

**Decision Notice  
And  
Finding of No Significant Impact**

**Acton Clay Quarries  
Twenty-Year Plan of Operation  
North Star Minerals, Inc.**

**USDA Forest Service  
Santa Clara/Mojave River Ranger District,  
Angeles National Forest  
Los Angeles County, California**

Section 24 and 25 of township 4 North, Range 13 West, SBBM; and  
Section 19 and 30 of Township 4 North, Range 12 West, SBBM

# Decision and Reasons for the Decision

## Background

The United States Forest Service has conducted an environmental analysis and prepared an Environmental Assessment (EA) to disclose the direct, indirect, and cumulative environmental effects that would result from approving a 20-year plan of operations for the continuation and expansion of mining operations at the Acton Clay Quarries by North Star Minerals, Inc. (NSM).

The purpose for this action is to make locatable mineral material available, as provided by statute. The statutes authorizing this use of National Forest System lands and resources include the 1872 Mining Law, as amended (30 U.S.C. 21-54), and its implementing regulations at 36 CFR part 228; the Mining and Minerals Policy Act of 1970; the Federal Land Policy and Management Act of 1976, and Forest Service policy as described in Forest Service Manual 2800.

This action responds to the proposed Plan of Operations submitted by NSM to expand their operations at the Acton Quarry, while protecting surface resources. Under U.S. mining laws, NSM has a statutory right to extract locatable minerals (clay) as proposed in accordance with the General Mining Law of 1872, as amended. The Forest Service has the responsibility to protect surface resources of National Forest System lands to the extent practicable. Forest Service mining regulations state that “operations shall be conducted so as, where feasible, to minimize adverse impacts on National Forest System surface resources (36 CFR 228.8).”

The action also contributes to meeting the goal of supporting environmentally sound minerals development and reclamation. The Mining and Minerals Policy Act of 1970 states that it is the policy of the Federal Government to foster and encourage the development of economically sound and stable domestic mining, minerals, metal, and mineral reclamation industries; and the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security, and environmental needs.

The current Plan of Operation (POO) for Acton Clay Quarries, as amended and extended several times since 1991, allows for the active mining of only 5 acres of NSM’s 2,260 acres of claims at one time. Operations over the years have seen development reach the limit of the area available. Under the proposed 20-year POO, mining would be allowed on 24 acres of North Star's claims, although not all allowed acreage would be mined at any given time (see Section 1.5, Proposed Action in the environmental assessment (EA)).

The EA documents the analysis of four alternatives to meet this need. Two alternatives were considered by an interdisciplinary team of resource specialists, but eliminated from detailed evaluation in this EA because of their infeasibility to attain aspects of the Purpose and Need, or failure to attain benefits greater than the Proposed Action. Two other alternatives were considered and evaluated; Alternative 1, the No Action alternative and Alternative 2, the Proposed Action alternative.

## Decision

Based upon my review of all alternatives, I have decided to implement Alternative 2 which is the Proposed Action alternative. Under this alternative, the Forest Service would approve a modification of the proposed Plan of Operations initially submitted by North Star Minerals, Inc. to expand the company's current clay mining operations within the quarries at two sites (the "Gray Quarry" and the "White Quarry") over a period of 20 years.

Modifications incorporated by the Forest Service include reclamation activities, design features, and mitigation measures to reduce or eliminate undesirable impacts, including impacts to the scenic integrity of the area (see Appendices A, C, and D in this EA).

For a more detailed description of the Proposed Action (Alternative 2), see the "Alternatives Considered" section of this decision and the EA (pages 12-14).

When compared to the other alternatives, this alternative (the Proposed Action) will meet the Purpose and Need for Action in a more comprehensive manner than the No Action alternative.

Mitigations and project design features are necessary and have been incorporated into the Proposed Action to allow the proposed mining activity to occur without negatively impacting Forest Plan goals related to public enjoyment of natural, scenic views of the Forest (Goal 3.1, Forest Plan, Part 1, p. 33), as well as other resource protection goals.

