April 25, 2018

10:00 A.M.

1. **PLEDGE OF ALLEGIANCE.**

2. **ROLL CALL** – Roll Call to be taken by staff.

3. **PUBLIC COMMENT PERIOD** – This is the opportunity for anyone in the audience to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

4. **APPROVAL OF MINUTES** – Approval of minutes from the February 28, 2017 Planning Commission Meeting.

5. **CONDITIONAL USE PERMIT 2018-02/WHITE MOUNTAIN RESEARCH CENTER** – The applicant has applied for a conditional use permit to replace a non-conforming building and to continue the research center’s use of the property in compliance with the County’s zoning code. The building will replace and continue to be used for temporary residency for visiting students, professors, researchers and military personnel. The project is Exempt from CEQA.

6. **CONDITIONAL USE PERMIT 2017-03/F.W. AGGREGATE, INC., DURABILITY**
MINE; RECLAMATION PLAN 2017-01/ F.W. AGGREGATE, INC., DURABILITY MINE – F.W. Aggregate, Inc. has applied for a Conditional Use Permit and submitted a Surface Mine and Reclamation Act (SMARA) Reclamation Plan to expand the existing Durability Mine from 64 acres to 249 acres on a 480 acre parcel owned by F.W. Aggregate, Inc. and located approximately 2 miles north of the community of Keeler, adjacent to State Route 136. The project is subject to CEQA and a Mitigated Negative Declaration has been prepared.

7. **AMENDMENT TO CONDITIONAL USE PERMIT 2007-04/PROJECT DARWIN, LLC.** – Project Darwin LLC has applied to amend Conditional Use Permit 2007-04 which allows for mining of the Darwin Mine. The amendment will allow for crushing on site utilizing a portable crusher and processing (separating) of the ore in a new pilot plant to be located in a repurposed building near the mine portal. The project site is located approximately a half mile north of the community of Darwin. The project is subject to CEQA and an addendum to the Negative Declaration for the original Use Permit has been prepared.

8. **2017 ANNUAL PROGRESS REPORT**- Staff will hold a Workshop with the Planning Commission on the summary of the Inyo County 2017 Annual Progress Report.

**COMMISSIONERS’ REPORT/COMMENTS**

Commissioners to give their report/comments to staff.

**PLANNING DIRECTOR’S REPORT**

Planning Director, Cathreen Richards, will update the Commission on various topics.

**CORRESPONDENCE – INFORMATIONAL**
COUNTY OF INYO
PLANNING COMMISSION

MINUTES OF FEBRUARY 28, 2018 MEETING

COMMISSIONERS:
FRANK STEWART           FIRST DISTRICT (CHAIR)         Inyo County Planning Commission
CAITLIN MORLEY           SECOND DISTRICT                    Post Office Drawer L
TODD VOGEL               THIRD DISTRICT (VICE-CHAIR)     Independence, CA 93526
SCOTT STONER             FOURTH DISTRICT                    (760) 878-0263/(760) 872-2706
SCOTT KEMP               FIFTH DISTRICT                     (760) 872-0712 FAX

STAFF:
CATHREEN RICHARDS        PLANNING DIRECTOR
CLINT QUILTER            PUBLIC WORKS DIRECTOR
KEVIN CARUNCHIO          COUNTY ADMINISTRATOR
RYAN SMITH-STANDRIDGE    PROJECT COORDINATOR
JOHN VALLEJO             COUNTY COUNSEL

The Inyo County Planning Commission met in regular session on Wednesday, February 28, 2018, in the Administration Building, in Independence, California. Commissioner Stewart opened the meeting at 10:00 a.m.
These minutes are to be considered for approval by the Planning Commission at their next scheduled meeting.

ITEM 1: PLEDGE OF ALLEGIANCE – All recited the Pledge of Allegiance at 10:00.

ITEM 2: ROLL CALL - Commissioners: Frank Stewart, Todd Vogel, Caitlin Morley and Scott Kemp were present.

Staff present: Cathreen Richards, Planning Director; John Vallejo, County Counsel; Ryan Standridge, Project Coordinator; Josh Dan, Assistant Planner;

Staff absent: Kevin Carunchio, County Administrator; Clint Quilter, Public Works Director

ITEM 3: PUBLIC COMMENT PERIOD – This item provides the opportunity for the public to address the Planning Commission on any planning subject that was not scheduled on the Agenda.

There was no one from the public that wished to comment on any planning subject that was not scheduled on the Agenda. Chair Stewart closed the public comment period at 10:01 A.M.

ITEM 4: APPROVAL OF MINUTES (Action Item) – Approval of Minutes from December 20, 2017, meeting of the Planning Commission.
MOTION: Moved by Commissioner Todd Vogel and seconded by Commissioner Caitlin Morley to approve the Minutes from December 20, 2017.

The Motion passed 4-0.

ITEM 5: APPROVAL OF MINUTES (Action Item) – Approval of Minutes from January 2, 2018, meeting of the Planning Commission

MOTION: Moved by Commissioner Scott Kemp and seconded by Commissioner Todd Vogel to approve the Minutes from January 2, 2018.

The Motion passed 4-0.

ITEM 6: NOMINATION & ELECTION OF CHAIR PERSON – The Commission will accept nominations for chair-person for 2018 and hold an election.

Commissioner Todd Vogel nominated Frank Stewart.

Commissioner Scott Kemp seconded nomination,

Motion Passed 4 – 0.

ITEM 7: NOMINATION & ELECTION OF VICE-CHAIR PERSON – The Commission will accept nominations for chair-person for 2018 and hold an election.

Chair Stewart nominated Todd Vogel.

Commissioner Scott Kemp seconded nomination.

Motion Passed 4 – 0.

ITEM 8: Tentative Parcel Map No. 418/Sierra Highlands CSD; and ZR 2018-01/ Sierra Highlands CSD – The applicant has applied for a Tentative Parcel Map (TPM) to divide an existing parcel totaling .57-acre (24,919sq.ft.) into two parcels. The proposed parcel sizes are 19,587sq.ft. and 5,332sq.ft., respectively. The proposed project also includes a Zone Reclassification (ZR) to update the zoning for Parcel 2 to Public District (P), bringing the zoning into compliance with the existing use.

Mr. Dan, Assistant Planner, presented the staff report.

Chair Stewart had asked if the owners of any of the adjacent lots commented.

Mr. Dan responded that no responses had been received.

ITEM 9: Director Determination Appeal - The appellant requested a Director Determination on whether he could develop a property located in Big Pine along Main Street, in the Central
Business Zoning District, with a mini-storage facility. The Planning Director provided a determination that this use is incompatible with the Central Business Zone. This decision is being appealed to the Planning Commission, per ICC Section 18.81.030. Staff is recommending denial of the appeal. This action is Exempt from the California Environmental Quality Act (CEQA).

Planning Director Cathreen Richards presented the executive summary.

Mr. Kent Schlick introduced himself to the Commission and thanked them for their public service. Mr. Schlick expressed his understanding of the director’s decision however he disagrees basing the decision on out dated central business zoning. Businesses have changed due to the internet and have contributed to many of the vacancies in Big Pine and Bishop. Mr. Schlick expressed that he had much of the community’s endorsement and, the support of Supervisor Tillemans.

Chair Stewart opened Public hearing at 10:21.

Commander Rick Fields of VFW 457 wanted to encourage the commissioners to support Mr. Schlick’s project he believes it is in the best interest of the Big Pine Community.

County Counsel cautioned the commissioners that this request has the potential to affect the entire county zoning use.

Chair Stewart closed the public hearing at 10:24

Chair Stewart communicated his initial response to override the director’s decision but explained that the possibility of the decision affecting the entire county he decided to maintain the motion to deny approval.

Commissioner Kemp expressed his agreement with chair Stewart however he strongly advocated for Mr. Schlick to be permitted with some conditions of approval.

Commissioner Morley expressed concern for the precedent the county would be setting when the county already has existing zoning that allows for storage facilities.

Chair Stewart made a motion to deny the appeal. Commissioner Todd Vogel seconded.

Motion Passed 3 – 1.

**COMMISSIONERS’ REPORT/COMMENTS –**

Commissioner Stewart relayed the Road department’s staff estimates the bridge repair being scheduled two years out.
DIRECTOR’S REPORT

Ms. Richards informed the Commission that Scott Stoner has been appointed to the commission but was unable to attend; the desert renewable energy plan has been re-opened per an Executive Order for an amendment; the Forest Plan should be finalized by spring, and the Annual General Plan report will be agenized for an upcoming Board of Supervisors meeting and scheduled for a presentation to the Commission.

ADJOURNMENT –

With no further business, Commissioner Stewart made a motion to adjourn the meeting at 11:20 a.m., and for the Commission to reconvene at the February meeting, at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California.

Motion by Commissioner Vogel to Adjourn.

Seconded by Commissioner Kemp.

Motion passed 4-0

Prepared by:  
Ryan Smith-Standridge  
Inyo County Planning Department
AGENDA ITEM NO.:  5 (Action Item – Public Hearing)

PLANNING COMMISSION
MEETING DATE:  April 25, 2018

SUBJECT:  Conditional Use Permit (CUP) 2018-02/White Mountain Research Center

EXECUTIVE SUMMARY

The applicant has applied for a CUP to replace a non-conforming manufactured home (does not meet setback requirements) and continue the current public quasi-public use at the property located at 3000 E. Line Street, near the community of Bishop. The White Mountain Research Center has been operating in the County for almost 70-years. The manufactured home is used to temporarily house students, researchers, professors and military personnel.

PROJECT INFORMATION.

Supervisory District:  2

Project Applicant:  University of California, White Mountain Research Center

Property Owner:  Los Angeles Department of Water and Power

Site Address/ 3000 E. Line Street, Bishop, CA 93514

Community:  Bishop, CA

A.P.N.:  013-010-09

General Plan:  Open Space and Recreation (OSR)

Zoning:  Open Space with a forty-acre minimum (OS-40)

Size of Parcel:  Approximately 640-acres
Surrounding Land Use:

<table>
<thead>
<tr>
<th>Location</th>
<th>Use:</th>
<th>Gen. Plan Designation</th>
<th>Zoning</th>
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<td>Research Center/ Vacant/Open Space</td>
<td>Natural Resources (NR)</td>
<td>Open Space - 40 acre minimum (OS-40)</td>
</tr>
<tr>
<td>North</td>
<td>Vacant/Open Space</td>
<td>State and Federal Lands (SFL)</td>
<td>Open Space - 40 acre minimum (OS-40)</td>
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<td>State and Federal Lands (SFL)</td>
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</tr>
<tr>
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<td>Vacant/Open Space</td>
<td>Natural Resources (NR)</td>
<td>Open Space - 40 acre minimum (OS-40)</td>
</tr>
<tr>
<td>West</td>
<td>Vacant/Open Space</td>
<td>Natural Resources (NR)</td>
<td>Open Space - 40 acre minimum (OS-40)</td>
</tr>
</tbody>
</table>

Staff Recommended Action: 1.) Approve the Conditional Use Permit (CUP) 2018-02/White Mountain Research Center and find the project is exempt under CEQA.

Alternatives: 1.) Deny the CUP. 2.) Approve the CUP with additional Conditions of Approval. 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Cathreen Richards

STAFF ANALYSIS
Background and Overview
The applicant has applied for a CUP to replace a non-conforming manufactured home (does not meet setback requirements) at the property located at 3000 E. Line Street near the community of Bishop and to allow for the continued use of the property for the research center. The White Mountain Research Center has been operating in the County for almost 70-years. The previous building the applicant is proposing to replace was severely dilapidated and no longer safe for habitation. It was also non-conforming with regard to the setback requirements of the OS-40 zoning district in which it is located. The OS-40 zone requires 50-foot front, rear and side yard setbacks. The foundation of the old building where the applicant proposes to place the new manufactured home is 38-feet from the property line, resulting in a 12-foot encroachment into the required setback. Inyo County Code Section 18.78.250 - Nonconforming buildings—Changes states:

“A nonconforming building shall not be enlarged, extended or structurally altered without submission of, and approval by, the Planning Commission of a conditional use permit application. . . .”

This building replacement falls under the provision of 18.78.250; and therefore, a conditional use permit approved by the Planning Commission is required. The current use
of the property as a research center falls under public, quasi-public, uses as a university run research center. Public, quasi-public, uses are conditionally allowed in the Open Space zone; therefore, a conditional use permit is also required for the continued operation of the research center to be compliant with the Inyo County Code.

The general project area is in a location surrounded by vacant, open space, lands. The properties adjacent to the project site, on each side, are also vacant.

Site Location Map

![Site Location Map](image1)

Building Being Replaced

![Building Being Replaced](image2)
General Plan Consistency
The goal of this project is to allow for an established non-conforming building and public, quasi-public, use on the site to continue in compliance with County’s zoning ordinance. The project is consistent with the General Plan designation of Natural Resources (NR), as it allows for the managed production of natural resources and recreation uses. The research center qualifies as its mission is the focused study and management of natural resources and as a recreation use since the proposed building provides for temporary residency much like a lodge or cabin would. It is also compatible with the General Plan’s Economic Development Element’s Goal ED-2: Bring more destination-spending into Inyo County. The proposed building provides temporary lodging for students, professors, researchers and military personnel. This creates a boost to the local economy while people are staying the research center. It also provides about 4-fulltime jobs and 10-12 seasonal jobs per year.

Zoning Ordinance Consistency
The Open Space zoning designation allows for public and quasi-public buildings and uses of recreational, religious, cultural or public service nature as a conditional use. This is an established use at the site and the applicant is seeking the use permit to continue to operate the research center in compliance with County’s zoning ordinance. The proposed new building will replace a building that has been at the facility for years to temporarily house visitors to the center. The Inyo County Code requires that any changes to a non-conforming building be approved by the Planning Commission. By acquiring the CUP the applicant is creating consistency with the code.

ENVIRONMENTAL REVIEW
Conditional Use Permit 2018-02/White Mountain Research Center with regard to the building replacement is Categorically Exempt under CEQA Guidelines Exemption Class 3 New Construction or Conversion of Small Structures (15303)(a), One single-family residence, or a second dwelling unit . . . may be constructed or converted under this exemption. With regard to the continued use of the property for a research center it is Exempt under 15301, Existing Facilities – Class 1. Class 1 Consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The main consideration under 15301 is whether the project involves negligible or no expansion of an existing use. This project involves no expansion of an existing use.

RECOMMENDATION
Planning Department staff recommends the approval of Conditional Use Permit No. 2018-02/White Mountain Research Center, with the following Findings and Conditions of Approval:

FINDINGS
1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1; (15303)(a), Small Structures – Class 3; and, the provisions of the California Environmental Quality Act have been satisfied.
Evidence: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. Class 3 consists of the building of small structures. The CUP is being applied for to permit replacement of a dilapidated building in the exact same footprint (small structure) and to allow of the continuation of a public, quasi-public use (no expansion or change of the existing use) at the site.

