

Project Description: General Plan Amendment to change the Land Use Designation from Muscoy Community Planning Area, Single Residential, 1-acre Minimum Parcel Size (MS/RS-1) to Muscoy Community Plan Area, Community Industrial (MS/IC) in conjunction with a Conditional Use Permit to allow Surface Mining and a Reclamation Plan (2020M-01)(SMRP) for the proposed Area Q Quarry in accordance with the Surface Mining and Reclamation Act (SMARA) and the County Development Code, on 196 acres (Project site).

*Assessor Parcel Numbers: The Area Q site is comprised of portions of the following Assessor's Parcel Numbers (APN's): 0262-201-11-0000, 0262-201-12-0000, 0262-201-13-0000, 0262-201-14-0000, 0262-211-02-0000, 0262-211-03-0000, 0262-211-04-0000, 0262-211-05-0000, 0262-211-06-0000, 0262-221-03-0000, 0262-221-04-0000, 0262-221-05-0000, 0262-221-09-0000, 0262-221-10-0000, 0262-221-11-0000, 0262-221-12-0000, 0262-221-13-0000, 0262-221-17-0000, 0262-221-21-0000, 0262-221-23-0000, 0262-221-29-0000, 0262-221-30-0000, 0262-231-01-0000, 0262-241-13-0000, 0262-241-14, 0262-241-16-0000, 0262-241-26-0000.

FINDINGS: GENERAL PLAN/POLICY PLAN AMENDMENT:

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 86.12.060, and supporting facts for General Plan Land Use District Amendments:

- 1. The proposed amendment is internally consistent with all other provisions of the General Plan/Countywide Plan, Policy Plan and will further the objectives, goals and policies of the respective plans. This amendment is consistent specifically with the following 2007 General Plan, Muscoy Community Plan and 2020 Countywide Plan, Policy Plan goals and policies:**

2007 General Plan Consistency Analysis:

Goal LU 1. The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

Consistency: The Project seeks an amendment to the Project site's General Plan land use zoning designation from MS/RS-1 (Muscoy Community Plan, Single Residential, 1 acre Minimum Parcel) to MS/IC (Muscoy Community Plan, Community Industrial). Surface mining operations and related facilities and activities within the County are generally permitted in the Mineral Resources (MR) zone, however the Community Industrial (IC) designation is appropriate and consistent with the adjacent Cajon Creek extraction area, and the preliminary land use designation given to the Project site by the City, as the Project site falls within the City's sphere of influence; and would be consistent with the uses allowed along the Cajon Boulevard corridor. Surface mining operations and related facilities and activities are permitted in the Community Industrial (IC) zoning designation, subject to approval of a Conditional Use Permit (CUP).

The Project site is surrounded by existing mining operations to the north, and industrial operations to the east. Development of the Area Q quarry site would be compatible and fit the character of these nearby land uses. The Devil Creek Diversion Channel occurs along the southern boundary of the site and the residential community of Muscoy is located directly south of this diversion channel. The Project includes construction of a southern berm that would buffer proposed mining operations from existing residential land uses in the community of Muscoy to the south. Additionally, once mining is completed, the site would be reclaimed back to open space in a manner compatible with the surrounding environment. The Project would be compatible and harmonious with the surrounding land uses and would be fiscally viable and meet the general social and economic needs of the residential, and therefore would be consistent with this goal.

Policy LU 1.1. Develop a well-integrated mix of residential, commercial, industrial, and public uses that meet the social and economic needs of the residents in the three geographic regions of the County: Valley, Mountain, and Desert.

Consistency: The Project would allow Vulcan to continue to provide a reliable and sustainable local source of high-quality aggregates to help meet the current and long-term demand for construction materials in San Bernardino County. Vulcan's operations would also continue to create jobs in the local economy. For these reasons, the Project is considered consistent with this policy.

Policy LU 1.2. The design and siting of new development will meet locational and development standards to ensure compatibility of the new development with adjacent land uses and community character.

Consistency: The proposed Project includes a request for a zone change from MS/RS-1 (Muscoy Community Plan, Single Residential, 1 acre Minimum Parcel) to MS/IC (Muscoy Community Plan, Community Industrial). Surface mining operations and related facilities and activities are allowable in the Community Industrial (IC) land use designation. The Project site is surrounded by existing mining operations to the north and industrial operations to the east. The Devil Creek Diversion Channel occurs along the southern boundary of the site and the residential community of Muscoy is located directly south of this diversion channel. A southern berm is proposed along the site's southern boundary to act as a noise and visual barrier between mining operations and residences to the south within the community of Muscoy. Development of the Area Q quarry site would be compatible and fit the character of these nearby land uses. The Project would also provide a final reclamation land surface that is consistent with the future final landform planned for the adjacent Cajon Creek Quarry.

The Project has been designed to control noise, air emissions, and other nuisance impacts associated with mining operations. The southern berm would be installed along the site's southern boundary and would provide a noise and visual barrier between mining operations and residences to the south within the community of Muscoy. As discussed in Section 3.2 – Air Quality of the Draft EIR, the Project's air quality impacts, including those related to odor and dust, were determined to be less than significant. For these reasons, the Project would be consistent with this policy

Goal LU 4. The unincorporated communities within the County will be sufficiently served by industrial land uses.

Consistency: The Project involves developing an industrial site on a property compatible for the proposed land use (i.e., mining). Additionally, the Project's location adjacent to Vulcan's existing Cajon Creek Quarry to the north and existing industrial developments to the east make the Area Q site well suited for an aggregate mine. Development of the Project would provide a reliable and sustainable, local source of high-quality aggregates to help meet the current and long-term regional demand. Therefore, the Project is compatible with this policy.

Policy LU 4.1. Protect areas best suited for industrial activity by virtue of their location and other criteria from residential and other incompatible uses.

