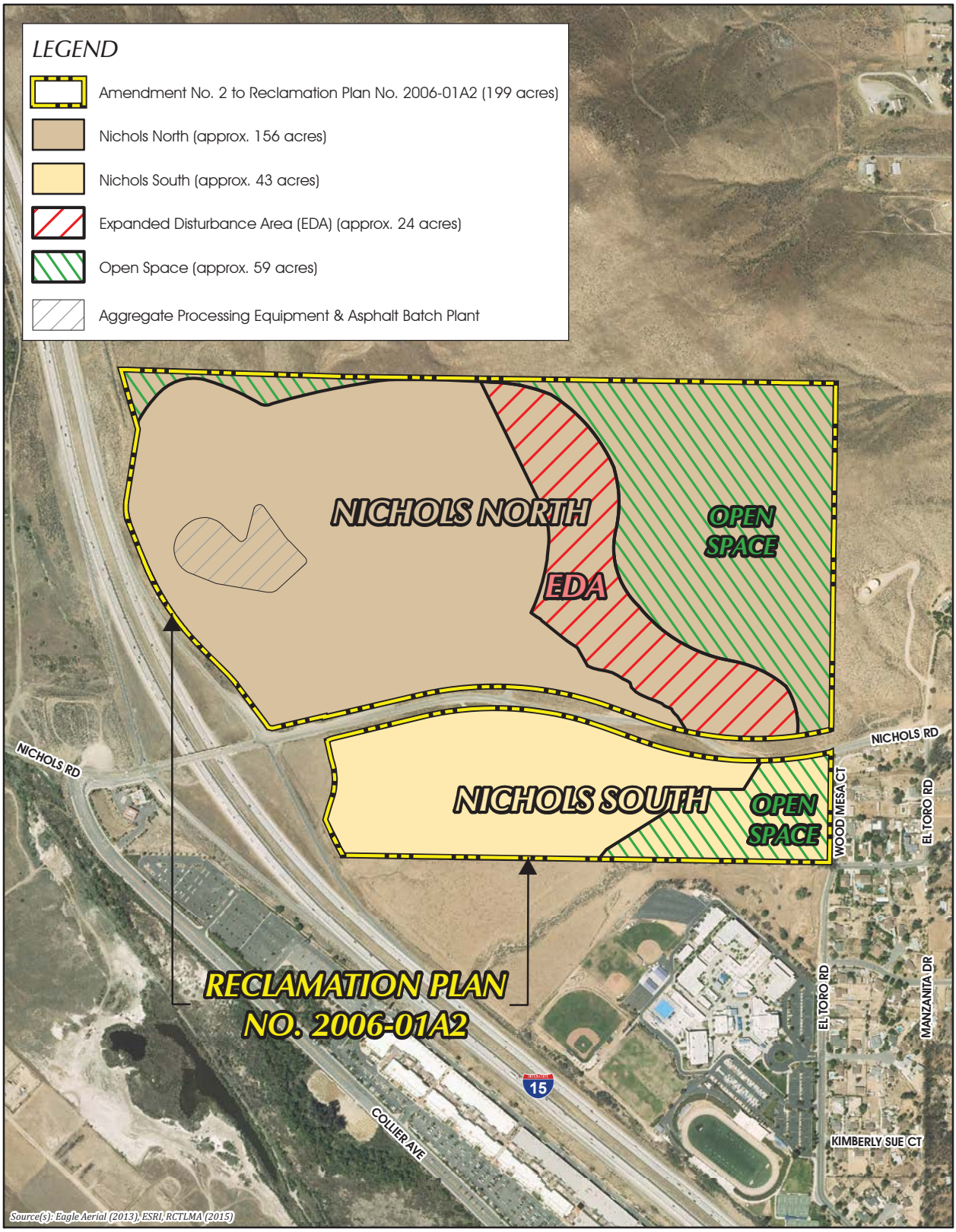


Figure 1-1

NICHOLS CANYON MINE

limits to encompass an additional 24 acres located east and north of the existing approved mining limits; and 3) reduction of the Mine's annual permitted tonnage from 4,000,000 tons per year (tpy) to 856,560 tpy. The proposed revisions to the approved RP 2006-01A1 describe reclamation requirements applicable to the EDA, in compliance with the Surface Mining and Reclamation Act (Public Resources Code, § 2710 *et seq.*) ("SMARA") and the City's certified surface mining ordinance (Municipal Code Chapter 14.04, *Surface Mining and Reclamation*) (Lake Elsinore, 1999). These terms also refer to the changes that would result from approval of the proposed Project, such as increased traffic and additional employees, pursuant to CEQA's requirements for evaluating revisions to on-going permits (refer to Subsection 3.3.2, *Scope of Operational Characteristics*).

1.3 SUMMARY OF THE PROJECT EVALUATED BY THIS EIR

The existing Nichols Canyon Mine comprises approximately 199 acres (APN Nos. 389-200-015, -023, and -024) that are subject to RP 2006-01A1, including lands located both north and south of Nichols Road, in the northeastern portion of the City of Lake Elsinore. The property is divided into two segments by Nichols Road. "Nichols North" refers to the approximately 156 acres of the Nichols Canyon Mine located north of Nichols Road and "Nichols South" refers to the approximately 43 acres of the Nichols Canyon Mine located south of Nichols Road.

The proposed Project consists of approval of SMP No. 2015-01 and RP 2006-01A2, an amendment to RP 2006-01A1 to allow for mining activities in the EDA; an alteration of the Mine's hours of operation; and a reduction in the ~~m~~Mine's annual tonnage limits. Specifically, under the proposed Project, the total area subject to mining activities on the approximately 199-acre Nichols Canyon 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 Project, the total amount of aggregate reserves that would be available at the Nichols Canyon Mine, inclusive of existing permitted aggregate reserves, would total approximately 15,033,304~~16,150,000~~ tons (Project Applicant, 2016b).

Additionally, the Project proposes to expand the mine's hours of operation 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 and asphalt batch plant operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate and asphalt batch plant export activities. The proposed change to the Mine's operating hours also would apply to the asphalt batch plant ~~on site~~, which was previously approved by the City as part of Conditional Use Permit No. 2014-07 (CUP 2014-07). Thus, the batch plant has already been approved by the City along with an environmental clearance that was not challenged by a third party. Under the existing ~~Conditional Use Permit No. 2014-07 (~~CUP 2014-07~~)~~, operation of the asphalt batch plant may occur between the hours of 7:00am to 12:00am Monday through Friday, and between the hours of 7:00am through 7:00pm on Saturday, with no operation of the asphalt batch plant allowed on Sundays or legal holidays. Under the proposed Project, asphalt batch plant operations would be allowed to occur during the same hours as for mining activities (i.e., between 4:00 am and 12:00 am [Monday through Saturday, excluding Federal Holidays]). No change to the asphalt batch plant's existing permitted throughput is being proposed or made as part of the Project. During the public comment period on

the DEIR, several third parties incorrectly asserted that the DEIR failed to adequately analyze the proposed Project's impacts. Several of these commentators also incorrectly claimed that the DEIR needed to re-analyze and include the batch plant's impacts as part of this EIR. While the City disagrees with these claims because the batch plant has already been approved, in an effort to provide a conservative analysis of Project impacts (as opposed to underestimating Project impacts), and to remove this issue from being a point of contention, the analysis in this EIR accounts for 100% of asphalt batch plant operations in all relevant and identified CEQA Appendix G topics. As with aggregate export activities, delivery of asphalt materials would be allowed to occur 24 hours per day. Except as expressly described in this EIR and the associated Project application materials, no change is being proposed or made to CUP 2014-07 or other activities at the Mine otherwise not included as part of the Project. In order to create a thoroughly conservative EIR that over estimates the impacts of the Project, the analysis in this EIR accounts for 100% of potential environmental impacts associated with operation of the asphalt batch plant.

Approval of the Project also would reduce the Mine's maximum annual production limit from 4,000,000 tpy to 856,560 tpy, inclusive of both aggregate and asphalt materials in terms of exported materials from the site.

1.4 PRIOR CEQA REVIEW

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. That larger mining operation was separated into several smaller operations over time, one of which is the Nichols Canyon Mine. Mining activities on the 199-acre mine site are vested and do not require any permits or authorization from the City. However, while a mining permit is not required for mining activities on-site, a reclamation plan is required pursuant to SMARA to assure that adverse environmental effects are minimized and mined lands are reclaimed to a usable condition. The Nichols Canyon Mine was formerly part of Reclamation Plan 112, which was approved by the County of Riverside in 1978 prior to the incorporation of the City of Lake Elsinore. In 2006, the Lake Elsinore City Council adopted Reclamation Plan No. 2006-01 (RP 2006-01), which incorporated updated reclamation standards for the Nichols Canyon Mine specifically, and concurrently adopted a Mitigated Negative Declaration (MND) in conformance with CEQA (MND No. 2006-1). RP 2006-01 established mining limits encompassing approximately 116 acres covering approximately 84 acres of the Nichols North portion of the site and approximately 32 acres of the Nichols South portion of the site.

In addition, the Nichols Canyon Mine is located within the geographical limits of the Aberhill Ranch Specific Plan. The buildout of the Aberhill Ranch Specific Plan, including the Nichols Canyon Mine, was the subject of previous environmental review as part of an EIR certified by the Lake Elsinore City Council in June 1989 (State Clearinghouse [SCH] No. 88090517). The Mine site also was evaluated as part of the City of Lake Elsinore's General Plan Update EIR (SCH No. 2005121019), which was certified by City Council in December 2011.

The Mine also is subject to a Conditional Use Permit (CUP No. 2014-07), which was approved by the City of Lake Elsinore in 2014 concurrent with an addendum to MND No. 2006-1. The City of Lake Elsinore also approved the first amendment to RP 2006-01 (RP 2006-01A1) at the time it approved the CUP for the asphalt batch plant. CUP No. 2014-07 and RP 2006-01A1 allow for operation of an asphalt batch plant on the Nichols North portion of the site. During the public

comment period, several third parties incorrectly asserted that the DEIR failed to adequately analyze the proposed Project's impacts. Several of these commentators also incorrectly claimed that the DEIR needed to re-analyze and include the batch plant's impacts as part of this EIR. While the City disagrees with these claims because the batch plant has already been approved, in an effort to provide a conservative analysis of Project impacts (as opposed to underestimating Project impacts), and to remove this issue from being a point of contention, this EIR analyzes 100% of the batch plant's impacts in all relevant and identified CEQA Appendix G topics. CUP No. 2014-07 and RP 2006-01A1 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. The asphalt batch plant is permitted to operate during the operational hours specified by CUP 2014-07 and RP 2006-01A1, while export of asphalt material is allowed to occur 24 hours per day.

These above-described documents are herein incorporated by reference pursuant to CEQA Guidelines § 15183(a) because they provide relevant and applicable information about the Project site and prior environmental review, and are available at the City of Lake Elsinore City Hall, Planning Division; 130 South Main Street, Lake Elsinore, California 92530. Refer to EIR Section 7.0, *References*, for a complete list of reference sources.

1.5 LEGAL AUTHORITY

This EIR has been prepared in accordance with all criteria, standards, and procedures of CEQA (California Public Resource Code § 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, § 15000 et seq.).

Pursuant to CEQA § 21067 and CEQA Guidelines Article 4 and § 15367, the City of Lake Elsinore is the Lead Agency under whose authority this EIR has been prepared. "Lead Agency" refers to the public agency that has the principal responsibility for carrying out or approving a project. Serving as the Lead Agency and before taking action to approve the Project, the City of Lake Elsinore has the obligations to: (1) ensure that this EIR has been completed in accordance with CEQA; (2) review and consider the information contained in this EIR as part of its decision making process; (3) make a statement that this EIR reflects the City of Lake Elsinore's independent judgment; (4) ensure that all significant effects on the environment are eliminated or substantially lessened where feasible; and, if necessary (5) make written findings for each unavoidable significant environmental effect stating the reasons why mitigation measures or project alternatives identified in this EIR are infeasible and citing the specific benefits of the proposed Project that outweigh its unavoidable adverse effects (CEQA Guidelines §§ 15090 through 15093).

Pursuant to CEQA Guidelines § 15040 through § 15043, and upon completion of the CEQA review process, the City of Lake Elsinore will have the legal authority to do any of the following:

- Approve the proposed Project;
- Require feasible changes in any or all activities involved in the Project in order to substantially lessen or avoid significant effects on the environment;

- Disapprove the Project, if necessary, in order to avoid one or more significant effects on the environment that would occur if the Project was approved as proposed; or

- Approve the Project even through the Project would cause a significant effect on the environment if the City makes a fully informed and publicly disclosed decision that: 1) there is no feasible way to lessen the effect or avoid the significant effect; and 2) expected benefits from the Project will outweigh significant environmental impacts of the Project.

The DEIR was circulated for an initial 45-day public review period. This EIR, which will be recirculated for an additional 45-day public review period, fulfills the CEQA environmental review requirements for proposed SMP No. 2015-01 and RP 2006-01A2 and all other governmental discretionary and administrative actions related to the Project.

1.6 RESPONSIBLE AND TRUSTEE AGENCIES

The California Public Resource Code (§ 21104) requires that all EIRs be reviewed by responsible and trustee agencies (see also CEQA Guidelines § 15082 and § 15086(a)). As defined by CEQA Guidelines § 15381, "the term 'Responsible Agency' includes all public agencies other than the Lead Agency which have discretionary approval power over the project." A Trustee Agency is defined in CEQA Guidelines § 15386 as "a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California."

For the proposed Project, the South Coast Air Quality Management District (SCAQMD); Santa Ana Regional Water Quality Control Board (RWQCB); Riverside County Flood Control & Water Conservation District (RCFCWCD); Elsinore Valley Municipal Water District (EVMWD); United States Army Corps of Engineers (USACE); California Department of Conservation (CDC); and United States Fish and Wildlife Service (USFWS) are considered Responsible Agencies. The California Department of Fish and Wildlife (CDFW) is a Trustee Agency for the proposed Project. Table 3-5, M*atrix of Project Approvals/Permits*, in EIR Section 3.0, *Project Description*, lists the agencies that are expected to review this EIR and provides a summary of the subsequent actions associated with the Project. It should be noted that the permits required of Responsible and/or Trustee Agencies cannot be issued until the proposed Project is approved and this EIR is certified by the City of Lake Elsinore Planning Commission.

1.7 EIR SCOPE, FORMAT, AND CONTENT

1.7.1 EIR SCOPE

As a first step in complying with the procedural requirements of CEQA, the City of Lake Elsinore prepared an Initial Study to preliminarily identify the environmental issue areas that may be adversely impacted by the Project. Following completion of the Initial Study, the City filed a Notice of Preparation (NOP) with the California Office of Planning and Research (OPR) (State Clearinghouse) to indicate that an EIR would be prepared to evaluate the Project's potential to impact the environment. The NOP was filed with the State Clearinghouse and distributed to property owners located within 300 feet of the property, Responsible Agencies, Trustee Agencies, and other interested parties on June 25, 2015, for a 30-day public review period. The City of Lake Elsinore also advertised the NOP in the Press Enterprise, a newspaper of general circulation in the Project

area, and made copies of the NOP available to the general public for review at two local libraries (Altha Merrifield Memorial Library and Vick Knight Community Library). Copies of the NOP also were distributed to surrounding property owners located within 500 feet of the site and to public agencies. The City distributed the NOP for public review to solicit responses that may assist the City in identifying the full scope and range of potential environmental concerns associated with the Project so that these issues could be fully examined in this EIR.

As a result of the Initial Study and in consideration of all comments received by the City on the NOP, this EIR evaluates the Project's potential to cause adverse effects to the following environmental issue areas:

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

Public Resources Code (PRC) § 21100(b)(3) and CEQA Guidelines § 15126.4 require EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Refer to Appendix F to the CEQA Guidelines, which is an advisory document that assists EIR preparers in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. Accordingly, this EIR also addresses the topic of energy conservation.

The Initial Study, NOP, public review distribution list, and written comments received by the City during the NOP public review period are provided in *Technical Appendix A* to this EIR. Substantive issues raised in response to the NOP are summarized below in Table 1-1, *Summary of NOP Comments*. The purpose of this table is to present the primary environmental issues of concern raised during the NOP review period. The table is not intended to list every comment received by the City during the NOP review period. Regardless of whether or not a comment is listed in the table, all applicable comments received in response to the NOP are addressed in this EIR.

Table 1-1 Summary of NOP Comments

Commenter	Date	Comments	Location in this EIR where comment is addressed
State Clearinghouse	June 25, 2015	• Acknowledging receipt of NOP and distribution to State Agencies for review and comment	Informational comment. No response necessary.
California Department of Transportation (Caltrans)	June 27, 2015	• Requesting impact analysis of Caltrans facilities that may be affected by Project traffic or Project drainage.	Subsection 4.7, *Hydrology and Water Quality*; Subsection 4.9, *Transportation and Circulation*
California Department of Fish and Wildlife	July 24, 2015	• Requesting a complete assessment of Project impacts to biological resources, including, but not limited to: sensitive plant species; sensitive animal species; rare,	Subsection 4.3, *Biological Resources*

Commenter	Date	Comments	Location in this EIR where comment is addressed
		threatened, and other sensitive species; critical habitat; and indirect effects. Project impacts will require mitigation in the form of avoidance, minimization, or mitigation.	
City of Temecula	July 16, 2015	• Noting review of the Project and stating no comment.	N/A. Informational comment.
Endangered Habitats League (EHL)	July 1, 2015	• Requesting the DEIR address potential impacts on sensitive, intact coastal sage scrub and full biological surveys for the federally threatened California gnatcatcher be performed according to protocol, and federal permits sought as needed.	Subsection 4.3, *Biological Resources*
Eastern Valley Municipal Water District (EVMWD)	July 29, 2015	• Acknowledging receipt of the NOP and stating that the EVMWD has no comment at this time.	N/A. Informational comment.
Johnson & Sedlack	July 8, 2015	• Concerns over appropriateness of historical baseline. • Concern over water usage. • Concern over intensification of operating equipment. • Concern regarding potential non-cancer health risks associated with Project operations. • Concern over potential impacts to biological resources and the Project site's exempt status under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). • Concern over impacts to cultural resources. • Concerns over faulting and earthquakes. • Concern over potential land use conflict with adopted Specific Plan. • Concern regarding noise impacts to sensitive receptors. • Cumulative effects of the proposed Project as it relates to traffic impacts. • Concern regarding water supply. • Concern over potential growth inducing and secondary impacts of the Project. • Concern regarding vested rights.	Section 3.0, *Project Description*; Subsection 4.2, *Air Quality*; Subsection 4.3, *Biological Resources*; Subsection 4.4, *Cultural Resources*; Subsection 4.5, *Geology and Soils*; Subsection 4.8, *Noise*; Subsection 4.9, *Transportation and Circulation*; Subsection 4.10, *Utilities and Service Systems*; and Section 5.0, *Other CEQA Considerations*.
Pala Tribal Historic Preservation Office	July 13, 2015	• Noting that the Project is not within the Traditional Use Area (TUA) of the Pala Tribe. • Concern over potential impacts to human remains.	N/A. Informational comment.
Pechanga Band of Luiseño Indians	July 27, 2015	• Requesting notice pursuant to Public Resources Code § 21092.2. • Concern over potential impacts to tribal resources and requesting an archaeological resources assessment. • Concern regarding potential impacts to human remains. • Concern over potential cumulative effects to cultural resources.	Subsection 4.4, *Cultural Resources*
Rincon Band of Luiseño Indians	July 1, 2015	• Advising that the location of the Project is within the Aboriginal Territory of the Luiseño people but is not within Rincon's Historic boundaries and advising that the Pechanga Band of Luiseño Indians or Soboba Band of Luiseño Indians are closer to the Project area.	N/A. Informational comment.
Riverside County Flood Control and Water	July 7, 2015	• Acknowledging that the Project would not be impacted by the District Master Drainage Plan facilities nor are other facilities of regional interest	N/A. Informational comment.