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Natural Resources (NR).
Evidence: The goal of this project is to allow for the established non-conforming use and a non-conforming building (does not meet setback requirements) at the site to continue operating in compliance with the County’s zoning ordinance. The project is consistent with the General Plan designation of NR, as it allows for the managed production of natural resources and recreation uses. The research center qualifies as a place for the managed production of natural resources as its mission is the focused study and management of natural resources and also as a recreation use since the proposed building provides for temporary residency much like a lodge or cabin would. It is also compatible with the General Plan’s Economic Development Element’s Goal ED-2: Bring more destination spending into Inyo County. The proposed building provides temporary lodging for students, professors, researchers and military personnel. This creates a boost to the local economy while people are staying the research center. It also provides about 4 fulltime jobs and 10-12 seasonal jobs per year.

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits “public or quasi-public facilities” as a conditional use in the Public zone.
Evidence: Open Space; Section 18.12.040(C) allows for public and quasi-public buildings and uses of recreational, religious, cultural or public service nature as a conditional use. The research center qualifies as a public quasi-public use as a facility run by a California State University for the provision of teaching and research. This is an established use at the site and the applicant is seeking the use permit to continue to operate the research center in compliance with County’s zoning ordinance. The proposed building will replace a building that has been at the facility for years to temporarily house visitors to the center. The Inyo County Code requires that any changes to a non-conforming building be approved by the Planning Commission per 18.78.250 nonconforming buildings. By acquiring the conditional use permit the applicant is creating consistency with the code.

4. The proposed Conditional Use Permit is necessary or desirable.
Evidence: The General Plan’s Economic Development Element’s Goal ED-2 states: ‘Bring more destination spending into Inyo County’. The proposed building provides temporary lodging for students, professors, researchers and military personnel. This creates a boost to the local economy while people are staying the research center. It
also provides about 4 full-time jobs and 10-12 seasonal jobs per year; therefore, this is a desirable use.

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
   [Evidence: The proposed conditional use permit is to make an existing use and building compliant with the County’s Zoning Code. It will not change or increase the current level or type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]

6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
   [Evidence: The conditional use permit is being proposed to make an existing use and building compliant the County’s Zoning Code. It will not change or increase the current level or type of use; and therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]

7. Operating requirements necessitate the Conditional Use Permit for the site.
   [Evidence: The continued use of the property for the research center requires a conditional use permit per Inyo County Code Section 18.12.040 and the replacement building requires a conditional use permit per 18.78.250. Therefore, the conditional use permit is necessary for the continued operations at the site.]

CONDITIONS OF APPROVAL

1. Hold Harmless
   The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. 2018-02/White Mountain Research Center. The County reserves the right to prepare its own defense.

2. Compliance with County Code
   The applicant/developer shall conform to all applicable provisions of Inyo County Code. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.
AGENDA ITEM NO.: 6 (Action Item and Public Hearing)

PLANNING COMMISSION MEETING DATE: April 25, 2018

SUBJECT: Conditional Use Permit (CUP) 2017-03/F.W. Aggregate-Durability Quarry, which amends CUP 2005-09; Reclamation Plan (RP) 2017-01/F.W. Aggregate-Durability Quarry, which amends RP 2007-04

EXECUTIVE SUMMARY

The applicant currently has a Conditional Use Permit and Surface Mine and Reclamation Act (SMARA) permit to mine and process aggregate at the south-eastern portion of the property. The existing permit allows for up to 64 acres of mining and includes a processing plant. The project proposes to expand the mine area by 185 acres for a total of 249 acres. The property that contains the mine is a total of 480 acres. The project will occur in phases, starting to the east (the existing quarry) and working in phases to the west and then to the north. Phases, as they are mined out, will be reclaimed while the next phase or phases are being worked. Processing facilities are still included as part of the permit, and it is anticipated that as the mining activity moves west, at some point the processing facilities will move to the west on the new pit floor. Current permits allow for a maximum of 800,000 tons annually, (with an expected typical tonnage of 100,000 tons annually). The new permit would allow for a maximum of 2,000,000 tons annually, still with an anticipated typical tonnage of 100,000 tons annually.

PROJECT INFORMATION

Supervisorial District: 5

Applicant: F.W. Aggregate, Inc.

Landowner: F.W. Aggregate, Inc.

Community: 2 miles north of Keeler

A.P.N.: 027-270-08
General Plan Designation: Rural Protection (RP) (Policy LU-2.95)

Zoning: Open Space with a 40-acre minimum (OS-40)

Surrounding Land Use:

<table>
<thead>
<tr>
<th>Location</th>
<th>Use</th>
<th>General Plan Designation</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
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<td>Rural Protection (RP)</td>
<td>Open Space with a 40-acre minimum (OS-40)</td>
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<td>Vacant Land</td>
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<td>Open Space with a 40-acre minimum (OS-40)</td>
</tr>
<tr>
<td>East</td>
<td>Vacant Land</td>
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<td>West</td>
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<td>Light Industrial (LI) and State and Federal Lands (SFL)</td>
<td>Open Space with a 40-acre minimum (OS-40)</td>
</tr>
</tbody>
</table>

Recommended Action:

1.) Adopt the Mitigated Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act, prepared for CUP 2017-03/F.W. Aggregate, Inc.-Durability Quarry and RP 2017-01/F.W. Aggregate, Inc.-Durability Quarry

2.) Make certain findings with respect to and approve CUP 2017-03/F.W. Aggregate, Inc.-Durability Quarry, with certain Conditions of Approval.

3.) Make certain findings with respect to and approve RP 2017-01/F.W. Aggregate, Inc.-Durability Quarry, with certain Conditions of Approval.

Alternatives:

1.) Specify modifications to the proposal and/or the Conditions of Approval.

2.) Make specific findings and deny the application.

3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

Project Planner: Tom Schaniel, Associate Planner
BACKGROUND

The project site is located adjacent to and north-east of State Route 136, approximately 2 miles north of the community of Keeler, approximately 8 miles east of U.S. Highway 395, and about 11 miles south-east of the community of Lone Pine. The property is on private/patented land owned by F.W. Aggregate, Inc. with an Assessor’s Parcel Number of 027-270-08. See Exhibit A for a map of the mine location.

The applicant currently has a Conditional Use Permit (CUP) and Surface Mine and Reclamation Act (SMARA) permit (Reclamation Plan) to mine and process aggregate at the south-eastern portion of the property. The existing permits allows for up to 64 acres of mining and includes a processing plant. The project proposes to expand the mine area by 185 acres for a total of 249 acres. The property that contains the mine is a total of 480 acres. The project will occur in phases, starting to the east (the existing quarry) and working in phases to the west and then to the north. Phases, as they are mined out, will be reclaimed while the next phase or phases are being worked. Processing facilities for the crushing and sorting of aggregate are located at the current mine and will continue to be part of the mining operations. As the mining activity moves west, at some point the processing facilities will move to the west and be located on the new pit floor. See Exhibit B for a plan of the current topography of the property and existing mine; and Exhibit C for a plan of the phases and the topography of the mine once it has been mined out.

The Durability Quarry has supplied aggregate for the Owens Lake dust mitigation project for the phases that require aggregate up to this point in time. Additional aggregate needs are foreseen for future phases of the dust mitigation project as well as ongoing maintenance of the dust mitigation measures already in place. The expansion of the Durability Quarry will allow F.W. Aggregate to meet the future needs of dust mitigation measures on Owens Lake as well as provide a reliable source for high quality aggregate for projects in and around Inyo County.

STAFF ANALYSIS

The existing mine is permitted by CUP 2005-09 and Reclamation Plan 2007-04. These permits in turn amended CUP 88-3 and Reclamation Plan 88-1. The extent of the expansion made the issuance of a new CUP and Reclamation Plan appropriate, versus amending the current permits. The site is located on 480 acres of privately owned land (patented mining claims) and is zoned Open Space, with a 40-acre minimum (OS-40). Under the provisions of the OS-40 zone “mining” is a conditional use per County Code Section 18.12.040(I).

Staff routed the application for CUP 2017-03/F.W. Aggregate-Durability Quarry and Reclamation Plan 2017-01/F.W. Aggregate-Durability Quarry to the departments of: Assessor, Environmental Health, and Public Works. The department of the Treasurer/Tax Collector was also consulted to establish that taxes were currently paid. No significant comments were received.

Land Use Analysis: The property is surrounded by undeveloped vacant land, with some historical mining operations on the land. To the west, across State Route 136 is Owens Lake, a dry lake. In recent past, access to the dry lake from the quarry has been by crossing State Route 136 to access roads on the lake bed. The parcel that contains this project is a 480 acre piece of
Conditional Use Permit (CUP) 2017-03/F.W. Aggregate-Durability Quarry; and Reclamation Plan (RP) 2017-01/F.W. Aggregate-Durability Quarry, Planning Commission Staff Report April 25, 2018

patented land owned by F.W. Aggregate, LLC. The project is partially used for a quarry now and otherwise undeveloped and vacant. 2 miles to the south of the project (and separated by BLM land) is the community of Keeler, a minimally utilized residential neighborhood with a population of 66 as of the 2010 census. Also there is one residence at the location of the community of Swansea, a little over a mile from the existing quarry, though the furthest extent of the western expansion of the quarry will bring it to closer to ½ mile of this residence.

General Plan: The Land Use Element designates the existing parcel to be Rural Protection Designation (RP). Surrounding land is all State and Federal Land (SFL). Rural Protection Designation is under Policy LU-2.95 in the General Plan. One element of this designation is "the managed production of resources". The continued mining operations are consistent with this General Plan designation.

Zoning: The proposed parcel is zoned OS-40. OS-40 allows for “Mining and processing of natural resources” as a conditional use. The CUP and Reclamation Plan are consistent with this zoning.

Access: Access to the project is provided by a road on BLM property that is to the east of the project property. This road will continue to be the primary access to the quarry for the first phases of the project. Eventually, in the later phases an access directly from the State Route 136 to the quarry will be established. This access will require the proper permits from Caltrans when it is established. The BLM road will be kept as a secondary access until the mine is reclaimed or is deemed to be no longer required by the mine operator and the BLM.

Utilities and Public Services: These permits will require no improvements to utilities or public services. Water for consumption by employees will be bottled and provided. Water for dust mitigation will be provided by tanker truck. Electricity, similar to current operations, is provided by portable generators. Crushing and ore processing will run off of electric power. Diesel fuel will be on site for refueling of vehicles and running of generators. Diesel fuel will be in tanks and secondary containment as required by Inyo County and State law and proper permits for fuel storage will be obtained from the County and State.

ENVIRONMENTAL REVIEW

Staff prepared a Draft Mitigated Negative Declaration of Environmental Impact and Initial Study for CUP 2017-03/F.W. Aggregate-Durability Quarry and Reclamation Plan 2017-01/F.W. Aggregate-Durability Quarry; noticed and submitted it for a 30-day public review. To date, the Planning Department has received no comments on the Draft Mitigated Negative Declaration.

Based upon the environmental evaluation of the proposed project, the Planning Department finds that the project does not have the potential to create a significant adverse impact on flora or fauna; natural and historic resources including biological and cultural resources; the local economy; public health, safety, and welfare. The project has impacts that will be mitigated in the area of aesthetics.

The proposed project, especially in its latter phases, will be more visible than the current operations. Current operations are only visible by north-bound traffic on State Route 136. The project will remove a portion of a rock outcropping that is relatively high profile on State Route 136 and is distantly visible across the lake from U.S. Highway 395. The project anticipates
phasing of reclamation so that visual impacts of the project are general minimized in areas that have been mined through the reclamation process. The project is subject to SMARA which will require the site be reclaimed upon cessation of operations. The grading and revegetation requirements of the reclamation plan will restore the visual characteristics of the project area to a state that blend with the natural state in the long term.

While the quarry is actively being mined, especially in the latter phases, the operation will be visible. This short term visibility is mitigated by a variety of factors: State Route 136 is a relatively low traffic highway (especially in comparison to U.S. Highway 395); the Inyo Mountains have many other historical mining operations that have left permanent impacts on the views from State Route 136; the Owens Dry Lake and the community of Keeler are other major factors that keep the views on State Route 136 from being considered pristine; views from the much more traveled U.S. Highway 395 will be distant enough to be insignificant, and the temporary visual impacts are offset by the need of the high quality aggregate material, particular for the dust mitigation project on Owens Dry Lake which is currently causing a non-attainment area for Federal and State PM10 (particulate matter 10 microns or less in diameter) ambient air quality standards.

This constitutes a Mitigated Negative Finding for the Mandatory Findings required by Section 15065 of the CEQA Guidelines.

TRIBAL CONSULTATION

Projects with a CEQA review require that jurisdictions offer consultation opportunities to local tribes and tribes that have been traditionally and culturally affiliated with the area. Pursuant to Public Resources Code 21080.3.1, Tribes have 30-days after receiving invitations to consult on CEQA reviews to request consultation opportunities. Staff mailed consultation invitations on May 11, 2017 to the: Lone Pine Paiute-Shoshone Tribe, Fort Independence Indian Community of Paiutes, Timbisha Shoshone Tribe, Bishop Paiute Tribe, the Big Pine Paiute Tribe of the Owens Valley, the Cabazon Band of Mission Indians, the Torres Martinez Desert Cahuilla Indians, and the Twenty-Nine Palms Band of Mission Indians.

During the 30 day period a request for tribal consultation was received from the Timbisha Shoshone Tribe. Upon review of the Archaeological Phase I study of the site, and a meeting between Planning Department Staff, the project proponent and Timbisha Shoshone Tribal Council, the Timbisha Shoshone Tribe elected to not pursue further tribal consultation, but did request certain language be included in the CEQA document and Conditions of Approval covering the proper actions by the operator should a tribal cultural or archaeological resource be discovered during the further development of the quarry.

RECOMMENDATIONS

Planning Department staff recommends that the Planning Commission adopt the Mitigated Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act; make the findings specified below; and, approve CUP 2017-03/F.W. Aggregate-Durability Quarry and Reclamation Plan 2017-01/F.W. Aggregate-Durability Quarry subject to Conditions of Approval.
Recommended Findings

1. Based upon the Initial Study and all oral and written comments received, the Planning Commission adopts the Mitigated Negative Declaration of Environmental Impact and Initial Study, and certifies that the provisions of the California Environmental Quality Act have been satisfied and finds that the Mitigated Negative Declaration of Environmental Impact and Initial Study reflects the County’s independent analysis and judgment and that the Initial Study demonstrates that there is no substantial evidence that the project will have a significant effect on the environment.

   [Evidence: An Initial Study and Draft Mitigated Negative Declaration of Environmental Impact were prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 30-day public comment period ended on April 20, 2018. No additional potentially significant environmental impacts from the proposed subdivision were identified in the course of the comment period. No comments have yet been received.]

2. The proposed CUP 2017-03/F.W. Aggregate-Durability Quarry and Reclamation Plan 2017-01/F.W. Aggregate-Durability Quarry are consistent with the Inyo County General Plan and Goals and Policies.

   [Evidence: The project property’s General Plan Designation of Rural Protection Designation (RP) states that the land shall be utilized for “the managed production of resources.” Responsible mining has been considered a managed production of resources in Inyo County.]