Consistency: The Project involves developing an industrial site on a property compatible for the proposed land use (i.e., mining). Additionally, the Project's location adjacent to Vulcan's existing Cajon Creek Quarry to the north and existing industrial developments to the east make the Area Q site well suited for an aggregate mine. Development of the Project would provide a reliable and sustainable, local source of high-quality aggregates to help meet the current and long-term regional demand. These findings below, along with the findings within the Draft and Final EIR demonstrate that the Project is compatible with the County General Plan.

Policy LU 7.1. Ensure that land use developments within the state-delineated Mineral Resource Zones (MRZs) are in accordance with the adopted mineral resources management policies of the County.

Consistency: The Project site occurs in a state-designated MRZ-2 zone, indicating that significant mineral deposits (i.e., sand and gravel) are present, or there is a high likelihood for their presence. Since the Project proposed the extract of these mineral resources in accordance with State and County policies, the Project is considered consistent with this policy.

Policy MS/LU 1.1. Require strict adherence to the Land Use Policy Map unless proposed changes are clearly demonstrated to be consistent with the community character.

Consistency: The Project seeks an amendment to the Project site's General Plan land use zoning designation from MS/RS-1 (Muscoy Community Plan, Single Residential, 1 acre Minimum Parcel) to MS/IC (Muscoy Community Plan, Community Industrial). The proposed use of the site for mining operation is consistent with the community character, as mining operations currently exists north of the Project site.

The Project site meets the following locational criteria of the Community Industrial (IC) land use zoning designation (County of San Bernardino 2007 General Plan, page II-18):

- *Areas located within urban areas where full urban services are available.*
- *Areas of existing industrial uses.*
- *Areas physically suited for industrial activities.*

- *Areas that are or can be adequately buffered from adjacent uses in other land use categories.*
- *Areas where industrial traffic is not routed through residential or other areas not compatible with industrial traffic.*
- *Areas appropriate for development of large acreages using the concepts of planned development to provide industrial parks with unified landscaping, signing, building design, services, infrastructure, and circulation.*
- *Areas located peripheral to urban areas where residential or long-term agricultural uses are inappropriate.*
- *Areas that have stable soil with average slope of 10 percent or less.*

Rural areas where there is a demonstrated need for industrial land uses. Upon County approval of the zone change, the site's current land use designation would be changed to MS/IC (Muscoy Community Plan, Community Industrial). The IC (Community Industrial) land use zoning designation allows for "Natural resources development (mining/material extraction)" with the conditional approval of a CUP. Therefore, with the conditional approval of the Project and the changed land use zoning designation to MS/IC, the Project would be compatible with the County General Plan and would be consistent with this policy

Policy MS/LU 1.5. When more intensive development is proposed adjacent to developed large lots, the new development shall be required to provide adequate buffering, so that compatibility between rural residential uses and more urban uses may be maintained.

Consistency: The Project would not conflict with County buffers policies. The southern berm and proposed landscaping would buffer proposed mining operations from the residential land uses in the community of Muscoy to the south. Additionally, once mining is completed, the site would be reclaimed back to open space in a manner compatible with the surrounding environment. As such, the Project is consistent with this policy.

2020 Policy Plan Consistency Analysis:

The proposed mining operation is consistent with the goals, maps, policies and standards of the newly adopted General Industrial (GI) Land Use Category, existing Regional Industrial (IR) District and future Regional Industrial (IR) Zoning District adopted via the Countywide Plan with the approval of a Mining Conditional Use Permit and Reclamation Plan Approval. This Project is a temporary use of a 196.0-acre, privately owned parcel of land that will be reclaimed to open space upon project completion. Use of the site for high quality construction aggregate extraction allows a measure of economic gain while providing a much-improved open space value. The project is consistent with the below Goals and Policies.

LAND USE ELEMENT

PURPOSE

- Designates the distribution, location, intensity, and balance of land uses for the unincorporated areas of the county.
- Establishes goals for where, when, and how the county grows, which is also guided by policies in other elements.
- Provides direction for new development on community design, land use compatibility, and interagency coordination.

- Provides guidance for orderly expansion of incorporated areas.

Policy LU-2.4 Land Use Map Consistency. We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

Consistency: The Project will be located within a General Industrial (GI) Land Use Category with the adoption of the County Wide Plan and within a Regional Industrial (IR) zoning district with the future adoption of the Zoning Ordinance. Surface mining operations and related facilities and activities within the County are generally permitted in the Mineral Resources (MR) zone, however the Regional Industrial (IR) designation is appropriate and consistent with the adjacent Cajon Creek extraction area, and the preliminary land use designation given to the Project site by the City, as the Project site falls within the City's sphere of influence; and would be consistent with the uses allowed along the Cajon Boulevard corridor. Surface mining operations and related facilities and activities are permitted in the existing Regional Industrial (IR) zoning designation, subject to approval of a Conditional Use Permit (CUP).

The Project site is surrounded by existing mining operations to the north, and industrial operations to the east. Development of the Area Q quarry site would be compatible and fit the character of these nearby land uses. The Devil Creek Diversion Channel occurs along the southern boundary of the site and the residential community of Muscoy is located directly south of this diversion channel. The Project includes construction of a southern berm that would buffer proposed mining operations from existing residential land uses in the community of Muscoy to the south. Additionally, once mining is completed, the site would be reclaimed back to open space in a manner compatible with the surrounding environment. The Project would be compatible and harmonious with the surrounding land uses and would be fiscally viable and meet the general social and economic needs of the residential, and therefore would be consistent with this policy.

Policy LU-2.7 Countywide jobs-housing balance. We prioritize growth that furthers a countywide balance of jobs and housing to reduce vehicle miles traveled, increase job opportunities and household income, and improve quality of life. We also strive for growth that furthers a balance of jobs and housing in the North Desert region and the Valley region.

Consistency: The Project would allow Vulcan to continue to provide a reliable and sustainable local source of high-quality aggregates to help meet the current and long term demand for construction materials in San Bernardino County. Vulcan's operations would also continue to create jobs in the local economy. For these reasons, the Project is considered consistent with this policy.