Commenter	Date	Comments	Location in this EIR where comment is addressed
Conservation District		proposed.	
Riverside County Waste Management District	July 7, 2015	• Requesting an analysis of the Project's potential to exceed the daily permitted capacity of a County landfill facilities.	Subsection 4.10, *Utilities and Service Systems*
South Coast Air Quality Management District	July 1 and July 7, 2015	• Requesting the CalEEMod land use emissions software be used for analysis. • Requesting that Project-related air quality impacts be identified and quantified against the SCAQMD's regional and localized significant thresholds	Subsection 4.2, *Air Quality* and Subsection 4.6, *Greenhouse Gas*

1.7.2 EIR FORMAT AND CONTENT

This EIR contains all of the information required to be included in an EIR as specified by the CEQA Statutes and Guidelines (California Public Resources Code, § 21000 et. seq. and California Code of Regulations, Title 14, Chapter 5). CEQA requires that an EIR contain, at a minimum, certain specified content. Table 1-2, *Location of CEQA Required Topics in this EIR*, provides a quick reference in locating the CEQA-required content within this document.

Table 1-2 Location of CEQA Required Topics in this EIR

CEQA Required Topic	CEQA Guidelines Reference	Location in this EIR
Table of Contents	§ 15122	Table of Contents
Summary	§ 15123	Section S.0
Project Description	§ 15124	Section 3.0
Environmental Setting	§ 15125	Section 2.0
Consideration and Discussion of Environmental Impacts	§ 15126	Section 4.0
Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented	§ 15126.2(b)	Section 4.0 & Subsection 5.1
Significant Irreversible Environmental Changes Which Would be Caused by the Proposed Project Should it be Implemented	§ 15126.2(c)	Subsection 5.2
Growth-Inducing Impact of the Proposed Project	§ 15126.2(d)	Subsection 5.3
Analysis of the Project's Energy Conservation Measures	§ 151264(c)	Subsection 5.4
Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects	§ 15126.4	Section 4.0 & Table S-1

CEQA Required Topic	CEQA Guidelines Reference	Location in this EIR
Consideration and Discussion of Alternatives to the Proposed Project	§ 15126.6	Section 6.0
Effects Not Found to be Significant	§ 15128	Subsection 5.5
Organizations and Persons Consulted	§ 15129	Section 7.0 & Technical Appendices
Discussion of Cumulative Impacts	§ 15130	Section 4.0

In summary, the content and format of this EIR is as follows:

- **Section R.0, *Recirculated Environmental Impact Report***, provides a summary of the legal requirements for recirculating a DEIR, a discussion of the Project's background, an overview of the revisions that were incorporated into the previously circulated DEIR, responses to comments received in response to the DEIR's initial public review period, and an overview of the environmental review and approval process.

- **Section S.0, *Executive Summary***, provides a summary of the proposed Project, a description of the EIR process, a discussion of areas of controversy and issues to be resolved, a summary of the alternatives identified for the proposed Project, and a summary of the Project's impacts and mitigation measures proposed to reduce or avoid significant environmental effects.

- **Section 1.0, Introduction**, provides introductory information about the CEQA process and the responsibilities of the City of Lake Elsinore, serving as the Lead Agency of this EIR.

- **Section 2.0, Environmental Setting**, describes the environmental setting, including descriptions of the Mine's physical conditions and surrounding context. The existing physical setting is the condition of the Nichols Canyon Mine and surrounding area at the approximate date this EIR's NOP was released for public review (June 25, 2015). With respect to operational characteristics, the existing setting is defined as the Mine's historical baseline average production (refer to EIR Section 2.1).

- **Section 3.0, Project Description**, serves as the EIR's Project Description for purposes of CEQA and contains a level of specificity commensurate with the level of detail proposed by the Project, including the summary requirements pursuant to CEQA Guidelines § 15123.

- **Section 4.0, Environmental Analysis**, provides an analysis of potential direct, indirect, and cumulative impacts that may occur with implementation of the proposed Project. A conclusion concerning significance is reached for each discussion; mitigation measures are presented as warranted. The environmental changes identified in Section 4.0 and throughout this EIR are referred to as "effects" or "impacts" interchangeably. The CEQA Guidelines also identify the terms "effects" and "impacts" as being synonymous (CEQA Guidelines § 15358). In the environmental analysis subsections of Section 4.0, the existing and historical baseline conditions are disclosed that are pertinent to the subject area being

analyzed, accompanied by a specific analysis of physical impacts that may be caused by implementation of the proposed Project. The analyses are based in part upon technical reports that are appended to this EIR. Information also is drawn from other sources of analytical materials that directly or indirectly relate to the proposed Project and cited in Section 7.0, *References*. Where the analysis demonstrates that a physical adverse environmental effect may or would occur without undue speculation, feasible mitigation measures are recommended to reduce or avoid the significant effect. In most cases, implementation of the mitigation measures would reduce the adverse environmental impact to below a level of significance. If mitigation measures are not available or feasible to reduce an identified impact to below a level of significance, the environmental effect is identified as a significant and unavoidable adverse impact, for which a statement of overriding considerations would need to be adopted by the City of Lake Elsinore pursuant to CEQA § 15093.

- **Section 5.0, Other CEQA Considerations**, includes specific topics that are required by CEQA. These include a summary of the Project's significant and unavoidable environmental effects, a discussion of the significant and irreversible environmental changes that would occur should the Project be implemented, potential growth-inducing impacts of the proposed Project, as well as an evaluation of the Project's energy conservation. Section 5.0 also includes a discussion of the potential environmental effects that were found not be significant during this EIR's Initial Study and NOP process and that, therefore, do not require a detailed evaluation in this EIR.

- **Section 6.0, Project Alternatives**, describes and evaluates alternatives to the proposed Project that could reduce or avoid the Project's adverse environmental effects. CEQA does not require an EIR to consider every conceivable alternative to the Project but rather to consider a reasonable range of alternatives that will foster informed decision making and public participation. A range of three (3) alternatives is presented in Section 6.0.

- **Section 7.0, References**, cites all reference sources used in preparing this EIR and lists the agencies and persons that were consulted in preparing this EIR. Section 7.0 also lists the persons who authored or participated in preparing this EIR.

- **Technical Appendices.** CEQA Guidelines § 15147 states that the "information contained in an EIR shall include summarized…information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public," and that the "placement of highly technical and specialized analysis and data in the body of an EIR shall be avoided." Therefore, the detailed technical studies, reports, and supporting documentation that were used in preparing this EIR are bound separately as Technical Appendices. The Technical Appendices are available for review at the City of Lake Elsinore City Hall, Planning Division; 130 South Main Street, Lake Elsinore, California 92530 during the City's regular business hours or can be requested in electronic form by contacting the City Planning Division. The individual technical studies, reports, and supporting documentation that comprise the Technical Appendices are as follows:

  A. Initial Study, Notice or Preparation, and Written Comments on the NOP

~~B. Visual Simulations~~
B~~C1~~. Air Quality Impact Analysis
~~C2~~. Mobile Source Health Risk Assessment
D. Biological Constraints Report
E1. Cultural Resources Assessment
E2. Paleontological Resource and Monitoring Assessment
~~F1. Geologic/Geotechnical Review~~
F~~2~~. Slope Stability Investigation
G. Greenhouse Gas Analysis
H. Hydrology Study & Drainage Analysis
I. Noise Impact Analysis
J. Traffic Impact Analysis
~~K. Written Correspondence~~

- **Documents Incorporated by Reference**. CEQA Guidelines § 15150 allows for the incorporation "by reference all or portions of another document…[and is] most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of a problem at hand." Documents, analyses, and reports that are incorporated into this EIR by reference are listed in Section 7.0, *References,* of this EIR. The purpose of incorporation by reference is to assist the Lead Agency in limiting the length of an EIR. Where this EIR incorporates a document by reference, the document is identified in the body of the EIR, citing the appropriate section(s) of the incorporated document and describing the relationship between the incorporated part of the referenced document and this EIR. All references cited in this EIR are available at the web address provided in Section 7.0, *References*, and/or at the City of Lake Elsinore City Hall, Planning Division; 130 South Main Street, Lake Elsinore, California 92530.

2.0 ENVIRONMENTAL SETTING

2.1 CEQA REQUIREMENTS FOR ENVIRONMENTAL SETTING AND BASELINE CONDITIONS

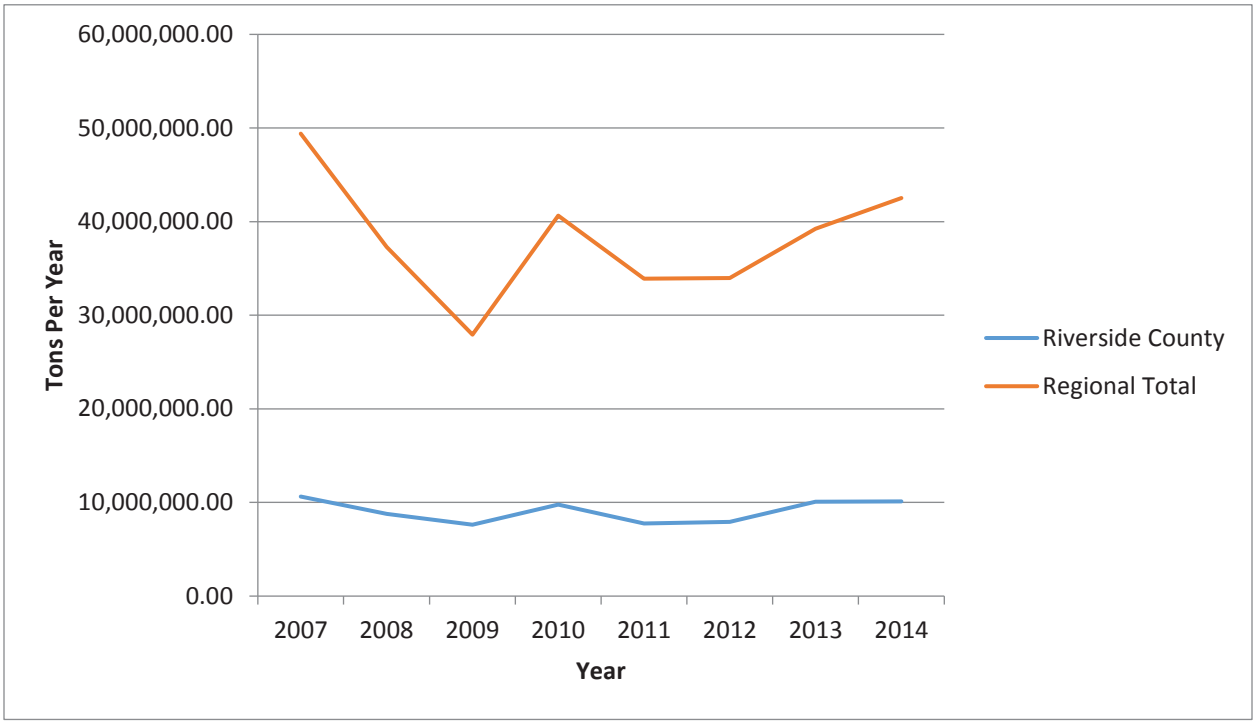
CEQA Guidelines § 15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as "…the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced…" (CEQA Guidelines § 15125[a]). As required under CEQA, aside from specifics related to the historic production averages for the operating Mine, as discussed in more detail below, the Project site's baseline physical conditions are set at the time the notice of preparation (NOP) for this EIR was published, which is June 25, 2015.

CEQA Guidelines § 15125 further clarifies that the environmental setting "…will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." California courts have held that using the qualifying term, "normally," CEQA Guidelines § 15125 recognizes that in appropriate situations a lead agency has the discretion to select a different baseline method that accounts for the circumstances presented. (See *Fat v. County of Sacramento (2002) 97 Cal.App.4th 1270, 1278*.) In the case of mining projects specifically, the courts have held that the established usage of the property (~~i.e.~~e.g., historic production averages for the operating ~~m~~Mine) may be considered to define the environmental setting. (See *San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, pg. 659*.) Because the amount of material that mining operators quarry is driven by supply and demand market forces that vary from month to month and year to year, the courts have ruled that it is appropriate to consider conditions over a time period range to establish a production volume average. (*See Hansen Brothers Enterprises, Inc. v. Board of Supervisors (1996) 12 Cal.4th 533,; Save Our Peninsula Committee v. Monterey County Bd. of Supervisors, 87 Cal.App.4th at p. 125*.) The environmental setting for a long-operating mine must take into account the historical averages, because using only a single year of production values would be "misleading and illusory." (See *Fairview Neighbors v. County of Ventura (1999) 70 Cal.App.4th 238*.) However, the existing baseline conditions must also be representative of the mine's actual operations (acknowledging latitude where operations fluctuate), and not be based merely on theoretical conditions, such as a theoretical maximum allowed under an approved permit that has not actually been realized based on historical data. (See *Communities for a Better Environment v. South Coast Air Quality Management District, et al. (2010) 48 Cal.4th 310*.)

In accordance with the provisions of CEQA Guidelines § 15125(a) and relevant CEQA case law, for proposed projects that seek to modify existing on-going mining permits, the operational characteristics of the "Project" evaluated by the CEQA document are the characteristic differences between the proposed permit provisions (maximum quantity of materials that would be allowed to be mined) compared against the historical baseline average. The City of Lake Elsinore determined that eight years of historical mine production data is an adequate and appropriate time span to determine average production volumes and calculate the historical average. In the case of this particular analysis, eight years is appropriate because it spans a time period of 2007-2014, which includes every year in which the Mine was being actively mined, except for 2015 and 2016 as data for these years were not available at the time the NOP was distributed for public review in June 2015. This period also covers a time period when Southern California experienced strong economic growth, then fell

into a severe recession between December 2007 and June 2009[1], followed by a period of weak economic growth. Table 2-1, *Regional vs. Riverside County Mining Data (tpy) 2007-20151*, compares the total amount of aggregate material produced in Riverside County with the total amount of aggregate material produced within the Region for years 2007 through 2014. The "Regional Total" includes aggregate materials produced in Imperial County, Los Angeles County, Riverside County, San Bernardino County, San Diego County, and Santa Barbara/Ventura County. As shown in Table 2-1, the time period of 2007 through 2014 captures aggregate materials produced prior to the recession in 2007, during the recession in 2008 and 2009, and during the relatively weak recovery that occurred between 2010 and 2014. As also shown in Table 2-1, the levels of aggregate material production in Riverside County over this period mirror the levels of aggregate material production within the region, with weak aggregate production in 2009 and the highest levels of production occurring in 2007 and 2014.

Table 2-1 Regional vs. Riverside County Mining Data (tpy) 2007-2014



Note: Data for Riverside County for January through May 2010 is not available although data for the Regional Total is available for this period. In order to estimate the amount of aggregate material produced in Riverside County in 2010, data for Years 2007 through 2009 and 2011 through 2014 were used to estimate Riverside County's average percentage of the Regional Total (24.0%). Thus, data shown for Riverside County in 2010 comprises 24.0% of the Regional Total for 2010.
(CalCIMA, 2016)

Table 2-2, *Annual Mine Tonnage (2007 through 2014)*, presents the annual tonnage for the Nichols Canyon Mine for the years 2007 through 2014. It should be noted that the data presented in Table 2-2 represents the annual mining tonnage since mining activities commenced on-site in 2007, as no mining activities occurred on-site prior to 2007. Although proposed SMP No. 2015-01 would reduce the allowed maximum total annual tonnage material from 4,000,000 tons per year (tpy) to 856,560

[1] National Bureau of Economic Research, 2016. Business cycling data available at: http://admin.nber.org/cycles

~~Table 2-1~~Table 2-2 Annual Mine Tonnage (2007 through 2014)

Year	Production
2007	546,650 tpy
2008	1,192,136 tpy
2009	427,010 tpy
2010	561,461 tpy
2011	617,069 tpy
2012	449,894 tpy
2013	254,515 tpy
2014	402,048 tpy
Total (2007-2014):	**4,450,783 tons**
Annual Average:	**556,348 tpy**

tpy, historical data recorded by the Mine operator indicates that the Mine produced an average of approximately 556,348~~9~~ tpy between 2007 and 2014. (Project Applicant, 2016b)~~(Project Applicant, 2015a)~~

It is important to note that the Project ~~a~~Applicant is entitled to continue operating the Nichols Canyon Mine under vested mining rights and approved reclamation plan RP 2006-01A1 until all reserves at the Mine are exhausted. Thus, consistent with CEQA and case law interpreting CEQA, the Project environmental impacts analyzed in this EIR are the incremental impacts beyond those associated with existing and fully permitted operations at the Mine.

2.2 REGIONAL SETTING AND LOCATION

The Nichols Canyon Mine comprises approximately 199 acres (Assessor Parcel Numbers (APN Nos) 389-200-35, 389-200-036, and 389-200-38) and is located in the northeastern portion of the City of Lake Elsinore (see Figure 3-1, *Regional Map*). From a regional perspective, the Nichols Canyon 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.

The City of Lake Elsinore is located in the southwestern portion of Riverside County. Surrounding cities include Canyon Lake and Menifee to the east; Wildomar to the south; and unincorporated lands to the north, east and southwest. The incorporated boundaries of the City of Lake Elsinore encompass 43 square miles within the County of Riverside. In addition, the City maintains a Sphere of Influence (SOI) that extends into unincorporated Riverside County land and covers more than 72 square miles. The majority of the land within the boundaries of the City of Lake Elsinore SOI and outside of the City's incorporated area is vacant undeveloped land. The Cleveland National Forest borders the City of Lake Elsinore on the west. (Lake Elsinore, 2011b, p. 3.1-1)

Riverside County is located in an urbanizing area of southern California commonly referred to as the Inland Empire. The Inland Empire is an approximate 28,000 square mile region comprising San Bernardino County, Riverside County, and the eastern tip of Los Angeles County. The Southern California Association of Governments (SCAG) estimates that the majority of growth in the entire southern California region will take place in Riverside and San Bernardino Counties (SCAG, 2012b, p. 2). According to U.S Census data, the 2010 population of Riverside County was 2,189,641

(USCB, 2015). SCAG forecast models predict that the population of Riverside County will grow to approximately 3.324 million persons (an approximate 1.1 million person increase) by the Year 2035 (SCAG, 2012c).

2.3 LOCAL SETTING AND LOCATION

At the local scale, State Route 74 (SR-74) is located approximately 1.0 mile to the 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 of the Nichols Canyon Mine. Specifically, the Nichols Canyon Mine is located east of I-15 and north and south of Nichols Road (see Figure 3-2, *Vicinity Map)*. Interstate 15 (I-15) abuts the Mine's western boundary. The property is divided into two segments by Nichols Road with approximately 156 acres located north of Nichols Road and approximately 43 acres located south of Nichols Road.