In respect to resources, the Proposed Action (Alternative 2):

- Would meet Forest Plan scenic standards, as opposed to the No Action Alternative, which does not meet Forest Plan scenic standards.
- Would be well below the *de minimus* and regional significance thresholds established by the General Conformity Rule.
- Would not affect any threatened, endangered, proposed, or candidate plant species or any designated or proposed critical habitat for listed plants.
- Could have limited adverse impacts to some Forest Service sensitive plant and animal species, but is not likely to result in a trend toward federal listing of any plant recognized as sensitive by the Angeles National Forest.
- Would regain some components of native habitat suitability following reclamation.
- Would have minimal impacts from noise and light disturbance, and some fugitive dust.
- Would potentially improve MIS habitat, with re-establishment of native vegetation during reclamation.
- Would potentially have lower impacts to soil and surface water resources than would occur under the No Action Alternative.
- Would have no significant measurable effect to ground water quality or quantity.
- Would have no significant effect to cultural resources following required treatment measures (see EA pages 25-26).

For a more detailed comparison of the alternatives, see table 1 "Comparison of Alternatives", in the EA, (page15).

This alternative (The Proposed Action, Alternative 2) is consistent with the objectives of federal, regional, State, and local land use plans, policies, and controls for the project area. Applicable laws, regulations, policies, and the Angeles National Forest Land Use Plan have been addressed throughout the analysis of the Proposed Action in the EA. In addition, under Environmental

Justice, Executive Order 12898, none of the alternatives would have a discernible effect on minorities, American Indians, or women, or the civil rights of any United States citizen. The Proposed Action would not have a disproportionate adverse impact on minorities or low-income individuals.

## **Other Alternatives Considered**

The EA documents the analysis of four alternatives to meet this need. Two alternatives were considered by an interdisciplinary team of resource specialists, but eliminated from detailed evaluation in this EA because of their infeasibility to attain aspects of the Purpose and Need, or failure to attain benefits greater than the Proposed Action. These two alternatives include the: Visually Enhanced Alternative and Reduced Operating Period Alternative (see EA page 11). Two other alternatives were considered and evaluated; Alternative 1, the No Action alternative and Alternative 2, the Proposed Action alternative. A comparison of these alternatives can be found in the EA on page 15.

### **Alternative 1, No Action**

Under the No Action alternative, current management plans would continue to guide management of the project area.

In situations involving an ongoing operation authorized by law or statute, CEQ regulations and interpretations of NEPA allow the No Action alternative to be considered as “no change” from current management direction or level of management intensity (see “Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations,” Question 3, available on the internet at <http://ceq.eh.doe.gov/nepa/regs/40/40p3.htm> ). This is the case with the Acton Clay Quarries operation, in which NSM has a statutory right to extract minerals from its claims at the Acton Clay Quarries. The Forest Service does not have the discretion to deny statutory rights to mine locatable minerals subject to the 1872 Mining Law.

Therefore, the No Action Alternative analyzed in this EA is defined as “no change” from the current Plan of Operations (POO) in effect. The current POO allows for active mining in the Gray and White Quarries to occur on a total of 5 acres at one time. Under the No Action Alternative, the proposed 20-year Plan of Operations would not be authorized.

For the purposes of environmental analysis in the EA, it is assumed that the current POO would be renewed by annual extensions, with active mining continuing as presently authorized. In reality, however, operating the quarries indefinitely under year-to-year approvals is not desirable and likely not possible, in that it would hamper long-term planning and market development considered essential to a viable mining operation as provided for under federal mining laws governing locatable mineral development.

### **Alternative 2, Proposed Action**

Under this alternative, the Forest Service would approve a modification of the proposed Plan of Operations initially submitted by North Star Minerals, Inc. to expand the company's current clay mining operations in the quarries at two sites (the “Gray Quarry” and the “White Quarry”) over a period of 20 years.

Modifications incorporated by the Forest Service include reclamation activities, design features, and mitigation measures to reduce or eliminate undesirable impacts, including impacts to the scenic integrity of the area (see Appendices A, C, and D in the EA).

The Plan of Operations, as proposed by North Star Minerals and modified by the Forest Service is summarized as follows:

