



June 4, 2021

Governor's Office of Planning & Research

Mr. Reuben J. Arceo
County of San Bernardino
Land Use Services Department - Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187

June 04 2021

STATE CLEARINGHOUSE

Copy sent via email: reuben.arceo@lus.sbcounty.gov

**SUBJECT: SILVER LAKE MINE PHASE 3 QUARRY
DRAFT INITIAL STUDY, MITIGATED NEGATIVE DECLARATION (IS/MND)
STATE CLEARINGHOUSE (SCH) NO. 2021050120**

Dear Mr. Arceo:

Thank you for including the Department of Conservation's Division of Mine Reclamation (Division) in the environmental review process for the Silver Lake Mine Phase 3 Quarry (Proposed Project) IS/MND prepared by San Bernardino County (County), as lead agency under the California Environmental Quality Act (CEQA). The Project Site is on private land and the surrounding area is owned by the United States Department of Defense. The U.S. Army is the authorizing land use authority for the mine and has granted an extended easement (through June 11, 2027) for access to the mine.

As described in the IS/MND, the Proposed Project seeks to amend the existing approved Mining/Reclamation Plan (approved March 14, 2008) to access and remove iron ore from Quarry 3, increasing the total mine disturbance area by approximately 26 acres taking it from approximately 64 to 90 total acres. The IS/MND Proposed Project description includes the following element that has a nexus with the Surface Mining and Reclamation Act of 1975 (SMARA; Public Resources Code [PRC] Section 2710 et seq.) specifically:

- Compliance with the requirements of the approved Reclamation Plan per SMARA statutes and regulations.

The Division's primary focus is on active surface mining; however, the Division also addresses issues related to abandoned (pre-1976) legacy mines. The Division has review responsibilities associated with lead agency implementation of SMARA. SMARA provides a comprehensive surface mining and reclamation policy to assure that:

- Adverse environmental effects of surface mining operations are prevented or minimized and mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

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- Production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
- Residual hazards to the public health and safety are eliminated.

Division staff has reviewed the subject IS/MND pursuant to CEQA statutes and guidelines and offers the following comments at this time:

SMARA

- 1) Division staff will provide specific comments on the Reclamation Plan Amendment for this proposed mining activity once the Division has received the Reclamation Plan Amendment and any supporting documents along with the statement from the County that certifies the submission as complete, in accordance with PRC Section 2772.1(a)(3)(A-C) and prior to approval by the County as SMARA local lead agency as presented on page 9 of the IS/MND.
- 2) Division staff will provide comments on the revised Financial Assurance Cost Estimate for the Proposed Project in accordance with PRC Section 2773.4(a-c).

Baseline, Biological Resources, and Mitigation Measures

- 3) Division staff recommends current baseline studies and a current biological resource inventory be completed by qualified biologists and the studies be incorporated into the IS/MND. Such studies are essential to:
 - support the Proposed Project's IS/MND and associated determinations to ascertain if new mitigation measures are required for the Proposed Project
 - catalog a number of threatened and endangered species with habitat correlation to the site that have become recognized since the early 2000s

The IS/MND indicates that the biological assessment for the IS/MND consists of an Environmental Impact Statement (EIS) for the entire Fort Irwin Training Area dated 2005. This EIS is over 16 years old and did not analyze the impacts of the surface mining. Specific considerations may be needed for a number of native plant species, which are not federally or state listed as threatened or endangered, but which are listed in the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California and are known to be within the vicinity, including Booth's Evening-Primrose, Amargosa Beardtongue, and Clark Mountain Buckwheat, all of which are not considered in the 2005 EIS or 2007 Reclamation Plan. Furthermore, the Proposed Project has been identified as habitat for *Bombus crotchii* (Crotch bumble bee), which is considered an endangered invertebrate species in California and a candidate for protected species listing under the California Endangered Species Act (CESA). Pages 23-24 of the IS/MND do not consider this species in the outline of invertebrates expected to be found in the Proposed Project area.

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The IS/MND identified presence of Nelson's Bighorn Sheep in the vicinity of the Study Area using a Biological Resources Survey (BRS) conducted in 1991. This species was listed as a fully protected species under CESA as of 1998. The BRS also identified that the Proposed Project is within documented Agassiz's Desert Tortoise habitat.

Regarding these special status species, the prepared IS/MND does not specifically address significant habitat impacts or focused mitigation measures within the expansion area. Division staff recommends determining if surface mining activities for the Proposed Project require any additional mitigation measures.

- 4) Division staff recommends that the lead agency: 1) conduct further analyses by qualified specialists on whether the ephemeral drainage discussed on page 8 of the IS/MND is physically isolated from downstream hydrologic systems and requires special status plant species consideration, and 2) determine if surface mining activities specific to the Proposed Project expansion require additional mitigation measures to protect the ephemeral drainage. Page 8 of the IS/MND states "The site is bisected by an ephemeral drainage wash that runs west to east. The wash lies north of Phase 1 Quarry and processing area, and south of the Phase 2 Quarry area." Ephemeral drainages in southwestern desert ecosystems often provide critical habitat to wildlife serving as corridors between the desert floor and higher elevation habitats, support unique plant diversity from surrounding areas, and can service long-term groundwater recharge.¹ Page 27 of the IS/MND states that implementation of the Proposed Project is not anticipated to interfere with native migratory wildlife corridors but does not consider the ephemeral drainage. Existing mitigation measures include lining 280 feet of the drainage with large rock specific to processing in Phase 1 Quarry and Phase 2 Quarry (2007; Silver Lake Mine Reclamation Plan); however, additional mitigation measures may be required.

Water Resources

- 5) The IS/MND should resolve conflicting statements on water resource availability intended to be used for surface mining operations. Page 43 states that water "will be drawn from trenches and wells for the proposed operations," yet Pages 42 and 44 note that "water is acquired from the Silver Lake Reservoir or the County's Community Services District in Baker and stored in a tank on site" and that "no pumping of groundwater occurs in the area of the mine." Division staff recommends resolving the site description irregularities related to water resource availability on site for the Proposed Project. If wells are actively being used, mitigation measures may be needed to protect from impact to groundwater.

¹ Cockman, Joneen S., and Rex D. Pieper. *Ephemeral drainages in the southwestern United States: a literature review*. Agricultural Experiment Station, New Mexico State University, 1997.

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The Division requests to be included on the distribution list for this Proposed Project. Additionally, the Division requests that any subsequent project documents (e.g., hearing notices for the IS/MND and final determinations, and any supplemental environmental documents), as well as a copy of the approved IS/MND, be sent to the Division at the mailing address on the bottom of page 1 of this letter or to DMR-Submittals@conservation.ca.gov. If you have any questions, please contact either of us at (916) 323-9198.

Sincerely,

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