The City of Lake Elsinore General Plan divides the City and its SOI into sixteen Districts/Sphere Plans. As illustrated on Figure 2-1, *Alberhill District Land Use Plan*, the Nichols Canyon Mine is located in the Alberhill District. The Alberhill District encompasses approximately 4,240 acres and consists primarily of extractives uses, vacant lands, and emerging construction of residential and commercial uses as well as a community park. The area that is primarily used for extractive uses is located within 0.50 mile from Lake Street, which transects the Alberhill District in a north/south direction. Much of the topography on the central areas, east and west of Lake Street, has been altered as a result of the long history of extractive/mining activities. (Lake Elsinore, 2011a, p. AH-5)

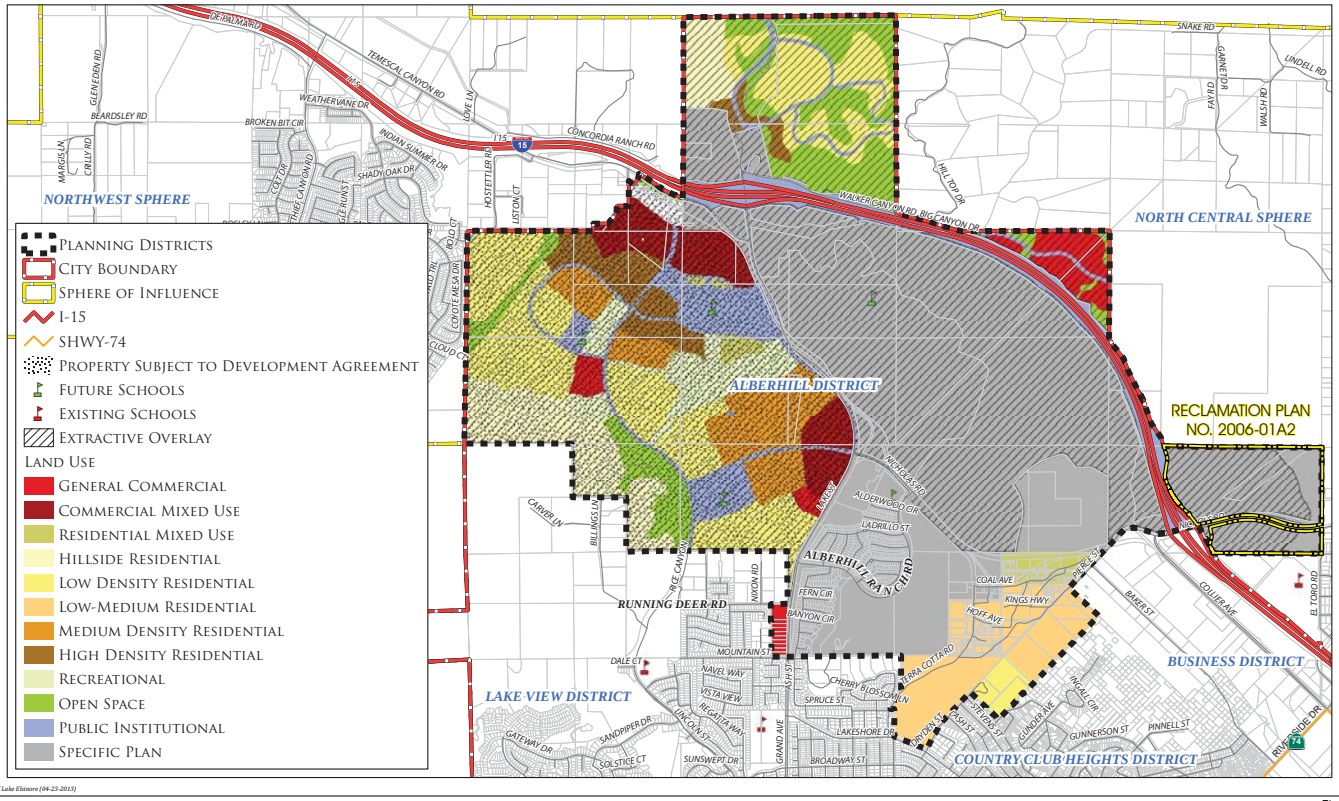
Additionally, the Nichols Canyon Mine lies within the geographical limits of the approved Alberhill Ranch Specific Plan. The Specific Plan area is located in the north central portion of the City of Lake Elsinore with the majority of the Specific Plan area located west of I-15 with smaller portions of the Specific Plan located east of I-15, including the Nichols Canyon Mine. The Alberhill Ranch Specific Plan plans for development in the area of the Mine located south of Nichols Road, known as the Nichols South site. The areas planned for development in the Alberhill Ranch Specific Plan include the Nichols South site, as well as the portions of the Nichols South site that would not be subject to mining activities under RP 2006-01A2 (i.e., the areas north and south of Stovepipe Creek).

2.4 SURROUNDING LAND USES AND DEVELOPMENT

Land uses in the immediate vicinity of the Nichols Canyon Mine are illustrated on Figure 2-2, *Surrounding Land Uses and Development*. As shown on Figure 2-2, located to the north of the Mine are undeveloped lands. To the west is the I-15 freeway, beyond which are open space and existing commercial development. To the south is open space and Temescal Canyon High School, and to the east is open space and single-family homes. The nearest residential home to the Mine's proposed mining and disturbance limits occurs approximately 386 feet to the southeast and the nearest building at the Temescal Canyon High School is located approximately 586~~558~~ feet south of the Mine's existing and proposed mining and disturbance limits.

2.5 AGGREGATE MINING CONTEXT IN THE TEMESCAL VALLEY PRODUCTION AREA

The Nichols Canyon Mine extracts and exports material that is classified as Portland Cement Concrete (PCC) grade aggregate material. According to the California Department of Conservation, California Geologic Survey (CGS) report titled "Update of Mineral Land Classification for Portland



Source(s): City of Lake Elsinore (04-23-2013)

Figure 2-1

ALBERHILL DISTRICT LAND USE PLAN

Figure 2-2

SURROUNDING LAND USES AND DEVELOPMENT

Cement Concrete-Grade Aggregate in the Temescal Valley, dated 2014, the Nichols Canyon Mine is located in the near center of the Temescal Valley Production Area, as shown on Figure 2-3, *General Location Map of the Temescal Valley Production Area*. This report is herein incorporated by reference pursuant to CEQA Guidelines § 15150, and is available for review at the City of Lake Elsinore Planning Division, 130 S Main St, Lake Elsinore, CA 92530, as well as on-line at the location indicated in EIR Section 7.0, *References*. (CGS, 2014)

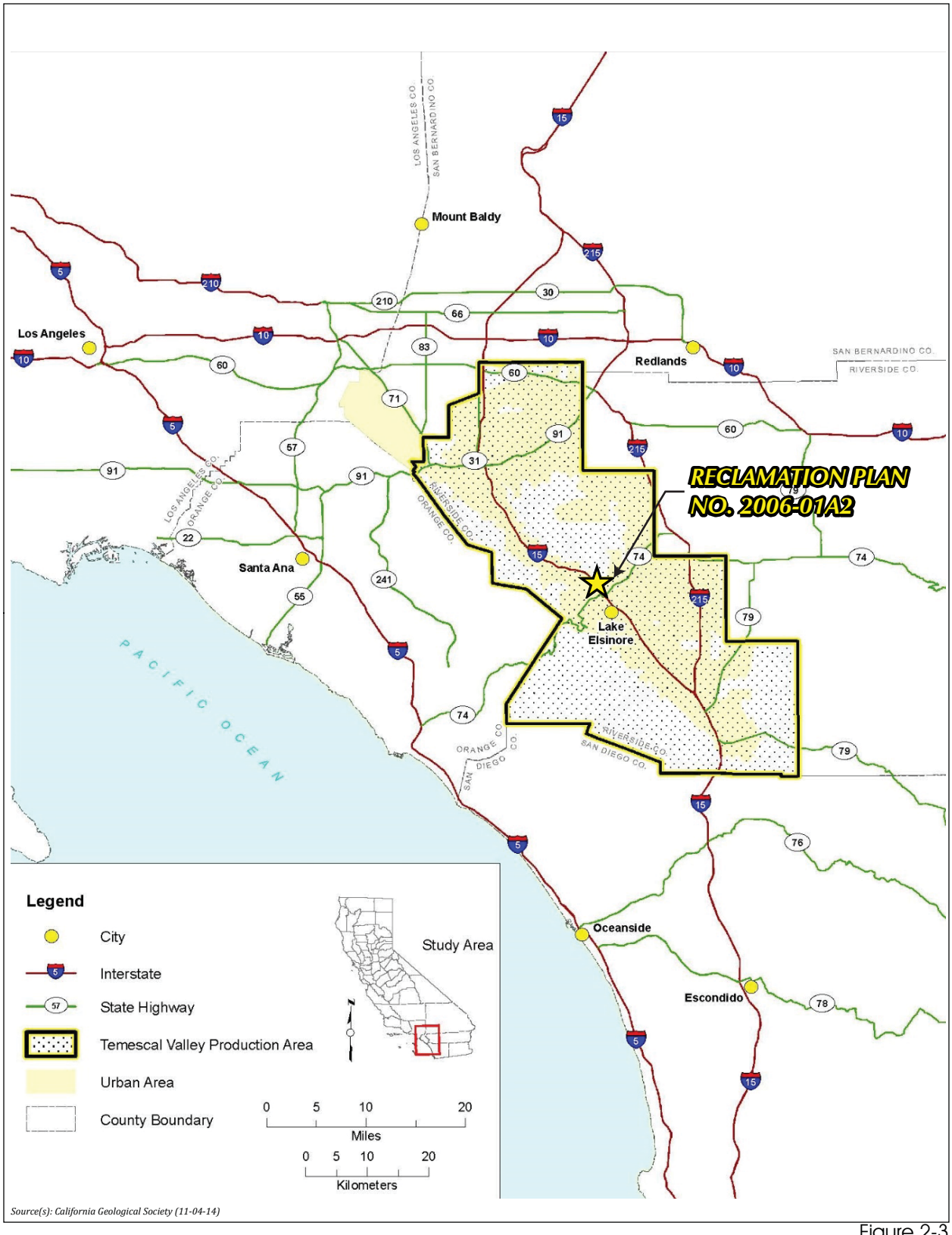
The Temescal Valley is identified by the State as an important source region for aggregate for much of the eastern part of the Los Angeles Metropolitan Area, the Inland Empire Metropolitan Area, and the northern part of the San Diego Metropolitan Area. Mines in the Temescal Valley Production Area provide aggregate for parts of Los Angeles, Orange, San Bernardino, and San Diego counties, as well as western Riverside County. (CGS, 2014, p. 5)

It should be noted, however, that the Temescal Valley Production Area, as defined by the CGS, encompasses a large swath of western Riverside County, and abuts San Bernardino County to the north, Orange County to the west, and San Diego County to the south. While aggregate production within the Temescal Valley Production Area serves these surrounding counties in addition to Los Angeles County, regional aggregate studies have found that 25 miles is generally the maximum distance for aggregate to travel before the cost outweigh distance of travel. Thus, although the existing Nichols Canyon Mine is located within the Temescal Valley Production Area, it can reasonably be assumed that aggregate materials produced at the Mine only serve nearby portions of these surrounding counties (i.e., areas within 25 miles of the Mine). (SANDAG, 2011, p. 8-1; Berck, 2005)

As shown in Table 2-3, *Projected Aggregate Demand in the Temescal Valley Production Area (2013 – 2062)*, the CGS estimates that the projected aggregate demand based on past production indicates that an estimated 1,057 million tons of aggregate will be needed from the Temescal Valley Production Area through the year 2062, with annual demand increasing from approximately 15,950,000 tons per year in 2015 to an estimated future demand for 27,780,000 tons per year in 2062. (CGS, 2014, p. 22).

The total PCC-grade aggregate reserves (i.e. permitted resources) of 917 million tons in the Temescal Valley Production Area are projected to last 44 years (into the year 2057). An important consideration is that not all aggregate reserves may be minable under the present permits because of operating restrictions or because of expiration dates that may not allow reserves to be completely mined. The CGS found that comparing regional needs to available reserves and resources demonstrates the aggregate resource issues confronting the Temescal Valley Production Area. These include the need to plan carefully for the use of lands containing these resources and the need to consider the permitting of additional aggregate resources in the Production Area before currently permitted deposits are depleted. The CGS indicates that such planning efforts should take into consideration not only the demands of western Riverside County, but also the demands of neighboring regions outside of the County that are currently served by the Production Area. The

Temescal Valley Production Area exports a significant amount of its aggregate production to other major market areas in four surrounding counties (Los Angeles, Orange, San Bernardino, and San Diego) and this could increase in the future. (CGS, 2014, pp. 23-24)



NOT TO SCALE

Figure 2-3
GENERAL LOCATION MAP OF THE TEMESCAL VALLEY PRODUCTION AREA

~~Table 2-2~~Table 2-3 Projected Aggregate Demand in the Temescal Valley Production Area (2013 – 2062)

YEAR	Projected Aggregate Demand in tons	YEAR	Projected Aggregate Demand in tons
2013	14,404,000	2039	21,502,000
2014	14,677,000	2040	21,775,000
2015	15,950,000	2041	22,048,000
2016	15,223,000	2042	22,321,000
2017	15,496,000	2043	22,594,000
2018	16,769,000	2044	22,867,000
2019	16,042,000	2045	23,140,000
2020	16,315,000	2046	23,412,000
2021	16,588,000	2047	23,685,000
2022	16,861,000	2048	23,958,000
2023	17,134,000	2049	24,231,000
2024	17,407,000	2050	24,504,000
2025	17,680,000	2051	24,777,000
2026	17,953,000	2052	25,050,000
2027	18,226,000	2053	25,323,000
2028	18,499,000	2054	25,596,000
2029	18,772,000	2055	25,869,000
2030	19,045,000	2056	26,142,000
2031	19,318,000	2057	26,415,000
2032	19,591,000	2058	26,688,000
2033	19,864,000	2059	26,961,000
2034	20,137,000	2060	27,234,000
2035	20,410,000	2061	27,507,000
2036	20,683,000	2062	27,780,000
2037	20,956,000	**TOTAL**	**1,056,608,000**
2038	21,229,000		

Note: Aggregate demand figures are rounded to the nearest 1,000 tons.
(CGS, 2014, Table 4)

Department of Finance estimates show the population for the five-county area containing Los Angeles, Orange, San Bernardino, Riverside and San Diego counties is expected to increase by about 6.5 million people between 2010 and 2060. Of that 6.5 million, Riverside County population is expected to grow by 2 million and San Bernardino by about 1.4 million. Much of the future growth in these two counties will likely occur in the Inland Empire region served by the Temescal Valley Production Area. Growth in Los Angeles, Orange, and San Diego counties is likely to increase demand for aggregate in those areas, creating additional demand for increased exports of aggregate from the Production Area. (CGS, 2014, p. 24)

In addition to regional population growth, other factors may influence future demand for aggregate from the Production Area. If existing aggregate reserves in neighboring regions are depleted and new reserves are not permitted in those regions, then exports from the Temescal Valley Production Area may increase to help fill that demand. Other factors that could increase aggregate demand and accelerate depletion of reserves in the region include large scale construction projects or catastrophic

events requiring rebuilding occurring in or near the Production Area. Finally, fluctuations in the economy may either slow or speed up depletion of reserves in the region. (CGS, 2014, p. 24)

Table 2-4, *Summary of Aggregate Resources, Reserves, Projected 50-year Demand, and Depletion Date for the Temescal Valley Production Area*, summarizes the identified aggregate resources and estimated future aggregate demands for the Temescal Valley Production Area. The projected lifespan of the aggregate reserves assumes that mining of these reserves will continue until they are depleted. Should unforeseen events occur, such as massive urban renewal, infrastructure projects, reconstruction in the wake of a disaster, or major economic recession, the demand for concrete aggregate in the Production Area could change considerably, which could alter the lifespan of the aggregate reserves. (CGS, 2014, p. 24)

In summary, and based on available historic production data and the production projection, the Temescal Valley Production Area will need to produce approximately 1,057 million tons of aggregate during the next 50 years. The presently permitted reserves of 917 million tons of PCC-grade aggregate are projected to last until the year 2057~~ or 44 years from the present~~. However, because the area supplies aggregate to most of the neighboring regions (about 50% of production in 2012), this projected depletion date could be optimistic. If any of the neighboring regions deplete their reserves in less than 50 years, then the exports to that region from the Temescal Valley Production Area may increase. Projected population growth in the Temescal Valley area and the surrounding regions in the next 50 years is also likely to increase the future demand for aggregate from the Production Area. Also, if a large scale construction project or catastrophic event requiring rebuilding occurs in or near the Production Area, existing reserves may be depleted sooner than projected. (CGS, 2014, p. 24)

~~Table 2-3~~Table 2-4 Summary of Aggregate Resources, Reserves, Projected 50-year Demand, and Depletion Date for the Temescal Valley Production Area

Estimated PCC-grade Aggregate Resources	**2,198 Million Tons**
PCC-grade Aggregate Reserves (Permitted Resources)	**917 Million Tons**
Projected 50-Year Demand for PCC-grade Aggregate	**1,057 Million Tons**
Estimated Years Until Depletion of Current PCC-grade Aggregate Reserves	**44 Years**
Estimated Depletion Date of PCC-grade Aggregate Reserves	**2057**

(CGS, 2014, Table 5)

2.6 LOCAL PLANNING CONTEXT

This Subsection provides a description of the subject property's land use designations, as applied by planning documents adopted by the City of Lake Elsinore, as discussed below.

2.6.1 CITY OF LAKE ELSINORE GENERAL PLAN

The City of Lake Elsinore's prevailing planning document is its General Plan, adopted December 13, 2011. As depicted on Figure 2-4, *Existing General Plan Land Use Designations*, the General Plan land use designation for the property is Specific Plan with Extractive Overlay. As discussed in Subsection 2.3, the Mine site is located within the Alberhill Ranch Specific Plan. Alberhill Ranch Specific Plan Amendment No. 3 (SPA No. 3) designates the property as Commercial-Specific Plan (C-SP) and Open Space (OS). The C-SP designation is intended to accommodate mixed use development projects with a freeway orientation. The OS designation is intended for retention of the hillside area as natural open space for habitat preservation and associated uses and utilities. (Lake Elsinore, 1997, p. 2) In addition, the "Extractive Overlay" designation "…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)

2.6.2 ZONING

The zoning of the Nichols Canyon Mine property is governed by the approved Alberhill Ranch Specific Plan. The Alberhill Ranch Specific Plan designates the property for Open Space (OS) and Commercial-Specific Plan (C-SP) land uses. As discussed above in Subsection 2.6.1, the C-SP designation is intended to accommodate mixed use development projects while the OS designation is intended for retention of the hillside area as natural open space for habitat preservation and associated uses and utilities. (Lake Elsinore, 1997, p. 2)

2.7 EXISTING PHYSICAL SITE CONDITIONS

As discussed in Subsection 2.1, the existing setting is defined as the physical condition of the Nichols Canyon Mine site and surrounding area at the approximate date this EIR's NOP was released for public review (June 25, 2015). The following subsections provide a description of the property's physical environmental conditions as of that approximate date. More information regarding the proposed Project's environmental setting is provided in the various subsections of EIR Section 4.0, *Environmental Analysis*.

2.7.1 LAND USE

The Nichols Canyon Mine comprises approximately 199 acres of land and is a vested mining site. A vested mining right is the right to conduct a legal nonconforming use of real property if that right existed lawfully before a zoning or other land use restriction and the use is not in conformity with that restriction when it continues thereafter. In the surface mining context, vested mining rights extend to the area of mine operations, ~~the~~ depth of mine operations, ~~the~~ nature of the mining activity, ~~the~~ type of material mined, and ~~the~~ production level. Importantly, vested mining rights allow a mine operator to expand mining operations over time across a vested property. This is known as the "diminishing asset" doctrine. (See *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533; Cal. Code Regs., tit. 14, § 3951.).

