



**Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526**

**Phone: (760) 878-0263
(760) 872-2706**

FAX: (760) 872-2712

E-Mail: InyoPlanning@qnet.com

DRAFT MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

**PROJECT TITLE: Amended Reclamation Plan No. 91-4/ Stratcor, U.S. Tungsten Corporation
(Pine Creek Mine).**

PROJECT LOCATION: The project is located on the eastern slope of the Sierra Nevada Mountains approximately 17 miles west of Bishop and approximately 7 miles west of the community of Rovana in Inyo County, Section 8, Township 7 South, Range 30 East, M. D .B. & M.

PROJECT DESCRIPTION: This request is to amend Reclamation Plan No. 91-4/Stratcor, U.S. Tungsten Corporation (subsidiary of Strategic Minerals Corporation). The County approved the reclamation plan in March of 1992. The property in question is now owned by Pine Creek Development (consisting of Pine Creek Development, LLC. and Bishop Tungsten Development).

Much of the reclamation of the site (mill & mine) has been accomplished through an Inyo National Forest Closure Plan (referenced #89-1 by Inyo County) and Inyo County's Reclamation Plan No. 91-4. In fact, the reclamation on Inyo National Forest lands is complete except for some issues regarding the tailing ponds and snow shed, which still needs to be resolved with Inyo County and the Inyo National Forest.

The mill site is located on private patented mining claims and the reclamation is under the jurisdiction of Inyo County through the Surface Mining and Reclamation Act of 1975 (SMARA). Much of the mill site has been reclaimed pursuant to Reclamation Plan No. 91-4, however a number of items still need to be completed.

Due to the lack of continuing reclamation of the mill site (including the tailings pond and snow shed on Forest service lands) the reclamation financial assurances were seized by Inyo County to insure the reclamation was completed.

Numerous meetings and hearings have been held to resolve this issue. The applicant, Pine Creek Development, Inc., now wishes to amend the reclamation plan (#91-4) primarily to retain the Mill Building and its remaining equipment, the Clarifier, the Crusher Building, the Dumper, a number of Storage Tanks, the Avalanche Dikes, the Snow Shed and the sealing of the Mine Portals by steel doors and/or fencing instead of back filling and turning the mill site into a historical resource.

The Pine Creek tungsten mining and milling operation is located in Pine Creek Canyon, at the confluence of Pine Creek and Morgan Creek on the eastern slope of the Sierra Nevada Mountains, about 17 miles west of Bishop.

The mine, snow shed and tailing ponds are located on Inyo National Forest Lands and the mill is located on private patented mining claims. The mill is located at an elevation of 7,800 feet on a debris fan. The

steep rocky slopes to the west of the mill are mostly barren as a result of frequent avalanches. The steep canyon walls and active talus deposits support only sparse vegetation. A plant survey indicated no rare or sensitive plants in the mill area. Sierra Big Horn Sheep inhabit the area.

In May 1936 U.S. Vanadium Corporation (subsidiary of Union Carbide Corporation) acquired the mines and claims in Pine Creek Canyon. In 1941, the present mill site was constructed with additions made in 1959 in order to produce ammonium paratungstate (APT), which is a high purity raw tungsten material. By 1970 a total of 15 million tons of ore had been extracted from the mine.

In 1986 the facilities were purchased by U.S. Tungsten Corporation, which was issued a Closure Plan (#86-1) and subsequently a County reclamation plan (RP #91-4). The facilities were sold to Avocet Tungsten, Inc. and its subsidiary, Pine Creek Tungsten Mining Company, LLC. Mining ceased in 1990 and in May 2000 operations at the mill ceased.

In March 2001 Avocet sold the mill facility and upper mine patented claims to Pine Creek Development (consisting of Pine Creek Development, LLC. and Bishop Tungsten Development, LLC).

Pine Creek Development is now responsible for the closure of the mill facility and related portals and compliance with water discharge monitoring. The Mill Building (Crusher Building, Clarifier and Damper) and remaining equipment were not removed pursuant to the sale of Pine Creek Development. Many of the historic items were retained at the mill site for future use as a mining museum pursuant to the sale to Pine Creek Development. Also as a condition of sale, the three portals and powder magazine were not closed.