Policy LU-2.3 Compatibility with natural environment. We require that new development is located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.

Consistency: The proposed Project includes a Conditional Use Permit and Reclamation Plan. Surface mining operations and related facilities and activities are allowable in the existing Regional Industrial (IR) land use designation. The Project site is surrounded by existing mining operations to the north and industrial operations to the east. The Devil Creek Diversion Channel occurs along the southern boundary of the site and the residential community of Muscoy is located directly south of this diversion channel. A southern berm is proposed along the site's southern boundary to act as a noise and visual barrier between mining operations and residences to the south within the community of Muscoy. Development of the Area Q quarry site would be compatible and fit the character of these nearby land uses. The Project would also provide a final reclamation land surface that is consistent with the future final landform planned for the adjacent Cajon Creek Quarry.

The Project has been designed to control noise, air emissions, and other nuisance impacts associated with mining operations. The southern berm would be installed along the site's southern boundary and would provide a noise and visual barrier between mining operations and residences to the south within the community of Muscoy. As discussed in Section 3.2 – Air Quality of the Draft EIR, the Project's air quality impacts, including those related to odor and dust, were determined to be less than significant. For these reasons, the Project would be consistent with this policy

Policy LU-2.1 Compatibility with existing uses. We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

Consistency: The Project involves developing an industrial site on a property compatible for the proposed land use (i.e., mining). Additionally, the Project's location adjacent to Vulcan's existing Cajon Creek Quarry to the north and existing industrial developments to the east make the Area Q site well suited for an aggregate mine. The project design included buffers and landscaping that are designed to reduce impacts to noise and visibility to the residential tracts located south of the Area Q site. Development of the Project would provide a reliable and sustainable, local source of high-quality aggregates to help meet the current and long-term regional demand.

NATURAL RESOURCES ELEMENT

PURPOSE

- Establishes policies that preserve and enhance the beauty and resiliency of our natural resources.
- Provides guidance on coordinating with others to manage, conserve, and protect natural resources such as watersheds, wildlife habitat areas and corridors, and other natural and open space areas.
- Promotes clean air and a supply of water for human consumption and the natural environment.
- Supports the maintenance and enhancement of a countywide system of open space, parks, and recreation assets.
- Provides guidance and support for mining operations and the preservation of viable agricultural and grazing lands.

- Provides guidance on the location and distribution of new development to protect natural resources.

Policy NR-6.1 Mineral resource areas. We prioritize the conservation of land area with mineral resources by prohibiting or discouraging development of land that would substantially preclude the future development of mining facilities in areas classified as Mineral Resource Zone (MRZ) 2a, 2b, or 3a.

Consistency: The project is located in a Mineral Resource Zone (MRZ) and is being prioritized as a mining operation with the approval of a Conditional Use Permit (CUP).

Policy NR-6.2 Mining Operations and reclamation. We require and monitor mineral extraction activities to ensure that the operation and reclamation of mined lands is consistent with the State Surface Mining and Reclamation Act of 1975 (SMARA).

Consistency: The project is being developed and approved in compliance with the State Surface Mining and Reclamation Act (SMARA).

Policy NR-6.3 Conservation of construction aggregate. We encourage the continued operation of existing mining facilities and streamline the permitting of new mining facilities (consistent with the Policy Plan and other local, state, and federal regulations) to establish aggregate resources that are sufficient to satisfy 50 years of County demand.

Consistency: The approval of the Conditional Use Permit and Reclamation Plan will expand an existing mining operation in a very streamline manner, which is consistent with this policy.

HAZARDS ELEMENT

Goal HZ-1 Natural Environmental Hazards. Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by natural environmental hazards and adaptation to potential changes in climate.

Consistency: The Project has been designed to control noise, air emissions, and other nuisance impacts associated with mining operations. A berm on the southern property boundary would be installed and would provide a noise and visual barrier between mining operations and residences to the south within the community of Muscoy. As discussed in Section 3.2 – Air Quality of the Draft EIR, the Project's air quality impacts, including those related to odor and dust, were determined to be less than significant. For these reasons, the Project would be consistent with this policy.

Policy HZ-3.1 Health Risk Assessment. We require projects processed by the County to provide a health risk assessment when a project could potentially increase the incremental cancer risk by 10 in 1 million or more in unincorporated environmental justice focus areas, and we require such assessments to evaluate impacts of truck traffic from the project to freeways. We establish appropriate mitigation prior to the approval of new construction, rehabilitation, or expansion permits.

Consistency: The Health Risks of the proposed use were analyzed in the Draft EIR. The Air Quality, Health Risk and Climate Change Impact Assessment in Appendix D1, determined that public receptor health risk levels were less than the significance threshold necessarily corresponding with even less health risk impact to workers. Nevertheless, worker health risk was assessed for disclosure purposes. Finally, cancer burden was calculated as discussed in Section 3.5.3 and determined to be less than the SCAQMD significance threshold of 0.5. Therefore, health risk assessment performed shows that the Project impacts on health risks would be less than significant.

2. **The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.** Approval of the General Plan Amendment would change the Land Use District designation of the Project site from MS/RS-1 (Muscoy Community Plan, Single Residential, 1 acre Minimum Parcel) to MS/IC (Muscoy Community Plan, Community Industrial) under the 2007 General Plan. The proposed Project will develop the parcel into an open pit quarry. The development of the Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. The existing Project site is currently developed with fifteen single-family residential structures and is divided from most of the community to the south by the Devil Creek Diversion Channel. Access to the current Project site is from 5th Avenue, a dirt road that connects to Cajon Boulevard. This street only provides access to existing onsite residents and has no outlet.