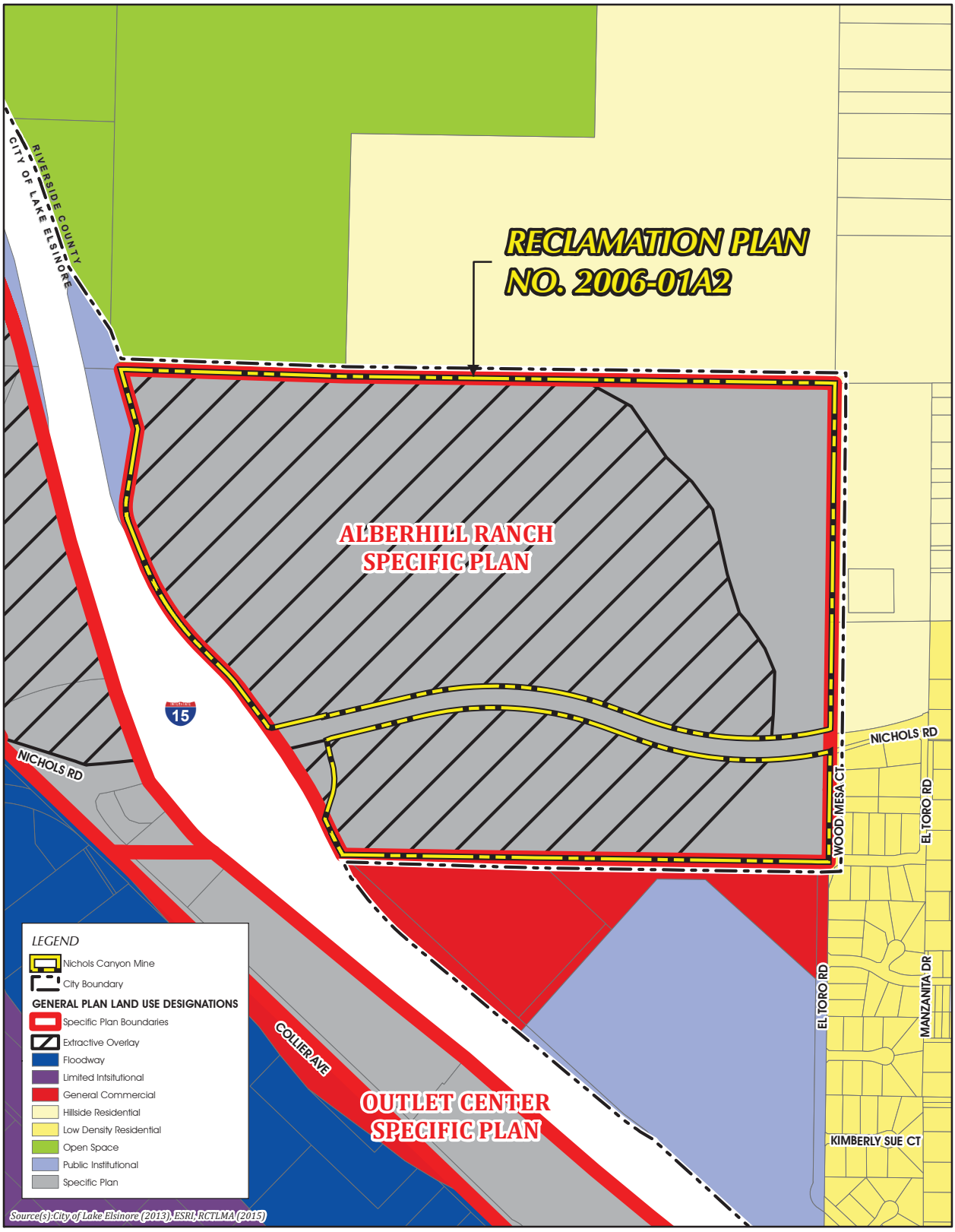


Figure 2-4

EXISTING GENERAL PLAN LAND USE DESIGNATIONS

The entire 199~~211~~-acre Mine site is subject to vested mining rights, as the City has previously recognized. Mine operations are not currently subject to any City surface mining permit, and no such permit is required to undertake the expanded operations proposed as part of this Project. However, in response to comments received during the scoping process for this EIR, the City has requested and the Project Applicant has agreed to apply for a surface mining permit notwithstanding the Mine's vested status in order to more clearly define and condition the activities proposed as part of the Project. In agreeing to apply for a surface mining permit, the Project Applicant expressly does not waive and reserves all vested mining rights at the Mine to the fullest extent under the law.

Under existing conditions, approximately 116 acres of the Mine are currently used for mining activities. The Nichols North site comprises approximately 156 acres and the Nichols South site comprises approximately 43 acres. Under existing conditions, areas that were previously subject to mining on the Nichols North site contain stockpiles, dirt roadways, and processing equipment, while the upper elevations of the hillsides are undisturbed and primarily consist of sagebrush associations. The Nichols North site also is subject to approved Conditional Use Permit No. CUP 2014-07 approved by the City of Lake Elsinore in 2015 which allows for the operation of a portable asphalt batch plant on approximately 1.76 acres of the Project site. Thus, the batch plant has already been approved by the City along with a CEQA environmental compliance document that was not challenged by any third party. During the public comment period on the DEIR, several third parties incorrectly asserted that the DEIR failed to adequately analyze the proposed Project's impacts. Several of these commentators also incorrectly claimed that the DEIR needed to re-analyze and include the batch plant's impacts as part of this EIR. While the City disagrees with these claims because the batch plant has already been approved under CUP 2014-07 and previously evaluated in an approved MND Addendum that was not challenged, in an effort to provide a conservative and overly-inclusive analysis of the Project's impacts on the environment (as opposed to potentially underestimating the Project's impacts), and to remove this issue from being a point of contention, this EIR includes analyses of the batch plant's impacts in all relevant CEQA Appendix G topics. 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 disking as part of on-going fire abatement activities, with a drainage (Stovepipe Creek) traversing the southeastern portion of the Nichols South site. Temporary and mobile ancillary lighting occurs on-site in support of evening operations.

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).

2.7.2 SITE TOPOGRAPHY

Figure 2-5, *USGS Map*, depicts the topography on-site The Nichols Canyon Mine property consists of a surface mine and undisturbed vacant property. Elevations on-site range from 1,920 feet above mean sea level (amsl) in the northeastern portions of Nichols North to 1,280 feet amsl in the western portions of Nichols South. Under existing conditions, areas that were previously subject to mining on the Nichols North site contain stockpiles, dirt roadways, and processing equipment, while the

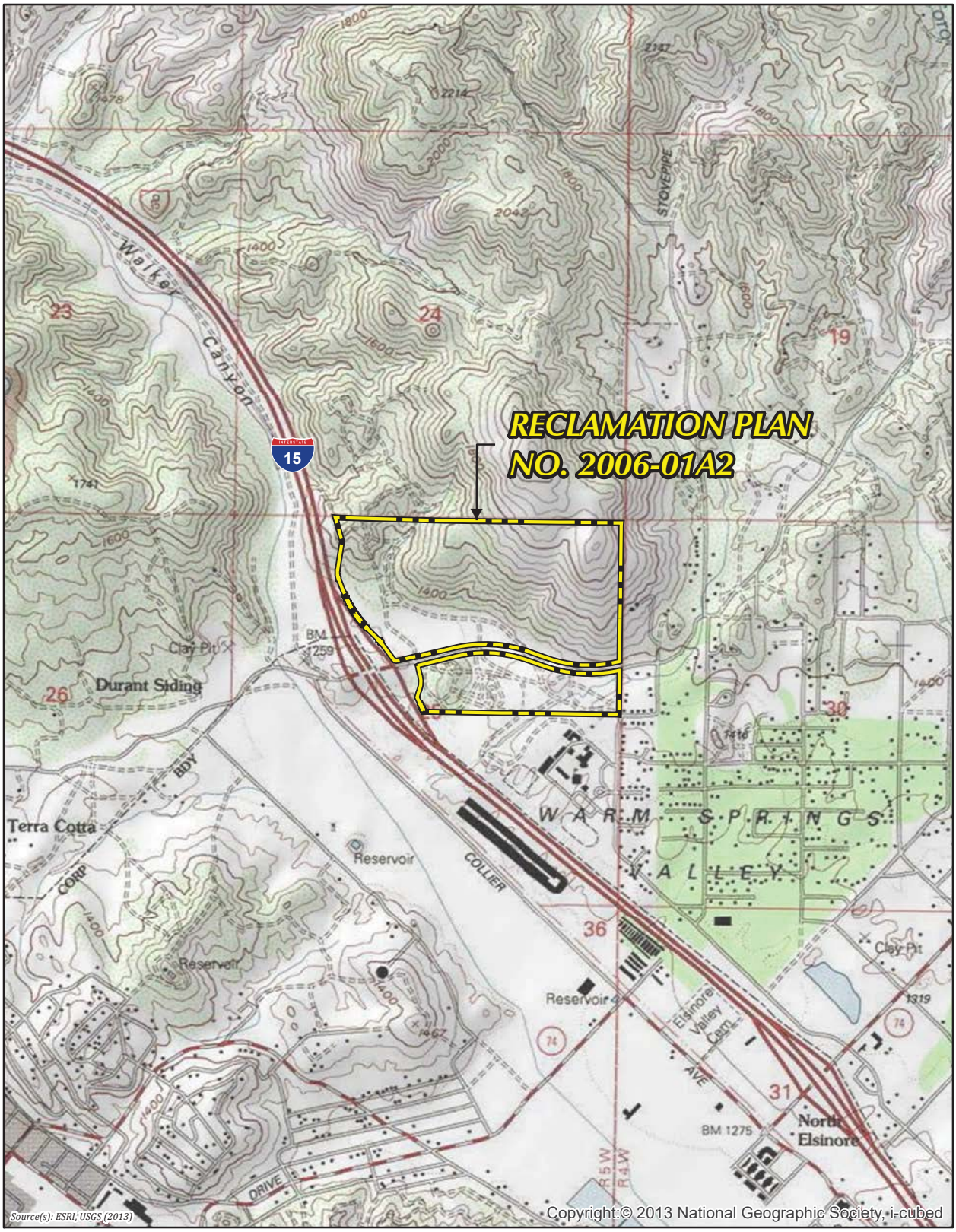


Figure 2-5

USGS MAP

upper elevations of the hillsides are undisturbed. The Nichols South site consists of a mostly disturbed site where overburden has been removed and much of the area is subject to regular disking as part of on-going fire abatement activities, with a drainage (Stovepipe Creek) traversing the southeastern portion of the Nichols South site. The Project's proposed 24-acre expanded disturbance area (EDA), located in the eastern and northern portions of the Nichols North site, is generally undeveloped hillside land formed in bedrock terrain that includes surface rock outcrops. The EDA is dissected by a southwest-trending ravine and smaller drainages to the southeast. The topography rises in elevation from southwest to northeast and is formed in a crystalline bedrock unit of the Perris Structural Block. Natural slopes generally slope at angles less than 30 degrees; however, locally steeper slopes are present in drainages and within and near bedrock outcrops. (CHJ Consultants, 2015, p. 3)

2.7.3 AESTHETICS FEATURES

Open space occurs to the immediate north, south, and east of the Nichols Canyon Mine and I-15 is located to the west of the Mine site. Nichols North and Nichols South are partially visible from sections of Nichols Road which divides Nichols North and Nichols South. Berms are located on the western boundary of the Nichols Canyon Mine which partially obstruct views of the Mine site from I-15. The Nichols Canyon Mine site is not visible from any state-designated scenic highway corridor. However, the Mine site is located adjacent and to the east of I-15, which is identified as a "State Eligible" scenic highway (Riverside County, 2003a, Figure C-9). 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 (Caltrans, 2011; Google Earth, 2015).

Refer to EIR Subsection 4.1, *Aesthetics*, for a more thorough discussion of the Project site's existing aesthetic setting.

2.7.4 AIR QUALITY AND CLIMATE

The Nichols Canyon Mine is located in the 6,745-square-mile South Coast Air Basin (SCAB), which includes portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County. The SCAB is bound by the Pacific Ocean to the west and the San Gabriel, San Bernardino, the San Jacinto Mountains to the north and east, and San Diego County to the south. The SCAB is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD), the agency charged with bringing air quality in the SCAB into conformity with federal and state air quality standards. Although the climate of the SCAB is characterized as semi-arid, the air near the land surface is quite moist on most days because of the presence of a marine layer. More than 90% of the SCAB's rainfall occurs from November through April. Temperatures during the year range from an average minimum of 36°F in January to over 100°F maximum in the summer. During the late autumn to early spring rainy season, the SCAB is subjected to wind flows associated with the traveling storms moving through the region from the northwest. This period also brings five to ten periods of strong, dry offshore winds, locally termed "Santa Ana[s]" each year. (Urban Crossroads, 2016a, pp. 6-7)~~(Urban Crossroads, 2015a, pp. 6-7)~~

The SCAB is a non-attainment area for various state and federal air quality standards including ozone (O_3), Inhalable Particulates (PM_{10}) and Ultra-Fine Particulates ($PM_{2.5}$) (CARB, 2014). The SCAQMD conducts in-depth analysis of toxic air contaminants and their resulting health risks for all

of Southern California and compiles the data in a study, entitled, *Multiple Air Toxics Exposure Study in the South Coast Air Basin (MATES IV).* Mates IV predicts an estimated lifetime carcinogenic risk of ~~164.08~~402.04 per one million for the vicinity of the Nichols Canyon Mine site. (SCAQMD, 2015)

Under existing conditions the Mine emits air pollutants from the mining and processing equipment utilized on-site and from the vehicles traveling to and from the Mine site. The Nichols Canyon Mine is subject to a SCAQMD Permit to Operate (PTO; Permit No. G32437 A/N 562763). The PTO imposes standard conditions of approval on activities at the Mine, and prohibits on-site equipment from processing more than 149,970 tons of aggregate per month (or approximately 5,500 to 6,000 tons per working day).

Refer to EIR Subsection 4.2, *Air Quality*, and Subsection 4.6, *Greenhouse Gas Emissions*, for a more thorough discussion of the existing air quality and climate setting.

2.7.5 BIOLOGICAL SETTING

Under existing conditions, approximately 116 acres of the 199-acre Nichols Canyon Mine are actively used for mining operations. ~~Riversidean~~ Brittlebush~~sage~~ ~~s~~Scrub (a component of coastal sage scrub), non-native grassland, Chamise chaparral/Riversidean sage scrub, and ~~disturbed~~ developed habitat are the predominant vegetation communities present in areas of the Mine site that are not currently in active mine operations. ~~Riversidean~~ Brittlebush ~~sage~~ scrub, Chamise chaparral/Riversidean sage scrub, and non-native grasslands are considered to be sensitive habitat communities. It should be noted that Chamise chaparral/Riversidean sage scrub does not occur in the proposed EDA, and thus is not discussed in EIR Subsection 4.3, *Biological Resources*. The ~~disturbed~~ developed habitat on the Mine site is not considered sensitive habitat. Stovepipe Creek flows in a southwesterly direction on the southern portion of the Mine site and is mapped as a United States Geologic Survey (USGS) blue line stream. On the northern portion of the Mine site are three distinct north-south running unvegetated drainages. Portions of these drainages fall under the jurisdiction of the U.S. Army Corp of Engineers (Corps) and the California Department of Fish and Wildlife (CDFW). (Alden, 2016, pp. 2 and 5)~~(Alden, 2015, pp. 2 and 5)~~

The Nichols Canyon Mine site is located within the Elsinore Area Plan of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). According to the City of Lake Elsinore General Plan Update (GPU) EIR Figure 3.8-1, *City of Lake Elsinore MSHCP Designations*, the Nichols Canyon Mine is located within a MSHCP Criteria Area. (Lake Elsinore, 2011b, Figure 3.8-1) Specifically, the MSHCP identifies the Mine site 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 site as occurring within the Burrowing Owl Survey Area. (Riverside County, 2016)~~(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 issues, explicitly exempted the Nichols Canyon Mine from all provisions of the MSHCP. As a result of the Agreement, the MSHCP does not apply to the Project site. The Mine site is within, and subject to, the SKR HCP.

Refer to EIR Subsection 4.3, *Biological Resources,* for a more thorough discussion of the Project site's existing biological setting.

2.7.6 GEOLOGY

The Nichols Canyon Mine is located in the northern portion of the Peninsular Ranges Province (Lake Elsinore, 2011b, 3.11-1). Faults and Fault Zones that underlie the City of Lake Elsinore include the San Andreas Fault, Elsinore Fault Zone, Strands of the Elsinore Fault, Wildomar Fault, Glen Ivy South, Glen Ivy North, San Jacinto Fault, Laguna Salada Fault Zone, Whittier Fault, and the Chino Fault (Lake Elsinore, 2011b, Table 3.11-1) Within the Elsinore Fault Zone, the Glen Ivey North segment is the nearest active major fault, located approximately 1.8 miles to the southwest, the southern segment of the northwest-trending Chino-Central Avenue fault is located approximately 22 miles to the northwest, and the west-to northwest-trending Whittier fault is located approximately 23 miles northwest of the Mine site. (CHJ, 2015, pp. 8-9) According to Riverside County GIS, the Nichols Canyon Mine site is not mapped in an Alquist-Priolo Fault Zone and no known fault zones underlie the property. (RCIT, 2015) Refer also to the discussion in Subsection 2.5, above, for a discussion of mineral resources within the Temescal Valley Production Area.

Refer to EIR Subsection 4.5 *Geology and Soils*, for a more thorough discussion of the Project site's existing geologic setting.

2.7.7 HYDROLOGY AND WATER QUALITY

The Nichols Canyon Mine site is located within the Lee Hydrologic Subarea of the Lake Mathews Hydrologic Area of the Santa Ana River Hydrologic Unit (Bonadiman, 2016, p. 4)~~(Bonadiman, 2015, p. 4)~~. 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 related to mining activities within the western portions of the site. The surface flows in the areas not subject to mining activities, including the eastern and northern portions of the Nichols North site~~, as well as~~ and the majority of the Nichols South site, also flow in a southwestern direction via Stovepipe 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. (Bonadiman, 2016, Exhibit G)~~(Bonadiman, 2015, Exhibit G)~~

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) that cover the area of the Nichols Canyon Mine site, the majority of the Mine site is located in an unshaded "Zone X," identified by FEMA as an area determined to be outside the 0.2% (500-year) annual chance of flood. The portion of the Nichols South site which is located along Stovepipe Creek is located in a shaded "Zone A," identified by FEMA as an area determined to be subject to 1% (100-year) annual chance of flood with no base flood elevations determined. (Bonadiman, 2016, p. 8)~~(Bonadiman, 2015, p. 8)~~

2.7.8 NOISE

Primary sources of noise in the Project site's vicinity include vehicular noise on nearby roads. Under existing conditions, noise is emitted from on-site machinery, blasting, and vehicular traffic. The proposed disturbance limits at the Nichols Canyon Mine site occur approximately 386~~414~~ feet from the nearest residential home, located southeast of the Mine along Wood Mesa Court. The nearest building at the Temescal Canyon High School is located approximately 586~~610~~ feet from the Mine's existing and proposed disturbance limits. The Project's noise consultant (Hans Giroux and

Associates [HGA]) collected baseline noise measurements at the far southwest and southeast corners of the fence line surrounding the existing Nichols Canyon Mine site. The observed noise levels near I-15 were continuous and loud and noise levels along Nichols Road east of I-15 were observed to be sporadic and quiet except from a few passing cars. Short-term noise measurements were conducted mid-day on July 21, 2014. Operating conditions on this day, including Mine-related noise, were characteristic of typical daily operations. Measurements ranged from 53 equivalent-level decibels (Leq.) at the southwest corner to 68 Leq at the southeast corner of the fence line surrounding the Nichols Canyon Mine site. (Giroux, 2016, p. 2)~~(Giroux, 2015, p. 2)~~

Refer to EIR Subsection 4.8~~9~~, *Noise*, for a more thorough discussion of the Project site's existing noise environment.

