5.0 OTHER CEQA CONSIDERATIONS

5.1 SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

The CEQA Guidelines require that an EIR disclose the significant environmental effects of a project that cannot be avoided if a proposed project is implemented (CEQA Guidelines § 15126[b]). As described in detail in Section 4.0 of this EIR, the proposed Project would result in three impacts to the environment that cannot be reduced to below a level of significance after the implementation of relevant standard conditions of approval, compliance with applicable laws and regulations, and application of feasible mitigation measures. The significant environmental effects of the proposed Project that cannot be feasibly mitigated are as follows:

- Noise Thresholds a, c, and d: Direct and Cumulatively Considerable Significant and Unavoidable Impact. Although implementation of Mitigation Measures MM 4.3-1 through MM 4.3-3 would reduce the Project's operational-related noise impacts, a significant impact would occur during the phases of mining within the southeastern portions of the proposed Expanded Disturbance Area (EDA) 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 500 feet of mining activities would be exposed to noise levels exceeding 55 dB Leq (10-min), which represents a significant and unavoidable impact of the proposed Project.

- 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, 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. 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, 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). Thus, with improvements, the Project's cumulatively considerable impacts to the intersection of the I-15 Northbound On- and Off-Ramps 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. 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 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 junction of I-15 Northbound at Nichols Road under Horizon Year (2035); accordingly, the Project's impacts to this merge/diverge ramp junction under Horizon Year (2035) conditions 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 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 northbound off-ramp under Horizon Year (2035) represents 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 Off-Ramp. The Project's contribution to this projected deficiency is 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 northbound segment at the off-ramp with Nichols Road would 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 deficiencies under Horizon Year (2035) conditions represents a less-than-cumulatively considerable impact of the proposed Project.

- 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 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.

5.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES WHICH WOULD BE CAUSED BY THE PROPOSED PROJECT SHOULD IT BE IMPLEMENTED

The CEQA Guidelines require EIRs to address any significant irreversible environmental changes that would be involved in the proposed action should it be implemented (CEQA Guidelines § 15126.2(c)). An environmental change would fall into this category if: a) the Project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the Project would generally commit future generations to similar uses; c) the Project involves uses in which irreversible damage could result from any potential environmental accidents; or d) the proposed consumption of resources are not justified (e.g., the Project results in the wasteful use of energy).

Determining whether the proposed Project may result in significant irreversible environmental changes requires a determination of whether key non-renewable resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. Natural resources in the form of energy resources would be used during the proposed Project, but mining of the Project site as proposed is not expected to negatively affect the availability of such resources, including resources that may be non-renewable (e.g., fossil fuels). The Project would allow continued use of the property's aggregate resources, which are of value to the State and the region. The proposed Project would not involve the use of large sums or sources of non-renewable energy.

As demonstrated in the analysis presented throughout EIR Section 4.0, the proposed Project would not result in significant physical environmental effects to nearby properties. Although the Project would cause or contribute to significant unavoidable impacts associated with traffic and circulation (cumulatively significant and unavoidable) and noise, these effects would not commit surrounding properties to land uses other than the uses currently planned by the City of Lake Elsinore. In fact, continued mining of the property could potentially increase the range of land uses that ultimately could be developed on the site, although no such uses are proposed as part of the Project.

The Project would be required to comply with federal, state, and local regulations related to hazardous materials, which would ensure that continued mining activities at the Mine as a result of the proposed Project would not have the potential to cause significant irreversible damage to the environment, including damage that may result from upset or accident conditions.

To reduce the Project's energy needs and fossil fuel consumption, and thereby reduce air emissions, the Project is required to ensure mandatory compliance with applicable regulatory requirements imposed by the State of California and the SCAQMD (as summarized in EIR Subsections 4.2 and 4.6), which would reduce the Project's level of demand for energy resources. Additionally, the Project would result in a net decrease in water usage at the Mine, which would in turn help conserve energy resources utilized to transport water. Therefore, the proposed Project would not result in the wasteful use of energy or the consumption of resources that are not justified based on the scale of the proposed Project.