The Project site's western boundary is bordered by the Southern Pacific Railroad (SPRR) tracks, which lies between the Project site and Lytle Creek and Cajon Creek. The Devil Creek Diversion Channel (a concrete channel) occurs along the southern boundary of the site and the residential community of Muscoy is located directly south of the concrete channel. The Devil Creek Diversion Channel, including the existing earthen berm (approximately eight-feet high) located just south of the channel, would not be impacted by the Project, and would continue to serve as an existing barrier between mining operations and residential areas in the community of Muscoy to the south. Additionally, installation of the southern berm along the Project site perimeter would also not divide the area as the southern berm footprint would run immediately parallel to the existing Devil Creek Diversion Channel. Cajon Boulevard is to the east of the Project site and Vulcan's existing Cajon Creek Quarry occurs north of the Project site. The Project would not divide the residential community of Muscoy nor would the site divide the industrial area to the east of the Project site. The Project has incorporated appropriate Conditions of Approval and mitigation measures to protect and enhance public health, safety and welfare. As such, the proposed Project will be a benefit to the community and not compromise existing development in the area

3. **The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised.** The existing Project site is currently developed with fifteen single-family residential structures, and has been extensively disturbed by human activities, including illegal dumping. A variety of mining and industrial land uses exist near the Project site. It is surrounded by residential neighborhoods to the south/southeast, industrial facilities to the east/northeast, and open-space (i.e., Cajon Creek Wash) to the west. Vulcan's existing Cajon Creek Quarry site, specifically Area L, is to the north. Nearby urban centers include

the community of Muscoy (immediately southeast), the City of San Bernardino (City)(immediately north and east), and the City of Rialto (1.25 miles to the southwest). Approval of the general plan amendment would change the Land Use District designation of the Project site from Muscoy, Single Residential (RS-1) to Muscoy, Community Industrial (IC) under the 2007 General Plan. The proposed Project will develop the parcel into an open pit mine, which would be consistent with the proposed general plan amendment and allow for regional improvements such as housing, commercial development, industrial development, and infrastructure to be constructed as anticipated in the County's General Plan because the region must have a consistent and predictable source of competitively priced building materials, including aggregate. This Project would provide a local source of high-quality aggregate that augments the existing supply and contributes to projected future needs within the County. In addition, being a local source, the Project would reduce the need to transport aggregate into the region thereby reducing potential impacts associated with traffic, air quality, and greenhouse gas emissions throughout the region.

The Project would provide an average of 1.9 to 2.6 million tons annually over an approximate 30-year period with an anticipated maximum annual of 3.1 million tons of aggregates (sand and gravel), depending on market demand. The maximum permitted salable material to be mined over the life of the mine is 40 million tons. Obtaining aggregate from within the San Bernardino Region is environmentally preferable to obtaining aggregate from other locations situated outside of the market demand area. Specifically, local sourcing of needed aggregate materials avoids importation via on-road trucks and reduces air pollutant emissions associated with long-distance trucking of material from outside the San Bernardino Region.

Furthermore, at the proposed location, with the proposed buffers and landscaping, including the Conditions of Approval associated with the Conditional Use Permit Mining project, the Project would not divide an established community, conflict with local land use policies, regulations, or conflict with existing zoning. In fact, the Project would lead to the construction of a mining project on an underutilized site that could no longer support single-family residential homes. As such, the proposed Project will be a benefit to the community and region and not compromise existing development in the area.

4. **The proposed land use district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.** The proposed Land Use District change will meet the minimum size requirements enumerated in the San Bernardino County Development Code (Development Code) and will allow for the creation of an open pit-mining project within a Community Industrial (IC) Land Use Zoning District. The Mining use is considered a logical and appropriate extension of the mining project located north of the Project site given that industrial land uses are located to the east and northeast of the Project site.
5. The proposed land use zoning district change does not conflict with provisions of the Development Code. The change in the Land Use District from MS/RS-1 (Muscoy Community Plan, Single Residential, 1 acre Minimum Parcel) to MS/IC (Muscoy Community Plan, Community Industrial) under the 2007 General Plan and will not conflict with the Development Code. The Project will comply with all provisions set forth in Section 85.06.100 (Surface Mining and Reclamation Plan Applications) and Section 88.03.020 (Incorporation

of SMARA and State Regulations). The provisions of the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), Public Resources Code Section 2207, and the regulations implementing the act (California Code of Regulations Section 3500 et seq.) (“State Regulations”) are made a part of the Development Code.

The Project is in conformance with Section 88.03.040 (Permit, Plan, and Financial Assurance Requirements) of the Development Code and is requesting approval of a Conditional Use Permit, Reclamation Plan, and will provide required financial assurance. The General Plan allows mining operations to be located in areas adjacent to industrial operations. Since the Project is located in an urbanized sphere, adjacent to another open pit mine, the change in zone will not conflict with the provisions of the Development Code and will be in full compliance.

6. **The proposed land use zoning district change will not have a substantial adverse effect on surrounding property.** Adequate public services and facilities will be provided in accordance with provisions of the Conditional Use Permit, Conditions of Approval, and mitigation measures provided in the Final EIR. Approval of the proposed Project will not result in a reduction of such public services to properties in the vicinity, to the detriment of public health, safety and welfare. In fact, the proposed changes will improve the safety and appearance of the area by improving a vacant lot with an active operation that will improve the overall appearance of the site. As demonstrated in Section 3.1 of the Draft EIR, the proposed southern berm is expected to completely obscure existing views of the site, as well as views of the active mining areas and proposed operations. Therefore, implementation of the Project is expected to improve the overall visual quality of the Project site, as the existing illegally dumped debris found on the Project site would be removed and no longer be visible once operations commence.
7. **The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access (e.g., fire and medical) and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.** A variety of mining and industrial land uses exist near the Project site. It is surrounded by residential neighborhoods to the south/southeast, industrial facilities to the east/northeast, and open-space (i.e., Cajon Creek Wash) to the west. Vulcan’s existing Cajon Creek Quarry site, specifically Area L, occurs north of the Project site. The Cajon Creek Quarry (consisting of Areas L, M, and N) occurs north and northeast of the Project site and currently provides high-quality local aggregates (sand and gravel) to serve the regional market. The Project includes the relocation of mining operations from Area L, once operations have ceased, to the proposed Project site (Area Q). The Project site would be developed with an open pit mine on land that is physically suitable for the requested use. The proposed change in the land use designation to MS/IC will allow for the development of an open pit mine with the approval of a Conditional Use Permit. The proposed Project will comply with the minimum lot size requirements for the GPA.