3. The proposed CUP 2017-03/F.W. Aggregate-Durability Quarry and Reclamation Plan 2017-01/F.W. Aggregate-Durability Quarry are consistent with the Inyo County Zoning Ordinances.

   [Evidence: The proposed parcel is zoned OS-40. OS-40 allows for “Mining and processing of natural resources” as a conditional use. The original conditional use permit and this amendment are consistent with the Inyo County Zoning Code. In particular, the processing of natural resources, the focus of this amendment, is specified as a conditional use in the Inyo County Code.]

4. Based on substantial evidence in the record, the Planning Commission finds that the design or proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife, or their habitat, or cause serious public health, welfare, or safety problems.

   [Evidence: As indicated by the Draft Mitigated Negative Declaration, the project will not result in substantial impacts to the physical environment or human beings, either individually or cumulatively, or directly or indirectly.]

5. Based on substantial evidence in the record, the Planning Commission finds that no significant impacts to native vegetation or wildlife will result from the proposed project.

   [Evidence: As indicated by the Draft Mitigated Negative Declaration, the project will not result in any significant impacts. A biological study of the project site was conducted and found no sensitive wildlife or native vegetation that would be affected by the project.]
6. Based on substantial evidence in the record, the Planning Commission finds that the design or proposed improvements are not likely to cause substantial impacts to public health, safety or welfare.

   [Evidence: As indicated by the Draft Mitigated Negative Declaration, the project will not result in significant impacts.]

Conditions of Approval, CUP 2017-03/F.W. Aggregate-Durability Quarry

1. The Conditional Use Permit is for the operation of the Durability Quarry for a period of fifty (50) years from the date of approval solely for the applicant. Transfer of the Conditional Use Permit to another party shall require approval of the County.

2. The applicant shall obtain an encroachment permit from Caltrans for any improvements to the intersection of the access road with State Route 136 prior to the improvements being started.

3. The applicant shall obtain all necessary permits from the Great Basin Air Pollution Control District for the project (rock crusher, truck hauling, etc.) prior to operation.

4. The applicant shall obtain all necessary permits from the Inyo County Environmental Health Department and from the State of California for the storage of Diesel Fuel on site.

5. County-approved spill prevention and emergency response plans outlining guidelines and procedures for handling hazardous materials will be implemented.

6. The applicant shall obtain all necessary permits from the Inyo County Sheriff’s Department for the use and storage of explosives.

7. During development of the project by the applicant or their successors in interest, should any archaeological or cultural resource be discovered on the site, work shall immediately desist and Inyo County staff immediately be notified per Chapter 9.52, Disturbance of Archaeological, Paleontological and Historical Features of the Inyo County Code. The applicant, working with County staff, shall then contact local tribal representatives and/or an archaeologist and develop a buried archaeological or cultural resource plan prior to work restarting.

8. The applicant, landowner, and operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action, or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning CUP 2017-03/F.W. Aggregate-Durability Quarry.

Conditions of Approval, Reclamation Plan 2017-01/F.W. Aggregate-Durability Quarry

1. If mining beyond the proposed 245 acres is required or excavation in excess of that shown in the Reclamation Plan and the attached Exhibit C an amended reclamation plan and environmental review shall be required.
2. The reclamation of the site shall be on-going during the fifty (50) year life expectancy of the site in accordance with the approved Reclamation Plan. Any expansion beyond the fifty year life of mine will require an amended reclamation plan.

3. The following reclamation measures shall be implemented during the operation of the mine:

   - Topsoil will be removed and separately stockpiled along the margin of the portions of areas actively being mined. Signage will indicate topsoil stockpiles to remain until utilized for reclamation.
   - Topsoil stockpiles will be minimally compacted in order to allow gas exchange between the atmosphere and micro-organisms in the soil.
   - Stockpiles that will be unused over winter rainy seasons will be protected from erosion by berms at their base.
   - Hard rock cut slopes are to have a final and working grade of between 1.25h:1v and 1.75h:1v. See Reclamation Plan for specific layout of slopes and benches.
   - Chemically unaltered, native growth media from the site will be utilized over the any non-hardrock surfaces, including pit floors, at time of reclamation.
   - Areas that are not actively being utilized for mining will be stabilized with vegetation ground cover at the earliest feasible time and protected to prohibit vehicle access to these areas.
   - Straw mulch will be used as necessary to control erosion of growth that is stockpiled or spread for reclamation.
   - Erosion and sediment control shall be used as applicable to an active mining site as specified in California Storm Water Best Management Practice.
   - During active mining operations, old and non-functioning equipment will be removed from the site and disposed of according to applicable law and standards.
   - During active mining operations, portable sanitation facilities shall be located on the quarry site.
   - The applicant shall post the entrance to the quarry area as “Private Property-No Trespassing.”

4. The following reclamation measures shall be implemented during final reclamation of the mine and during phased reclamation for portions of the mine where mining activities are complete:
• Species to be planted will consist of native and naturalized plants that have evidenced good success on disturbed soils. For example, species listed under R-2 table 1 on page 28 of the submitted Reclamation Plan.

• A seeding application rate of 20 pounds/acre will be used.

• Seeding will take place in the fall.

• The site will be monitored by a qualified botanist with knowledge of native plant species for a period of five (5) years from the final termination of mining activity at the site.

• A program of exotic weed abatement will be implemented if it is determined by County or State staff, or the botanist monitor, that weeds are reaching a level that deters the growth of non-invasive native species.

• Erosion and sediment control shall be used as applicable to an active mining site as specified in California Storm Water Best Management Practice.

• Following completion of mining and reclamation activities, mobile equipment associated with mining and stationary structures at the processing plant will be removed.

• Siltation potential of the reclaimed site will be minimized by the reclaimed configuration of a flat surface providing infiltration with gently sloping perimeter slopes.

• Growth media stockpiles will be protected from inadvertent destruction or use by flagged staking or other identification and/or will be of sufficient distance from areas under active mining or surface disturbance.

• Reclamation of growth media will be accomplished to establish stable, uniform thickness consistent with grazing use, and to facilitate drainage patterns. Active growth media will be applied at depth of 3 to 6 inches.

5. Within ninety (90) days of a this mine becoming idle (as defined by section 2770(h) of the Public Resource Code), the operator shall submit an Interim Management Plan to Inyo County as Lead Agency for SMARA.

6. Each year, the applicant shall file an annual mining report with the State of California. These reports shall be filed in a timely manner. Monitoring activities will continue until the County is satisfied that performance standards have been met. In accordance with SMARA Section 2774(b), Inyo County as the lead agency shall inspect the site and file annual inspection reports with the State of California.

7. The applicant, or the quarry operator on the applicant’s behalf, shall allow Inyo County, as lead agency for the implementation of SMARA, to inspect the mine on an annual
basis to review the operations compliance with SMARA regulations, the terms of the Reclamation Plan, and the terms of the Conditional Use Permit. The applicant shall pay an annual inspection fee as established by Inyo County.

8. The current quarry has a Financial Assurance Mechanism (FAM) in the amount of $358,909 to cover reclamation costs. This FAM is to remain in place under the new Reclamation Plan. Annually, the applicant shall file a Financial Assurance Cost Estimate (FACE). The FACE is to represent the cost to reclaim the mine based upon current conditions plus any anticipated additional disturbance to happen within the next 12 months. The FACE is to be completed on the form provided by the State of California, Department of Conservation, Division of Mine Reclamation within 30 days of an annual inspection by Inyo County as Lead Agency. If a new FACE exceeds the current FAM, the FAM is to be increased to an amount equal to or greater than the FACE.

9. Prior to any mining activity, F.W. Aggregate shall submit a notarized statement to the Inyo County Planning Department accepting responsibility for reclaiming lands as per the conditions as specified herein. The applicant, landowner, and operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action, or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning Reclamation Plan 2017-01/F.W. Aggregate-Durability Quarry.

EXHIBITS

A. Vicinity Map
B. Plan of Site and Current Topography
C. Plan of Phasing and Proposed Topography at the Conclusion of Allowed Mining Operations
D. Initial Study and Mitigated Negative Declaration
E. Reclamation Plan provided by F.W. Aggregate, Inc.
Project Location Map
MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND INITIAL STUDY


PROJECT LOCATION: The project site is located adjacent to and north-east of State Route 136; approximately 2 miles north of the community of Keeler; approximately 8 miles east of U.S. Highway 395; and, approximately 11 miles south-east of the community of Lone Pine. The property is on private/patented land owned by F.W. Aggregate, Inc. with an Assessor’s Parcel Number of 027-270-08.

PROJECT DESCRIPTION: The applicant currently has a Conditional Use Permit and Surface Mine and Reclamation Act (SMARA) permit to mine and process aggregate at the south-eastern portion of the property. The existing permit allows for up to 64 acres of mining and includes a processing plant. The project proposes to expand the mine area by 185 acres for a total of 249 acres. The property that contains the mine is a total of 480 acres. The project will occur in phases, starting to the east (the existing quarry) and working in phases to the west and then to the north. Phases, as they were mined out, will be reclaimed while the next phase or phases were being worked. Processing facilities are still included as part of the permit, and it is anticipated that as the mining activity moves west, at some point the processing facilities will move to the west on the new pit floor. Current permits allow for a maximum of 800,000 tons annually, (with an expected typical tonnage of 100,000 tons annually). The new permit would allow for a maximum of 2,000,000 tons annually, still with an anticipated typical tonnage of 100,000 tons annually.

FINDINGS:

A. The proposed project is consistent with goals and objectives of the Inyo County General Plan.

The proposed project is consistent with the goals and policies of the Rural Protection Designation (RP). Policy LU-2.95 states “This designation….provides for the preservation of natural resources (and) the managed production of resources.” Additionally, the project is consistent with Policy MER-1.1 (Inyo County General Plan Section 8.4.4) Resource Extraction and the Environment and with Policy MER-1.3 SMARA Compliance.
B. The proposed project is consistent with the provisions of the Inyo County Zoning Ordinance. The proposed project is consistent with the OS-40 zoning which allows for “Mining and processing of natural resources, including borrow pits, subject to the provision of the California Surface Mining Act,” as a conditional use. The project proponent is seeking an amendment to the existing Conditional Use Permit as well as approval of an amendment to the current Reclamation Plan. Therefore, with approval of the Conditional Use Permit, the proposed project will be consistent with the Inyo County Zoning Code.

C. Potential adverse environmental impacts will not exceed thresholds of significance, either individually or cumulatively.

Based on the information provided by the applicant and staff’s review, CUP 2017-03/F.W. Aggregate-Durability and RP 2017-01/F.W. Aggregate/Durability do not have potential adverse environmental impacts that will exceed thresholds of significance, either individually or cumulatively. Note that there is one area of potential adverse environmental impacts that will be mitigated to be below a threshold of significance. This area is described in sections I of the Initial Study and Environmental Checklist form.

D. Based upon the environmental evaluation of the proposed project, the Planning Department finds that the project does not have the potential to create a significant adverse impact on flora or fauna; natural, scenic and historic resources; the local economy; public health, safety, and welfare. This constitutes a Mitigated Negative Finding for the Mandatory Findings required by Section 15065 of the CEQA Guidelines.

Mitigation will be built into the project in the following ways:

- **Aesthetics**: A condition of approval for this project shall be that the owner shall reclaim the project site per the provisions of the California Surface Mine and Reclamation Act of 1975 (SMARA) upon completion of the project. Additionally a condition of approval shall, to the extent practically possible, reclaim the site in phases, reclaiming mined out phases while proceeding to the next phase of work, in order to accelerate reclamation and minimize visual impacts of the project.

The 30-day review period for this Negative Declaration expires on **April 20, 2018**. 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 Tom Schaniel (760-878-0405) if you have any questions regarding this project.

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Cathreen Richards  
Director, Inyo County Planning Department
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.
APPENDIX G: CEQA INITIAL STUDY & ENVIRONMENTAL CHECKLIST FORM


2. Lead agency name and address: Inyo County Planning Department, 168 N. Edwards St., P.O. Drawer L, Independence, CA 93526

3. Contact person and phone number: Tom Schaniel, Associate Planner, (760) 878-0405

4. Project location: The project site is located adjacent to and north-east of State Route 136, approximately 2 miles north of the community of Keeler, approximately 8 miles east of U.S. Highway 395, and about 11 miles south-east of the community of Lone Pine. The property is on private/patented land owned by F.W. Aggregate, Inc. with an Assessor’s Parcel Number of 027-270-08. See attached maps.

5. Project sponsor’s name and address: F.W. Aggregate, Inc., P.O. Box 732, Lone Pine, CA 93545

6. General Plan designation: Rural Protection (RP) (Policy LU-2.95)

7. Zoning: Open Space with a 40-acre minimum (OS-40)

8. Description of project: The applicant currently has a Conditional Use Permit and Surface Mine and Reclamation Act (SMARA) permit to mine and process aggregate at the south-eastern portion of the property. The existing permit allows for up to 64 acres of mining and includes a processing plant. The project proposes to expand the mine area by 185 acres for a total of 249 acres. The property that contains the mine is a total of 480 acres. The project will occur in phases, starting to the east (the existing quarry) and working in phases to the west and then to the north. Phases, as they were mined out, will be reclaimed while the next phase or phases were being worked. Processing facilities are still included as part of the permit, and it is anticipate that as the mining activity moves west, at some point the processing facilities will move to the west on the new pit floor. Current permits allow for a maximum of 800,000 tons annually, (with an expected typical tonnage of 100,000 tons annually). The new permit would allow for a maximum of 2,000,000 tons annually, still with an anticipated typical tonnage of 100,000 tons annually.

9. Surrounding land uses and setting: Briefly describe the project’s surroundings:

The property is surrounded by vacant undeveloped land, and bounded by State Route 136 to the south-west. The parcel of land currently has mining and processing facilities in the south-eastern portion, of the project area that is intended to be expanded, but is otherwise vacant and undeveloped.
10. Other public agencies whose approval is required: Bureau of Land Management (for existing access road), California Department of Fish and Wildlife, California Department of Transportation (intersection of roads with State Route 136, Great Basin Air Pollution Control District, Inyo County Environmental Health Department, Inyo County Public Works Department, Inyo County Sheriff’s Department (explosive permit), and the Lahontan Regional Water Quality Control Board.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission’s Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

In compliance with AB 52 and Public Resource Code Section 21080.3.1(b) as well as tribes identified as being local to Inyo County, were notified via a certified letter about the project and the opportunity for consultation on this project. The tribes notified were as follows: the Cabazon Band of Mission Indians, the Torres Martinez Desert Cahuilla Indians, the Twenty-Nine Palms Band of Mission Indians, the Big Pine Paiute Tribe, the Bishop Paiute Tribe, the Fort Independence Paiute Tribe, the Lone Pine Paiute Tribe, and the Timbisha Shoshone Tribe. The Timbisha Shoshone Tribe contacted Inyo County to request tribal consultation. The results of preliminary meetings concluded that the Timbisha Shoshone Tribe wanted to know that approval documents properly required Tribal monitoring and avoidance of Tribal resources, if discovered.
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.

| ☒ Aesthetics Resources | ☒ Agriculture & Forestry | ☒ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☒ Geology /Soils |
| ☒ Hazards & Hazardous Materials | ☒ Hydrology / Water Quality | ☒ Land Use / Planning |
| ☒ Mineral Resources | ☒ Noise | ☒ Population / Housing |
| ☒ Public Services | ☒ Recreation | ☒ Transportation / Traffic |
| ☒ Greenhouse Gas Emissions | ☒ Utilities / Service Systems | ☒ Tribal Cultural Resources |
| ☒ Environmental Quality | ☒ Geology /Soils | ☒ Land Use / Planning |
| ☒ Population / Housing | ☒ Transportation / Traffic | ☒ Tribal Cultural Resources |

DETERMINATION: (To be completed by the Lead Agency) 0238

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.