5.3 GROWTH INDUCING IMPACTS OF THE PROPOSED PROJECT

CEQA requires a discussion of the ways in which the proposed Project could be growth inducing. The CEQA Guidelines identify a project as growth inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines § 15126.2(d)). New employees and new residential populations represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area.

A project could indirectly induce growth at the local level by increasing the demand for additional goods and services associated with an increase in population or employment and thus reducing or removing the barriers to growth. This typically occurs in suburban or rural environs where population growth results in increased demand for service and commodity markets responding to the new population. Because the Project proposes to expand existing mining operations at the Nichols Canyon Mine, the Project would not involve expansion of existing utilities, facilities or develop buildings or housing that could induce growth.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies such as the Southern California Association of Governments (SCAG). Significant growth impacts could also occur if the project provides infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way.

The expansion of existing mining activities proposed would not directly promote growth or development on adjacent and surrounding properties. Because development on nearby parcels would be consistent with the City's General Plan, growth-inducing impacts of the Project would be less than significant.

Furthermore, continued aggregate processing would fill a market demand for aggregate materials within the region, and would not result in an increase in demand for aggregate materials. The fact is that aggregate will be consumed with or without the proposed Project. The Project would not have an effect on demand for aggregate but would have an effect on the distance that aggregates travel within the region. Project aggregate would replace materials hauled from farther distances and

supply new demand for aggregate that will occur in the Riverside County region. This rationale is supported by Dr. Peter Berck's "Working Paper No. 994 – A Note on the Environmental Costs of Aggregate" (Department of Agricultural and Resource Economics and Policy, Division of Agricultural and Natural Resources, University of California Berkley, January 2005). (Urban Crossroads, 2015a, p. 23) Dr. Berck states that:

> *"The opening of a new quarry for aggregates will change the pattern of transportation of aggregates in the area served by the quarry. In this note, we will show that, so long as aggregate producers are cost minimizing, the new pattern of transportation requires less truck transport than the pattern of transportation that existed before the opening of the new quarry. Since the costs of providing aggregates falls, it is reasonable to assume that the price of delivered aggregates also will fall. This note also shows that the demand expansion effect is of very small magnitude. Since the demand increase from a new quarry is quite small, the dominant effect is that the quarries are on average closer to the users of aggregates and, as a result, the truck mileage for aggregate hauling decreases. To summarize the effects of a new quarry project:*
>
> *a) The project in itself will not significantly increase the demand for construction materials in the region through market forces, which include the downward pressure on pricing.*
> *b) Truck traffic (i.e. vehicle miles traveled) in the region will not increase and may decrease as a result of the project."* (Berck, 2005, p. 3)

Indirect growth-inducing impacts at the local level result from a demand for additional goods and services associated with the increase in people in the area, including employees. This occurs in suburban or rural environments where population growth results in increased demand for service and commodity markets responding to the new population. This type of growth is, however, a regional phenomenon resulting from introduction of a major employment center or regionally significant housing project. The implementation of the proposed Project would not result in indirect growth-inducing impacts of the region because the Project proposes expansion of existing mining activities, and would only result in the introduction of two new employees on-site. The introduction of two new employees would not be growth inducing.

5.4 ENERGY CONSERVATION

Energy conservation generally refers to efforts made to reduce energy consumption in order to preserve resources for the future and reduce environmental pollution. Public Resources Code Section 21100(b)(3) and CEQA Guidelines Appendix F requires a description (where relevant) of the wasteful, inefficient, and unnecessary consumption of energy caused by a project. State CEQA Guideline § 15126.4(a) (1) states that an EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy. CEQA Guidelines *Appendix F: Energy Conservation*, states the following:

> *"in order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy (see Public Resources*

Code Section 2100(b)(3)). Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, cost effectiveness may be determined more by energy efficiency than by initial dollar costs. A lead agency may consider the extent to which an energy source serving the project has already undergone environmental review that adequately analyzed and mitigated effects of energy production."