The proposed Project as designed will not jeopardize or constitute a hazard to property or improvement in the vicinity given that the Project utilizes existing roadways associated with operations located in the Area L Quarry. Therefore, no significant adverse impacts to law enforcement are identified or anticipated, with the proposed mitigation measures required. The proposed Project, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of the surrounding area with the proposed buffers and landscaping.

- 8. The Initial Study (IS) adequately describes the environmental impacts that will result from the proposed Project and reflects the County's independent judgment.** Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced project has been subject to an Environmental Impact Report (EIR). The project has determined to have a numerous impacts which require Mitigation Measures. These impacts and Mitigation Measures are detailed in the and Final EIR (FEIR) which were prepared in compliance with CEQA and all Mitigated Measures identified in the FEIR have been incorporated into the Project's Conditional Use Permit as Conditions of Approval. The FEIR reflects the independent judgment of the County of San Bernardino. The FEIR was reviewed and considered prior to adoption and approval of the Project.

FINDINGS: CONDITIONAL USE PERMIT

The following Section 85.06.040 CUP findings must be made in the affirmative, pursuant to Development Code Section 88.03.060(k)(1), in order to approve the Project's mining Conditional Use Permit:

- 1. The site for the proposed mining site is adequate in terms of shape and size to accommodate the proposed use and all open space, setbacks, and other required features pertaining to the application.** The 196.0-acre parcel is of adequate size and shape to accommodate the aggregate mining operation and operations equipment including the extension of the existing Area L conveyor infrastructure. The minimum setback requirements for the Community Industrial (IC) zone in the Valley Region, which requires a 10-foot setback from the property line, would apply. To buffer the mining operations from residential uses, an approximately 10 foot landscaped screening berm would be built along the southern site boundary. The southern berm along with a 50-foot setback will be utilized to reduce visual, noise and operational impacts associated with a mining operation.
- 2. The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.** The Project mining activities would take place within 187.6 acres of the 196.0-acre Area Q property. Extraction of aggregate at the Project site would occur over a 182.1-acre area, with the balance of 5.5 acres dedicated to setbacks and construction of 10-foot high earthen berm along the southern site boundary. Aggregate would be mined from the Project site using mobile equipment (excavators, loaders, dozers, etc.). Aggregates mined from the Project site will be transferred from the excavated areas via an extension to the existing conveyance infrastructure in place at Area L. Area L is located in the City of San Bernardino (City). The exact location of the conveyor within the Project site may change as mining

progresses through the site. However, material mined would be processed and shipped from Vulcan's existing permitted processing facilities and no mined material would be processed on the Project site. Additionally, no haul trucks would enter or leave the Project site by public roads. Prior to Project Site operations, fifteen homes will need to be demolished as part of construction activities. It is estimated that demolition activities will require approximately five offsite truck trips for an approximately 30-day period. All other Project Site construction activities (berm construction, etc.) will be completed by the existing employees operating Cajon Creek Area L, and will not result in any increase of trucks or employee vehicles on public roads, vehicles.

- 3. The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.** The potential impact to adjacent properties was thoroughly reviewed in the Draft Environmental Impact Report in accordance with the California Environmental Quality Act (CEQA) Guidelines. The environmental analysis concluded that the Project would not create a significant impact to any of the resources identified in the CEQA Appendix G Environmental Checklist nor other identified local environmental thresholds.

Specifically, to reduce the potential impacts from noise, aesthetics, and other disturbances to the residential community of Muscoy, located south of the Project, a 50-foot buffer is proposed at the southern site boundary adjacent to the Devil Creek Diversion Channel. This setback will contain an approximately 10-foot tall berm (i.e., southern berm) and landscaping, which will reduce potential impacts to less than significant for noise and aesthetic. Although not anticipated, portable lighting may be required for safety purposes during evening or nighttime operations. Lighting for nighttime operations (i.e., evening hours prior to 10:00 p.m.) and security would be installed in a manner so as to minimize glare onto adjacent sites. In terms of traffic, as mentioned in finding #2 above, there will be no increase in traffic except for the short-term site preparation construction period approximately (3 months). Furthermore, County noise, vibration, and lighting standards apply and are included in the Project's Conditions of Approval.

- 4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the county General Plan/Countywide Plan, Policy Plan and any applicable Community or Specific Plan.** The proposed mining operation is consistent with the goals, maps, policies and standards of the General Plan/Countywide Plan, Policy Plan as stated in the General Plan/Policy Plan Findings above.
- 5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed project without significantly lowering service levels.** No additional County infrastructure or services are required to be supplied for this Project.
- 6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare.** The Project Conditions of Approval include measures to minimize noise, vibration, lighting, air quality, and traffic impacts and to enforce performance standards.

7. **The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.** Although solar energy generation and use is not a part of this Project proposal, neither would it be precluded should the need and desire for such use arise.