2.7.9 TRANSPORTATION AND CIRCULATION

Major travel routes in the vicinity of the Nichols Canyon Mine site include I-15 which abuts the Mine's western boundary, SR-74, located approximately 1.0 mile to the south, I-215, located approximately 9.1 miles to the east, and SR-91, located approximately 16.8 miles to the north of the Mine site. Under existing conditions, access to the Nichols Canyon Mine is provided from Nichols Road via two driveways on the North Nichols site and two driveways on the South Nichols site.

Under existing conditions, the Mine produces approximately 16 passenger car trips and 260 truck trips (total Project trips based on typical peak operating day of 5,000 tons per day (tpd); refer to Subsection 2.1 and Table 2-2), which together constitute 276 baseline daily trips. Based on a passenger-car equivalent (PCE) of 3.0 PCE per truck, the Mine site produces approximately 795 daily PCE trips per day. (Urban Crossroads, 2016d, Table 4-5)~~(Urban Crossroads, 2015d, Table 4-5)~~

Refer to EIR Subsection 4.9~~10~~, *Transportation and Circulation*, for a more thorough discussion of the Project site's existing transportation and circulation setting.

2.7.10 UTILITIES AND SERVICE SYSTEMS

Water used on-site for dust control and aggregate processing is obtained from the Elsinore Valley Municipal Water District (EVWMD). In order to evaluate Project related water consumption, water bills for the Project site from EVMWD were obtained for the Mine for 2015. The water bills are used in order to establish a baseline of average water usage on-site. It is important to note that the amount of watering for dust control on-site fluctuates depending on weather conditions at the Mine and based on areas subject to active mining-related activities. Based on information from the EVMWD regarding water use in 2015, the Project site had a highest monthly demand of 46,066 gpd (in the month of September). In 2015, the Project site's lowest monthly demand was 10,173 gpd (in the month of January). Based on the water bills for 2015, the water usage on-site averaged 32,915 gpd. ~~Based on historical data for the Mine between 2007 and 2014, the water usage on-site averaged approximately 64,000 gallons per day for dust control. (Project Applicant, 2015b)~~(EVMWD, 2015)

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.

Refer to EIR Subsection 4.10~~1~~, *Utilities and Service Systems*, for a more thorough discussion of the Project site's existing utilities and service systems.

3.0 PROJECT DESCRIPTION

This section provides all of the information required of an EIR Project Description by CEQA Guidelines § 15124, including a description of the Project's precise location and boundaries; a statement of the Project's objectives; a description of the Project's technical, economic, and environmental characteristics; and a description of the intended uses of this EIR, including a list of the government agencies that are expected to use this EIR in their decision-making processes; a list of the permits and approvals that are required to implement the Project; and a list of related environmental review and consultation requirements.

The existing Nichols Canyon Mine comprises approximately 199 acres located both north and south of Nichols Road, in the northeastern portion of the City of Lake Elsinore. Approximately 156 acres of the Nichols Canyon Mine is located north of Nichols Road (Nichols North) and approximately 43 acres of the Nichols Canyon Mine is located south of Nichols Road (Nichols South). The Nichols North and Nichols South sites are both subject to an approved Reclamation Plan (RP 2006-01A1). Under existing conditions, the Nichols North site primarily encompasses stockpiles, excavated mining pits, interior unpaved roads, and support equipment for aggregate mining operations, with a drainage basin located in the southwest corner of the site. The Nichols North site also is subject to approved Conditional Use Permit No. CUP 2014-07 approved by the City of Lake Elsinore in 2015 which allows for the operation of a portable asphalt batch plant on approximately 1.76 acres of the Project site. Thus, the batch plant has already been approved by the City along with a CEQA environmental compliance document that was not challenged by any third party. During the public comment period on the DEIR, several third parties incorrectly asserted that the DEIR failed to adequately analyze the proposed Project's impacts. Several of these commentators also incorrectly claimed that the DEIR needed to re-analyze and include the batch plant's impacts as part of this EIR. While the City disagrees with these claims because the batch plant has already been approved under CUP 2014-07 and previously evaluated in an approved MND Addendum that was not challenged, in an effort to provide a conservative and overly-inclusive analysis of the Project's impacts on the environment (as opposed to potentially underestimating the Project's impacts), and to remove this issue from being a point of contention, this EIR includes analyses of the batch plant's impacts in all relevant CEQA Appendix G topics. The Nichols South site has largely been disturbed by the prior removal of overburden from the site and is regularly disked as part of on-going fire abatement activities.

This EIR analyzes the physical environmental effects associated with all components of the Project, including planning and ongoing operation. The governmental approval requested from the City of Lake Elsinore to implement the Project consists of (1) approval of a surface mining permit (SMP No. 2015-01); and (2) the second amendment to an existing approved Reclamation Plan (Reclamation Plan No. 2006-01A1 [RP 2006-01A1]) for an existing aggregate mining site known as the Nichols Canyon Mine (CA Mine ID # 91-33-0098). The Nichols Canyon Mine is a vested mining operation, as the City has previously confirmed. As will be discussed in detail in this section, in response to comments received during the scoping process for this EIR, the City has requested and the Project Applicant has agreed to apply for a surface mining permit notwithstanding the Mine's vested status in order to more clearly define and condition the activities proposed as part of the Project. In agreeing to apply for a surface mining permit, the Project Applicant expressly does not waive and reserves all vested mining rights at the Mine to the fullest extent under the law. For purposes of this

EIR, the proposed SMP No. 2015-01 and RP 2006-01A2 are amendments to valid, existing ~~affecting~~ entitlements allowing for operations at an existing vested mining operation.

The proposed approval of SMP No. 2015-01 and RP 2006-01A2 includes: 1) authority to conduct mining operations in the 24~~-~~-acre Expanded Disturbance Area (EDA); 2) an increase in mining equipment operational hours from between 7:00 a.m. and 12:00 a.m. (Monday through Friday, excluding Federal Holidays) and between 7:00 a.m. and 7:00 p.m. (Saturdays only) to between 4:00 a.m. and 12:00 a.m. (Monday through Saturday, excluding Federal Holidays) for mining equipment and asphalt batch plant operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate and asphalt batch plant export activities; and 3) reduction of the Mine's annual permitted tonnage from 4,000,000 tons per year (tpy) to 856,560 tpy. The proposed revisions to the approved RP 2006-01A1 describe reclamation requirements applicable to the EDA, in compliance with the Surface Mining and Reclamation Act (Public Resources Code, § 2710 *et seq*.) ("SMARA") and the City's certified surface mining ordinance (Municipal Code Chapter 14.04, *Surface Mining and Reclamation*) (Lake Elsinore, 1999).

The applications for SMP No. 2015-01 and RP 2006-01A2, as submitted to the City of Lake Elsinore by the Project Applicant, ~~is~~ are herein incorporated by reference pursuant to CEQA Guidelines § 15150 and ~~is~~are available for review at the City of Lake Elsinore City Hall, Planning Division; 130 South Main Street, Lake Elsinore, California 92530. All other discretionary and administrative approvals that would be required of the City of Lake Elsinore or other government agencies are also within the scope of the Project analyzed in this EIR.

3.1 PROJECT LOCATION

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 3-1, *Regional Map*). From a regional perspective, the Nichols Canyon Mine is located north of the City of Wildomar, east of I-15, and south of the Temescal Valley, with areas to the east located within unincorporated Riverside County. I-15 abuts the Mine's western boundary. SR-74 is located approximately 1.0 mile south, I-215 is located approximately 9.1 miles to the east, and SR-91 is located approximately 16.8 miles to the north. Specifically, the Nichols Canyon Mine is located east of I-15 and north and south of Nichols Road, as illustrated on Figure 3-2, *Vicinity Map.*

Refer to EIR Section 2.0, *Environmental Setting*, for more information related to the regional and local setting of the Mine.

3.2 STATEMENT OF OBJECTIVES

The Project's fundamental purpose is to increase the availability of high-quality aggregate resources within the local area in order to help meet the regional demand for aggregate material. The primary objectives of the proposed Project are to (1) expand current mining operations by 24 acres; (2) accept a reduction in the Mine's permitted annual production level from 4,000,000 tons per year (tpy) to 856,560 tpy (inclusive of aggregate materials); and (3) lengthen the hours of operation for mining, processing, and export activities from between 7:00 a.m. and 12:00 a.m. (Monday through Friday, excluding Federal Holidays) and between 7:00 a.m. and 7:00 p.m. (Saturdays only) to between

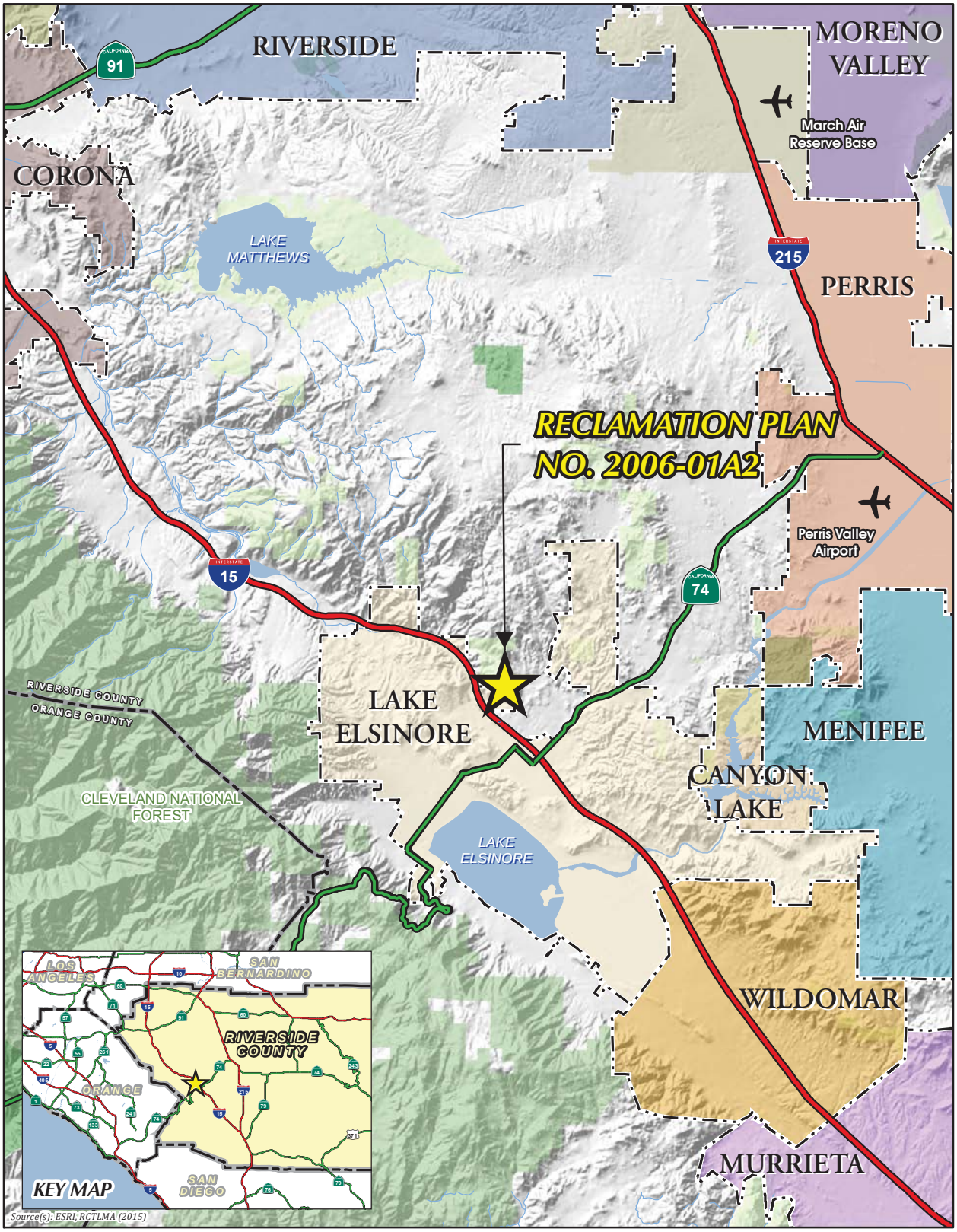


Figure 3-1

REGIONAL MAP

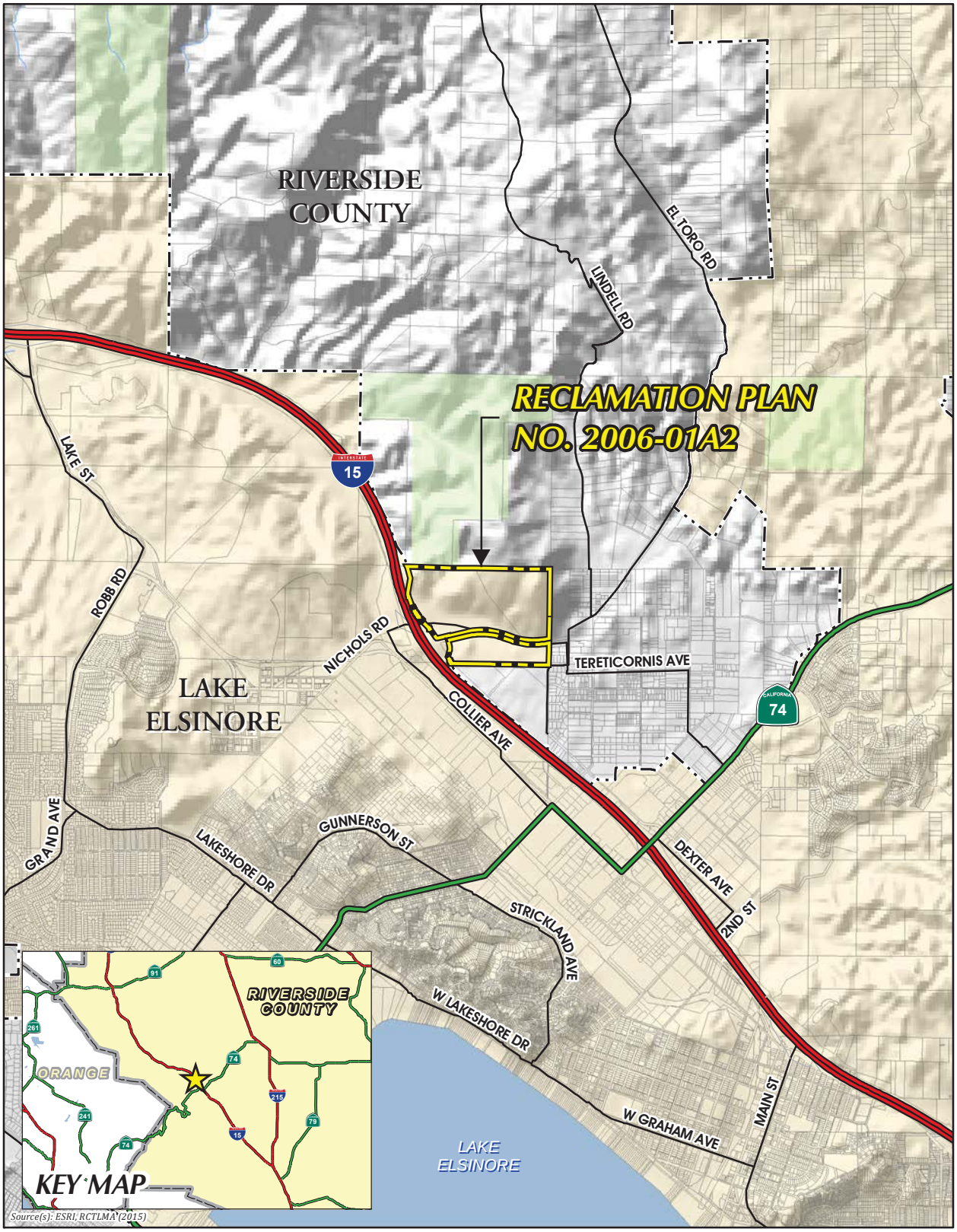


Figure 3-2

VICINITY MAP

4:00 a.m. and 12:00 a.m. (Monday through Saturday, excluding Federal Holidays) for mining equipment and asphalt batch plant operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate and asphalt batch plant export activities. The following is a list of specific objectives that the proposed Project is intended to achieve.

A. To increase the availability of ~~e~~ high-quality aggregate reserves ~~available~~ within the local area ~~on the property~~ in order to help meet the regional demand for aggregate material, to make the best use of the Mine's aggregate resources, and by revising approved Reclamation Plan 2006-01A1 to accommodate an expansion to the approved limits of aggregate mining activities.

B. To facilitate more efficient export processing of aggregate materials from the Mine site by extending the permitted operational hours for mining activities on-site.

C. To better reflect actual mining capacity for the Mine site by reducing the annual tonnage allowed to be mined and exported from the Nichols Canyon Mine site.

D. To reclaim the 199-acre Mine site to a usable condition by revising Reclamation Plan 2006-01A1 to identify ultimate site elevations in conformance with the Surface Mining and Reclamation Act of 1975 (SMARA) and the regulations and requirements of the City of Lake Elsinore.

E. To minimize environmental impacts associated with mining and reclamation activities at the Nichols Canyon Mine site in conformance with the requirements of SMARA and the City of Lake Elsinore.

F. To establish updated standards for operational mining activities at the Nichols Canyon Mine site in a manner that complies with all applicable federal, state, and local regulations and requirements.

G. To maximize the use of aggregate reserves and create the most usable space from the Mine's disturbance by designing slopes that accomplish this objective.