To the extent relevant and applicable to the proposed Project, significant energy implications are considered herein and in other applicable EIR sections.

5.4.1 REGULATORY ENVIRONMENT

The proposed Project would be required to directly and indirectly comply with all mandatory regulatory requirements aimed at energy conservation and fuel use that would lessen the energy demands of the proposed Project. There are many such regulatory requirements, with the primary ones discussed briefly below.

A. Federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of inter-modal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. ISTEA contained factors that Metropolitan Planning Organizations (MPOs) were to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, MPOs adopted explicit policies defining the social, economic, energy, and environmental values guiding transportation decisions. Transportation and access to the Project site is provided primarily by the local and regional roadway systems.

Project Consistency: The Project would not interfere with, nor otherwise obstruct intermodal transportation plans or projects that may be realized pursuant to the ISTEA because the Southern California Association of Governments (SCAG) is not planning for intermodal facilities on or through the Project site

B. Federal Transportation Equity Act for the 21st Century (TEA-21)

The Transportation Equity Act for the 21st Century (TEA-21) was signed into law in 1998 and builds upon the initiatives established in the ISTEA legislation, discussed above. TEA-21 authorizes highway, highway safety, transit, and other efficient surface transportation programs. TEA-21 continues the program structure established for highways and transit under ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of good transportation decisions. TEA-21 also provides for investment in research and its application to maximize the performance of the transportation system through, for example, deployment of Intelligent Transportation Systems, to help improve operations and management of transportation systems and vehicle safety.

Project Consistency: The Project site is located near major transportation corridors with proximate access to the Interstate freeway system. The location of the Project site facilitates access, acts to reduce vehicle miles traveled by expanding an existing mining operation that is located near a major

transportation corridor (I-15), takes advantage of the existing and planned infrastructure systems, and promotes land use compatibilities through collocation of similar uses. The proposed Project supports the strong planning processes emphasized under TEA-21. The Project is therefore consistent with, and would not otherwise interfere with, nor obstruct implementation of TEA-21.

C. *California Integrated Energy Policy Report*

Senate Bill 1389 (Bowen, Chapter 568, Statutes of 2002) requires the CEC to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing California's electricity, natural gas, and transportation fuel sectors and provides policy recommendations. The most recent report, 2014 Integrated Energy Policy Report Update (2014 IEPR Update), focuses on next steps for transforming transportation energy use in California. The 2014 IEPR Update addresses the role of transportation in meeting state climate, air quality, and energy goals; the Alternative and Renewable Fuel and Vehicle Technology Program; current and potential funding mechanisms to advance transportation policy; the status of statewide plug-in electric vehicle infrastructure; challenges and opportunities for electric vehicle infrastructure deployment; measuring success and defining metrics within the Alternative and Renewable Fuel and Vehicle Technology Program; market transformation benefits resulting from Alternative and Renewable Fuel and Vehicle Technology Program investments; the state of hydrogen, zero-emission vehicle, biofuels, and natural gas technologies over the next 10 years; transportation linkages with natural gas infrastructure; evaluation of methane emissions from the natural gas system and implications for the transportation system; changing trends in California's sources of crude oil; the increasing use of crude-by-rail in California; the integration of environmental information in renewable energy planning processes; an update on electricity reliability planning for Southern California energy infrastructure; and an update to the electricity demand forecast.

Project Consistency: 2014 IEPR Update is a State Policy report. An individual development project such as the proposed Project has no ability to comply with or conflict with this report.

D. *State of California Energy Plan*

The CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The Plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators and encouragement of urban designs that reduce vehicle miles traveled and accommodate pedestrian and bicycle access.