FINDINGS:

An Initial Study and Evaluation of Potential Impacts have been prepared by the Planning Department (attached). The Initial Study, including an environmental checklist, indicates that the proposed project would not have a significant adverse impact, with proper mitigation, on the environment for the following reasons:

- A. The proposed project is consistent with the goals and policies of the Rural Protection Conservation/Open Space Element of the Inyo County General Plan specifically, Section 8.4 Mineral and Energy Resources (pages 8-17 thru 8-20). No conflicts exist with goals and policies of other adopted elements of the General Plan. Therefore, the project is consistent with the Inyo County General Plan.
- B. The proposed Amended Reclamation Plan is consistent with the requirements of the Inyo County Zoning Ordinance and the Open Space, 40-acre minimum zone (OS-40).
- C. The proposed Amended Reclamation Plan is consistent with the requirements of Chapter 7.70 (Surface Mining and Land Reclamation) of the Inyo County Code.
- D. The implementation of adequate mitigation measures involving the proposed amendments to the current reclamation plan will insure that no significant adverse impacts will occur.
- E. Based upon the Initial Study and environmental evaluation of the proposed project, it has been found the project, with mitigation does not have the potential to create a significant impact on flora or fauna; natural, scenic and historic resources; the local economy; or, public health and welfare. This constitutes

a negative finding for each of the Mandatory findings required pursuant to Section 15065 of the California Environmental Quality Act (CEQA) Guidelines.

The review period (45 day review) for this Mitigated Negative Declaration expires on July 17, 2009. Inyo County is not required to respond to any comments received after this date.

Additional information is available from the Inyo County Planning Department. Please contact Project Planner, Adena Fansler, if you have any questions regarding this project.

Date

Michael Conklin, Inyo County
Planning Director

Attachments: Initial Study,
Evaluation of Potential Impacts (Checklist)
Vicinity Map/Site Plan

INYO COUNTY PLANNING DEPARTMENT

APPENDIX G

Environmental Checklist Form

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance issues.

INYO COUNTY PLANNING DEPARTMENT

Environmental Checklist Form

- 1. Project title:** Amended Reclamation Plan No. 91-4/ Stratcor, U.S. Tungsten Corporation (Pine Creek Mine).
- 2. Lead agency name and address:** Inyo County Planning Department, P.O. Drawer L, Independence, CA 93526.
- 3. Contact person and phone number:** Adena Fansler, Associate Planner (760) 878-0263.
- 4. Project location:** The project is located on the eastern slope of the Sierra Nevada Mountains approximately 17 miles west of Bishop and approximately 7 miles west of the community of Rovana in Inyo County, Section 8, Township 7 South, Range 30 East, M. D. B. & M.
- 5. Project sponsor's name and address:** Pine Creek Development, 9050 Pine Creek Road, Bishop, CA 93514.
- 6. General plan designation:** Rural Protection.
- 7. Zoning:** Open Space, 40-acre minimum.
- 8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)** This request is to amend Reclamation Plan No. 91-4/Stratcor, U.S. Tungsten Corporation (subsidiary of Strategic Minerals Corporation). The County approved the reclamation plan in March of 1992. The property in question is now owned by Pine Creek Development (consisting of Pine Creek Development, LLC. and Bishop Tungsten Development).

Much of the reclamation of the site (mill & mine) has been accomplished through an Inyo National Forest Closure Plan (referenced # 89-1 by Inyo County) and Inyo County's Reclamation Plan No. 91-4. In fact, the reclamation on Inyo National Forest lands is complete except for some issues regarding the tailing ponds and snow shed, which still needs to be resolved with Inyo County and the Inyo National Forest.

The mill site is located on private patented mining claims and the reclamation is under the jurisdiction of Inyo County through the Surface Mining and Reclamation Act of 1975 (SMARA). Much of the mill site has been reclaimed pursuant to Reclamation Plan No. 91-4, however a number of items still need to be completed.

Due to the lack of continuing reclamation of the mill site (including the tailings pond and snow shed on Forest Service lands) the reclamation financial assurances were seized by Inyo County to insure the reclamation was completed.