3.3 PROJECT'S COMPONENT PARTS

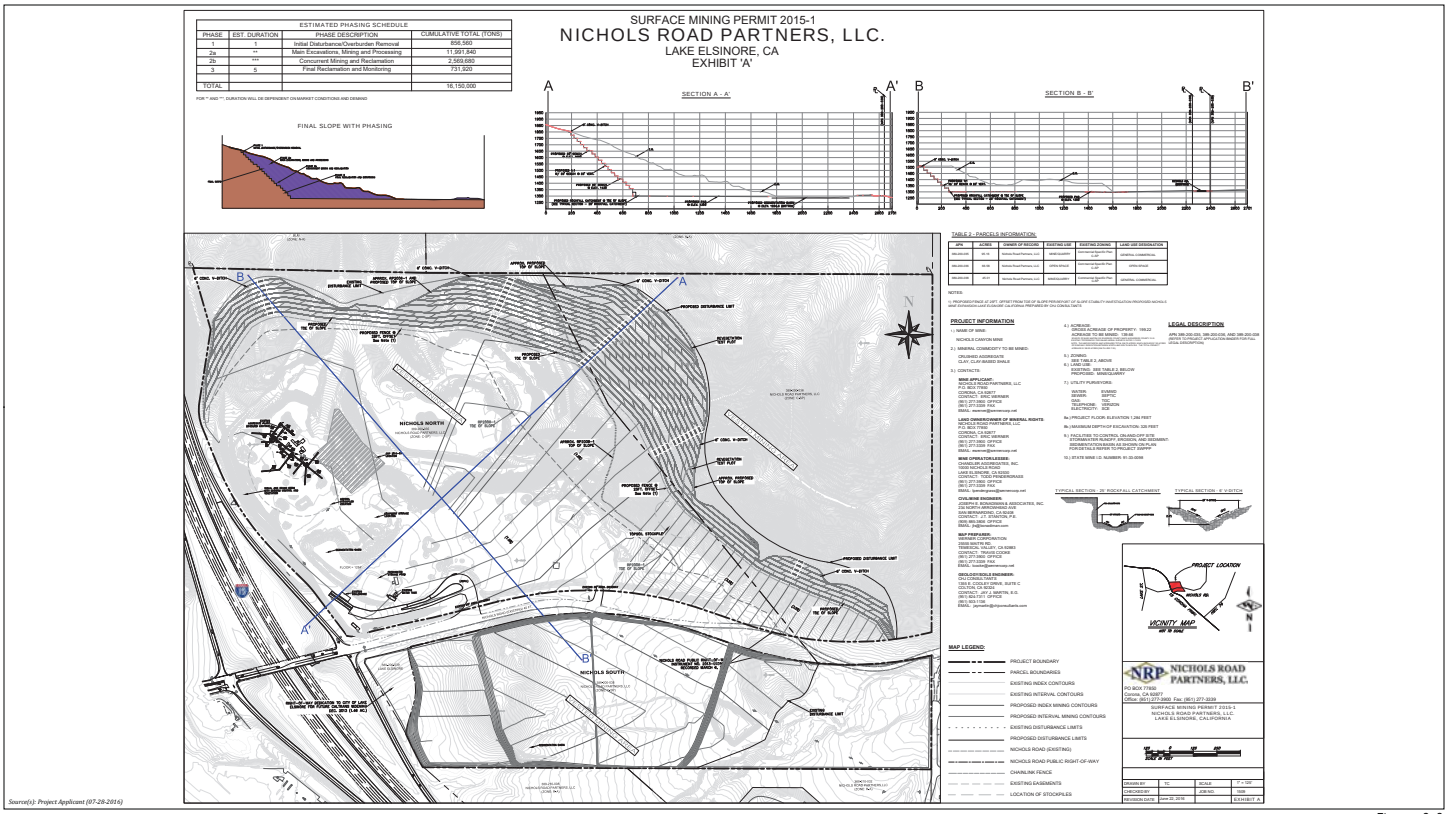
The proposed Project consists of approval of a surface mining permit (SMP No. 2015-01) and the second amendment to an existing approved Reclamation Plan (Reclamation Plan No. 2006-01A1 [RP 2006-01A1]) for an existing aggregate mining site (Nichols Canyon Mine). The proposed approval of SMP No. 2015-01 includes: 1) authority to conduct mining operations in the 24-acre EDA; 2) an increase in mining equipment operational hours from between 7:00 a.m. and 12:00 a.m. (Monday through Friday, excluding Federal Holidays) and between 7:00 a.m. and 7:00 p.m. (Saturdays only) to between 4:00 a.m. and 12:00 a.m. (Monday through Saturday, excluding Federal Holidays) for mining equipment and asphalt batch plant operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate and asphalt batch plant export activities; and 3) reduction of the Mine's annual permitted tonnage from 4,000,000 tons per year (tpy) to 856,560 tpy. The proposed revisions to the approved RP 2006-01A1 (RP 2006-01A2) describe reclamation requirements applicable to the EDA, in compliance with the Surface Mining and Reclamation Act (Public Resources Code, § 2710 *et seq.*) ("SMARA") and the City's certified surface mining ordinance (Municipal Code Chapter 14.04, *Surface Mining and Reclamation*) (Lake Elsinore, 1999). These ~~terms~~ proposed Project also refers to the changes that would result from approval of the proposed Project, such as increased traffic and additional employees, pursuant to CEQA's

requirements for evaluating revisions to on-going permits. Figure 3-3, ~~*Reclamation Plan No. 2006-01A2*~~*Reclamation Plan No. 2006-01A2-Interim Mining Conditions*, depicts the interim mining conditions associated with proposed RP 2006-01A2. Figure 3-4, *Reclamation Plan No. 2006-01A2-Reclamation Conditions*, depicts the reclamation conditions plan associated with proposed RP 2006-01A2.

The entire 199-acre Nichols Canyon Mine is a vested mining operation, as the City has previously confirmed. As will be discussed in detail herein, in response to comments received during the scoping process for this EIR, the City has requested and the Project ~~a~~Applicant has agreed to apply for a surface mining permit notwithstanding the Mine's vested status in order to more clearly define and condition the activities proposed as part of the Project. In agreeing to apply for a surface mining permit, the project applicant expressly does not waive and reserves all vested mining rights at the Mine to the fullest extent under the law. The Project would not affect the existing vested mining areas for the Nichols Canyon Mine, which encompasses the entire 199-acre site. The proposed change to the Mine's operating hours also would apply to the previously-approved asphalt batch plant on-site. Thus, the batch plant has already been approved by the City along with an environmental clearance that was not challenged by any third party. During the public comment period on the DEIR, several third parties incorrectly asserted that the DEIR failed to adequately analyze the proposed Project's impacts. Several of these commentators also incorrectly claimed that the DEIR needed to re-analyze and include the batch plant's impacts as part of this EIR. While the City disagrees with these claims because the batch plant has already been approved, in an effort to provide a conservative analysis of Project impacts (as opposed to underestimating Project impacts), and to remove this issue from being a point of contention, this EIR analyzes 100% of the batch plant's impacts in all relevant and identified Appendix G CEQA topics. Under the existing approved Conditional Use Permit No. 2014-07 (CUP 2014-07), operation of the asphalt batch plant may occur between the hours of 7:00am to 12:00am Monday through Friday, and between the hours of 7:00am through 7:00pm on Saturday, with no operation of the asphalt batch plant allowed on Sundays or legal holidays. Under the proposed Project, asphalt batch plant operations would be allowed to occur during the same hours of mining activities (i.e., between 4:00 am and 12:00 am [Monday through Saturday, excluding Federal Holidays]).

All other components of mining and processing activities at the Mine site would be identical to what was permitted pursuant to the Mine's existing entitlements. With approval of the proposed Project, the total aggregate reserves that would be available at the Nichols Canyon Mine would increase from ~~, inclusive of~~ approximately 6,078,121 tons ~~existing reserves~~within the mining areas that are currently entitled as part Reclamation Plan No. 2006-01A1, ~~would total~~ to approximately 15,033,034~~16,150,000~~ tons (representing an increase of 8,954,913 tons). Please refer to Subsection 3.3.2.K for information regarding the remaining aggregate reserves on the Project site.

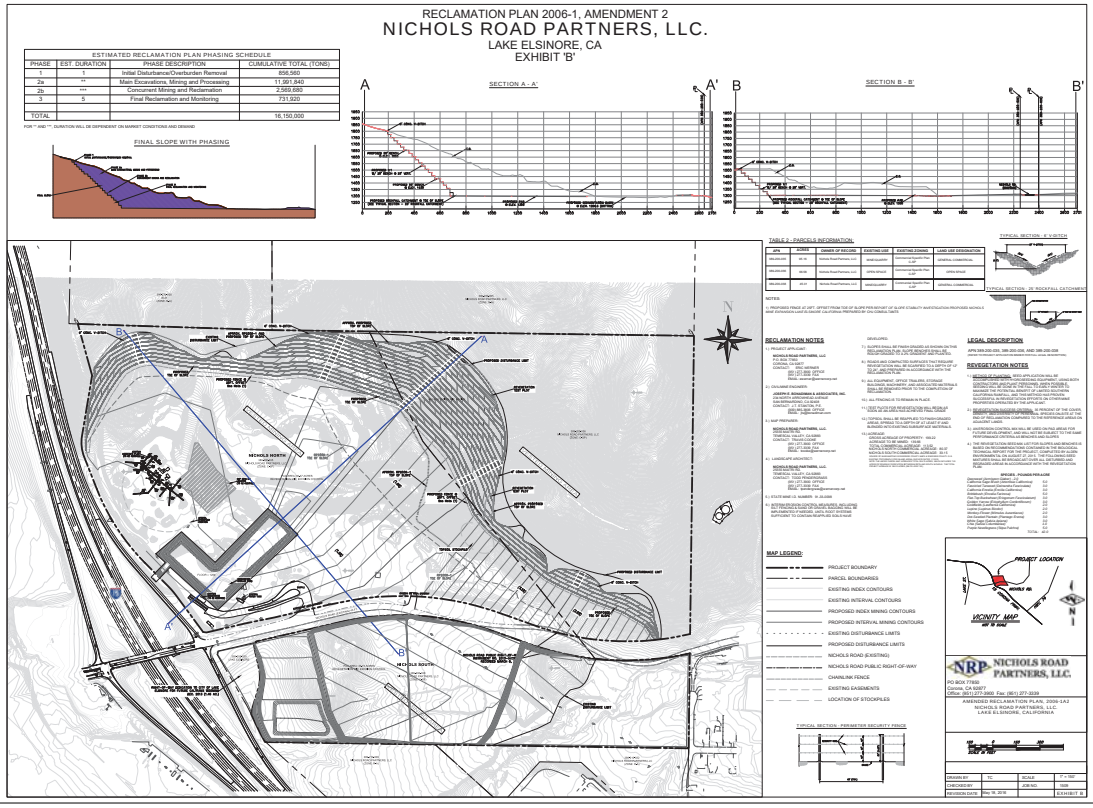
The Mine is subject to the SCAQMD Permit to Operate (PTO Permit No. A/N 5604010). The PTO imposes standard conditions of approval on activities at the Mine, and prohibits on-site equipment from processing more than 149,970 tons of material per month (or an average of approximately ~~5,500~~5,554 to 6,249~~000~~ tons per working day, depending on the number of working days per month). The PTO is on a monthly basis, and there are no restrictions on the amount of processing that occurs on a daily basis, as long as the processing does not exceed 149,970 tons per month. (SCAQMD, n.d.)



Source(s): Project Applicant (07-28-2016)

Figure 3-3

RECLAMATION PLAN NO. 2006-01A2 - INTERIM MINING CONDITIONS



Source(s): Project Applicant (07-28-2016)

Figure 3-4

RECLAMATION PLAN NO. 2006-01A2 - RECLAMATION CONDITIONS

3.3.1 SCOPE OF PHYSICAL DISTURBANCE

As indicated in Subsection 3.3.2, ~~the Project involves continued~~ physical disturbance at the Mine site will continue to occur within areas that have in the past and/or are currently subject to mining activities, and the Project proposes 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 would occur along the eastern and northern limits of the existing approved mining limits for the Nichols Canyon Mine. Mining activities would occur on the sides of hillsides and not in an open pit, which ultimately would achieve the final grades of the proposed Reclamation Plan RP 2006-01A2. The Project would not affect the existing vested mining areas for the Nichols Canyon Mine, which would continue to encompass the entire 199-acre Nichols Canyon Mine site (refer to EIR Subsection 2.6.1, *Land Use*, for a discussion of vested rights). Accordingly, for purposes of analysis herein, the physical limits of new disturbance attributable to Project-related mining activities would be limited to the proposed 24-acre expansion area. Figure 3-5, *Existing and Proposed Limits of Physical Disturbance*, depicts the existing limits of disturbance and the proposed limits of disturbance associated with the proposed Project. The difference between the existing and proposed limits of physical disturbance is 24 acres.

3.3.2 SCOPE OF OPERATIONAL CHARACTERISTICS

A. Project-Related Annual Tonnage Estimates

Although the proposed Project would reduce the permitted annual tonnage of exported materials from 4,000,000 tpy to 856,560 tpy, historical data recorded by the Mine operator and provided to the Office of Mine Reclamation (OMR) indicates that the Mine produced an average of approximately 556,348 tpy between 2007 and 2014. As more fully described in EIR Subsection 2.1, and in consideration of CEQA requirements 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 856,560 tpy, inclusive of operation associated with the previously-entitled ~~existing~~ asphalt batch plant. Because the historical baseline average for the Nichols Canyon Mine is 556,348 tpy (see Table 2-1), the annual production amount attributable to the Project would be 300,212 tpy (856,560 tpy – 556,348 tpy = 300,212 tpy). Although the Mine has not produced at the proposed production limit of 856,560 tpy in recent years, for purposes of providing a complete, conservative analysis, this EIR assumes that the Mine will produce at that level. Additionally, and for purposes of analysis throughout this EIR, it is assumed that the asphalt batch plant would produce up to 330,000 tpy of asphalt material. If the same assumptions are applied to the asphalt batch plant as is applied above to overall annual mining production amounts, then the Project evaluated in this EIR would be responsible for approximately 115,665 tpy of asphalt material (35.05% of 330,000 tpy = 115,665 tpy). However, in an effort to provide a highly conservative analysis of Project impacts, the analysis throughout this EIR assumes that the Project would result in the processing of approximately 330,000 tpy of asphalt material. Where daily tonnage is necessary for analysis of Project-related impacts in this EIR, the daily tonnage estimates are utilized in lieu of the annual tonnage estimates (refer to Subsection 3.3.2.B)~~.~~.

B. Project-Related Daily Tonnage Estimates

As previously mentioned under Subsection 3.3, the SCAQMD PTO allows the Mine to process a maximum of 149,970 tons of material per month (or an average of approximately 5,554 to 6,249 tons per working day, depending on the number of working days per month). However, the PTO

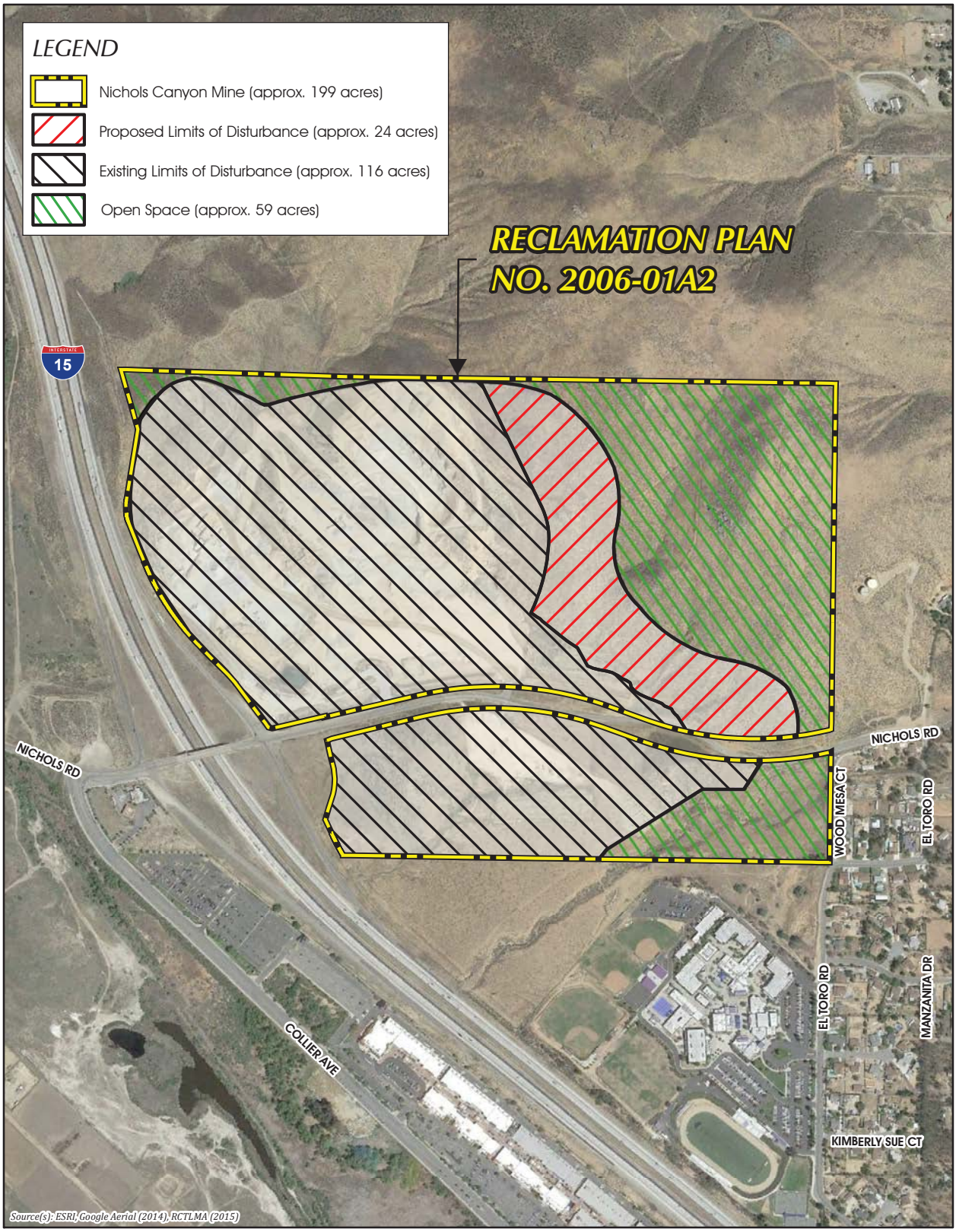


Figure 3-5

EXISTING AND PROPOSED LIMITS OF PHYSICAL DISTURBANCE

restriction is for monthly tonnage; thus, there is no daily tonnage restriction per the existing PTO. Aggregate production may fluctuate on a day-to-day basis, as long as it does not exceed the monthly maximum of 149,970 as specified in the PTO. Based on the physical and operational characteristics of the Nichols Canyon Mine, and based on data reported to OMR for the year 2015, ~~the Mine operator estimates that~~ a maximum total of 5,000 tons of material per day (inclusive of both aggregate mining and asphalt material) represents a reasonable high-end estimate of the amount of material that we~~ould be processed on the site. This assumption is based on data for the Mine for 2015, when the largest amount of materials processed on a single day was 5,609 tons and the smallest amount of materials processed in a single day was 5.34 tons. The smaller amount of daily materials processed can be attributed to rainy days and Saturdays, when materials were not in high demand. The average amount of materials processed on-site per working day in 2015 comprised 1,441 tons. Although it is possible that individual days may exceed 5,000 tpd, historical data reported to OMR demonstrate that the Mine only exceeded 5,000 tpd on three days during 2015, and the average amount of materials processed comprised 1,441 tpd. (Project Applicant, 2016g) Thus, based on physical and operation characteristics of the Nichols Canyon Mine, a maximum total of 5,000 tpd represents a reasonable high-end estimate of the amount of material that would be processed on the site.

CEQA does not require that agencies use "worst-case scenarios" or even "reasonable worst-case scenarios" when applying forecasts or assumptions in their analysis of environmental impacts. The EIR, when looked at as a whole, must provide a reasonable, good faith disclosure and analysis of environmental impacts (*Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376). EIRs can and should make reasonable forecasts (*San Francisco Ecology Center v. City and County of San Francisco* (1975) 48 Cal.App.3d 584, 595). When it is difficult to forecast future actions, an EIR may rest its analysis on reasonable assumptions (*State Water Resources Control Board Cases* (2006) 136 Cal.App.4th 674, 797). When precise data is not available, an EIR may rely on informed estimates (*Laurel Heights, supra*, 47 Cal.3d at 410). Thus, nothing in the CEQA Statute, CEQA Guidelines, or case law require an agency to use a "worst-case scenario" when making projections or forecasts about future conditions. To the contrary, CEQA requires that the agency make reasonable, informed, and good faith assumptions, and if the lead agency were to use "worst-case" assumptions, the agency would be overestimating likely impacts, and even misleading the public by forecasting a situation that will only occur infrequently, if at all.

In summary, the use of 5,000 tpd as a reasonable high-end estimate of Project-related daily mining quantities likely overestimates the Project's daily tonnage production because a) the Project's average daily production in 2015 was 1,441 tpd which is much lower than 5,000 tpd; and b) the Project' only exceeded 5,000 tpd three times in 2015. As such, it is highly probable that the Project's daily production-related environmental effects are overstated in this EIR, and this EIR therefore adequately evaluates all potential impacts caused by daily production tonnage at the Mine.