Project Consistency: The Project site is located in close proximity to I-15. As such, use of the site for expanded mining activities would reduce vehicle miles traveled for delivery of aggregate materials, take advantage of existing infrastructure systems, and would not result in land use incompatibilities because the Project represents the expansion of mining activities already occurring on the site (Berck, 2005). The Project therefore supports urban design and planning processes identified under the State of California Energy Plan, is consistent with, and would not otherwise interfere with, nor obstruct implementation of the State of California Energy Plan.

E. California Code Title 24, Part 6, Energy Efficiency Standards

California Code Title 24, Part 6 (also referred to as the California Energy Code), was promulgated by the CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption. To these ends, the California Energy Code provides energy efficiency standards for residential and nonresidential buildings. California's building efficiency standards are updated on an approximately three-year cycle. The 2013 Standards would continue to improve upon the current 2008 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. The 2013 Standards went into effect on July 1, 2014, following approval of the California Building Standards Commission.

Project Consistency: The proposed Project does not involve the construction of any new structures, and therefore would not conflict with the provisions of Title 24.

F. Pavely Fuel Efficiency Standards (AB1493)

In California, AB1493 establishes fuel efficiency ratings for model year 2009-2016 passenger cars and light trucks.

Project Consistency: AB 1493 is applicable to the Project because model year 2009-2016 passenger cars and light duty truck vehicles traveling to and from the Project site are required to comply.

G. California Renewable Portfolio Standards (SB 1078)

SB 1078 requires electric corporations to increase the amount of energy obtained from eligible renewable energy resources to 20 percent by 2010 and 33 percent by 2020.

Project Consistency: Energy directly or indirectly supplied to the Project by electric corporations would be required to comply with SB 1078.

5.4.2 ENERGY DEMANDS OF THE PROPOSED PROJECT

Implementation of the proposed Project (i.e. mining activities) would result in energy demands associated with the existing operations trailer, on-site equipment usage, haul truck trips to and from the site, and water usage.

As discussed in the Greenhouse Gas (GHG) Report by Urban Crossroads, Inc., the Project would not increase the site's existing electrical energy demands as compared to baseline historic conditions and is not constructing any physical structures that would result in the increase in energy consumption on-site (Urban Crossroads, Inc., 2015c, p. 34).

Additionally, aggregate will be consumed in the region with or without the proposed Project. The Project would not have an effect on demand for aggregate but would have an effect on the vehicle miles (VMT) travelled for aggregates within the region. Project aggregate would replace materials hauled from farther distances and supply new demand for aggregate that will occur in the Riverside County region, thereby resulting in reduced fossil fuel use associated with the delivery of aggregate materials. Thus, the Project's net effect on fossil fuel consumption would not be wasteful or inefficient. (Urban Crossroads, Inc., 2015c, p. 29; Berck, 2005, pp. 2-3)

Furthermore, and as discussed in EIR Subsection 3.3.2.G, *Project-Related Water Consumption*, implementation of the Project would result in a net reduction in water used for dust suppression activities on-site as compared to historic baseline conditions by approximately 45.84%. Thus, the Project would result in a net decrease in energy consumption associated with water consumption as compared to historic baseline conditions.

5.4.3 CONCLUSION

Implementation of the proposed Project would consume energy, but not in a wasteful, inefficient, or unnecessary manner. In some cases, such as the Project's water consumption reduction and reduced VMTs in the region associated with aggregate haul distances would represent a net decrease in energy consumption as compared to historic baseline conditions.

5.5 EFFECTS FOUND NOT TO BE SIGNIFICANT AS PART OF THE INITIAL STUDY PROCESS

CEQA Guidelines § 15128 requires that an EIR:

> *"…contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR."*

An Initial Study was prepared for the proposed Project, which is included as *Technical Appendix A* to this EIR. Through the Initial Study process, the City of Lake Elsinore determined that the proposed Project could potentially cause adverse effects, and an EIR is required. Seven (7) environmental issues were found not to have the potential to cause significant adverse effects: Agricultural Resources; Hazards and Hazardous Materials; Land Use and Planning; Mineral Resources; Population and Housing; Public Services; and Recreation. Therefore, these issue areas are not required to be discussed in Section 4.0, *Environmental Analysis*, of this EIR. A brief summary of issues found not to be significant is presented below, with a more detailed analysis provided in *Technical Appendix A*.