Numerous meetings and hearings have been held to resolve this issue. The applicant, Pine Creek Development, Inc., now wishes to amend the reclamation plan (# 91-4) primarily to retain the Mill Building and its remaining equipment, the Clarifier, the Crusher Building, the Dumper, a number of Storage Tanks, the Avalanche Dikes, the Snow Shed and the sealing of the Mine Portals by steel doors and/or fencing instead of back filling and turning the mill site into a historical resource.

The Pine Creek tungsten mining and milling operation is located in Pine Creek Canyon, at the confluence of Pine Creek and Morgan Creek on the eastern slope of the Sierra Nevada mountains, about 17 miles west of Bishop.

The mine, snow shed and tailings ponds are located on Inyo National Forest Lands and the mill is located on private patented mining claims. The mill is located at an elevation of 7,800 feet on a debris fan. The steep

rocky slopes to the west of the mill are mostly barren as a result of frequent avalanches. The steep canyon walls and active talus deposits support only sparse vegetation. A plant survey indicated no rare or sensitive plants in the mill area. Sierra Big Horn Sheep inhabit the area.

In May 1936 U.S. Vanadium Corporation (subsidiary of Union Carbide Corporation) acquired the mines and claims in Pine Creek Canyon. In 1941, the present mill site was constructed with additions made in 1959 in order to produce ammonium paratungstate (APT), which is a high purity raw tungsten material. By 1970 a total of 15 million tons of ore had been extracted from the mine.

In 1989 the facilities were purchased by U.S. Tungsten Corporation, which was issued a closure Plan (# 86-1) and subsequently a County reclamation plan (RP #91-4). The facilities were sold to Avocet Tungsten, Inc. and its subsidiary, Pine Creek Tungsten Mining Company, LLC. Mining ceased in 1990 and in May 2000 operations at the mill ceased.

In March 2001 Avocet sold the mill facility and upper mine patented claims to Pine Creek Development (consisting of Pine Creek Development, LLC and Bishop Tungsten Development, LLC.).

Pine Creek Development is now responsible for the closure of the mill facility and related portals and compliance with water discharge monitoring. The Mill Building (Crusher, Clarifier and Dumper) and remaining equipment **were not removed** pursuant of the sale to Pine Creek Development. Many of the historic items **were retained** at the mill site for future use as a mining museum pursuant to the sale to Pine Creek Development. Also, as a condition of sale the three portals and powder magazine **were not closed**.

9. Surrounding land uses and setting: Briefly describe the project's surroundings: The site consists of granite and diorite. Vegetation consists of scattered evergreen trees and low-lying brush.

North: United States Forest Service land, General Plan designation, State and Federal Lands (SFL) zoned Open Space, 40-acre minimum (OS-40).

South: United States Forest Service land, General Plan designation, State and Federal Lands (SFL) zoned Open Space, 40-acre minimum (OS-40).

East: United States Forest Service land, General Plan designation, State and Federal Lands (SFL) zoned Open Space, 40-acre minimum (OS-40).

West: United States Forest Service land, General Plan designation, State and Federal Lands (SFL) zoned Open Space, 40-acre minimum (OS-40).

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) Inyo National Forest (drainage plan, tailing ponds and snow shed), Lahontan (drainage plan), Department of Fish and Game and Fish and Wildlife Service (drainage plan), Inyo County Building and Safety Department (all necessary plumbing, electrical and structural permits including final structural safety), Inyo County Environmental Health Department (any remaining hazardous waste), California Office of Mine Reclamation.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

| | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics Resources | <input type="checkbox"/> Agriculture | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. The project is a mining reclamation plan whose sole purpose is to mitigate and/or eliminate adverse impacts of the mining upon the environment. None of the reclamation measures proposed will adversely effect the environment.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Adena Fansler
Associate Planner/Mining Inspector
Inyo County Planning Department

Date

| Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--------------------------------------|---|------------------------------------|--------------|
|--------------------------------------|---|------------------------------------|--------------|

I. AESTHETICS: Would the amended reclamation plan:

a) Have a substantial adverse effect on a scenic vista?
No. The project does not result in any development or new structures on the property. The purpose of the amendment is to retain the mill building, crusher building, clarifier, dumper and snow shed as well as revising the sealing of the three portals and powder magazine.