☒ 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.

Tom Schanid, Associate Planner
Inyo County Planning Department

Mar. 21, 2018

Date
I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista? ☐ ☒ ☐ ☐ ☐

The proposed project, especially in its latter phases, will be more visible than the current operations. Current operations are only visible by north-bound traffic on State Route 136. The project will remove a portion of a rock outcropping that is relatively high profile on State Route 136 and is distantly visible across the lake from U.S. Highway 395. The project anticipates phasing of reclamation so that visual impacts of the project are generally minimized in areas that have been mined through the reclamation process. The project is subject to SMARA which will require the site be reclaimed upon cessation of operations. The grading and revegetation requirements of the reclamation plan will restore the visual characteristics of the project area to a state that blend with the natural state in the long term.

While the quarry is actively being mined, especially in the latter phases, the operation will be visible. This short term visibility is mitigated by a variety of factors: State Route 136 is a relatively low traffic highway (especially in comparison to U.S. Highway 395); the Inyo Mountains have many other historical mining operations that have left permanent impacts on the views from State Route 136; the Owens Dry Lake and the community of Keeler are other major factors that keep the views on State Route 136 from being considered pristine; views from the much more traveled U.S. Highway 395 will be distant enough to be insignificant, and the temporary visual impacts are offset by the need for the high quality aggregate material, particular for the dust mitigation project on Owens Dry Lake which is currently causing a non-attainment area for Federal and State PM10 (particulate matter 10 microns or less in diameter) ambient air quality standards.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ☐ ☐ ☐ ☐ ☒

No, State Route 136, which is not immediately adjacent to the project site, is not a scenic highway. U.S. Highway 395, in the area alongside Owens Lake is also not currently officially designated as a state scenic highway, though that portion of highway has been identified as eligible to become a state scenic highway. While the project site, in its latter stages, would be visible to careful observation from U.S. Highway 395, the project would be of such distance from the Highway that the operation would not be distinctly visible to the typical driver or passenger on U.S. Highway 395.

c) Substantially degrade the existing visual character or quality of the site and its surroundings? ☐ ☒ ☐ ☐ ☐

In the short term, the operations would be visible in the latter stages. As expressed in the response to item I. a) in the context of the area it is debatable if this visibility would be considered a degradation of the existing visual character or quality of the surroundings. In the long term, the site will be reclaimed as required by SMARA and the reclamation plan, and will eventually be returned to a modified, but similar character to its current conditions.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ☐ ☐ ☒ ☐ ☐

No, facilities at site have no anticipation of nighttime operation. Some security lighting will be present, but comparable existing security lighting is present now. Future lighting may relocate with movement of operations but will be of similar (relatively minimal) levels of current operations. The limited amount of lighting and the remoteness of the project site would limit glare to a level below significant.
II. AGRICULTURE AND FOREST 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including The Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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 and Monitoring Program of the California Resources Agency, to non-agricultural use?

No, the project does not convert prime farmland, unique farmland, or farmland of Statewide importance to non-agricultural use.

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

No, while the current zoning does allow for agricultural use, the site is not conducive to agricultural use, has never been used for agriculture, nor is any future agriculture at the site or surrounding area anticipated; there are no Williamson Act Contracts in Inyo County.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? No, the proposed project site does not include forest land or timber land.

d) Result in the loss of forest land or conversion of forest land to non-forest use? No, the proposed project site does not include forest land.

e) 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 proposed project site does not currently contain Farmland and is not conducive to future use as Farmland.
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 existing mining operation is currently under a permit issued by the Great Basin Unified Air Pollution Control District (GBUAPCD), and the proposed operation will be under a similar permit. Control of air quality issues, primarily dust mitigation, will be similar to current requirements and controls. It will not conflict with an air quality plan.

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

No, the proposed project will be in compliance with current air quality standards. The project is intended to help with the current non-attainment areas for Federal and State PM10 (particulate matter 10 microns or less in diameter) ambient air quality standards. One of the reasons for this project is to provide a source for aggregate that is being used as part of the Owens Dry Lake dust mitigation project, the source of the pollution resulting in the non-attainment areas.

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, the proposed project will not cause a net increase in air pollutants. Although the project is located in a portion of Inyo County within non-attainment areas for Federal and State PM10 ambient air quality standards, the primary source for this pollution is the Owens Dry Lake, located immediately west of the project site. The project will abide by permits and requirements set out by the GBUAPCD, limiting pollution created by the new operations. The project additionally will help with the current non-attainment areas for Federal and State PM10 ambient air quality standards, because the project will be supplying aggregate for the current and future dust mitigation project on Owens Dry Lake.

d)Expose sensitive receptors to substantial pollutant concentrations?

No, the proposed project will not expose sensitive receptors to any new substantial pollutant concentrations. The project itself will limit any pollution as governed by the GBUAPCD permits and requirements it will be working under. The adjacent Owens Dry Lake is a source of pollutants, but one of the goals of this project is to provide aggregate for the Owens Dry Lake dust mitigation project, therefore this project can helping the future reduction of the existing major pollution source.

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

The proposed project is located approximately 2 miles north of the small community of Keeler, (2010 census population of 66). Also a residence is located at the community of Swansea, approximately 1 mile west of the proposed project location. If any odors are created by the project, they will primarily be driven eastward by the prevailing west wind. Odors from the operation should be minimal and similar to existing operations at the site. Any odors produced would also be indistinguishable against the background odors produced by the Owens Dry Lake bed.
IV. BIOLOGICAL RESOURCES: Would the project:

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, the project will not have a substantial adverse effect on any species identified as a candidate, sensitive or special status species. A June 27, 2016 General Biological Resources Assessment report was prepared by RCA Associates, LLC out of Hesperia, California (http://www.inyoplanning.org/documents/2016-06-27GeneralBiologicalResourcesAssessment.pdf). The report looked at 46 Federal and State listed special status plant species and 9 Federal and State listed special status Wildlife species that have been identified in the greater area of Inyo County. Based upon the assessment of Senior Biologist, Randall C. Arnold, none of these species are expected to be impacted by development of a mine anywhere in the 480 acre parcel that contains the proposed project. Note that this is a wider area reviewed than the project boundary of 245 acres.

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?

No, there is no identified riparian habitat on the project site or in close proximity to the project site that would be affected by the project.

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, there are no federally protected wetlands on the project site, or in close proximity to the project site that would be affected by the project.

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, no fish are located on the site, and the impacts on wildlife species are, per the 2016 RCA Associates Biological Report, not expected to be significantly impacted. Signs of coyotes (Canis latrans) traversing the site during hunting activities were present, but no distinct wildlife corridors were identified on the site or in adjacent areas. Because of the large amount of similar habitat throughout the surrounding region, the impact on the coyotes is considered to be a less than significant cumulative impact.

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

No, the proposed project does not conflict with any local policies or ordinances to protect 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 area of the proposed project is not subject to a formal Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

No, the project will not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5. A Phase I Archaeological Study of the Proposed Durability Quarry Expansion prepared by TEAM Engineering and Management, Inc. and dated December 6, 2017 (http://www.inyoplanning.org/documents/2017-12-06FWADurabilityQuarryReport.pdf) found only one historical resource that was on the property owned by F.W. Aggregate. This resource, the approximately 10 acre site of the Owens Lake Silver-Lead Company mill and smelter site, is a California State Landmark and should be considered eligible for listing on the California Register of Historic Resources. This site, while partially on the property owned by F.W. Aggregate (and partially on BLM land immediately south of the F.W. Aggregate land) is not in the boundaries of the project area being considered. It is adjacent to the existing access road which will continue to be used for the first few phases of the expanded quarry. There are no plans to modify the existing road, and therefore, the road would have no further impact on this site. 5 other sites of some historical import were also discovered on the property; however, these sites, because of their age, their size and their lack of connection to a broader historical context, do not, according to the Phase I study, qualify as sites eligible for the California Register of Historical Resources and therefore do not need to be considered further under CEQA guidance for historic resources.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

No, the project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. The Phase I Study did show a record of a 200 yard by 50 yard area where pottery fragments, grinding stones, projectile points and bones were noted. This was reported over 60 years ago. The location of this site was unclear in the records. Later studies, and in particular a Caltrans study that covered the same area, did not encounter the site. Based upon the record, which discuses collection of “up to 35 obsidian points”, it seems possible the site was collected out of existence or may be obscured by road work. Based upon these records and the site work done as part of the Phase I study, there is no indication that this site is either on the project property or within the mine boundary. Because of concerns that there could be resources in the general area by the Timbisha Shoshone Tribe and the Twenty-Nine Palms Band of Mission Indians, if any archaeological or cultural resources are discovered on the site, work shall immediately desist and Inyo County staff shall be immediately notified per Chapter 9.52, Disturbance of Archaeological, Paleontological and Historical Features of the Inyo County Code. The County will then work with the operator and the Timbisha Shosone Tribe and the Twenty-Nine Palms Band of Mission Indians to develop a plan for preservation, protection or relocation of the resource. Therefore, the proposed project will not cause an adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No, the proposed project properties have no known paleontological resources, so the proposed project will not directly or indirectly destroy a unique paleontological resource.

d) Disturb any human remains, including those interred outside of dedicated cemeteries?

No known human remains or burial sites are on the property. Refer to the response to V b) for the potential for archaeological resources. While unlikely, human remains are a potential archaeological resource, and will be handled similar to other archaeological resources, as outlined in V b)
VI. GEOLOGY AND SOILS: Would the project:

a) 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.

No, no delineated Alquist-Priolo Earthquake Fault zones cross or are in near proximity to proposed project site.

ii) Strong seismic ground shaking?

Ground shaking may occur anywhere in the region, but compared to much of the rest of California, this is a less than average seismically active area. The California Building Code ensures that future structures (of which no permanent structures are planned) shall be constructed to required seismic standards in order to withstand such shaking, and so this potential impact is considered less than significant.

iii) Seismic-related ground failure, including liquefaction?

No the proposed project is not within an area of soils known to be subject to liquefaction.

iv) Landslides?

No, the proposed project is not in an area subject to landslides.

b) Result in substantial soil erosion or the loss of topsoil?

The proposed project will result in the removal and stockpiling of topsoil in areas that are actively being mined. Per the reclamation plan, topsoil will be restored to areas disturbed by the mining operations. Once mining in that area is concluded, required revegetation will help keep the topsoil in place in the long term. The mining operations will be required to have a storm water pollution prevention plan in place with Inyo County Environmental Health Department and possibly the Lahontan Regional California Water Quality Control Board, which will identify the measures to be in place to mitigate erosion while mining operations are ongoing.

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 project properties are not located on a geologic unit or soil that is unstable. Mining projects could potentially result in soil instability; however the project is based upon plans prepared by a licensed professional engineer particularly with project stability in mind. Additionally, the rock that forms most of the area to be mined is not as subject to instability as other geologic formations.

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 proposed project is not located in an area with a known expansive soil type.

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, septic tanks are not planned as part of the proposed project. Portable toilets will be available for use by employees working the mining project and will be periodically maintained to remove waste. Upon completion of mining operations all sanitary facilities will be removed from the site.
VII. GREENHOUSE GAS EMISSIONS:
Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

No, the proposed project will not generate greenhouse gas emissions, either directly or indirectly, other than the use of heavy equipment and haul trucks to remove material from the site, and which will be governed by the laws of California and the permitting by the GBUAPCD.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No, the proposed project will not cause conflicts with a plan, policy or regulation adopted for the purpose of reducing greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS:
Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No, the proposed project will not create a significant hazard to the public or the environment. Petroleum products will be used both in the operation of heavy equipment and processing equipment. The petroleum product storage will be regulated by the Inyo County Environmental Health Department for proper storage, leak containment facilities and similar safety precautions. Explosives will be used on the site for fracturing of rock prior to working by heavy equipment. All explosive storage, transport and use will be under permit by the County Sheriff’s Office and in compliance with all local, state and federal regulations. Because of the oversite inherent in the permit processes and the remote location of the project site, no significant hazard to the public exists.

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 proposed project will not create a significant hazard to the public or environment through a reasonably foreseeable upset or accident that could result in the release of hazardous materials. The permits, as described in VIII a) provide for requirements that contain leaks and store hazardous materials in safe conditions that minimize the chance of accident or leak.

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 proposed project is not within one-quarter mile of an existing or proposed school, nor will it emit hazardous emissions, or handle acutely hazardous materials, substances or waste.

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, the proposed project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
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 proposed project is not located within an airport land use plan or within two miles of a public airport or a public use 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, the proposed project is not within the vicinity of a private airstrip.*

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

*No, the proposed project will not physically interfere with an adopted emergency plan or emergency evacuation 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, risk of loss, injury and death involving wildland fires is minimal from this project. The closest community, 2 miles to the south, is Keeler, with a 2010 census population of 66. A residence exists in the community of Swansea, 1 mile to the west of the proposed project. Land surrounding the project site is sparsely vegetated with desert scrub. Generally all temporary facilities relating to mine operations will be in areas where vegetation is completely removed, providing a large defensible space. Equipment will generally work the large majority of their time in areas where vegetation is completely removed. Wildland fire risks are generally low both from and too the operations at the project site, and no areas in proximity can be considered urbanized. While residences intermixed with wildlands are in proximity, the desert scrub is a lower hazard than most wildland habitats, and the proposed project does little to add to the wildfire risk in the area.*

**IX. HYDROLOGY AND WATER QUALITY**: Would the project:

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

*No, the project will not violate any water quality standards or waste discharge requirements. The project will be subject to regulation by the Lahontan Regional Water Quality Control Board and the Inyo County Environmental Health Department, primarily to ensure any issues relating to storm-water discharge.*

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, the proposed project will not have any effect on local groundwater. All water needs (primarily for dust mitigation) will be supplied by 4,000 gallon trucks bringing water to the site. The project will have no wells for groundwater.*
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?

No drainage patterns should be altered by this project. Other than rare storm related run-off situations, no water passes over or through the site. The Storm Water Pollution Prevention Plan (SWPPP) will address site grading to allow for storm water measures to prevent erosion and distribute the minimal storm water passing over the site to exit the site in a pattern similar to pre-mine storm water run-off.

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?

No drainage patterns should be altered by this project. Even storm water situations do not result in enough water to result in flooding, because of the minimal amount of area above the site (only about 100 acres), the high percolation rates of and around the project site, and the minimal amount of precipitation in the area (approximately 6 inches annually).