5.5.1 AGRICULTURAL RESOURCES

The Nichols North site, including the Project's expanded disturbance area (EDA), is identified by the California Department of Conservation's Farmland Mapping and Monitoring Program as "Grazing Land" and "Farmland of Local Importance," while the Nichols South site is designated as "Farmland of Local Importance" and "Urban and Built-Up Land." There are no portions of the Mine or its immediate surroundings that are classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland). Therefore, the Project does not have the potential to directly or indirectly convert Farmland to non-agricultural use, and no impact would occur. (CDC, 2012a)

The Mine and surrounding areas are not subject to Williamson Act contracts. The Mine and surrounding areas are zoned for residential, public institutional, commercial, and open space land uses. There are no lands subject to Williamson Act contracts or that are zoned for agricultural use within the Project vicinity. Therefore, the proposed Project has not potential to conflict with existing zoning for agricultural use or with an existing Williamson Act contract. (CDC, 2012b)

The Project site does not contain forest land, and no forest land is located adjacent to or within the vicinity of the Project site. Furthermore, no portion of the proposed Project site or surrounding area is zoned for forest land or timberland. Accordingly, the Project has no potential to result in the loss of forest land or convert forest land or a non-forest use. (Lake Elsinore, 2011a, Figure 2.1A)

Therefore, for the reasons stated above, the Project would result in no impacts to Agricultural Resources.

5.5.2 HAZARDS AND HAZARDOUS MATERIALS

The only hazardous materials associated with existing and planned operations of the Nichols Canyon Mine are associated with oils and fuels for mining-related equipment. However, no such fuels or oils are stored on-site, as fuel is delivered to the Mine on an as-needed basis. The proposed Project would result in an extension in the hours of operation at the Mine and would therefore result in an incremental increase in the need for fuel and oil deliveries to the Mine. However, it is not expected that the increased fuel deliveries to the Mine would substantially increase hazards to the public or the environment as compared to existing conditions.

The routine transport of aggregate materials would not result in any significant hazards to the public or the environment. Waste generated on-site is limited to non-hazardous waste piles and refuse from site workers. On-site waste piles ultimately would be graded level of as proposed by RP 2006-01A2, while refuse would be disposed of in accordance with City and County requirements. Accordingly, potential impacts due to the routine transport, use, and disposal of hazardous materials would be less than significant.

The routine transport of aggregate materials and fuels to and from the Mine would not result in any significant hazards to the public or the environment because these fuel delivery trucks are required to comply with federal and state safety regulations governing the transport of hazardous materials. Accordingly, potential impacts due to the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant.

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

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

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

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

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

According to Figure 3.10-2, *Wildlife Susceptibility*, of the GPU EIR the Nichols Canyon Mine is located in an area with "Very High" susceptibility to wildfires. However, the Project would not involve the construction of any structures that could result in significant risk of loss, injury, or death involving wildland fire hazards. Accordingly, a less-than-significant impact due to fire hazards would occur. (Lake Elsinore, 2011b).

Therefore, for the reasons stated above, the Project would result in either no impact or less-than-significant impacts to Hazards and Hazardous Materials.

5.5.3 LAND USE AND PLANNING

The Nichols Canyon Mine comprises approximately 199 acres of land, of which approximately 116 acres are currently used for mining activities. Expansion of the site's disturbance limits to accommodate an additional 24 acres of mining area would not physically disrupt or divide the arrangement of an established community. The Mine is located adjacent and to the east of I-15 and undeveloped land is located to the east and north of the site. The only existing residential community in the Project's vicinity occurs to the east of the Mine's southeastern boundary. As such, there are no components of the proposed Project with the potential to physically divide any existing communities. The Mine site does not provide access to established communities and would not isolate any established communities or residences from neighboring communities. Therefore, Project implementation would not physically divide an established community and no impact would occur.

