



November 3, 2021

Governor's Office of Planning & Research

Lorena Warner-Lara  
California State Parks  
Tijuana River National Estuary Research Reserve  
301 Caspian Way  
Imperial Beach, CA 91932

**Nov 03 2021**

**STATE CLEARINGHOUSE**

Copy sent via email: [SDCD.CEQA@parks.ca.gov](mailto:SDCD.CEQA@parks.ca.gov)

**SUBJECT: Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project  
Notice of Availability – Draft Environmental Impact Report  
State Clearinghouse No. 2019049100**

Dear Ms. Lorena Warner-Lara:

Thank you for including the Department of Conservation's Division of Mine Reclamation (Division) in the environmental review process for the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project (Proposed Project; dated September 2021) draft Environmental Impact Report (EIR). The draft EIR indicates that the California Department of Parks and Recreation, as lead agency under the California Environmental Quality Act (CEQA), has issued a draft EIR for decision makers and the public to evaluate the potential environmental effects associated with the Proposed Project. The Proposed Project will implement multiple phases, of which Phase 1 applies to the Division. Phase 1 will divert sediment from managed sources including flood control facilities, sediment basins, and habitat restoration and enhancement projects to the Nelson Sloan Quarry (Mine) in order to reclaim the over steepened slopes to create new habitat for coastal sage scrub and subsequently remove the Mine from regulation under the Surface Mining and Reclamation Act (SMARA).

The Division's primary focus is on active surface mining operations; however, the Division also addresses issues related to abandoned (pre-1976) legacy mines. Additionally, 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.
- 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.

Ms. Warner-Lara

Nelson Sloan Quarry – Notice of Availability dEIR

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Division staff reviewed the subject draft EIR and offers the following comments at this time:

1. Please revise the draft EIR to accurately reflect the concluding statement made in the email sent from Division staff on June 13, 2019. Specifically, Page 2-11 states, "DMR tentatively approved the approach to Mine ID closure via an email on June 13, 2019." However, the June 13, 2019 email correspondence from Division staff concludes,

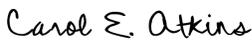
"...it is recognized by Division staff that reclamation requirements may be considered complete after the highwall has been reclaimed to a 2(h):1 (v) slope and vegetation performance standards are based on local recovery rates and naturally occurring native vegetation in the area, i.e., natural recruitment of Coastal Sage Scrub. In addition, CCR [California Code of Regulations Section] 3705(a) states that areas that are not reclaimed to prior conditions may use data from reference areas to meet revegetation reclamation requirements."

Thus, said another way, Division concurrence that reclamation is complete at this Mine requires the site be reclaimed in accordance with the approved reclamation plan.

2. Page 2-29, Table 2-10, should be corrected to show that the Division is the agency responsible for determining that California Mine ID 91-37-0037 has been reclaimed in accordance with its reclamation plan (not the State Mining and Geology Board).
3. Page 2-29, Table 2-10, please clarify what is meant by "practical interim reclamation plan conditions." This term is not defined within SMARA and Division staff does not know what this term means.

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 draft or final EIR, final determinations and final EIR, as well as any supplemental environmental documents) be sent to the Division at [DMR-Submittals@conservation.ca.gov](mailto:DMR-Submittals@conservation.ca.gov). If you have any questions, please contact me at (916) 323-9198.

Sincerely,

DocuSigned by:  


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Carol E. Atkins, Manager  
Environmental Services Unit

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