

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

June 8, 2021

FROM

TERRI RAHHAL, Director, Land Use Services Department

SUBJECT

Amendment to Conservation Easement Agreement with Mitsubishi Cement Corporation

RECOMMENDATION(S)

Approve amendment to conservation easement agreement, Document No. 2013-0455691, submitted by Mitsubishi Cement Corporation for habitat mitigation lands required for expansion of the Cushenbury Mine in Lucerne Valley.

(Presenter: Heidi Duron, Planning Director, 387-4110)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Sufficient appropriation and revenue to complete this action have been included in the Land Use Services Planning Division 2020-21 budget. All costs of processing this application are paid by the applicant.

BACKGROUND INFORMATION

Approval of this item will accept an amendment to a conservation easement deed for habitat impacts associated with the Mitsubishi Cushenbury Mine. The Cushenbury Mine is located on the northern foothills of the San Bernardino Mountains, south of Highway 18, in the community of Lucerne Valley. Certain sensitive plant and animal species are found in the vicinity, including Nelson's bighorn sheep and four plant species which are listed as threatened and endangered under the Federal Endangered Species Act. These carbonate endemic plants consist of three endangered plants and one threatened plant species.

On May 20, 2004, the Planning Commission approved a Mining Conditional Use Permit and certified a Final Environmental Impact Report (EIR) for an expansion of the Cushenbury Mine operated by the Mitsubishi Cement Corporation (MCC). The expansion of this limestone mine added the new West Pit (101 acres) to the existing East Pit (214 acres) with a Reclamation Plan covering a total of 405 acres. The EIR for the mine expansion set forth several mitigation measures for bighorn sheep and carbonate plants, chief of which is the requirement for mitigation lands to offset the loss of habitat on 191 acres. The EIR required three acres of conservation lands with comparable habitat to be provided for each acre to be disturbed. After successful reclamation is achieved, an acre can be withdrawn from the conservation bank formula to reduce the ratio to 2:1.

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MCC proposed easements which provided a total of 740 acres of carbonate plant habitat mitigation lands and 186.4 acres of bighorn sheep habitat mitigation lands determined to be suitable by the California Department of Fish and Wildlife (CDFW). As determined by the CDFW, the easements may consist in whole or in part of lands dedicated for carbonate plant conservation. MCC secured adequate quality of mitigation lands and offered these lands via a conservation easement deed, to comply with the mitigation requirements. On June 4, 2013 (Item No. 26), the Board of Supervisors (Board) accepted a conservation easement deed, which was later recorded with the County Recorder's Office on October 21, 2013, as Document No. 2013 – 0455691.

On August 11, 2020 (Item No. 61), the Board certified a joint EIR/EIS and approved a Reclamation Plan for MCC to develop and reclaim the South Quarry, a new high-grade limestone quarry consisting of a 128-acre quarry, 2.7-acre landscape berm, 22.2-acre haul road, and a 0.7-acre temporary construction road (Haul Road Areas). As mitigation for impacts to sensitive habitat from the South Quarry expansion, MCC is required to dedicate additional property for conservation purposes. An amendment to the existing conservation easement is needed to maintain the required mitigation area while the Haul Road Areas are in use. Acceptance of the amendment to the easement requires the requested Board action.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Searles, Deputy County Counsel, 387-5455) on May 12, 2021; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on May 17, 2021; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on May 19, 2021.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Janice Rutherford Seconded: Joe Baca, Jr.

Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 8, 2021



cc: File - Land Use Services Department w/attach
CCM 06/25/2021