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
No. The project does not result in any development or new structures on the property. The purpose of the amendment is to retain the mill building, crusher building, clarifier, dumper and snow shed as well as revising the sealing of the three portals and powder magazine . Pine Creek Road is not a designated state scenic highway.

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

c) Substantially degrade the existing visual character or quality of the site and its surroundings?
No. The project does not result in any development or new structures on the property. The purpose of the amendment is to retain the mill building, crusher building, clarifier, dumper and snow shed as well as revising the sealing of the three portals and powder magazine.

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
No. The project does not result in any development or new structures on the property. The purpose of the amendment is to retain the mill building, crusher building, clarifier dumper and snow shed as well as revising the sealing of the three portals and powder magazine, which will not create any new source of lighting or glare which would adversely affect day or nighttime views in the area.

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping

| | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

and Monitoring Program of the California Resources Agency, to non-agricultural use?

No. The project is not located on prime or unique farmland, or farmland of statewide importance.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No. The project is located on non-agricultural lands. Inyo County does not participate in the Williamson Act program.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No. The project is located on non-agricultural lands.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No. The amended reclamation activities will not affect the local air quality. The dust generated by the grading/drainage plan implementation will be of a minor nature and short term.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

No. The amended reclamation activities will not affect the local air quality. The dust generated by the grading/drainage plan implementation will be of a minor nature and short term.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

No. There will be no cumulative impact due to the dust generated by amended reclamation activities and will not affect the local air quality.

d) Expose sensitive receptors to substantial pollutant concentrations?

No. No dust will be generated by the amended reclamation activities and will not expose sensitive receptors to substantial dust. There are no sensitive receptors (schools, hospitals, parks, etc.) near the project site.

e) Create objectionable odors affecting a substantial number of people?

No. The amended reclamation activities will not create objectionable odors.

IV. BIOLOGICAL RESOURCES: Would the amended reclamation plan:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified

as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the

California Department of Fish and Game or U.S. Fish and Wildlife Service?

No. There are no known candidate, sensitive, threatened or endangered species occurring on or adjacent to the project site. No modification of flora or fauna habitat is proposed in the amended reclamation plan. Big Horn Sheep have utilized the area during past mining and milling operations with no adverse impacts.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

Yes. The amended reclamation plan proposes no new construction except for a revised drainage plan which will have to be reviewed by Inyo County, Inyo National Forest, Fish and Game, Fish and Wildlife and Lahontan since the site is located at the junction of Pine Creek and Morgan Creeks

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No. The site contains no wetlands and the amended reclamation will not impact any wetlands in the area.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No. The site is entirely surrounded by USFS lands that are available for wildlife movement.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No. The amended reclamation plan will not conflict with any local policies or ordinances protecting biological resources.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No. The amended reclamation plan will not conflict with any Habitat Conservation Plan or Natural Community Conservation Plans protecting biological resources.

V. CULTURAL RESOURCES: Would the amended reclamation plan:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? <i>No. No historical resources have been found or identified on the property. The applicant is proposing to have the site designated on the California Register of Historic Places since the structures proposed to be retained are over 50 years old and the mine/mill was world renown for the production and processing of tungsten ore.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? <i>No. No archaeological resources have been found or Identified on the property.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? <i>No. No unique paleontological resources or unique geologic features have been identified on this property.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? <i>No. No human remains have been found nor are expected to be found in the project area.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VI. GEOLOGY AND SOILS: Would the amended reclamation plan:

Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. <i>No. The Sierra Nevada Mountains and Owens Valley is known for moderate to severe earthquakes. No known earthquake faults are located on the amended reclamation site of approximately 40 acres.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? <i>No. Strong seismic ground shaking could occur. However, no new structures or residences are proposed in the amended reclamation plan.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? <i>No. Because of the nature of the local soils and geology, liquefaction or ground failure will not occur.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? <i>No. Seismic ground shaking has caused landslides in the upper mine surface areas but not at the mill site. Snow avalanches have occurred at the mill site, which has been</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

protected by avalanche dikes, which will remain and be maintained.

b) Result in substantial soil erosion or the loss of topsoil?
No. The project will not result in any soil erosion or loss of topsoil. The purpose of the amendment is to retain the mill building, crusher building, clarifier, dumper and snow shed as well as revising the sealing of the three portals and powder magazine. No loss of topsoil will occur.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
No. The amended reclamation plan does not involve activities that would affect land stability.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
No. The mill site is not located on expansive soils.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
No. The amended reclamation plan does not propose any new septic system beyond those that currently exist.