~~Because i~~Increased tonnage attributable to the proposed Project (300,212 tpy) would comprise approximately 35.05% of the total 856,560 tpy that would be permitted under the proposed Project (as described in Subsection 3.3.2.A, *Project-Related Annual Tonnage Estimates*, above). ~~, then f~~For purposes of analysis it is estimated that the Project would account for up to 35.05% of the total 856,560 tpd that would be permitted under the proposed Project. This would result in (.3505 x 856,560= 1,752 tpd) 1,752 tons per day (tpd) of aggregate and asphalt material processing. For the asphalt batch plant, the analysis in this EIR accounts for 100% of the potential environmental effects

that could result from asphalt batch plant operations. Specifically, for purposes of evaluating air quality and greenhouse gas impacts for the proposed Project, the analysis assumes that asphalt batch plant daily production would comprise approximately 2,000 tpd, or approximately 40% of the 5,000 tpd assumed as the reasonable high-end estimate for daily aggregate mining activities. Although the Project evaluated herein technically would be responsible for only 35.05% of the asphalt batch plant production, or approximately 701 tpd, the analysis throughout this EIR nonetheless assumes that the Project would produce 2,000 tpd of aggregate materials. This is a highly conservative estimate, as the Project evaluated herein only would be responsible for up to 1,752 tpd of aggregate mining, as described in further detail in Subsection 3.3.2.A. Thus, impacts associated with operation of the asphalt batch plant are overstated throughout this EIR.

C. Operational Hours

Under existing conditions, mining, processing, and export activities on-site are limited to between 7:00 a.m. and 12:00 a.m. (Monday through Friday, excluding Federal Holidays) and between 7:00 a.m. and 7:00 p.m. (Saturdays only). Under the proposed Project, the time limits for both mining and asphalt batch plant operation would be extended to between 4:00 a.m. and 12:00 a.m. (Monday through Saturday, excluding Federal Holidays) for mining equipment and asphalt batch plant operation and 24 hours per day (Monday through Saturdays, excluding Federal Holidays) for aggregate and asphalt batch plant export activities. It should be noted that export activities associated with the asphalt batch plant were previously permitted by CUP 2014-07 to occur 24 hours per day.

D. Distance to Surrounding Land Uses

Implementation of the proposed Project has the potential to affect surrounding residential, commercial, and school uses in proximity to the site. Potential impacts to surrounding land uses are evaluated based on the land use's proximity to the component of the Project which would impact the land use. The distances of the various components of the Project and the distance to surrounding land uses is shown in Figure 3-5, *Distances To Surrounding Land Uses*. The distance measurements utilized throughout this EIR include the following:

- **Mining Limits.** The proposed Project would change the hours of mining activities on-site to allow mining activities and asphalt batch plant operations to occur between 4:00 a.m. and 12:00 a.m. (Monday through Saturday, excluding Federal Holidays) and to allow for export of aggregate materials to occur 24 hours per day (Monday through Saturdays, excluding Federal Holidays). Export of asphalt batch plant materials already is allowed to occur 24 hours per day pursuant to CUP 2014-07. Additionally, the Project would expand areas subject to mining activities by approximately 24 acres. Therefore, impacts associated with the proposed extended hours of operation and expanded impact limits are evaluated based on the distance between the nearest portions of the existing or proposed mining impact limits and the surrounding uses. For the residential use, the distance is approximately 386 feet southeast of the EDA. The existing commercial use west of I-15 is approximately 756 feet southwest of the currently-approved mining impact limits. Additionally, although regular school activities at the Temescal Canyon High School begin at 7:30 a.m., there is a potential for some school activities to occur prior to 7:30 a.m., such as sports practice and tutoring. In order to provide a worst-case

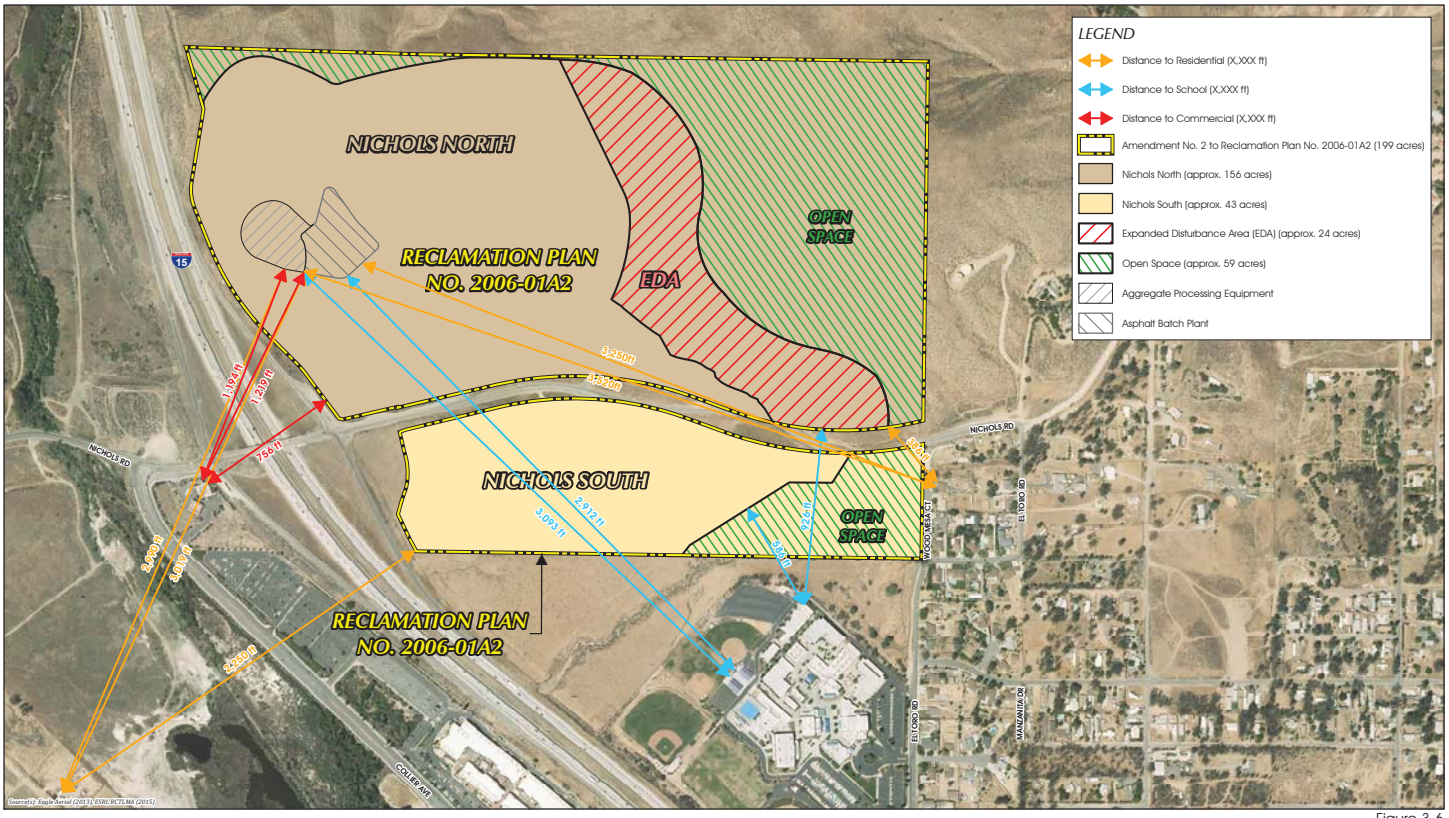


Figure 3-6

DISTANCES TO SURROUNDING LAND USES

analysis of potential impacts due to the extended hours of mining, impacts to the high school are assessed at a distance of 586 feet between the nearest school building and the currently-approved mining limits at the Nichols South site.

- **Aggregate Processing.** Implementation of the proposed Project would extend the hours of operation to allow aggregate processing equipment to be used on-site between 4:00 a.m. and 7:00 a.m. (Monday through Saturday, excluding Federal Holidays). Additionally, the aggregate processing plant would process approximately 35.05% more materials as compared to baseline conditions. Impacts due to the change in hours of operation and increased aggregate processing activities on site are evaluated herein based on the distance between the aggregate processing plant and the nearest land uses. Specifically, the aggregate processing equipment is located approximately 2,990 feet from the nearest residential use, 1,194 feet from the nearest commercial use, and 3,093 feet from the nearest classroom at Temescal Canyon High School.

- **Asphalt Batch Plant.** An asphalt batch plant is currently entitled to operate on the site from 7:00 a.m. and 12:00 a.m. (Monday through Friday, excluding Federal Holidays) and between 7:00 a.m. and 7:00 p.m. (Saturdays only) pursuant to CUP 2014-07 and was previously evaluated in compliance with CEQA as part of an Addendum to Mitigated Negative Declaration No. 2006-1 (MND 2006-1). The proposed Project also would extend the approved hours of operation for the asphalt batch plant allow operations to occur between 4:00 a.m. and 7:00 a.m. (Monday through Saturday, excluding Federal Holidays). Given these factors, and although not required by CEQA, this EIR accounts for impacts associated with operation of the asphalt batch plant from the hours of 4:00 a.m. and 12:00 a.m. (Monday through Saturday, excluding Federal Holidays), which encompasses 100% of asphalt batch plant operations. The asphalt batch plant site is located approximately 3,019 feet from the nearest residential use, 1,219 feet from the nearest commercial use, and 2,912 feet from the nearest classroom at Temescal Canyon High School.

~~D.~~E. Mine Employees

Under the proposed Project, two new workers would be employed on-site, in addition to the eight workers that are employed on-site under existing conditions. (Urban Crossroads, 2016d, Table 4-5)~~(Urban Crossroads, 2015d, Table 4-5)~~.

~~E.~~F. 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., 556,348 tpy; refer to Subsection 3.3.2.A), the Nichols Canyon Mine is calculated to produce approximately 16 passenger car trips and 260 truck trips per day under existing conditions, which equates to 795 passenger-car-equivalent (PCE) trips per day. Assuming a maximum of 856,560 tpy, the total number of employee trips would increase from approximately 16 to 20 trips per day, while truck trips would increase from approximately 260 truck trips to a maximum of 400 truck trips per day. As shown in Table 3-1, *Project Trip Generation Summary,* the total amount of traffic generated by the Mine would be 1,220 Passenger Car

Equivalent (PCE) trips, representing an increase of 425 net new PCE trips as compared to baseline conditions. The increased traffic volumes are inclusive of asphalt materials produced at the Mine. (Urban Crossroads, 2016d, Table 4-5)~~(Urban Crossroads, 2015d, Table 4-5)~~

Table 3-1 Project Trip Generation Summary

Proposed Project Trip Generation Summary									
			AM Peak Hour			PM Peak Hour			
Land Use	Quantity	Units[1]	In	Out	Total	In	Out	Total	Daily
Amendment No. 2 to Reclamation Plan 2006-01	0.857	MTPY							
Passenger Cars			3	2	5	2	3	5	20
Truck Trips[2]			31	30	61	25	25	50	400
Project Trips (PCE)[3]			96	92	188	77	78	155	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]			**34**	**30**	**65**	**26**	**27**	**53**	**425**

1. MTPY = Million Tons Per Year
2. Total Project truck trips based on typical peak operating day of 5,000 tons per day.
3. Based on passenger car equivalent (PCE) factor or 3.0 PCE per truck.

(Urban Crossroads, 2016d, Table 4-5)~~(Urban Crossroads, 2015d, Table 4-5)~~

~~F.~~G. Operational Equipment

Table 3-2, *Baseline vs. Proposed Operational Equipment Summary*, summarizes the equipment utilized at the Nichols Canyon Mine on a daily basis during the baseline operating period (i.e., between 2007 and 2014) and the daily operating equipment assumed in this EIR for the proposed Project~~under current ownership since 2014~~. As shown, mining activities during the baseline period required the equivalent of approximately 20,316 horsepower hours per day (hhpd). Although the Project Applicant estimates that proposed mining equipment would reflect only a 23.8% increase in hhpd attributable to the proposed Project to account for the extended hours of operation between 4:00 a.m. and 7:00 a.m., the analysis in this EIR assumes that the total hhpd would increase by approximately 35.05%, consistent with the assumptions utilized for Project-related tonnage (refer to Subsections 3.3.2.A and 3.3.2.B). ~~However, during the baseline operating period, the Nichols Canyon 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 3-2 also provides a summary of the equipment that would be utilized on a daily basis under the proposed Project and under the current ownership, based on information provided by the Project Applicant.~~ As shown, and for purposes of analysis in this EIR, it is assumed that equipment ~~used~~ under the proposed Project would require the equivalent of approximately ~~25,158~~27,495 horsepower hours per day, reflecting an approximate ~~23.8~~35.05% increase in horsepower hours as compared to the baseline condition.

Implementation of the proposed Project (i.e., mining activities) would result in additional electricity demands associated with the existing operations trailer, on-site equipment usage, haul truck trips to and from the site, and water usage. The annual operating electricity during the baseline period was

Table 3-2 Baseline vs. Proposed Operational Equipment Summary

Baseline Operational Equipment Summary				
Hours/Day	Description	Quantity	Horsepower	Total Horsepower Hours Per Day
2	Skidsteer	1	51	102
6	769C Haul Truck	1	474	2,844
10	980K Wheel Loader	1	406	4,060
10	980H Wheel Loader	1	393	3,930
10	988G Wheel Loader	1	520	5,200
4	D8R Dozer	1	337	1,348
8	Water Truck 4000 Gal	1	354	2,832
Total Baseline Horsepower Hours				**20,316**
Proposed Project Equipment Summary				
Hours/Day	Description	Quantity	Horsepower	Total Horsepower Hours Per Day
8	Skidsteer	1	51	408
8	769C Haul Truck	2	474	7,584
4.4	769C Haul Truck	1	474	2,085
10	980K Wheel Loader	1	406	4,060
10	980H Wheel Loader	1	393	3,930
10	988G Wheel Loader	1	520	5,200
4	D8R Dozer	1	337	1,348
8	Water Truck 4000 Gal	1	354	2,832
Total Project Horsepower Hours				**27,495**
Net New Project Equipment Summary				
Hours/Day	Description	Quantity	Horsepower	Total Horsepower Hours Per Day
6	Skidsteer	1	51	306
2	769C Haul Truck	1	474	948
8	769C Haul Truck	1	474	3,792
4.4	769C Haul Truck	1	474	2,085
Total Net New Project Horsepower Hours				**7,131**

(Urban Crossroads, 2016d, Table 3-2)~~(Urban Crossroads, 2015d, Table 3-2)~~

approximately 891 Mwh. The Greenhouse Gas Study prepared by Urban Crossroads, Inc., accounted for a 35.05% increase in electricity usage consistent with the assumptions utilized for Project-related tonnage (refer to Subsections 3.3.2.A and 3.3.2.B). Thus, the proposed Project would require an

additional 312 Mwh annually as compared to baseline conditions, and would require 1,203 Mwh annually overall.

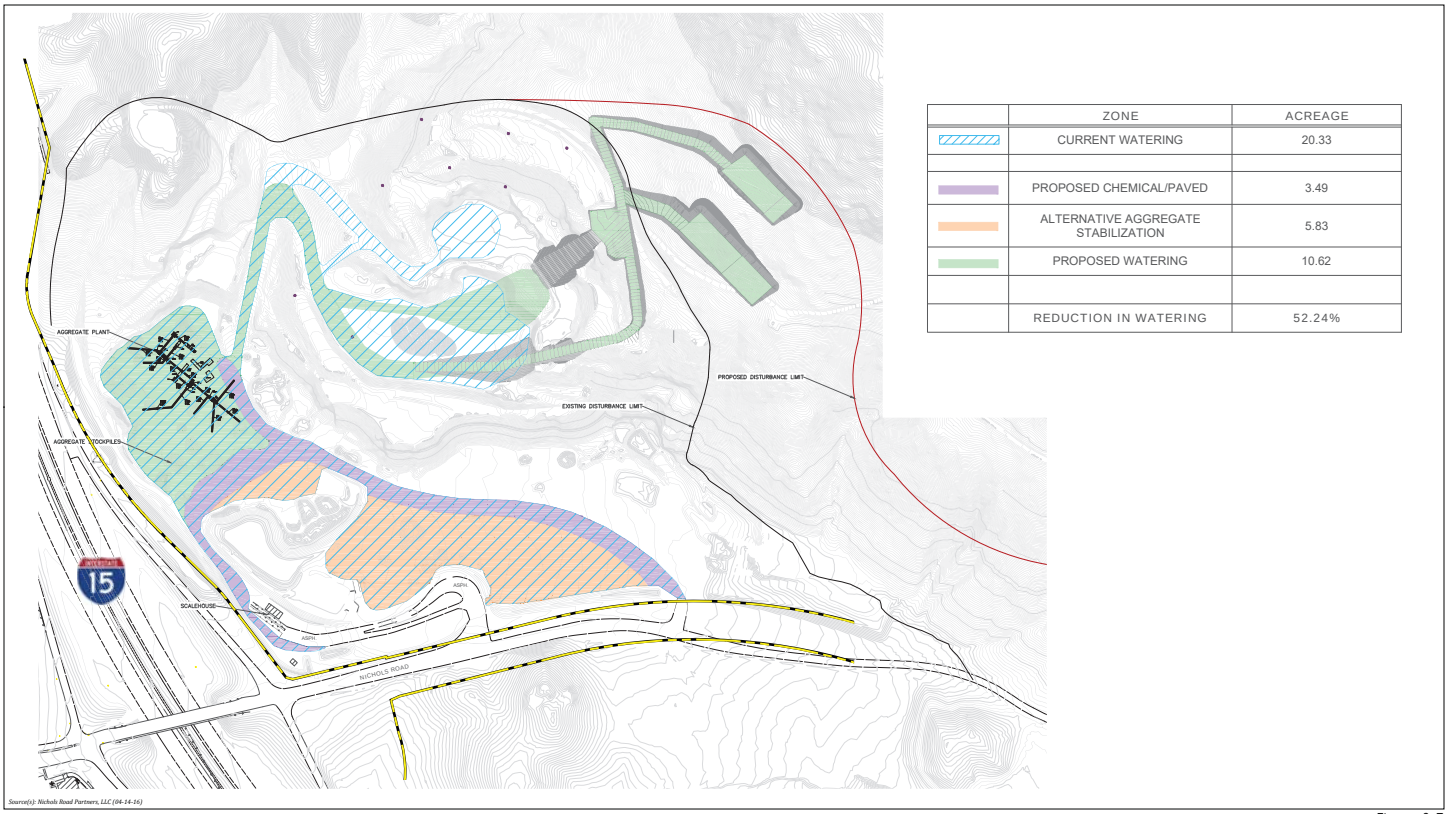
~~G.~~H. Project-Related Water Consumption

Water used on-site for dust control and aggregate processing would be obtained from Elsinore Valley Municipal Water District (EVMWD). In order to evaluate Project related water consumption, water bills for the Project site from EVMWD were obtained for the Mine for 2015. The water bills are used in order to establish a baseline of average water usage on-site. The water bills for 2015 provide an appropriate baseline because 2015 represents the only full year that the Mine has been in production under the current ownership. It is important to note that the amount of watering for dust control on-site fluctuates depending on weather conditions. Based on information from the EVMWD regarding water use in 2015, the Project site had a highest monthly demand of 46,066 gpd (in the month of September). In 2015, the Project site's lowest monthly demand was 10,173 gpd (in the month of January). Based on the water bills for 2015, the water usage on-site averaged 32,915 gpd. (EVMWD, 2015)

~~Based on historical operating data from the Mine between 2008 and 2012 the water usage on-site averaged approximately 64,000 gallons per day for dust control.~~ Figure 3-6, *SMP 2015-01 Proposed Dust Control Measures – Nichols North*, and Figure 3-7, *SMP 2015-01 Proposed Dust Control Measures – Nichols South*, depict~~s~~ the dust control measures that are included in RP 2006-01A2. As shown, under existing conditions approximately ~~20.33~~24.90 acres of the Project site are watered for dust control purposes. As shown on Figure 3-6 and Figure 3-7, and as summarized in Table 3-3, *Existing and Proposed Dust Control*, dust control measures on 3.49 acres would instead consist of proposed chemical binders (such as $Soil_2O$®) or pavement, while ~~another 5.83 acres would utilize~~ alternative aggregate stabilization measures would be used on approximately 7.82 acres. With approval of the proposed Project, water would be used for soil stabilization on only 13.20~~11.01~~ acres of the Project site, representing ~~a~~ 53.01~~45.84~~% of the areas subject to watering under existing conditions (or a reduction of water usage by approximately 46.99%). Based on the reduced areas subject to watering as compared to existing conditions, it can reasonably be assumed that under the proposed Project water usage would ~~drop by~~comprise approximately 53.01~~45.84~~% of current water usage, resulting in an ~~total~~ average demand for approximately 17,448 gpd, with a high monthly demand of approximately 24,420 gpd and a low monthly demand of approximately 5,393 gpd. ~~34,660 gallons of water per day~~.