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, the project is not part of an existing or planned storm water drainage system. With implementation of the SWPPP the project should not have substantial changes to runoff patterns (and that runoff should not be polluted) from existing patterns. The minimal amount of area above the site (only about 100 acres), the high percolation rates of that area, and the minimal amount of precipitation in the area (approximately 6 inches annually) also all minimize run-off issues.

f) Otherwise substantially degrade water quality?

No, the proposed project is not anticipated to have any impact on water quality.

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 proposed project does not involve housing, nor is it in a 100-year flood hazard area.

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

No, the project is not in a 100-year flood hazard area, and does not involve permanent structures.

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, the proposed project site is not in an area subject to flooding due to the failure of a levee or dam.

j) Inundation by seiche, tsunami, or mudflow?

No, the proposed project site is not in an area subject to seiches, tsunamis, or mudflows.

**X. LAND USE AND PLANNING:** Would the project:

a) Physically divide an established community?

No, the proposed project is not immediately adjacent to any community and will not physically divide an established 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?

The proposed project is consistent with the current zoning and general plan designations and is not subject to any special planning area.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No, the proposed project will not conflict with any habitat conservation plan or natural community conservation plan.

**XI. MINERAL RESOURCES**: Would the project:

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?

The project consists of removing a mineral resource for utilization. The resource is rock for use as aggregate. This resource is largely available in the area, though the site is particularly favorable because of the quantity of high quality rock for aggregate, and the proximity to transportation routes both to the dust mitigation project on the Owens Dry Lake, but also to major trucking routes to other regional areas requiring aggregate. The project will inherently make the mineral resource more available to be utilized by the region and the state.

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 project is not delineated as a locally-important mineral resource in the general plan or any other land use plan. And as mentioned in XI a), the project is making a mineral resource more available.

**XII. NOISE**: Would the project result in the:

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?

The proposed project has two major sources of noise, loading of haul trucks and rock crushing. Based upon information from the U.S. National Institute for Occupational Safety and Health (NIOSH) paper “Noise Assessment of Stone/Aggregate Mines:Six Case Studies” by E.R. Bauer and D.R. Babich, staff has made the following analysis of projected noise levels for the proposed project. Loading of haul trucks creates noise in the 80-100 decibel range and crushing equipment creates noise in the 85-105 decibel range. Assuming 100 decibels, the nearest residence at Swansea (a single residence) will hear a noise level of approximately 58 decibels (assuming direct line of sight, no berming, no trees at residence to mitigate). This will be equivalent of the noise in a restaurant or office and is within acceptable standards. The community of Keeler, again assuming direct line of sight will hear a decibel of approximately 50, the equivalent of a quiet conversation. Keeler is currently already experiencing noise levels from the existing operations comparable to the proposed expansion of operations. The noise level for the one residence in Swansea will be an increase, but only in the latter phases of the proposed project Operations are limited to 10 hours per day between 6 a.m. and 6 p.m (the exact 10 hour window of operations may vary seasonally).

The Occupational Safety and Health Administration (OSHA) allows for decibels of 90 for an 8 hour day and 100 for a limit of 2 hours. The noise levels at the site will be right at those limits and all equipment operators will be required to have personal protective equipment. All vehicles will be equipped with standard noise abatement equipment which shall be maintained in proper working order. With the use of personal protective equipment and equipment in vehicles, all sound levels should be within acceptable OSHA limits for a work environment.
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

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No, exposure to noise levels will be primarily airborne, and groundborne vibrations will not be detected by residences off site.

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

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Noise levels from this operation will be comparable to current noise levels of current operations at this site. Additionally multiple other sites in the area create a similar ambient noise level, including the Los Angeles Department of Water and Power facilities south of Keeler, and the ongoing dust mitigation measure implementation on the Owens Dry Lake. The noise level at the site will not be permanent, though it may be fairly long term. The mine is permitted to have a 50 year life of mine.

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

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Noise levels at their maximum in the nearby community of Keeler will be comparable to the daytime ambient noise created by both the current ongoing operations at the project site and other working sites in the area (refer to XII. c)). The nature of the noise will most likely be periodic with crushers and trucks not running constantly.

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?

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No, the proposed project is not located within an airport land use plan or within two miles of a public or public use 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?

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

XIII. POPULATION AND HOUSING -- Would the project:

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)?

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The proposed project could result in a small increase in the workforce, but probably less than a dozen new workers, any of which are new to the area could easily be absorbed by the communities of Keeler and Lone Pine without a direct need for new homes or infrastructure improvements. It is highly likely that the majority of employees will be current locals taking advantage of the employment opportunities provided by an expansion of operations at the Durability pit.

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

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No, the proposed project will not displace existing housing or create a situation where replacement housing will be necessary.

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

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No, the proposed project will not displace people, or create a situation where replacement housing will be necessary.
XIV. PUBLIC SERVICES: Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or 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:

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*No new fire protection services will be required because of this project.*

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*No new police protection services will be required because of this project.*

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*No new school service will be required because of this project.*

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*No new parks will be required because of this project.*

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*No, the proposed project will not create a need for additional public services.*

XV. 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 proposed project will not increase the use of existing recreational facilities. No portion of this project anticipates any change in the level of service required.*

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 proposed project does not include, nor will it cause, a need for an increase in parks or other recreational facilities that might have an adverse physical effect on the environment.*
XVI. TRANSPORTATION/TRAFFIC -- Would the project:

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 proposed project will not cause a significant increase in traffic which is substantial in relation to the existing traffic load or capacity of the street system. Much of the traffic for the dust mitigation will not even go on the highway system, crossing State Route 136 and servicing the lake directly. Truck traffic at peaks of up to 50 trucks per day is well within the capacity of State Route 136, the portion of State Route 190 between State Route 136 and U.S. Highway 395, and U.S. Highway 395, the only three roads that haul trucks would need to travel on to distribute aggregate to other portions of Owens Lake or other areas in the County or State. Note also that this traffic is similar to what has been approved in the previous Reclamation Plan and Conditional Use Permit.

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 potential added traffic is all directly on highways maintained and controlled by Caltrans. State Route 136 is considered a Minor Arterial route and is a part of the California Legal Truck Network. The amount of traffic generated by the operation is within the parameter of the highway and will not adversely affect the level of service. Much of the traffic will directly interface with the Owens Lake dust mitigation program and will only cross State Route 136.

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, the proposed project will not result in changes to air traffic patterns or increased traffic that could result in substantial safety risks.

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

No, the proposed project will not result in any design features for transportation that increase hazard. Trucks crossing State Route 136 are a potential hazard, but the existing operation already faced this hazard and has mitigated it by having a flagman on site at the intersection at all times that a truck may cross the highway. This traffic control will continue under the new plan.

e) Result in inadequate emergency access?

No, emergency access would be unchanged by this project.

f) Result in inadequate parking capacity?

No, the project will easily be able to provide parking for all employees on site, with no impacts to County or State roads.

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

No, the proposed project will not significantly increase traffic, and therefore, will not affect public transit, bicycle or pedestrian facilities. Because of the extremely remote nature of the project location few alternative transportation opportunities exist, but those that do would be unchanged by this project.
XVII. TRIBAL CULTURAL RESOURCES -- Would the project:

Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

No, the proposed project does not encompass a resource eligible for listing in the California Register of Historical Resources, or in a local register or historical resources as defined in Public Resources Code section 5020.1(k). Refer to item V a) for more information on a historical resource that is on the project site, but not located within the proposed project area. Because of concerns that there could be resources in the general area by the Timbisha Shoshone Tribe and the Twenty-Nine Palms Band of Mission Indians, if any archaeological or cultural resources are discovered on the site, work shall immediately desist and Inyo County staff shall be immediately notified per Chapter 9.52, Disturbance of Archaeological, Paleontological and Historical Features of the Inyo County Code. The County will then work with the operator and the Timbisha Shosone Tribe and the Twenty-Nine Palms Band of Mission Indians to develop a plan for preservation, protection or relocation of the resource. Therefore the proposed project can be conducted so as to not cause an adverse change in the significance of an archaeological resource pursuant to PRC Code Section 5020.1(k) and 5024.1.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No, the proposed project does not encompass a resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of the Public Resource Code section 5024.1. See also the response to XVII a)

XVIII UTILITIES AND SERVICE SYSTEMS --

Would the project:

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

No, the proposed project would not require any wastewater treatment.

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, the proposed project would not result in the construction of new or expanded water or wastewater treatment facilities.

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?

No, the proposed project will not require new or the expansion of current storm water drainage facilities.
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

The proposed project will have multiple sources for the water that will be trucked into the site, and the impact of that water to the resources available in the Owen’s Valley will be negligible.

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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, the proposed project will not have any measureable impact on area wastewater treatment.

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

The proposed project will not require changes to the current solid waste capacity to accommodate it. Solid waste needs for the project will be minimal as most materials to be used on site will be recyclable (equipment and temporary facilities).

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

The proposed project and any future development will comply with the related solid waste requirements.

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?

No, the project will not impact or degrade the quality of the environment. The project has only two areas of concern for potential degradation. The first is that it will be a visible project that could be seen as having an impact on the aesthetics of the area. However, given that the project is not out of character for the immediate surrounding area, and that the proposed project will have a requirement for reclamation of the site, the visual impacts will be minimized during the working of the mine and mitigated upon completion of the mining operation. Additionally, while no cultural, archaeological or historical resources that meet the CEQA guidelines for significance have been identified within the proposed project area, the presence of tribal cultural resources in the greater area make it prudent to include a condition of approval that specifies how a tribal cultural or archaeological resource will be dealt with, if one is discovered.

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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, the proposed project does not have impacts that are individually limited, but cumulatively considerable. The project area is relatively limited compared to the similar undisturbed area in the vicinity of the project. Because of the limited area disturbed in a much larger, similar, undisturbed area the cumulative impacts on the environment are less than significant.

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

No, the proposed project has no known environmental effects which will cause substantial adverse effects on human beings either directly or indirectly.
F.W. AGGREGARTE, INC.

DURABILITY QUARRY RECLAMATION PLAN AMENDMENT

California Mine ID# 91-14-0017

Lead Agency
Inyo County Planning Department
P.O. Drawer “L”
Independence, CA 93526

Operator
F.W. Aggregate, Inc.
P.O. Box 732
Lone Pine, CA 93545

November 2016
INTRODUCTION

F.W. Aggregate, Inc. is proposing to amend Reclamation Plan No. 2007-04/Durability Quarry, approved on April 28, 2008.

The project site is located within the southern Inyo Range which comprises of strongly folded and faulted sedimentary rocks, approximately 10 miles southeast of Lone Pine, California as depicted in Figure 1 (Regional Location), and Figure 2, (Site Location), within Inyo County.

The proposal is to expand the Durability Quarry by 185 acres. Expanding the Durability Quarry would include the available aggregate resources from its Durability, North Pole and Translucent Claims. The requirement for the amendment is to continue to provide uninterrupted aggregate to the Owens Dry Lake Dust Mitigation Projects, and other projects in and around Inyo County.

In 2014, F.W. Aggregate had the existing Environmental Biological study for the Durability Quarry up-dated. In June 2016, an environmental study was conducted on the full 480 acre parcel of land (encompasses the Durability, North Pole and Translucent Claims).

Updated maps have been prepared to depict the expansion of the Durability Quarry.

All other mining procedures and environmental conditions remain unchanged and are the same as that stated in the existing approved reclamation plan (RP 2007-4).
Title Page

Operation Name: Durability Quarry

California Mine Identification Number: 91-14-0017

Mine Owner/Operator: F.W. Aggregate, Inc.
P.O. Box 732
Lone Pine, CA 93526

Contact Person: Dick Bowman
(519) 670-4678
dick@fwaggregart.com

P.O. 548
Woodstock, Ontario
Canada, N45745

Contact Person: Tony Lopez
(519) 485-5410 x 224

Assessor's Parcel Number: 027-027-008

Location: Approximately one mile north of Highway 136, 5 miles east of Highway 395, and 12 miles southeast of the community of Lone Pine, Sections 19 & 30, T. 16 S., R. 38 E., M.D.B.&M. (Lat. 36.31422 & Long. 117.53376)
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   Applications
   Financial Assurances/Cost Estimate

Overview of Approved Reclamation Plan

Site Description and Environmental setting:
   Site Location & Size
   Surface Mining Permit
   Existing & Allowed Uses
   Access & Utilities
   Geology

Hydrology:
   Surface Water
   Ground Water

Vegetation and Wildlife:
   Vegetation
   Wildlife
   General Biological Resources Assessment

Type of Mining and Equipment:
   Type of Mining
   Equipment
   Quantity and Type of Materials
   Maximum Depth
   Unused Materials Disposal

Reclamation Practices and Actions:
   Format of this Section

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   Water Quality and Watershed Control
   Protection of Fish and Wildlife Habitat
Reclamation Standards and Actions:
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- Wetland Habitat
- Special-Status Species
- Building, Structure and Equipment Removal
- Supplies, Materials Storage and Waste Disposal
- Backfilling, Regrading, Slope Stability and Re-contouring
- Backfilling for Urban Land Uses and Resources Conservation Uses
- Manage Stockpiles to Facilitate Phased Reclamation
- Fill Slopes, Stability and Conformity with Surrounding Topography
- or End Use
- Cut Slopes
- Protection for Wetlands from Permanent Mine Waste
- Re-vegetation
- Soils Analysis
- Test Plots
- Species, Planting Densities and Schedule
- Weed Abatement
- Re-vegetation Protection Measures
- Soil Stabilizing Practices

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- Protection of On-Site and Downstream Beneficial Uses of Water
- Groundwater Quality, Recharge Potential and Storage Capacity

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- Siltation, Pollutants and Control of Contaminants
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Figure 6 - Site Photographs 1
Figure 7 - Site Photographs 2
Figure 8 - Mine Plan
Figure 9 - Mine Plan Cross Section
Figure 10 - Growth Media Recovery Zone
Figure 12 - Mine Development and Reclamation Phasing
Figure 13 & 14 - Reclamation Plan

Interim Management Plan:
Purpose and Definition
PROPOSAL

F.W. Aggregate, Inc. (Operator) is proposing to expand the Durability Quarry mining footprint an additional 185 acres of a 480 acre parcel of private land for a total of 245 acres. The Operator is also proposing to increase their production of aggregate from 800,000 annual tons to 2,000,000 annual tons.

The purpose of the expansion is to include the available aggregate resources from it’s Durability, North Pole and Translucent Claims. The requirements for the expansion is to continue to provide uninterrupted aggregate to the Owens Dry Lake Dust Mitigation Projects; allows F.W. Aggregate to follow the natural geology of the deposit; provides a long term solution to providing aggregate for the Owens Dry Lake Dust Mitigation Project and other projects in and around Inyo County area.

The proposed expansion would continue to increase employment at F.W. Aggregate, provide increased employment stability for the existing and enable the continued operations of the “North Pole”. Also by F.W. Aggregate supplying aggregate to the Owens Lake Project from the Durability Quarry has minimized traffic, noise, energy consumption and emissions.

F.W. Aggregate has an approved financial assurance mechanism (Surety Bond) on file with Inyo County (lead agency) in the amount of $380,120.