FINDINGS: RECLAMATION PLAN

Pursuant to Development Code Section 88.03.060(k)(2), the following findings must be made in the affirmative in order to approve the Project's mining Reclamation Plan:

1. **The Reclamation Plan complies with the California Surface Mining and Reclamation Act (SMARA) (Public Resources Code Sections 2772-2773) and any other applicable provisions.** The Area Q Quarry Mine Reclamation Plan (Reclamation Plan) was reviewed, and conditioned, for compliance with SMARA. It has also been reviewed and accepted by the California Department of Conservation Division of Mine Reclamation.
2. **The Reclamation Plan complies with applicable requirements of State Mining Regulations (California Code of Regulations Sections 3500-3505 and 3700-3713).** The Reclamation Plan was reviewed, and conditioned, for compliance with State mining regulations. It has also been reviewed and accepted by the California Department of Conservation Division of Mine Reclamation.
3. **The Reclamation Plan and potential end use of lands reclaimed in compliance with the plan are consistent with this chapter and the General Plan/Policy Plan and any applicable Resource Plan or Element.** The Reclamation Plan and potential end use of lands disturbed and reclaimed in compliance with the plan, as conditioned, are consistent with the Development Code and General Plan/Policy Plan. No additional resource plans or elements apply.
4. **The Reclamation Plan has been reviewed in compliance with The California Environmental Quality Act (CEQA) and the County's Environmental Review Guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated below a level of significance or to the maximum extent feasible.** A Final EIR (FEIR) was prepared in compliance with CEQA and all Mitigated Measures identified in the FEIR have been incorporated into the Conditions of Approval.
5. **The land and/or resources, such as water, will be reclaimed to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or suitable off-site development will compensate for related disturbance to resources values.** Affected lands will be reclaimed to a condition compatible with, and blending with, the surrounding natural environment, topography, and other open space resources as identified in the Reclamation Plan. Financial Assurances and annual mine inspections pursuant to SMARA will take place to ensure this occurs.

6. **The Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan/Policy Plan and applicable resource plan.** The Reclamation Plan, as conditioned, along with annual mine inspections pursuant to SMARA will ensure reclamation of the mined lands return to a usable condition that is readily adaptable for alternative land uses consistent with Resource Conservation and Open Space.

7. **A written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that department. Where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation, the response shall address, in detail, why specific comments and suggestions were not accepted.** The County sent a written response, dated August 3, 2020, to the California Department of Conservation Division of Mine Reclamation (DMR) in response to its March 9, 2020 review of the Cajun Creek Quarry, Area Q Expansion Mine Reclamation Plan. Staff provided a detailed response to each comment, along with the required 30-day notification of intent to adopt the project at a Planning Commission hearing scheduled for September 3, 2020. Each concern expressed by DMR has been addressed and/or incorporated into the revised Plan.

FINDINGS: CALIFORNIA ENVIRONMENTAL QUALITY ACT

The environmental document for the Project consists of an EIR for the following County approvals: General Plan land use designation/zoning change from MS/RS-1, a CUP, and a Surface Mining Reclamation Plan (SMRP). Because of the adoption of the Countywide Plan, the Project approvals no longer require a general plan amendment to the land use designation and the change has been reflected in an addendum to the EIR. The EIR was prepared in full compliance with CEQA (Pub. Res. Code § 21000 et seq.) and reflects the County's independent judgement and analysis regarding all matters contained therein. The EIR and Staff Report(s) prepared for this Project are fully-incorporated into these findings by this reference. As fully-explained below, the Board of Supervisors find that Project-specific design features and proposed mitigation measures in the EIR will avoid or substantially reduce environmental impacts resulting from the Proposed Project to less than significant levels.

8. **The project will not have a significant adverse impact on the environment, subject to implementation of the proposed conditions of approval and mitigation measures.**

A Final EIR/EIS (FEIR) was prepared in compliance with CEQA and all Mitigated Measures identified in the FEIR have been incorporated into the Conditional Use Permit as Conditions of Approval. The FEIR reflects the independent judgment of the County of San Bernardino. The FEIR were reviewed and considered prior to adoption and approval of the Project, as summarized below.

A. Aesthetics/Visual Resources

According to the EIR and associated technical analyses, the Project would not result in any significant impacts related to aesthetics/visual resources with the implementation of Project-specific design features (PDF) (see PDF Nos. 20, 21, 22 and 25). Therefore,

impacts to aesthetics/visual resources were found to be less than significant with no mitigation measures required.

B. Air Quality

According to the EIR and associated technical analyses, the Project would not result in any significant air quality impacts with the implementation of Project-specific design features (see PDF Nos. 1, 2, 3, 4, 16, 17, 19, 22, 31, 32 and 35). Therefore, air quality impacts were found to be less than significant with no mitigation measures required.

C. Biological Resources

According to the EIR, the Project site provides suitable foraging, nesting and cover habitat for a variety of resident and/or migrant nesting bird species. Pursuant to California Fish and Wildlife Code Section 3503, it is unlawful to destroy any bird's nest or any bird's eggs that are protected under the Migratory Bird Treaty Act (MBTA). While Project operations could potentially impact nesting bird species, this impact can be mitigated to a less than significant level. Therefore, to ensure impacts remains at a less than significant level, the Proposed Project includes the following mitigation measures to reduce or eliminate potential impacts to biological resources:

Mitigation Measure BIO-1: If determined necessary, consult with CDFW prior to the removal of any raptor nest on the Project site, if found.

Mitigation Measure BIO-2: If ground disturbance and vegetation removal cannot occur outside of the nesting season, a preconstruction clearance survey for nesting birds should be conducted within thirty (30) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the preconstruction clearance survey, construction activities should stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer is expanded to 500-feet. It is recommended that a biological monitor be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur.

In addition to the mitigation measures listed above, Project-specific design features (see PDF Nos. 19, 20, 25, 27, 28 and 29) related to biological resources will be implemented. Therefore, impacts to biological resources were found to be less than significant with mitigation measures incorporated.