~~H.~~I. Erosion and Sediment Control

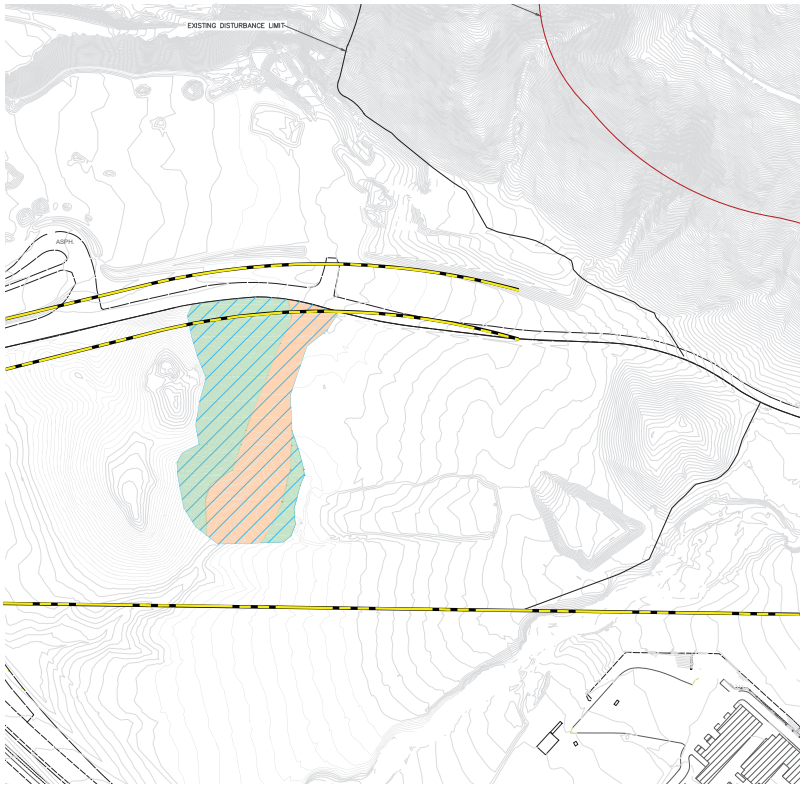
The Nichols Canyon Mine site is located within the Lee Hydrologic Subarea of the Lake Mathews Hydrologic Area of the Santa Ana River Hydrologic Unit (Bonadiman, 2016, p. 4). Under existing conditions, runoff from the western, disturbed portions of the Nichols Canyon North site flows in a southwesterly direction into an on-site retention basin at the southwest corner of Nichols North. The Nichols North site is graded to capture and retain all on-site 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 southwesterly direction via Stovepipe 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. (Bonadiman, 2016, Exhibit G)~~(Bonadamin, 2015, Exhibit G)~~



	ZONE	ACREAGE
	CURRENT WATERING	20.33
	PROPOSED CHEMICAL/PAVED	3.49
	ALTERNATIVE AGGREGATE STABILIZATION	5.83
	PROPOSED WATERING	10.62
	REDUCTION IN WATERING	52.24%

Figure 3-7

SMP 2015-01 PROPOSED DUST CONTROL MEASURES-NICHOLS NORTH



	ZONE	ACREAGE
	CURRENT WATERING	4.57
	PROPOSED CHEMICAL/PAVED	0.00
	ALTERNATIVE AGGREGATE STABILIZATION	1.99
	PROPOSED WATERING	2.58
	REDUCTION IN WATERING	5 .4 %

Source(s): Nichols Road Partners, LLC (05-05-16)

Figure 3-8

SMP 2015-01 PROPOSED DUST CONTROL MEASURES-NICHOLS SOUTH

Table 3-3 Existing and Proposed Dust Control

Dust Control Measures	Current	Proposed
Watering	24.90 ac	13.20 ac
Chemical/Paved	--	3.49 ac
Alternative Aggregate Stabilization	--	7.82 ac
Reduction in Areas Subject to Watering:	**-11.70 acres**	

During on-going mining operations, drainage at the Nichols North site would occur as it does under existing conditions, wherein all runoff from areas subject to mining activities would continue to be conveyed to the on-site existing retention basin located in the southwest portion of the Nichols North site. Runoff from the proposed EDA also would be conveyed to the on-site retention basin as mining activities progress into the EDA. Runoff from areas subject to mining operations within the Nichols South site would be conveyed into proposed temporary sedimentation basins to prevent erosion, with all runoff from the areas subject to mining activities being detained on-site. A small portion of the runoff from the northern portions of the Nichols South site would continue to be conveyed northerly into a swale located along the northern edge of Nichols Road, similar to existing conditions. The eastern and northern portions of the Nichols North site, as well as the southeastern portion of the Nichols South site that is planned for open space by the Project, would continue to flow in a southwesterly direction via Stovepipe Creek and to the west beneath I-15 via an existing culvert beneath I-15. (Bonadiman, 2016, Exhibit G)

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 (i.e., in approximately the same location as the existing retention basin), and the runoff eventually would be conveyed westerly by a proposed brow ditch ~~beneath~~to an existing culvert underneath I-15. ~~and~~ Following water quality treatment, runoff from Nichols North would be~~ultimately~~ conveyed west beneath I-15 via two existing 48" reinforced concrete pipe (RCP) culverts. ~~Similarly, t~~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 ~~north~~southwestern portion of the Nichols South site. Following water quality treatment, runoff from the Nichols South site would be conveyed west beneath I-15 via an existing 24-inch corrugated metal pipe (CMP). The sedimentation basins for Nichols North and Nichols South are proposed to be located at the lowest elevation possible to provide mitigation for the largest tributary possible. The basins would be for control of sedimentation only and are not required to reduce peak flow rates, thus additional volume for storm buffering would not be required. The slopes for the Nichols South site are shown at 2:1 (horizontal:vertical) or less, and all basins would be at 3:1 or less. Where feasible, a paved slope interceptor drain with down drains would be provided along the top of cut slopes where the drainage path is greater than 40 feet towards the cut slope in accordance with the County of Riverside Department of Building and Safety requirements. 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 Stovep~~ P~~ipe Creek, located in the southeast corner of the Nichols South site, and ultimately west beneath I-15 via an existing six-foot by six-foot box culvert. (Bonadiman, 2016, p. 16, Exhibit H)~~(Bonadamin, 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 (CASQA) 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 RWQCB requirements to ensure runoff from the Mine does not result in any new violations of water quality objectives. (Bonadiman, 2016, p. 16)~~(Bonadamin, 2015, p. 16)~~

~~I.~~J. Blasting

Blasting is a component of current Mine operations under the Mine's vested rights, and would continue under the Project, including the proposed EDA, and as described in SMP No. 2015-01; however no blasting would occur during the proposed extended hours of Mine operation (4 a.m. to 7 a.m.). Historically, the amount of blasting has depended on production needs and development, and has averaged approximately five to six blasts per year. Blasting would be required to occur in areas of the Mine where vegetation has already been removed. Specifically, blasting would continue to be conducted on-site in a planned and intermittent basis at a maximum of eight blasts per year. Blasting would average between six and eight blasts per year. The relationship between tonnage production and number of blasts is not fixed. The number of blasts per year varies depending on production needs, benching and pit development, and drilling equipment availability (Project Applicant, 2016c). The blasting operations 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(s) from the State, and to notify the Sheriff's Department and the City of Lake Elsinore within 24 hours of planned blasting events.

K. Duration of Mining Activities

Based on physical and operational characteristics of the Nichols Canyon Mine, the Mine Operator estimates that at the end of 2016, approximately 6,078,121 tons of aggregate material are expected to be present on-site based on the existing approved mining limits. Table 3-4, *Historic and Projected Annual Mining Quantities and Remaining Tonnage*, shows the Mine produced an average of approximately 556,348 tpy of aggregate material, and is expected to have a remaining tonnage of 6,078,121 tons. Additionally, an estimate of tonnage anticipated for 2015 and 2016 is provided, as data for these recording years is not currently available. Under the proposed Project, an additional approximately 8,955,183 tons of aggregate material would be made available for mining, in addition to the 6,078,121 tons expected to remain at the end of 2016 under existing approved permits. Thus, the total reserves with approval of the proposed Project at the end of 2016 would be approximately 15,033,304 tons. (Project Applicant, 2016b, pp. 1-2)

Table 3-5, *Estimated Mining Duration (Years)*, provides calculations to estimate the duration, in number of years, that mining activities on-site would occur under existing permits as compared to the proposed Project. The estimated mining duration would vary based on three possible scenarios which are each analyzed in Table 3-5. The scenarios analyzed include the following:

- Existing Approved RP 2006-01A1
- Proposed RP 2006-01A2 (based on historic tonnage)

Table 3-4 Historic and Projected Annual Mining Quantities and Remaining Tonnage

Year	Reported Tonnage	Remaining Tonnage
Remaining Tonnage (2006) per RP2006-01A1:	--	11,641,600
2007	546,650	11,094,950
2008	1,192,136	9,902,814
2009	427,010	9,475,804
2010	561,461	8,914,343
2011	617,069	8,297,274
2012	449,894	7,847,380
2013	254,515	7,592,865
2014	402,048	7,190,817
Total (2007-2014):	**4,450,783**	
Average (2007-2014):	**556,348**	
2015 (Projected @ 556,348tpy):	556,348	6,634,469
2016 (Projected @ 556,348tpy):	556,348	6,078,121

(Project Applicant, 2016b, Table 1)

- Proposed RP 2006-01A2 (based on 35.05% increase over historic tonnage)
- Proposed RP 2006-01A2 (proposed Project tonnage)

As shown in Table 3-5, if the mine were to continue producing an average of 556,348 tpy, it would take approximately 10.9 years to mine the remaining permitted 6,078,121 tons; thus, under existing mining permits, mining activities on-site can reasonably be expected to conclude in approximately 2027/2028. Under the proposed Project, an additional approximately 8,955,183 tons of aggregate material would be made available for mining, in addition to the 6,078,121 tons expected to remain at the end of 2016 under existing approved permits. Thus, the total reserves with approval of the proposed Project at the end of 2016 would be approximately 15,033,304 tons. It should be noted that the total duration of mining activities under proposed RP 2006-01A2 depends in part on economic market conditions and demand for the mined materials. As shown in Table 3-5, if the historic annual tonnage average for mining activities were to continue into the future, it would take approximately 27.0 years to complete mining activities; thus mining activities on-site would conclude in approximately 2044. If mining activities were to increase tonnage by approximately 35.05%, as evaluated throughout this EIR, then mining activities would take approximately 20 years to complete and conclude in approximately 2037. If the maximum production value assumed for the Project (856,560 tpy) were to occur, then mining activities would take only 17.6 years to conclude. Thus, depending on what assumptions are used, the Mine could take an additional 6.6 to 16.1 years to complete as compared to the existing operations under approved RP 2006-01A1. (Project Applicant, 2016b, pp. 1-2)

Table 3-5 Estimated Mining Duration (Years)

Existing Approved RP 2006-01A1	
Total Remaining Tonnage (end of 2016):	6,078,121
Mining Duration - Years (at 556,348 tpy):	**10.9**
Proposed RP 2006-01A2 (Based on Historic Tonnage)	
New Tonnage per RP 2006-01A2:	8,955,183
Remaining Tonnage (end of 2016 w/out RP 2006-01A2):	6,078,121
Total Remaining Tonnage (end of 2016 w/ RP 2006-01A2):	15,033,304
Mining Duration - Years (at 556,348 tpy):	27.0
Duration Differential - RP 2006-01A1 vs. RP 2006-01A2 (Years):	**16.1**
Proposed RP 2006-01A2 (Based on 35% Increase Over Historic Tonnage)	
New Tonnage per RP 2006-01A2:	8,955,183
Remaining Tonnage (end of 2016 w/out RP 2006-01A2):	6,078,121
Total Remaining Tonnage (end of 2016 w/ RP 2006-01A2):	15,033,304
Mining Duration - Years (@751,070 tpy):	20.0
Duration Differential - RP 2006-01A1 vs. RP 2006-01A2 (Years):	**9.1**
Proposed RP 2006-01A2 (Proposed Project Tonnage)	
New Tonnage per RP 2006-01A2:	8,955,183
Remaining Tonnage (end of 2016 w/out RP 2006-01A2):	6,078,121
Total Remaining Tonnage (end of 2016 w/ RP 2006-01A2):	15,033,304
Mining Duration - Years (@856,560tpy):	17.6
Duration Differential - RP 2006-01A1 vs. RP 2006-01A2 (Years):	**6.6**

(Project Applicant, 2016b, Table 2)

~~J.~~L. *Revegetation*

The reclamation seed mix specified for the proposed Project would consist of the species identified in Table 3-6, *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 3-6 would be used to revegetate the slopes on the Mine site after completion of mining activities. An erosion control grass mix shown in Table 3-7, *Erosion Control Reclamation Seed Mix*, would be utilized on the ~~pads~~flat mined areas of both the Nichols North and Nichols South sites that are intended for future development. California Code of Regulations (CCR) Section 3705(g) states that areas planned for development shall be revegetated for the interim period as necessary, to control erosion, and that non-native plant species may be used if they are not noxious weeds and if they are species known not to displace native species in the area. ~~to ensure that revegetation of the site does not cause or contribute to increased erosion rates post-reclamation~~. The species identified in Table 3-7 would be used to revegetate the flat mined areas on-site for the interim period as necessary to control erosion and reduce fugitive dust. At this time, future development of these areas is speculative. Future development is not proposed by the Project, so this EIR approximately assumes that the flat mined areas would be revegetated.

~~Table 3-3~~Table 3-6 Reclamation Seed Mix

Scientific Name	Common Name	Pound/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**

Table 3-7 Erosion Control Reclamation Seed Mix

Scientific Name	Common Name	Pound/Acre
Bromus carinatus	Cucamonga brome	10.6
Festuca microstachys	Small fescue	10.6
Trifolium ciliolatum	Tree clover	10.6
	Total:	**32**

3.4 STANDARD REQUIREMENTS AND CONDITIONS OF APPROVAL

The proposed SMP No. 2015-01 and amendment to RP 2006-01A1 (RP 2006-01A2) and its technical aspects have been reviewed by various City of Lake Elsinore divisions. These divisions are responsible for reviewing land use applications for compliance with City codes and regulations. These divisions also were responsible for reviewing all or parts of this EIR for technical accuracy and compliance with CEQA. The City of Lake Elsinore divisions that are responsible for technical review include:

- Community Development Department, Planning Division
- Community Development Department, Fire Services Division
- Community Development Department, Building & Safety Division
- Public Works Department, Engineering Division

Review of the proposed Project by the entities listed above will result in the production of a comprehensive set of draft Conditions of Approval that will be available for public review prior to consideration of the proposed Project by the City of Lake Elsinore Planning Commission. These conditions will be considered by the Planning Commission in conjunction with their consideration of the Project. If approved, the Project would be required to comply with all imposed Conditions of Approval.

Conditions of Approval, applicable mitigation measures from the City of Lake Elsinore General Plan EIR, and other applicable regulations, codes, and requirements that the Project is required to comply with as a matter of law and that result in the reduction or avoidance of an environmental impact are specified in EIR Section 4.0, *Environmental Analysis.*

3.5 SUMMARY OF REQUESTED ACTIONS

The City of Lake Elsinore has primary approval responsibility for the proposed Project. As such, the City serves as the Lead Agency for this EIR pursuant to CEQA Guidelines § 15050. (The role of the Lead Agency was previously described in detail in Subsection 1.4 of this EIR). The City's Planning Commission will consider the Project as part of a publicly-noticed public hearing. The Planning Commission will consider the information contained in this EIR and this EIR's Administrative Record in its decision-making processes. At the conclusion of the public hearing, the Planning Commission will approve, approve with changes, or deny the proposed Project, and the revised financial assurances pursuant to Public Resources Code Section 2770(d). If, within 15 days of the Planning Commission's decision, an aggrieved person files a written appeal with the City Clerk, then an additional publicly-noticed public hearing would be held before the City Council, during which the City Council would hear written and oral testimony and would consider all information contained in the Project's Administrative Record. At the conclusion of the public hearing, the City Council would either affirm or set aside the decision of the Planning Commission. A list of the primary actions under City jurisdiction is provided in Table 3-8, *Matrix of Project Approvals/Permits.*

3.6 RELATED ENVIRONMENTAL REVIEW AND CONSULTATION REQUIREMENTS

Subsequent to approval of the proposed Project described herein, additional discretionary and/or administrative actions would be necessary to implement the proposed Project. Table 3-8 lists the government agencies that are expected to use this EIR and provides a summary of the subsequent actions associated with the Project. This EIR covers all federal, state, local government and quasi-government approvals which may be needed to implement the Project, whether or not they are explicitly listed in Table 3-8 or elsewhere in this EIR (CEQA Guidelines § 15124(d)).

~~Table 3-4~~Table 3-8 Matrix of Project Approvals/Permits

Public Agency	Approvals and Decisions
CITY OF LAKE ELSINORE	
City of Lake Elsinore Discretionary Approvals	
City of Lake Elsinore Planning Commission	• Approve, conditionally approve, or deny the proposed Surface Mining Permit No. 2015-01 and amendment to Reclamation Plan 2006-01A1 (RP 2006-01A2) and associated revised Financial Assurances. • Reject or certify this EIR along with appropriate CEQA Findings. • Consider compliance with the City of Lake Elsinore Climate Action Plan.
City of Lake Elsinore Subsequent Discretionary and Ministerial Approvals	
City of Lake Elsinore Community Development Department	• Issuance of Blasting Permit
OTHER AGENCIES-SUBSEQUENT APPROVALS AND PERMITS	
U.S. Army Corps of Engineers (USACE)	• Issuance of a Section 404 Permit • Section 7 Consultation (for coastal California gnatcatcher)
California Department of Conservation (CDC)	• Review of Reclamation Plan 2006-01A2
U.S. Fish and Wildlife Service (USFWS)	• Section 7 Consultation/Issuance of Biological Opinion (for coastal California gnatcatcher)
California Department of Fish and Wildlife (CDFW)	• Issuance of a Section 1602 Streambed Alteration Agreement (SAA)
Santa Ana Regional Water Quality Control Board (RWQCB)	• Compliance with National Pollutant Discharge Elimination System (NPDES) Permit. • Filing of an Amended Notice of Intent (NOI) for the existing NPDES Permit • Issuance of a Clean Water Act Section 401 Water Quality Certification.
Riverside County Flood Control & Water Conservation District (RCFCWCD)	• Approvals for construction of stormwater sedimentation basins.