All other mining procedures and environmental conditions remain unchanged and are the same as that stated in the existing approved reclamation plan (RP 2007-4).

FINANCIAL ASSURANCE

Purpose
SMARA requires surface mining operators to obtain lead agency approved financial assurance for exclamation of mined lands so the public does not bear the cost of reclaiming abandoned operations. In the event of financial incapability by the operator, financial assurances funds are used by the lead agency (or the Department of Conservation) to reclaim the mined site.

Financial assurance estimates for the initiation of the operation are based on
• an analysis of the physical activities necessary to implement the approved reclamation plan;
• the lead agency’s (or third party contract) unit cost for each of these activities;
• the number of units of each of these activities;
• and an amount to cover contingency cost, (not to exceed 10% of the above calculations reclamation cost) and actual lead agency administrative cost.
The following tasks will need to be completed to implement this reclamation plan

- remove heavy equipment;
- contour surfaces as necessary to conform to the existing topography and establish proper drainage;
- Manage growth media stockpile against erosion
- Distribute growth media
- Seed and Plant
- Monitoring and maintenance of the planting and seeding inspection
- Maintenance of weeding
- Data collection and reporting
- Reporting contingency

Financial assurances are reviewed annually by the lead agency. They are adjusted if necessary, to reflect changes in the estimated cost of reclamation activities, lands reclaimed the previous year.

Financial assurance mechanism (bond) will be secured by the operator in the form of a Corporate Surety Bond.
OVERVIEW OF APPROVED RECLAMATION PLAN NO. 2005-4

Site Location and Size
The project site isolated approximately 12 miles southeast of Lone Pine off State Route 136, centrally located within Inyo County. The existing quarry and processing areas occupy 60 acres of a 480 acre parcel (Assessor’s Parcel Number 027-027-008), located within Sections 19 & 30, T. 16 S., R. 38 E., M.D.B.& M. (Lat. 36.332647/Long. 117.5614), (Figure 1/Regional Location & Figure 2/Site Location). The expansion is located at the southern most properties and claims operated by F.W. Aggregate.

Surface Mining Permit
A Conditional Use Permit (#88-3) for certain processing activities (e.g. an agglomeration plant) and a Reclamation Plan (#88-1) for “Inyo Marble Company” were approved in 1988. F.W. Aggregate, Inc. the successor to Inyo Marble Company, operates its mining and processing operations based on a vested right for a non-conforming use established by over a century of continuous Mining operations.

Existing and Allowed Uses
1. Land use on and surrounding the site is visible in Figure 4/Existing Conditions Aerial Photograph. The existing land use on this parcel is Open Space and Mining. Mining activity has been continuous at this relate parcel under common ownership for over 100 years.

The Quarry site is located on one parcel zoned Open Space (OS-40), with a General Plan designation of Open Space and Recreation (OSR). Permitted uses, as stated in Chapter 18.12 (OS [Open Space] Zone) of the Inyo County Zoning Ordinance, for an Open Space designation include: single family dwelling, farms and ranches, (including activities directly related to those uses), animal hospitals or kennels, wildlife refuges, and wilderness areas. Mining operations are permitted under Section 18.12.040, Conditional Uses. Inyo County Code specifically recognizes the validity of vested non-conforming uses under Section 18.78.230.

Access and Utilities
The site is accessed by an existing unpaved road off State Route 136 that has been widened for operation of this site. As noted, the road is not temporary having existed for approximately 100 years. The road will remain following Quarry reclamation to continue long term access to the property in accordance with the law and in cooperation with the Bureau of Land Management.

The access road has been graded and widened as part of increased operations to provide for safe two-way truck traffic. As the road passes through public lands administered by the U.S. Bureau of Land Management (BLM), a right-of-way permit (CACA 050188) has been obtained from the BLM. Utilities necessary for operation are provided from portable equipment at the site, and provided as follows:
• Power - Power is provided by generator
• Water - Water for drinking purposes is bottled; water for dust control is provided from tanker trucks
• Sewage - The operation is located in rural part of Inyo County; so public sewer system is utilized. Portable toilets are used at the site.

No additional extension of utilities or alterations to existing utility service would be necessary to carry out mining and reclamation activities identified in this proposal.

Geology
The southern Inyo Range comprises strongly of folded and faulted sedimentary rocks which range in age from Ordovician to Middle Triassic. Except for the upper part of the Rissoc sequence, these rocks are largely of marine origin and include limestone, dolomite, quartzite, and shale. The upper part of the Triassic sequence is predominantly volcanic with intercalation of terrestrial sediments. Paleozoic and Triassic rocks are penetrated by small-to intermediate-sized fractal bodies, by applies, and by large numbers of andesitic.

Figure 5, Site Geology, shows the unit of economic interest within the parcel, known as the Hidden Valley-Ely Springs dolomite formation. The Hidden Valley-Ely Springs formations are defined separately in other areas of the Inyo Mountains. The Hidden valley-Ely Springs formation was intruded by a small stock of quartz monzonite on the northwest side of Smelter Hill. Judging by the presence numerous prospects near the contact of this intrusive, it is likely that scaly deposits were formed in the dolomite as a result of this stock.

Hydrology
Surface Water
The existing Quarry and proposed expansion is located adjacent to a southerly sloping alluvial fan that is transected by southerly trending drainages along the access road. The alluvial fan consist of deposits derived from erosion the adjacent Inyo Mountains. The annual precipitation is approximately 6 inches.

The Quarry and expansion area vegetation community is Great Basin desert scrub. Black brush shrub is the natural community (habitat) found in the area. The plant community found on the Quarry and expansion site is dominated by black brush scrub and is sparsely populated with creosote bush.

The watershed area upstream and including the Quarry site is relatively limited, consisting of only about 100 acres. The drainage area originates at elevation 4,428 feet and is located to the north of the Quarry and expansion site. The Quarry site has existing slopes varying from over 2.5:1 to 4:1 depending from the north. Elevation varying from 4,120 and 4,200 feet above mean sea level.
The Quarry site drainage area is subject to rapid runoff and highly localized peak flows due to the combined effects of rainfall intensity, soil type, vegetation, antecedent soil moisture saturation, and slope. High peak flows occur infrequently because high flows are generated by high intensity rain, an infrequent occurrence in the desert. During many years no significant flow occurs in the wash areas.

Site surface water drainage is shown in Figure 4, Existing Conditions Aerial Photograph. Actual surface water drainage off the site is limited or nonexistent under normal conditions due to the pervious, absorptive nature of the soils and geologic strata, and because the area receives such limited rainfall.

**Ground Water**
With a total rainfall of less than 6 inches on the valley floor, incident rainfall contributes little to area recharge, and most of the recharge occurs along stream zones and as subsurface flow originating higher on the mountain slopes and moving along the contact between the alluvial fan deposits and underlying bedrock, generally following surface topography.

Groundwater at the site has not been encountered in previous excavation but is expected to be located well below the floor of the planned operation and the final floor of the planned final topography at depths exceeding 100 feet below surface.

**Vegetation and Wildlife**

**Vegetation**
The Quarry sites are characterized as dominated by desert scrubland/woodland vegetation, with the dominant plant community being Blackbush Scrub, but species characteristic of Mojavean Creosote Bush Scrub also occur on site. These vegetation communities fall within the broader category of Mojave Desert Scrub, Bitterbush, Desert Needlegrass, Eastern Majove Bucket, Giant Stipa, Longstem Buckwheat, Mojave Saltbush, Quailbush, Shadscale, and Silverscale Sulfur Buckwheat.

A botanical survey completed in June 2016 offered a few more species; included in the proposal.

**Wildlife**
Wildlife associated with the site vicinity include primarily widely distributed species common to the desert scrub habitat, such as coyote, antelope, ground squirrel, black-tailed hare, western whip-tail lizard and other lizards. Birds include turkey vulture, red-tailed hawk, American kestrel and others. No species listed as threatened or endangered under either the California Endangered Species Act or Federal Endangered Species Act, are unknown or expected to occur within areas to be mined and reclaimed.
Mine Plan and Mined Topography
Existing topography at the site is shown in Figure 4. The plan for mining is shown in Figure 6/Mine Plan. The existing quarry and processing areas occupy 60 acres of a 480 acre parcel. The expansion will include an additional 185 acres.

The topography of the existing Quarry will be a flat floor with a high-wall slope from 1.25h:1v to 1.75h:1v. The existing processing area appears as a relatively flat surface consistent with the Quarry floor, and the adjacent broad dry wash.

The operation will not excavate to depths that are below the local ground water table that could create a water surface at reclamation. The quarry floor is planned at an elevation of approximately 4,080 feet amsl, with a gently sloping floor that drains southerly.

Mine plan cross-sections depicting planned configurations of quarried slopes are shown in Figure 7. The hard rock quarry walls are designed and constructed at a reclaimed grade of between 1.25h:1v and 1.75h:1v for a stable final slope condition.

Type of Mining
The operation generally involves excavation using conventional mining practices common to the industry, processing by screening and transport of the aggregate materials off site. Mining activities are initiated with removal of growth media which is stockpiling for reclamation by the Operator.

Excavated materials are crushed, screened and stockpiled. Material is transferred from these stockpiles to roadable trucks for transport to construction sites, or to other associated mining operations for further processing.

Equipment
The types of mobile equipment and/or machines employed are typical excavation equipment, such as: a dozer, front-end wheel loader, portable water pump, motor grader, conveyers and haul trucks. A water truck is used for maintenance of surfaces and dust control. The types of vehicles used vary over time due to availability, and the use of new models to suit different on-site conditions and to perform specific short-term reclamation tasks.

Quantity and Type of Materials
Maximum production levels are primarily determined by market demand. An existing on going local public agency environmental dust control project will require an approximately 1,000,000 tons of material from the site. Average annual production thereafter is expected to be relatively low (less than 100,000 tons annual), with occasional peaks (up to 2,000,000 tons annually) in the future where the market and construction projects demand.
The purpose of the proposed 185 acre expansion is to include the available aggregate resources from its Durability, North Pole, and Translucent claims. F.W. Aggregate is also proposing to increase the amount of aggregate to be excavated from 1,000,000 tons to 2,000,000, anticipating additional mitigation on the Owens Dry Lake, highway construction and improvement projects and for other construction projects within the local area.

**Maximum Depth**
The maximum depth of the ongoing hillside Quarry is approximately 100 feet from the top of slope to the Quarry floor.

**Unused Materials Disposal**
The geologic materials at the Durability Quarry are very uniform, with little or no non-marketable "waste". Crushed rock smaller than product specifications are to be placed on the processing area to create the planned floor for operations.

**Schedule and Phasing**
F.W. Aggregate, Inc. and its predecessors have operated the Durability and related properties for over a century. Reasonably foreseeable operations for the Durability Quarry are presently planned to November 2055.

Mining will occur in phases as shown in Figure 8/Mine Development and Reclamation Phasing. Figure also shows the anticipated approximately dates on each mining phase.

**RECLAMATION PRACTICES AND ACTIONS**
Mining activities will begin with the removal of growth media and any other overburden. Growth media is stockpiled. Grading and re-vegetation shall be designed to minimize erosion in all phases of operations.

Temporary diversion/collection ditches, berms, and catchment basins and use of erosion control materials are employed for effective water and sediment control, primarily in the form of a berm upslope of the process area, and a drainage ditch extending from the Quarry and along the access road. Maintenance includes periodic inspection, cleaning, and repair, as necessary.

**Backfilling, Regrading, Slope Stability and Re-contouring**
Reclamation will include the designed steepness and proposed treatment of final slopes and performance standards for backfilling and grading including settlement of filled areas. Areas mined to produce additional materials are also addressed. Where backfilling is proposed, fill material shall be compacted in accordance with appropriate codes for the approved end use. Stockpiling is to be done in a manner as to facilitate phased reclamation and final reclaimed fill slopes will not exceed 2 (Horizontal):1 (Vertical).
Backfilling for Urban Land Uses and Resource Conservation Use
Little or no backfilling will be associated with this operation. The site is not zoned for
development of urban use.

Manage Stockpiles to Facilitate Phased Reclamation
As part of mining, topsoil and growth media will be removed and separately stockpiled
in an area north of the mine area that would facilitate phased reclamation of the Quarry
floor and processing area. This stockpile has been signed “Topsoil” to prevent
accidental use.

Stockpiles will not be compacted in order to allow gas exchange between the atmosphere
and micro-organisms in the soil.

Stockpiles that would be unused over winter rainy seasons will be protected from
erosion by berms at their base and seeded or covered with a gravel mulch. The
Durability Quarry will be completed as cut surfaces only; no fill slopes are planned.

Fill Slopes, Stability and Conformity with Surrounding Topography or End
Use
The Durability Quarry will be completed as cut surfaces only; no fill slopes are planned.

Cut Slope Stability
Hard-rock cut lopes have been planned and developed in accordance with accepted
slope stability as they will be cut in final reclamation to a grade of between 1.25:1 and
1.75:1.

Protection for Wetlands from Permanent Mine Waste
No Wetlands exist on the site.

RE-VEGETATION
SMGB regulation required that the vegetation cover be capable of self-regeneration
without continued irrigation, soil amendment or fertilizer, cover, density, and species
richness of natural habitats. Test plots are required to be planted simultaneously with
mining, unless re-vegetation success has been document from experience. Re-
vegetation standards for roads include mitigating for compaction of soils

Regulations also recommend that native plants be used for re-vegetation, unless other
species seen necessary for the end uses. Planting is to be conducted in the most
favorable (Fall) season, and soil stabilization is to be practiced where necessary. If
irrigation is used, it must be demonstrated that vegetation has been self-sustaining
without irrigation for a period of two years. Noxious weeds are to be named, and
protective measures or plants used.

Soils Analysis
Chemically unaltered, native growth media from the site will be replaced.
Soil conditions at the site are typical of desert slopes and washes, with the material nit greatly altered from the subsoil.

Reclamation will make use of the surface materials, which include fines, organic matter, and seeds. The need for incorporation of fertilizers or soil amendments is not anticipated.

**Test Plots**
Species to be used in re-vegetation are common to the site and surrounding area, and species that will be used in re-vegetation are volunteering on the berms throughout the site.

CCR Section 3705(b) requires that test plots reinstalled if the re-vegetation methods have not been proven. Test plots are necessary to determine the most effective and economical ethos of re-vegetation the site. The test plots treatment redesigned to assess:

1. the effect of spreading topsoil/growth media on the site;
2. the effect of growth media and an application of a low nitrogen, high organic matter soil amendment such as Biosol; and
3. what native species are the most likely to become establish form seeding and which species become established on their own.

A test plot has been established within the Durability Quarry at the north end away from any mining activity.

**Species, Planting Densities and Schedule**
Species to be planted will consist of native plants that have evidenced good success on disturbed soils, and are consistent with vegetation used in the region for this purpose. Commercially available seed for species from the following list are planned to be used:

- Bitterbush
- Giant Stipa
- Quailbush
- Sulfur Buckwheat
- Desert Needlegrass
- Longstem Buckwheat
- Shadscale
- Eastern Majove Bucket
- Mojave Saltbush
- Silverscale

**Site Preparation and Reclamation of Roads**
Scarifying or otherwise de-compacting mined surfaces for re-vegetation is planned. Roads used to access the site will, however remain at the conclusion mining operations in accordance with the law and in cooperation with the Bureau of Land Management.
Irrigation, Weed Abatement
Irrigation would not be required to support the seed mix.