- It is estimated that the operation would process approximately 5 million tons of clay over the life of the plan (20 years). Peak production may reach 1,500 tons per day, and annual production may reach approximately 200,000 tons.
- Total surface area to be mined over the 20-year period would be 24 acres - 14 acres in the Gray Quarry and 10 acres in the White Quarry. Much of this area has been mined by previous owners (see discussion in Background section of the EA); the current and proposed operation is a re-entry, to remove remaining clay ore. The Plan of Operations to be approved would allow no more than 5 acres of actively mined area at any one time in each quarry (10 acres total). All mined acres within the quarries not being actively mined would be concurrently reclaimed, as described in the Reclamation Plan Summary (see Appendix A in the EA) and briefly summarized below under the heading “Proposed Action – Reclamation Activities”).
- While quarry operations would include some blasting of hard rock formations, most material would be mined by ripping with a track-mounted dozer. Mined material would then go through a crushing and screening process.
- Mining operations would occur year-round, except during periods of heavy rain. Both quarries would operate about five days per week.
- Commercial material would be hauled off-site by 18-wheel highway trucks (GVW 80,000 lbs.) to various markets, traveling on FS Road 4N32 to Aliso Canyon Road, then on to Soledad Canyon Road toward markets in the Mojave Desert. On average, approximately 39 truckloads of material would be shipped per 12-hour day.
- All access roads, including interior roads, would be maintained to Forest Service standards. Additional measures specific to road maintenance can be found in Appendix C of the EA, and the proposed Plan of Operations in the project record for measures specific to road maintenance). Roads would be watered or treated with a dust-control agent.
- Non-commercial material excavated during mining operation would be deposited in overburden sites within the two quarries.
- The overall mining strategy would be to develop the quarries by excavating in a downward and northward direction, into the existing quarry floor and face. However, as changes in commercial demand for various types of clay occur, previously mined and reclaimed areas within the quarries may be re-excavated to remove clay ore previously left behind.
- Back slopes of the mined area during and following active mining operations would range from 1:1 to 2:1 (one to two feet of horizontal run for every one foot of vertical rise) overall, with up to twenty-foot high and forty-foot wide benches, in accordance with State and federal mining regulations.
- All topsoil that is removed during mining would be stockpiled and used for reclamation (see reclamation discussion immediately below, and Reclamation Plan Summary in Appendix A of the EA).
- A processing plant for screening and crushing would be located within each quarry, typically on a low, flat area of the quarry floor.

### *Proposed Action - Reclamation Activities*

The proposed Plan of Operations includes a Reclamation Plan that describes in detail measures that would be taken to reclaim the quarries during ongoing operations and at the end of the 20-year operating period when mining activity ceases (see the EA Reclamation Plan Summary in Appendix A). The Reclamation Plan is incorporated into the Proposed Action by reference.

The purpose of the Reclamation Plan is to ensure that surface resources are protected during mining operations, and that lands mined for clay are adequately reclaimed after mining is completed. The plan includes a description of the strategy to be used to achieve acceptable reclamation, including revegetation with native species on quarry benches and areas disturbed by mining operations.

Reclamation would be ongoing, with progressive, “segmental” reclamation occurring concurrently with mining operations over the 20-year period of the proposed Plan of Operations. The mined areas would be contoured and reclaimed as the product is extracted. The final land surface would have natural contours and benches that blend with the surrounding topography. Final reclamation would be completed one year after mining has been completed.

The Reclamation Plan Summary, in Appendix A of the EA, describes the concurrent and final reclamation processes in detail.

### **Public Involvement**

The need for this action arose in December 2005, when a 5-year extension to NSM’s original Plan of Operation expired.

On April 23, 2007 scoping and public notification were conducted to inform the public of NSM’s proposed 20-year Plan of Operation, and to provide them an opportunity to raise any issues associated with this action. A scoping letter describing the details of the Proposed Action was mailed to 358 agencies, groups, and individuals. A legal notice informing the public of this project proposal (with a 30-day comment period) was published April 23, 2007 in the *Los Angeles Daily News*. On April 25, 2007 a news release was published in *The Los Angeles Daily News*, *Acton-Agua Dulce News* and the *Antelope Valley Press, Daily News*. The scoping letter was also posted on the Forest website.

The project has been listed in the Angeles National Forest web-posted quarterly Schedule of Proposed Actions (SOPA), beginning in April 2007.

The Council for Environmental Quality (CEQ) NEPA regulations require that environmental issues associated with the Proposed Action be identified at an early stage of the environmental analysis, and evaluated for possible significance (see 40 CFR 1501.1(d)). The regulations also require that these issues be classified as either significant or non-significant in terms of their effect on the human environment (40 CFR 1501.7). Issues that would have a significant effect on the human environment were addressed in the environmental analysis. For the analysis done under this EA, “significance” was determined in terms of length of time the effect would last, the geographic extent of the effect, and/or the intensity of the effect (see 40 CFR 1508.27).

Non-significant issues were identified as those: 1) outside the scope of the Proposed Action; 2) already decided by law, regulation, Forest Plan, or other higher level decision; 3) irrelevant to the decision to be made; 4) conjectural and not supported by scientific or factual evidence; or, 5) could be resolved through mitigation. The NEPA regulations require the environmental analysis

to "...identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3)..."