VII. HAZARDS AND HAZARDOUS MATERIALS:

Would the amended reclamation plan:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
No. The amended reclamation plan does not involve the transport, use or disposal of hazardous materials.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
No. The amended reclamation plan does not involve the transport, use or disposal of hazardous materials.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
No. The amended reclamation plan does not involve the transport, use or disposal of hazardous materials.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
No. Site is not listed.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No. The amended reclamation site is not located within two miles of an airport.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No. There is no private airstrip in the amended reclamation plan area.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No. The amended reclamation plan will not interfere with the Inyo County Standardized Emergency Management Systems Response Plan.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No. The area may be subject to wildland fires. The amended reclamation plan will not involve any additional structures or any additional population. The site is not adjacent to urbanized areas.

VIII. HYDROLOGY AND WATER QUALITY: Would the amended reclamation paln:

a) Violate any water quality standards or waste discharge requirements?

Possible. The applicant is proposing to prepare a drainage plan for the mill site with drainage courses and sump pond(s) reflecting the previous mill site's reclamation and the amended reclamation plan. This will be a condition (mitigation measure) to insure any discharge into Pine or Morgan Creeks is warranted. Said drainage plan must be reviewed by Inyo County, Inyo National Forest, Fish and Wildlife Service, Fish and Game and Lahontan.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No. Additional water usage is not required for the amended reclamation plan.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Possible. The applicant is proposing to prepare a drainage plan for the mill site with drainage courses and sump pond(s) reflecting the previous mill site's reclamation and the amended reclamation plan. This will be a condition (mitigation measure) to insure any discharge into Pine or Morgan Creeks is warranted. Said drainage plan must be reviewed by Inyo County, Inyo National Forest, Fish and Wildlife Service, Fish and Game and Lahontan.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?

Possible. The applicant is proposing to prepare a drainage plan for the mill site with drainage courses and sump pond(s) reflecting the previous mill site reclamation and the amended reclamation plan. This will be a condition (mitigation measure) to insure any discharge into Pine or Morgan Creeks is warranted. Said drainage plan must be reviewed by Inyo County, Inyo National Forest, Fish and Wildlife Services, Fish and Game and Lahontan.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

No. Pine Creek and Morgan Creek are natural drainage courses. The amended reclamation plan will produce no additional runoff than currently exists. A drainage plan will be a condition (mitigation measure) to insure adequate containment of surface runoff water.

f) Otherwise substantially degrade water quality?

Possible. The applicant is proposing to prepare a drainage plan for the mill site with drainage courses and sump pond(s) reflecting the previous mill site reclamation and the amended reclamation plan. This will be a condition (mitigation measure) to insure any discharge into Pine or Morgan Creeks is warranted. Said drainage plan must be reviewed by Inyo County, Inyo National Forest, Fish and Wildlife Service, Fish and Game and Lahontan.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No. The amended reclamation plan will not create any housing or need for new housing.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No. No structures will be built for this amended reclamation plan.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No. No structures will be built for this amended reclamation plan and no additional persons will inhabit the site. There are no levees or dams in the area.

j) Inundation by seiche, tsunami, or mudflow?
No. The project area is not subject to seiche or tsunami due to the distance from any large bodies of water.

IX. LAND USE AND PLANNING: Would the amended reclamation plan:

a) Physically divide an established community?
No. The project is located in a remote location and will not divide any community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
No. This project is consistent with the goals and objectives of the Natural Resource land use designation of the County's General Plan and the Open Space zoning of the County's Zoning Ordinance. It complies with chapter 7.70 of the County Code (Surface Mining and Land Reclamation).

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?
No. The project will not conflict with any applicable habitat conservation plan or natural community conservation plan.

X. MINERAL RESOURCES: Would the amended reclamation plan:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
No. The amended reclamation plan will not result in the loss of availability of a known mineral resource. Mining is not part of this project.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?
No. The amended reclamation plan for this mill site will have no impact on any mineral resource.