D. Cultural Resources

According to the EIR and associate technical studies, the Project site did not indicated sensitivity for historical or cultural resources as well as human remains within its boundaries. However, the EIR found that ground-disturbing activities always have the potential to reveal buried cultural resource or human remains deposits not observed on the surface during previous surveys. Therefore, to ensure impacts remain at a less than significant level, the Proposed Project includes the following mitigation measures to reduce or eliminate potential impacts to cultural resources:

Mitigation Measure CUL-1: Prior to the initiation of ground-disturbing activities, field personnel should be alerted to the possibility of buried prehistoric or historic cultural deposits. In the event that field personnel encounter buried cultural materials, work in the immediate vicinity of the find should cease and a cultural resources professional that meets the U.S. Secretary of the Interior Professional Qualification Standards for Archaeology (a qualified archaeologist) should be retained to assess the significance of the find. The qualified archaeologist would have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist finds that any cultural resources present meet eligibility requirements for listing in the California Register of Historical Resources or the National Register of Historic Places, plans for the treatment, evaluation, and mitigation of impacts to the find would be developed. Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include:

- historic artifacts such as glass bottles and fragments, cans, nails, ceramic and pottery fragments, and other metal objects;
- historic structural or building foundations, walkways, cisterns, pipes, privies, and other structural elements;
- prehistoric flaked-stone artifacts and debitage (waste material), consisting of obsidian, basalt, and or cryptocrystalline silicates;
- groundstone artifacts, including mortars, pestles, and grinding slabs;
- dark, greasy soil that may be associated with charcoal, ash, bone, shell, flaked stone, groundstone, and fire affected rocks.

Mitigation Measure CUL-2: If human remains are encountered during Project operations, per State Health and Safety Code Section 7050.5, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.

In addition to the mitigation measures listed above, Project-specific design features (see PDF Nos. 19 and 28) related to cultural resources will be implemented. Therefore, impacts to cultural resources were found to be less than significant with mitigation measures incorporated.

E. Geology & Soils

According to the EIR and associate technical studies, the Project could have a significant impact with respect to seismically induced ground movement, slope stability and other potential hazards during a seismic event. Additionally, while considered low, is possible that vertebrate materials could be encountered during excavation at the Project site. Therefore, to ensure potential impacts to geology and soil resources remain at a less than significant level, the Proposed Project includes the following mitigation measures to reduce or eliminate potential impacts to these resources:

Mitigation Measure GEO-1: Should there be areas along slopes where alluvial materials are loose, and/or there is evidence of dislodgement, the operator will install a soil catchment berm at least 10-feet from the toe of the slope in those areas, as needed, to prevent falling coarse materials from rolling out into the quarry bottom.

Mitigation Measure GEO-2: Approximately every 12 to 18 months during active mining, a California Certified Engineering Geologist (CEG) will observe exposed cut faces of the mining operation in Area Q for evidence of the Fault, and if warranted assess the potential for surface rupture and/or slope failure.

Mitigation Measure GEO-3: Site workers will be trained and instructed to stop working in the immediate area upon discovery of a vertebrate fossil. A County of San Bernardino Qualified Paleontologist will be contacted to examine the vertebrate remains and recommend and implement appropriate measures to curate the fossil materials, if warranted.

In addition to the mitigation measures listed above, Project-specific design features (see PDF Nos. 6, 8, 9, 10, 11 and 30) related to geology and soil resources will be implemented. Therefore, impacts to geology and soil resources were found to be less than significant with mitigation measures incorporated.

F. Greenhouse Gases

According to the EIR and associated technical analyses, the Project would not result in any significant greenhouse gas impacts with the implementation of Project-specific design features (see PDF Nos. 3, 4, 31 and 32). Therefore, greenhouse gas impacts were found to be less than significant with no mitigation measures required.

G. Hazards and Hazardous Materials

According to the EIR and associated technical analyses, the Project would not result in any significant impacts related to hazards and hazardous materials with the implementation of Project-specific design features (see PDF Nos. 1, 2, 5, 6, 7, 12, 13, 14, 15, 16, 18, 19, 26 and 33). Therefore, impacts related to hazards and hazardous materials were found to be less than significant with no mitigation measures required.

H. Hydrology and Water Quality

According to the EIR and associated technical analyses, the Project would not result in any significant impacts related to hydrology and water quality resources with the implementation of Project-specific design features (see PDF Nos. 5, 6, 7, 11, 12, 13, 14, 15, 16, 20, 24, 26 and 34). Therefore, impacts related to hydrology and water quality resources were found to be less than significant with no mitigation measures required.

I. Land Use and Planning

According to the EIR and associated technical analyses, the Project would not result in any significant impacts related to land use and planning. Therefore, impacts related to land use and planning were found to be less than significant with no mitigation measures required.

J. Noise and Vibration

According to the EIR and associate technical studies, Project construction/site preparation would temporarily generate noise, but this impact can be mitigated to a less than significant level if the Project Applicant requires onsite workers to implement specific mitigation measures relating to noise. Therefore, to ensure impacts remain at a less than significant level, the Proposed Project includes the following mitigation measures to reduce or eliminate potential noise and vibration impacts:

Mitigation Measure NO-1: Topsoil/subsoil removal and berm construction activities shall only occur between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday as defined by Section 83.01.080(g)(3)-Exempt Noise of the San Bernardino County Code of Ordinances.

In addition to the mitigation measure listed above, Project-specific design features (see PDF Nos. 19, 21, 22 and 31) related to noise and vibration will be implemented. Therefore, noise and vibration impacts were found to be less than significant with mitigation measures incorporated.

K. Tribal Cultural Resources

According to the EIR and associate technical studies, field surveys of the Project site did not indicate sensitivity for tribal cultural resources within its boundaries. However, the EIR found that ground disturbing activities always have the potential to reveal buried tribal cultural resource or deposits not observed on the surface during previous surveys. Therefore, to ensure impacts remain at a less than significant level, the Proposed Project includes the following mitigation measures to reduce or eliminate potential impacts to tribal cultural resources:

Mitigation Measure TCR-1: Prior to the initiation of ground-disturbing activities, field personnel should be alerted to the possibility of buried historical or TCR deposits. Consistent with CEQA Guidelines Section 15064.5(f), in the event that field personnel encounter buried TCR materials, work in the immediate vicinity of the find should cease and a tribal consultant either approved by Gabrieleño Band of Mission Indians – Kizh Nation and San Manuel Band of Mission Indians or selected from the Native American

Heritage Commission's Tribal Contact list, and/or a qualified archaeologist that meets the U.S. Secretary of the Interior Professional Qualification Standards for Archaeology be retained to assess the significance of the find and notify the appropriate Tribes. The tribal consultant and/or qualified archaeologist will have the authority to stop or divert construction excavation as necessary.