The Forest Service received and analyzed letters from 4 individuals/groups during the 30-day scoping period for NSM's proposed 20-year Plan of Operations. One letter from a Santa Clarita resident expressed concern that trucks hauling clay from the quarries would result in increased traffic on the Interstate 14 freeway in the vicinity of Santa Clarita. This issue was determined by the Forest Service interdisciplinary team to be non-significant ("irrelevant to the decision to be made"), since trucks leaving the quarries would not travel toward Santa Clarita on Interstate 14, but rather along Soledad Canyon Road toward markets in the Mojave Desert area.

No significant issues were identified by the public as a result of scoping.

Angeles National Forest resource specialists who reviewed and analyzed NSM's proposed Plan of Operations identified a potentially significant issue related to visual impacts. Mitigation measures and design features were subsequently developed to resolve this issue, and have been incorporated into the Proposed Action as analyzed in the EA (see Appendix C of the EA).

Los Angeles County Department of Regional Planning, in its Initial Study under CEQA (December 31, 2001), identified no significant issues for the proposal with project mitigations included. As stated in the Background section of the EA, the County adopted a Mitigated Negative Declaration and a Mitigation Monitoring Program for the proposed project in 2002 (see Appendix D in the EA).

On August 12, 2008, 294 letters were mailed to various agencies, groups, and individuals announcing a 30-day review period for the environmental assessment. On August 12, 2008 this same letter and the EA were posted on the Angeles National Forest website. A Legal Notice was posted on August 12, 2008, in the *Los Angeles Daily News* announcing the 30-day public review period.

Two comment letters were received in response to the public review period. The letter from the Director of Community Development for the City of Santa Clarita stated no objection as long as the trucks haul the ore toward the Mojave Desert. The letter from the Native American Heritage Commission stated that no Native American cultural resources are in the immediate project area.

## **Finding of No Significant Impact**

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. Implementing the Proposed Action would not cause significant adverse effects on the health and safety of the public. Mining and removal of clay ore from the Acton Clay Quarries would require the use of industrial mining equipment and trucks. While operations are active, Forest users in the vicinity of the quarries and local residents may experience some noise, traffic, and dust. These effects would last for the duration of the operation period (20 years), and would not be significant (see analysis of air quality effects, in Section 4.4 of the EA).

3. The project area is located in the San Gabriel Mountains, on the north slope of Mount Gleason at a point where the mountains drop off into Soledad Canyon. The vegetation surrounding the project area is predominantly chaparral. The scenic characteristics of the area are natural-appearing views of the forest landscape, in contrast to the developed areas and communities along the Interstate 14 freeway in the Soledad Front Country. Seasonal drainages run north to south through the area. Arrastre Creek, the nearest perennial stream, runs southeast to northwest and is located north of the project area. Geologic features at or near the project area include lighter colored clays, interspersed with granitic and meta-volcanic rock.

The project area does not constitute a substantial portion of the geographic area having these characteristics. There would be no significant adverse effects on characteristics considered to be unique.

There would be no significant adverse effects on ecologically critical areas such as historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or the like (see Sections 4.2 through 4.6 in the EA for discussion of effects on various resources).

The effects on the quality of the human environment are not likely to be highly controversial. There is no known scientific controversy over the impacts of the project (see Section 4.7.3 in the EA for discussion of controversy over effects).

4. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see EA pages 37).
5. The action is not likely to establish a precedent for future actions with significant effects, because this project would not set a precedent for future actions that would have significant effects. One of the objectives for this project is to approve and facilitate production of mineral and energy resources while minimizing adverse impacts to surface and groundwater resources and protecting or enhancing ecosystem health and scenic values. No significant effects are expected from this proposed action.  
Extraction of locatable minerals on 24 acres within the Acton Clay Quarries, as authorized by federal mining laws, is not a precedent-setting action. (see EA page 37).
6. The cumulative impacts are not significant (see EA Sections 4.2 through 4.6 pages 22-36).
7. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because it will be undertaken with required site-specific resource protection measures for implementation and monitoring, which will be followed throughout the duration of permit. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources; because implementation under the required restrictions is not expected to have any direct effects on known cultural resources located within the project area (see EA pages 25-26). (Section 106 document 07SCM16PISP, dated January 10, 2007, administered under the PA).
8. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. The discussion of potential effects to wildlife and plants in the EA is in sub-section 4.5. This sub-section is based on the Biological Evaluation/Biological Assessment (BE/BA) prepared by the Forest Service for this project.  
The BE/BA determined that implementation of the Proposed Action would not affect any threatened, endangered, proposed, or candidate plant species or any designated or proposed