Re-vegetation is planned to discourage weedy species by incorporating some fast-growing species as a deterrent, and by limiting water and nutrient soil conditions to those most favorable to native species.

A program of exotic weed abatement will be implemented if weeds become a problem. Weed control may include the use of herbicides, mechanical controls or hand weeding. Serious invasive weeds will be eradicated.

Re-vegetation Protection Measures, Soil Stabilizing Practices and Short Term on Arid Lands

The reclaimed surfaces are not expected to be grazed by native species: however, if herbivory prevents grassland establishment, protective fencing screens would be used.

Erosion of cut slopes is no expected, as the surface will be hard rock. It is not anticipated that further soil stabilizing practices would be necessary.

Should soil stabilizing practices be needed, certified weed tree straw much will be used as necessary to control erosion of growth media over the Quarry floor.

Drainage, Diversion Structures, Waterways
SMARA regulations require that erosion and sedimentation be controlled during all phases of construction, operation, reclamation and closure, ensuring that surrounding land and water resources are protected. The regulations require that the removal of vegetation and overburden, if any, must be kept to a minimum.

Additionally, stockpiles are to be managed, and erosion control facilities be constructed and maintained where necessary to check erosion.

Grading and re-vegetation must be designed in a way to minimize erosion and to convey surface run off to natural drainage courses or interior basis designed for water storage. On-site and downstream beneficial uses of water must be protected and the quality of water, recharge potential and storage capacity of groundwater aquifers are not to be diminished except as allowed in the approved reclamation plan.

Erosion Control
Erosion control facilities would be constructed as required, however as the geologic strata provides for rapid infiltration and the limited area and grade of the Quarry is such that little run off is expected. Temporary measures such as silt fences, berms, hay bales or similar means to deter erosion may be employed as necessary at locations of identified concern, depending upon the particular configuration of the grading work and roadway.
Areas that are not actively being utilized for mining would be stabilized by seeding with vegetation ground cover at the earliest feasible time.

**Protection of On-site and Downstream Beneficial Uses of Water**
Potential sedimentation and handling of potential contaminants will be conducted to protect on-site and downstream beneficial uses of water. Mining will not involve the placement of fill or dredge material in the waters of the United States.

**Groundwater Quality, Recharge Potential and Storage Capacity**
The following actions would be taken to minimize inadvertent contamination of groundwater during operations:

1. Fuel or other chemicals present at the mine site will be handled and stored using appropriate containment to prevent accidental spillage into open water bodies.

2. County-approved spill prevention and emergency response plans outlining guidelines and procedures for handling hazardous material will be implemented.

**Building, Structure, Equipment Removal**
SMARA regulations require reclamation plans to include the disposition of all equipment, buildings, and structures and that all waste must be disposed of properly.

During active mining operations, old and non-functioning equipment will be removed from the site and disposed of according to applicable law and standards.

Following completion of mining and reclamation activities, mobile equipment associated with mining and stationary structures at the processing plant will be removed.

**Stream Protection, Including Surface and Groundwater**
SMARA regulations require that surface and groundwater be protected from siltation and pollutants, which may diminish water quality, and the control of contaminants and mining waste be described in reclamation plans.

**Siltation, Pollutants and Control of Contaminants**
Siltation potential of the reclaimed site will be minimized by the reclaimed configuration of a flat surface providing infiltration with gently sloping perimeter slopes.

**In-stream Surface Mining**
Not applicable; this operation does not involve in-stream extraction of materials.
Topsoil Salvage, Maintenance, Redistribution, Topsoil Mapping and Analysis
Standards require that all topsoil for vegetation shall be removed and stored. Prior to removal, the soil must be mapped and shown in the reclamation plan. Soil salvage operations must be scheduled and topsoil used to phase reclamation as soon as can be accommodated.

Because all available growth media will be salvaged from the 15 acre processing area on the valley floor, detailed mapping of soil units, depths and planned recovery areas is unnecessary for the site.

Soil Salvage Operations and Phasing Schedule
Growth media salvage operation will be phased and completed as an initial step in the operation. Soil will be placed in a berm separated from operations.

Topsoil Storage and Use
Growth media stockpiles will be protected from inadvertent destruction by signage that states “Topsoil” other identification and/or will be of sufficient distance from areas under active mining or surface disturbance.

Stockpiles will not be compacted, in order to maintain oxygen availability to soil to soil micro-organisms.

If weeds become a problem, they will be controlled with herbicides and/or physical removal (mechanical or manual).

Redistribution of Topsoil; Establishment of a Growth Medium
Redistribution of growth media will be accomplished to establish stable, uniform thickness consistent with grazing use, and to facilitate drainage patterns. Native growth media will be applied at depths of 3 to 6 inches.

Tailing and Mine Waste Management
The operation will not generate any toxic mine waste.

Closure of Surface Opening

Standards
SMARA standards for the closure of surface openings, including drill holes water wells, and monitoring wells requires that they be abandoned in accordance with applicable state and local ordinances. Also it is required that prior to closure, openings will be grated or protected with site and local requirements.

There are no wells located within this projected footprint of the quarry.
INTERIM MANAGEMENT PLAN

An interim management plan (IMP) is required of each idle mine under SMARA. The purpose of an IMP is to prevent or minimize adverse environmental effects from an ice mining operation and to ensure that residual hazards to the public health and safety are eliminated while the mine is idle. As defined in SMARA, “idle” means “to curtail for a period of one year or ore surface mining operations by more than 90% of the operation’s previous maximum annual mineral production, with the intent to some those surface mining operations at a future date”.

An IMP must be consistent with the approved reclamation plan, and shall describe the measures the Operator will implement to maintain the site in compliance with SMARA, including, but not limited to, all permit conditions.

This action is intended to fulfill State and adopted Inyo County interim management requirements. The County and the Office of Mine Reclamation will be notified if the Operator decides to curtail operation for a period specified in SMARA and/or the Inyo County management requirements.
PARCEL #: 027-027-008

DURABILITY QUARRY SITE

EXISTING ACCESS ROAD

TOWNSHIP 16 S, RANGE 38 E, SECTIONS 19 & 30, M.D.B. & M.

SCALE IN FEET
1" = 1000'-0"

EASTERN SIERRA ENGINEERING

DURABILITY QUARRY EXPANSION 2016
SITE LOCATION AND TOPOGRAPHY

FIGURE 3
NOTE:
1. Proposed cuts are 4% H:V and 1:1.5 (V:H) H:V. Overall slope is 2:1 (V:H). Slopes were designed based on geologic assessment for seismic stability and conservation permit. Slopes were designed by a California Certified Engineering Geologist or Geologist with training in pit excavation to ensure seismic constraints are adhered to the site plan.
2. Set Figure 3 for slope for cut slopes.
3. Aerial Survey (Gibson & Cross Inc., 8-7-14)

LEGEND
= Claim boundary
= Surface mining boundary
= Proposed pit area = 243 acres
Total Excavation = 110 million cubic yards

FIGURE 8
AGENDA ITEM NO.: 7 (Action Item and Public Hearing)

PLANNING COMMISSION MEETING DATE: April 25, 2018

SUBJECT: Amendment of Conditional Use Permit No. 2007-04/Project Darwin, LLC

EXECUTIVE SUMMARY:
Conditional Use Permit 2007-04 allowed for the resumption of mining operations at the Darwin Mine by the current operator, Project Darwin, LLC. The Darwin Mine is an underground mine, and while many minerals are in the mine, the primary mineral targeted for extraction is Zinc Sulfate, which is primarily used as a fertilizer additive. The Staff Report, and Notice of Decision for the original CUP 2007-04/Project Darwin, LLC is included as Exhibits C & D.

This proposed amendment is to add crushing and processing operations that were not part of the original CUP. The crushing operations will utilize a portable crusher adjacent to an existing concrete slab (former location of a water tank) that will be utilized for all material stockpiling. The pilot plant, an ore processing center to extract zinc sulfate and other key minerals from the raw ore, is to be located within an existing Quonset hut style building located near the stockpile slab. All facilities are in close proximity to the main mine adit (see Exhibit A). The pilot plant will utilize water and a dilute sulfuric acid to remove the zinc sulfate into solution where the sediment will then be run through a filter to remove impurities. The existing building that is to be repurposed to house the pilot plant already has a slab and curb providing emergency retention. The slab and curb of the building will need to be repaired and patched and demonstrate that they can retain liquid prior to use. Additionally, and as required by Federal, State and local regulation, a secondary containment basin will be installed around the perimeter of the structure. This containment structure will be approximately 4’ in height and will have a capacity around 10 times the maximum amount of fluids that would be utilized in the pilot plant. Dilute sulfuric acid, is a relatively low level hazard to this environment, as its primary area of concern is its potential to get into a waterway and disrupt the flora and fauna of an aquatic ecosystem. It can also easily be neutralized by introduction of a base material (solutions of which will be kept on site for emergency measures).

The Darwin Mine is located approximately 4 miles southeast of the intersection of the Darwin Road with State Route 190 and ½ mile northwest of the Town of Darwin. Even with the added areas of disturbance for the crushing and processing operations, the project is still less than one
acre in size of surface disturbance (with the mine being primarily an underground operation) and the project still does not meet the threshold for requiring compliance with SMARA.

PROJECT INFORMATION

Supervisorial District: 5

Applicants: Project Darwin, LLC (Jack Stone)

Landowners: Project Darwin, LLC

Community: Site of Darwin Mine, North of the Town of Darwin

A.P.N.: 035-040-03

Existing General Plan: Rural Protection (RP)

Existing Zoning: Open Space, 40 acre minimum (OS-40)

Surrounding Land Use: Open space and other mining operations. The Town of Darwin lies approximately ½ mile to the southeast.

Recommended Action: 1.) Approve the amendment to Conditional Use Permit 2007-04

Alternatives: 1.) Specify modifications to the proposal and/or the Conditions of Approval.

2.) Make specific findings and deny the application.

3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

Project Planner: Tom Schaniel, Associate Planner

BACKGROUND

On March 21, 2016, Mr. Jack Stone, on behalf of Project Darwin LLC filed an application for a SMARA reclamation plan and amendment to Conditional Use Permit (CUP) 2007-04. In the intervening time, Mr. Stone has scaled back his permitting and has again brought the project to a level of disturbance that is below the SMARA threshold. Mr. Stone may pursue other permits for work in and around the current Darwin Mine, but currently this application is only dealing with the elements that are directly amending the existing CUP.

CUP 2007-04 allowed for the resumption of mining from the Darwin Mine. That CUP is still in place and Project Darwin, LLC is operating within the scope and conditions of that permit. CUP 2007-04 did not allow for crushing or processing on site. Through the use of a portable crusher and a processing facility to be located within an existing building, the mine will be able to minimize the truck traffic previously allowed under the approved CUP.
STAFF ANALYSIS

The project involves an amendment to CUP 2007-04 which allowed for mining to resume at the Darwin Mine. The site is located on 1,050 acres of privately owned land (patented mining claims) and is zoned Open Space-40 acre minimum (OS-40). Under the provisions of the OS-40 zone “mining” is a conditional use per County Code Section 18.12.040(I).

The mining activity is almost entirely underground and the majority of the underground activities are regulated by the Federal (MSHA & ATF&E) and State (CAL-OSHA) agencies. CUP 2007-04 primarily dealt with above ground activities.

Staff routed the application for the amendment of CUP 2007-04/Project Darwin, LLC. to the departments of: Assessor, Environmental Health, and Public Works. The department of the Treasurer/Tax Collector was also consulted to establish that taxes were currently paid. No significant comments were received.

Land Use Analysis: The property is surrounded by other mining operations relating to the Darwin Mine. The parcel that contains this project is a 1,050 acre piece of patented land owned by Project Darwin, LLC. The parcel is surrounded by unpatented land owned by the Bureau of Land Management (much of which Project Darwin, LLC holds the mineral claims on). To the south of the project (and separate by a piece of BLM land) is the community of Darwin, a minimally utilized residential neighborhood with a population of 43 as of the 2010 census.

General Plan: The Land Use Element designates the existing parcel to be Rural Protection Designation (RP). Surrounding land is all State and Federal Land (SFL). Rural Protection Designation is under Policy LU-2.95 in the General Plan. One element of this designation is “the managed production of resources”. The continued mining operations are consistent with this General Plan designation.

Zoning: The proposed parcel is zoned OS-40. OS-40 allows for “Mining and processing of natural resources” as a conditional use. The original conditional use permit and this amendment are consistent with the Inyo County Zoning Code.

Utilities and Public Services: This amendment will require no improvements to utilities or public services. The project is served by its own private water rights and system and existing septic systems. Electricity is provided by Southern California Edison, and all proposed facilities (crushing and ore processing) will run off of electric power.

ENVIRONMENTAL REVIEW

The original CUP was approved with a Negative Declaration. This project is changing the scope from the original CUP by allowing for crushing and processing, requiring the amendment to the CUP. The changes to the CUP also necessitates an addendum to the original Negative Declaration. This addendum is an appropriate CEQA evaluation (instead of an entirely new CEQA document) because the conditions requiring a subsequent environmental document do not exist for this amendment. The addendum to the Negative Declaration is included as Exhibit B.
RECOMMENDATIONS

Find the proposed project is addressed by the addendum to the 2007 Negative Declaration and therefore no subsequent environmental document is required. Consideration of the addendum is adequate to comply with CEQA for this project, pursuant to CEQA Guidelines Section 15164.

Recommended Findings

1. The proposed project is covered by CEQA Guidelines Section 15164 and Inyo County Code Section 15.36.220 which indicate, in part, that an addendum to a Negative Declaration may be prepared if none of the requirements for preparation of a subsequent environmental document apply. The Planning Commission adopts the addendum to the Negative Declaration of Environmental Impact and certifies that the provisions of the California Environmental Quality Act have been satisfied and that the addendum to the Negative Declaration of Environmental Impact reflects the County’s independent analysis and judgment and finds that the addendum to the Negative Declaration of Environmental Impact demonstrates that there is no substantial evidence that the project will have a significant effect on the environment.

   [Evidence: This proposed project is covered by CEQA Guidelines Section 15164 and Inyo County Code Section 15.36.220 which indicate, in part, that an addendum to a Negative Declaration may be prepared if none of the requirements for preparation of a subsequent environmental document apply. None of the requirements for preparation of a subsequent environmental document do apply and the list of these requirements and why they do not apply is included within the addendum.]

2. The proposed amendment to CUP 2007-04 is consistent with the Inyo County General Plan and Goals and Policies.

   [Evidence: The project property’s General Plan Designation of Rural Protection Designation (RP) states that the land shall be utilized for “the managed production of resources.” Responsible mining has been considered a managed production of resources in Inyo County.]