The Nichols Canyon Mine is designated for "Open Space/Manufactured Slopes (OS)" and "Commercial-Specific Plan (C-SP)" land uses by the Alberhill Ranch Specific Plan (Lake Elsinore, 1997, Exhibit 3). In addition, the City's General Plan Land Use Plan applies an "Extractive Overlay" designation to a majority of the Mine (including the EDA), which "…provides for continued operations of extractive uses, such as aggregates, coal, clay mining, and certain ancillary uses" (Lake Elsinore, 2011a, Figure 2.1A and p. 2-18). Expanded mining operations proposed as part of the Project would be fully consistent with the Extractive Overlay designation. The proposed Project also would not conflict with any policies of the General Plan or the Alberhill Ranch Specific Plan, as the proposed Project is limited to the expansion of an existing condition recognized by the General Plan and Specific Plan. Accordingly, no impact would occur.
The Nichols Canyon Mine is located in a region that is subject to Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP). The MSHCP establishes conservation requirements for sensitive habitats; sensitive plant and animal species; and jurisdictional and riparian resources. The MSHCP identifies the Mine as occurring within Cell Group W (Cells 4067 and 4070) of the

Elsinore Area Plan. The Conservation Criteria for Cell Group W is to achieve conservation of 80 percent -90 percent of the Cell Group, focusing on the northwestern portion of the Cell Group. The MSHCP also identifies the Mine as occurring within the Burrowing Owl Survey Area. (Riverside County, 2015) However, in 2004, the owners of the Nichols Canyon Mine at the time, along with other landowners, entered into a Settlement Agreement and Memorandum of Understanding ("Agreement") with the County of Riverside which, among other things, explicitly exempted the Nichols Canyon Mine from all provisions of the MSHCP. As a result of the Agreement, the MSHCP no longer applies to the Project site. There are no other adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans that are applicable to the Nichols Canyon Mine. Accordingly, no impact would occur.

For the reasons stated above, the proposed Project would result in no impacts to Land Use and Planning.

5.5.4 MINERAL RESOURCES

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

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

5.5.5 POPULATION AND HOUSING

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

The Nichols Canyon Mine does not contain any residential structures or residents under existing conditions. As such, the expansion of mining operations on-site would not result in the displacement of substantial numbers of people or existing housing, and no impacts would occur.

Therefore, for the reasons stated above, the proposed Project would not result in impacts to Population and Housing.

5.5.6 PUBLIC SERVICES

A. Fire Protection

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

B. Police Protection

The existing Nichols Canyon Mine site already generates a demand for police protection services, and the Project would not substantially increase the existing demand on this public service. In addition, the Project does not propose any change in the scope of operations or hours of operation that would require an expansion of law enforcement. Accordingly, there would be a less-than-significant impact to police protection services and no need for physical alterations of police stations to service the Project.

C. Public Schools

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

D. Parks Facilities

The proposed Project does not involve the construction of any new homes, would not affect local demographics, and would only result in a few new employees on-site. As such, there would be no discernible increase or decrease in demand for parks resulting from Project implementation and no need for physical alterations to park facilities. No impact would occur.

E. Other Public Facilities

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

For the reasons stated above, the proposed Project would result in either no impacts or less-than-significant impacts to Public Services.

5.5.7 RECREATION

The Project does not propose any type of residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities in such a manner as to result in or accelerate a discernible physical deterioration of recreational facilities. The Project only would result in an increase of two employees, which would not generate a regional population with a potential for causing or contributing to physical deterioration of any recreational facility. Accordingly, implementation of the proposed Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park or include recreational facilities or require the construction or expansion of recreational facilities.

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

As such, implementation of the proposed Project would not result in any significant impacts associated with Recreation.