critical habitat for listed plants. Endangered Species Act Section 7 consultation for wildlife is not required for this project. The BE/BA further determined that the Proposed Action could have limited adverse impacts to some Forest Service sensitive plant and animal species, but is not likely to result in a trend toward federal listing of any plant recognized as sensitive by the Angeles National Forest. The project would not interfere with maintaining viable populations well distributed across the forest (36 CFR 219.19). (see EA pages 28-34). No correspondence took place with the US Fish and Wildlife Service (USFWS) since there are no threatened, endangered, proposed, or candidate plant species or any designated or proposed critical habitat for listed plants in the project area.

9. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA pages 37-38). The action is consistent with the Angeles National Forest Land and Resource Management Plan (See EA pages 6-7).

## **Findings Required by Other Laws and Regulations**

This decision to approve a modification of the proposed Plan of Operations initially submitted by North Star Minerals, Inc. to expand the company's current clay mining operations in their Acton Quarries at two sites (the "Gray Quarry" and the "White Quarry") over a period of 20 years, is consistent with the forest plan's long term goals and objectives outlined in the revised Angeles National Forest Land Management Plan (LMP 2005), and helps move the project area towards desired conditions described in that plan. Specifically, by allowing NSM to extract and provide clay ore to industry markets, this proposal meets Forest Plan Goal 4.1a for energy and mineral production:

Administer Minerals and Energy Resources Development while protecting ecosystem health.... The national forests have an essential role in contributing to an adequate and stable supply of minerals and energy resources while continuing to sustain the land's productivity for other uses and its capability to support biodiversity goals. The desired condition is that approved minerals and energy developments are managed to facilitate production of mineral and energy resources while minimizing adverse impacts to surface and groundwater resources and protecting or enhancing ecosystem health and scenic values (Angeles NF Land Management Plan, Part 1, p. 37).

The proposed project is located within the Soledad Front Country Place of the Angeles National Forest, which functions as a scenic backdrop and transitional landscape for people who live in or travel through the rapidly urbanizing area between the Mojave Desert and the Los Angeles Basin. The Forest Plan categorizes the Soledad Front Country as a "Key Place" for providing scenic views of the San Gabriel Mountains. The Forest Plan's Desired Condition includes the preservation of these landscape attributes over time (see Forest Plan, Part 2, p. 73).

Mitigations and project design features are necessary and have been incorporated into the Proposed Action to allow the proposed mining activity to occur without negatively impacting Forest Plan goals related to public enjoyment of natural, scenic views of the Forest (Goal 3.1, Forest Plan, Part 1, p. 33), as well as other resource protection goals.

The Acton Clay Quarries are located within two land use zones, as described in the Forest Plan (Part 2, pp. 3-9). The Gray Quarry is in the Back Country Non-motorized Land Use Zone, and the White Quarry is in the Back Country Motorized Use Restricted Zone. Mineral extraction (mining) is considered suitable "by exception" in both of these land use zones. The exception, in

this case, is the federal law that authorizes NSM to mine for locatable mineral material on its mining claims within these land use zones.

As discussed in the “Reasons for the Decision” section of this decision, the Acton Quarries 20-Year Plan of Operations EA has been completed pursuant to and consistent with applicable federal laws, national policy and regulations, and agency objectives and direction (Forest Service Handbook 1909.15). The Proposed Action selected for implementation is consistent with the long-term goals and objectives, and complies with all applicable Standards and Guidelines, of the Angeles National Forest Plan.

## Implementation Date

Implementation of this decision may occur immediately after publication of the decision notice (**Notice of Decision**) in the newspaper of record, the Los Angeles Daily News.

## Administrative Review or Appeal Opportunities

This decision is not subject to administrative review (appeal) pursuant to 36 CFR Part 215.12.

Under 36 CFR 215.12 "Decisions and actions not subject to appeal (1) No substantive comments expressing concerns or only supportive comments are received during the comment period for a proposed action analyzed and documented in an EA".

## Contact

For additional information concerning this decision or the Forest Service appeal process, contact:

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Michael McIntyre  
Acting District Ranger  
Santa Clara/Mojave River District  
Angeles National Forest

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Date

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