XI. NOISE: Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
No. The remote location of this project will not expose the public to excess noise. The nearest residence to the site is located approximately 7 miles east of the site. Additional generation of noise is not anticipated with this amended reclamation plan.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

No. The remote location of this project will not expose the public to excess noise. The nearest residence to the site is located approximately 7 miles east of the site. Additional generation of noise is not anticipated with this amended reclamation plan.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

No. The project will not create a permanent increase in noise in the area. Noise levels will be increased very temporarily during reclamation (fencing, drainage improvements, sealing of four adits and cleaning and securing of existing buildings).

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

No. During reclamation there will be a very temporary increase in the ambient noise level of the area. This will be during fencing, drainage improvements, sealing of four adits and the cleaning and securing of existing buildings. However, because of the remote location of this operation it will be less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No. The project site is not near an airport.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No. This project is not within the vicinity of a private airstrip.

XII. POPULATION AND HOUSING -- Would the amended reclamation plan:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No. The amended reclamation plan is not growth enhancing. It will not necessitate the construction of additional housing. The purpose of the amendment is to retain the existing mill building, crusher building, clarifier, dumper, snow shed and revising the sealing of four adits.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No. The project will not displace any housing. It will not necessitate the construction of additional housing.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No. The project will not displace people or require construction of any housing.

XIII. PUBLIC SERVICES: Would the amended reclamation plan:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new of physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

No. No new government facilities will be needed because of this reclamation project.

Fire protection?

Fire protection will not need to increase.

Police protection?

Police protection will not need to increase.

Schools?

School facilities will not need to increase.

Parks?

Park facilities will not need to increase.

Other public facilities?

No other public facilities in the area will need to be increase.

XIV. RECREATION: Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No. The project will have no effect on any existing parks or recreational facilities.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No. The project does not include recreational facilities or require the construction or expansion of recreational facilities.

XV. TRANSPORTATION/TRAFFIC -- Would the amended reclamation plan:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio

on roads, or congestion at intersections)?

No. The project will not result in any increase of traffic volume.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

No. The cumulative level of service standards on Pine Creek Road will not change.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No. This project will not result in a change to air traffic patterns, traffic levels or traffic pattern locations.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No. There are no hazardous design features on any route traveled.

e) Result in inadequate emergency access?

No. The project will not result in inadequate emergency access.

f) Result in inadequate parking capacity?

No. The project will not cause parking problems.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

No. The project will not conflict with any alternative transportation policies or programs.

XVI. UTILITIES AND SERVICE SYSTEMS

Would the amended reclamation plan:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No. The reclamation site will have no wastewater treatment facilities nor will any be required to be provided.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No. No water or wastewater treatment facilities will be needed because of the amended reclamation activities.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Possible. The applicant is proposing to prepare a drainage plan for the mill site with drainage courses and sump pond(s) reflecting the previous mill site reclamation and the amended reclamation plan. This will be a condition (mitigation

measure) to insure any discharge into Pine or Morgan Creeks is warranted. Said drainage plan must be reviewed by Inyo County, Inyo National Forest, Fish and Wildlife Service, Fish and Game and Lahontan.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Yes. No additional water is required for the amended reclamation plan.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No. There will be no need for wastewater treatment as the result of the project.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Yes. The project will not generate any significant amount of solid waste requiring offsite disposal in a landfill. The nearest landfill is in Bishop with sufficient capacity.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Yes. The project will not generate any significant amount of solid waste requiring offsite disposal.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Possible. The applicant is proposing to prepare a drainage plan for the mill site with drainage courses and sump pond(s) reflecting the previous mill site reclamation and the amended reclamation plan. This will be a condition (mitigation measure) to insure any discharge into Pine or Morgan creeks is warranted. Said drainage plan must be reviewed by Inyo County, Inyo National Forest, Fish and Wildlife Service, Fish and Game and Lahontan.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

No. None of the impacts of this project, when mitigated, will be cumulatively considerable.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Possible. The retention of the mill building, crusher building, clarifier and dumper together with elimination of backfilling the four adits may be safety hazardous to the general public. Mitigation measure shall be implement to clear all the remaining structures of safety hazardous with certification that it has been accomplished. The structures shall be fenced with appropriate chain-link fencing and signage prohibiting trespass.

Attachment: Vicinity Map/Site Plan