Mitigation Measure TCR-2: Upon discovery of human remains, the tribal and/or archaeological monitor/consultant will immediately divert work at minimum of 150-feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the onsite lead/construction manager, who will then notify the consulting Tribes, the qualified lead archaeologist, and the County coroner, pursuant to the State Health and Safety Code §7050.5, and that code will be enforced for the duration of the Project. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a MLD.

Mitigation Measure TCR-3: If the Gabrieleño Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

If the San Manuel Band of Mission Indians is designated MLD in accordance with the legal process noted in Mitigation Measure CUL-2 presented in Section 3.4 – Cultural Resources, the MLD will work with the Coroner, NAHC, landowner, and Lead Agency regarding culturally appropriate practices and recommended next steps.

Mitigation Measure TCR-4: Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully-documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The MLD tribe will make every effort to recommend diverting the Project and keep the remains in situ and protected, and the landowner/applicant shall make every effort to comply with these recommendations. If the Project cannot be diverted, it may be determined that burials will be removed. The MLD Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the MLD tribe, documentation shall be

taken that includes, at a minimum, detailed descriptive notes and sketches. Additional types of documentation shall only occur once approved by the MLD tribe for data recovery purposes. Cremations will either be removed in bulk or by any means necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the MLD tribe and the NAHC. The tribes do not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects that requires data recovery will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects, and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within 6 months of recovery. The site of reburial/repatriation shall be on the Project site but at a location agreed upon between the MLD tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

Mitigation Measure TCR-5: Upon discovery of any tribal cultural or archaeological resources, construction activities shall cease within the immediate vicinity of the find (60-foot buffer) until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist, by a member of the Gabrieleño Band of Mission Indians – Kizh Nation, and a member of the San Manuel Band of Mission Indians Cultural Resources Department. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians – Kizh Nation and San Manuel Band of Mission Indians shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the tribe will request preservation in place or reburial onsite, though will recommend data recovery for educational purposes if other options are exhausted. Work may continue on other parts of the Project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5(f)). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available.

Mitigation Measure TCR-6: For unique archaeological resources, preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All analysis proposals will be reviewed and approved by the consulting Tribes. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials within the County, if such an institution agrees to accept the material. If no institution accepts the archaeological material that is not Native American in origin, they shall be offered to the Gabrieleño Band of Mission Indians – Kizh Nation or a local school or historical society in the area for educational purposes.

Mitigation Measure TCR-7: Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed. More details on this process can be found in Mitigation Measure CUL-2 (see Section 3.4 – Cultural Resources).

Mitigation Measures TCR-8: Archaeological and Native American monitoring and excavation during construction Projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The qualified archaeologist shall ensure that all other personnel are appropriately trained and qualified.

With implementation of the mitigation measures listed above, impacts to tribal cultural resources were found to be less than significant with mitigation measures incorporated.

L. Wildfire

According to the EIR and associated technical analyses, the Project would not result in any significant impacts related to wildfire with the implementation of Project-specific design features (see PDF Nos. 1, 13, 15, 16 and 19). Therefore, impacts related to wildfire were found to be less than significant with no mitigation measures required.

9. THE PROJECT IS THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE PURSUANT TO CEQA.

Although the County of San Bernardino finds that all significant environmental effects will be avoided or substantially lessened by the mitigation measures discussed above, the County has made the following findings regarding the Project's designation as the environmentally superior alternative.

A. No Project Alternative.

This alternative would preserve existing conditions on the Project site, and no land use approvals would be adopted by the County. Existing residential land uses on the site would continue in their present condition. The County rejects this alternative for these reasons:

- The Project will provide a reliable, sustainable, local source of high-quality aggregates to help meet the current and long-term demand for construction materials in San Bernardino County. In order to allow regional improvements

such as housing, commercial development, industrial development, and infrastructure to be constructed as anticipated in the County's General Plan, the region must have a consistent and predictable source of competitively priced building materials, including aggregate. The no-project alternative would neither meet that need nor further General Plan policies of providing a reliable and sustainable source of local construction materials.

- The Project would result in an environmentally sound project that would balance the recovery of the aggregate resource with the protection of other resources including wildlife habitat, sensitive and special-status species, groundwater, surface water, and air quality. Additionally, being a local source of construction materials, the Project would reduce the need to transport aggregate into the region thereby reducing potential impacts associated with traffic, air quality and greenhouse gas emissions. The no-project alternative would not result in an environmentally sound project that provides a local source of construction materials.
- The Project would provide a final reclamation land surface that is consistent with the proposed end use as open space and the adjacent Vulcan mining sites. This would not result if the no-project alternative were adopted.
- The Project would maintain existing levels of employment into the future for employees currently working at the Cajon Creek Quarry, which would not be provided if the no-project alternative were adopted.

B. Elimination of Southern Berm Alternative

This alternative would remove the approximately 10-foot tall berm along the Project site's southern boundary. Topsoil and subsoil would still be removed from the site prior to mining; however, it would be managed offsite if not used in berm construction. Specifically, the soils would be removed separately, and transported and stockpiled offsite for later use during reclamation/revegetation. The County rejects this alternative for the following reasons:

- Removing the southern berm as a PDF would avoid potential temporary construction-related noise impacts during construction of the berm; however, this would result in increased operational noise levels, resulting in a different, permanent, potentially significant noise impact.
- Removing the southern berm as a would also result in crease aesthetic impacts, because existing and future mining operations would be more visible from the residential community of Muscoy to the south, as no visual screening would be provided.