3. The proposed amendment to CUP 2007-04 is consistent with the Inyo County Zoning Ordinances.

   [Evidence: The proposed parcel is zoned OS-40. OS-40 allows for “Mining and processing of natural resources” as a conditional use. The original conditional use permit and this amendment are consistent with the Inyo County Zoning Code. In particular, the processing of natural resources, the focus of this amendment, is specified as a conditional use in the Inyo County Code.]

4. Based on substantial evidence in the record, the Planning Commission finds that the design or proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife, or their habitat, or cause serious public health, welfare, or safety problems.

   [Evidence: As indicated by the Negative Declaration and the Addendum to the Negative Declaration, the project will not result in substantial impacts to the physical environment or human beings, either individually or cumulatively, or directly or indirectly.]
5. Based on substantial evidence in the record, the Planning Commission finds that no significant impacts to native vegetation or wildlife will result from the proposed project.

**Evidence:** As indicated by the Negative Declaration and the addendum to the Negative Declaration, the project will not result in any significant impacts. The project is completely within areas previously disturbed by mining. The majority of mine operations will be underground, with less than an acre of land involved at the surface level.

**Conditions of Approval**

1.) All Conditions of Approval from the original Conditional Use Permit are still in full effect and are not modified by this amendment.

2.) The applicant shall obtain all necessary permits required by implementation of the amendment to CUP 2007-04. Building Permits for upgrading of the existing building for the Pilot Plant will be obtained and the building brought up to Code as required by the Inyo County Building and Safety Department prior to beginning any ore processing. Any permits required by GBUAPCD, Inyo County Environmental Health and Lahontan Regional Water Quality Control Board shall be obtained prior to implementing any crushing or ore processing.

3.) The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning the amendment to CUP 2007-04/Project Darwin, LLC or applicant’s failure to comply with conditions of approval.

**EXHIBITS**

A. Aerial Map of Project Area
B. Addendum to the Negative Declaration of Environmental Impact
C. Staff Report for CUP 2007-04/Project Darwin, LLC
D. Notice of Decision for CUP 2007-04/Project Darwin, LLC
E. Negative Declaration of Environmental Impact for CUP 2007-04/Project Darwin, LLC
Exhibit A

Aerial View of Surface Mine Operations that are Part of the Amendment to CUP 2007-04
Addendum to the Negative Declaration Prepared for the Darwin Mine Project
In Support of an Amendment to Conditional Use Permit #2007-04

This Addendum has been prepared pursuant to the California Environmental Quality Act (CEQA) in order to evaluate a proposed amendment to the Conditional Use Permit (CUP #2007-04) that was approved December 5, 2007 for the re-opening of the Darwin Mine. The proposed amendment to the CUP would allow for a mobile crushing facility to be used at the site, and then a pilot plant facility (for separation of desired ore from overburden) will be set up within an existing building on the site.

Authority

CEQA Guidelines Section 15164 and Inyo County Code Section 15.36.220 indicate, in part, that an addendum to a Negative Declaration may be prepared if none of the requirements for preparation of a subsequent environmental document apply. The decision-making bodies shall consider the addendum prior to making a decision on the project. The addendum need not be circulated for public review.

Project Description

The proposed amendment to CUP #2007-04 for the Darwin Mine would allow for the use of mobile crushing facilities on site with a capacity of crushing 100 tons per hour and a maximum tonnage of 500 tons per day. All material stockpiles will occur on an existing concrete pad that had previously been the location of a water tank. A dust suppression system will be part of the crushing facilities and the facilities will require permitting from the Great Basin Unified Air Pollution Control District regulating dust mitigation measures. Additionally, a pilot plant (a facility for separating the desired ore, primarily zinc sulfate from the crushed rock) will be established in an existing Quonset hut type building on the site. The pilot plant will have a maximum capacity of 500 tons per day. As per the original CUP, all tailings of overburden will be moved back underground within the mine. No stockpiles at any time will exceed that which can be stored on the concrete pad (refer to aerial view of project).

Negative Declaration for the re-opening of the Darwin Mine

The Negative Declaration prepared for the re-opening of the Darwin Mine Project, and certified in 2007, evaluated the following environmental issues:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology & Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

The Negative Declaration indicated none of these issues were areas of significant impact on the environment. Of the above issues, only four are affected by this addendum. For the other issues, the findings of the original Negative Declaration remain unchanged.

**Need for an Addendum to the Original Negative Declaration Prepared for the re-opening of the Darwin Mine Project**

The current proposal by Darwin Project, LLC to provide crushing and mineral extraction facilities on site were not included in the original conditional use permit or its associated Negative Declaration.

Specifically, CEQA Guidelines Section 15162 notes that once a Negative Declaration has been adopted for a project, the preparation of a subsequent Negative Declaration is not necessary unless the lead agency for the project (in this case, Inyo County) determines that “substantial changes” are proposed either in or by the project itself, or changes are proposed in the circumstances under which the project is undertaken, or if substantial new information becomes available concerning the project.

Staff concluded that there is no need for a subsequent Negative Declaration, based on the impacts of the project with the allowed changes from the addendum will be very similar to the impacts of the original Negative Declaration. Areas of potential additional impacts, like release of dust affecting air quality will be subject to permitting that will require these areas to have less than significant impacts. The use of trucks to haul material off site will also be greatly reduced by implementation of the measures allowed in the amendment to the CUP.

CEQA Guidelines Section 15164 notes that such an Addendum to a Negative Declaration should be prepared by the lead agency for a project. The Guidelines further note that an Addendum is appropriate “if some changes or additions are necessary but none of the conditions described in (CEQA Guidelines) Section 15162 calling for preparation of a subsequent EIR have occurred.” Staff has determined this to be the case, in that the crushing and processing of ore on site has a similar impact to the trucking of ore off site that was allowed in the original CUP and associated Negative Declaration. It does, however, constitute a change to the terms of the project CUP that was approved in 2007 which specifies ore crushing and processing were not a part of the original CUP. As a result, the CUP for the project must be amended to add the crushing and processing of ore on site.

CEQA Guidelines Section 15164 also states an Addendum to a Negative Declaration “need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration” for the project. As a result, staff has not circulated this Addendum to the Negative Declaration for public review, but rather has included it as an attachment to the staff report prepared for the appeal to the amendment to CUP 2007-04/Project Darwin, LLC.
Potential Environmental Consequences of an Amendment to CUP 2007-04/Project Darwin, LLC

Staff has evaluated the likely impacts of the proposed crushing and processing on each of the environmental issues addressed in the Negative Declaration. Only four issues addressed in the Negative Declaration were impacted by this amendment. Those issues are as follows:

Air Quality: The proposed crushing facilities have the potential to generate dust. The crushing facilities will include dust suppression equipment and will be permitted for use by the Great Basin Unified Air Pollution Control District, which will require that dust be limited to a level of less than significant impact, in compliance with local air quality requirements. The processing facilities will not create any dust or air quality issues.

Hazards and Hazardous Materials: No hazardous materials are part of the mobile crushing facilities which are run off of electricity that is already provided to the site. The separation facilities (pilot plant building) will utilize a 10-15% solution of sulfuric acid. The acid baths will be located within the pilot plant building, which has a curb construction allowing for containment within the building (as part of the retrofitting of the building the curb and slab will have any cracks repaired and sealed and will be tested for general retention capabilities prior to operation of the pilot plant). A secondary, 4’ retention wall will be constructed around the building to ensure any primary containment breach would be contained. All acid stored on site will be in a tank with secondary containment, as required by federal and state law, and quantities will below the threshold that require a Hazardous Materials Business Plan (HMBP). All facilities will be permitted and inspected by the Inyo County Environmental Health Department for compliance with State and Local laws, both prior to commencement of operations and periodically. The dilute nature of the solution being used and its lack of proximity to any surface water, the proposed containment facilities, and the required permits and inspections by local agencies all keep this to a less than significant impact to the environment.

Noise: The new possible noise source, rock crushing, is very similar to the noise source considered in the original Negative Declaration, haul truck loading and operation. Based upon information from the U.S. National Institute for Occupational Safety and Health (NIOSH) paper “Noise Assessment of Stone/Aggregate Mines: Six Case Studies” by E.R. Bauer and D.R. Babich it appears that the impact of noise to the nearby community of Darwin will be less than significant. Loading of haul trucks creates noise in the 80-100 decibel range and crushing equipment creates noise in the 85-105 decibel range (6’ or less from the noise source). Assuming 100 decibels and line of site, the closest residence in Darwin is 1,400 feet from the project site would hear 53 decibels (equivalent of a quiet conversation), with the majority of the town closer to 3,000 feet from the project site hearing 47 decibels (equivalent of a library). All of these numbers assume line of site. To the south of the proposed mobile crushing set-up is an existing ore waste dump for over burden from the previous operation of the mine. This waste dump makes a large (in excess of 100 feet tall) berm that visibly and aurally separates the operations at the Darwin Mine, including the proposed crushing facilities, from the community of Darwin. While quantification of the exact impact is difficult to quantify, it will take the already acceptable noise levels and reduce them significantly.
As indicated in the original Negative Declaration, noise sources at the operations will be of a level to require equipment operators and personnel in close proximity to the operations to utilize personal protective equipment for their ears and for vehicles to be equipped with standard noise abatement equipment.

The noise produced by the crushing is comparable to that which was anticipated in the original Negative Declaration, and is of less than significant impact to the nearest occupied properties to this operation. The use of personal protective equipment and noise abatement equipment in vehicles will keep job site sound levels within acceptable OSHA limits for a work environment.

Transportation and Traffic: The proposed amendment to the CUP will not take away the Darwin Mine, LLC’s right to operate as originally allowed in the approved CUP, which foresaw a possibility of 20 trucks per day shipping 500 tons of ore per day to Millers Mill, near Tonapah, Nevada. However, on site crushing and processing would be in place of trucking off site, and would greatly reduce the amount of trucks. While the operator would still have the right to truck off site, they could not both crush and process and truck raw ore off site. They can crush and process (significantly reducing the truck traffic) or they can haul for crushing off site, but they cannot do both; therefore the impact of this addendum will range from no impact compared to what was evaluated in the original Negative Declaration to a significant positive impact by reducing trucking to and from the project site from what was anticipated in the original CUP. Even the truck traffic anticipated in the original Negative Declaration was deemed to be less than significant impact.

Findings

CEQA Guidelines Section 15162 indicates that no subsequent environmental document is required unless certain conditions apply. These conditions do not exist for the proposed addition of crushing and processing facilities at the Darwin Mine, as discussed below:

- No substantial changes will result from the amendment to CUP #2007-04 that will require major revisions to the previous Negative Declaration done for the re-opening of the Darwin Mine Project as there are no new significant effects or and all impacts are still less than significant.

  The proposed amendment to the CUP is consistent with the environmental analysis provided in the Negative Declaration Prepared for the re-opening of the Darwin Mine Project, as the area of the project is unaffected, the impacts to noise are comparable to that which was anticipated in the original Negative Declaration, the impact of transportation and traffic may be significantly reduced, and the impact from dust and hazardous materials are required by local, state and federal law to be less than significant.

- No substantial changes have occurred with respect to the circumstances under which the project is being undertaken, which might require major revisions of the previous conditional use permit due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

  Staff, has analyzed the proposed crushing and processing amendment to the original CUP and no significant changes have occurred in respect to circumstances under which the project is being undertaken. The project will result in the same amount of material
being removed from the mine, but allow for the opportunity to significantly reduce hauling, eliminating impacts on roads, use of fuel and impacts of trucks to other drivers. With no increase to impacts to the area, and with a similar project scope there is not substantial change in respect to the circumstances under which the original project was undertaken.

- No new information of substantial importance that was not known, and which could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was certified, shows or indicates that any of the following has occurred, or will occur, as a result of the proposed amendment to allow the proposed project:
  
  1.) One or more significant effects not discussed previously.  
  
  No significant effects not discussed previously. While some effects were new, their impact was less than significant.
  
  2.) Significant effects previously examined will be substantially more severe.  
  
  Effects previously examined will be either comparable to the level of the original effect examined in the Negative Declaration, or improved. All effects are less than significant.
  
  3.) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project.  
  
  There were no mitigation measures or alternatives identified in the Negative Declaration prepared for CUP 2007-04/Project Darwin, LLC.

- Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.  
  
  There were no mitigation measures or alternatives identified in the Negative Declaration prepared for CUP 2007-04/Project Darwin, LLC.

None of the above-specified conditions apply to the proposed amendment to CUP 2007-04/Project Darwin, LLC, therefore no subsequent environmental document is required. Consideration of this addendum is adequate to comply with CEQA requirements for this project, pursuant to CEQA Guidelines Section 15164.
AGENDA ITEM NO. 8 (Action Item - Public Hearing)

DATE OF MEETING: December 5, 2007

SUBJECT: Conditional Use Permit No. 2007-04/Project Darwin, LLC.

EXECUTIVE SUMMARY

Project Darwin, LLC is requesting a Conditional Use Permit to re-open the Darwin Mine. The site is located approximately 4 miles southeast of the intersection of the Darwin Road with State Route 190, ½ mile northwest of the town of Darwin.

The project involves the issuance of a Conditional Use Permit (CUP) by Inyo County. The project site is located on 1,050 acres of privately owned land (patented mining claims) and is zoned Open Space, 40 acre minimum (OS-40). Under the provisions of the OS-40 zone “mining” is a conditional use per County Code Section 18.12.040(I).
The applicant has indicated that any surface disturbance will be less than one (1) acre in size therefore, this project does not meet the threshold for requiring an accompanying reclamation plan pursuant to SMARA.

The mining activity is almost entirely underground and the majority of the underground activities are regulated by the Federal (MSHA)(ATF&E) and State (CAL-OSHA) agencies. Therefore, any conditions placed on the CUP will primarily be restricted to the above ground activities.

PROJECT INFORMATION

Application: Conditional Use Permit No. 2007-04/Project Darwin LLC.
Supervisory District: Fifth.
Applicant: Project Darwin, LLC.
Address: P.O. Box 1367, Tonopah, Nevada 89049.
Landowners: Project Darwin, LLC.
Zoning: Open Space, 40 acre minimum (OS-40).
General Plan: Rural Protection (RP).
Site Size: 1,050 acres.
Location: Approximately 1/2 mile northwest of Darwin and approximately 4 miles southeast of the intersection of the Darwin Road with State Route 190.

Recommended Action: Approve the Conditional Use Permit with the Recommended conditions.
Alternative: Deny the Conditional Use Permit; therefore, not allowing Project Darwin, LLC to re-open Darwin Mine.
Project Planner: Adena Fansler, Associate Planner.

HISTORY

Within the Darwin mining area (including the Coso's) the mines were first located about 1858 and high-graded oxidized silver-lead ores were found at Darwin in 1874.

In 1875 a formal town, named after pioneer Darwin French, with graded streets, businesses and a post office were established and water was obtained from the Coso Mountains. In 1876 Darwin had a population of 1,000. By 1877 it had a population around 3,500. In 1878 a national economic slowdown hit Darwin. By September the newspaper closed and population fell to 200-300. In 1879 a fire destroyed most of the building in Darwin and only 85 people remained by 1880. The post office remained open to the present except for a two-month period in 1902.
Most of the rich surface ores were depleted and little mining occurred until 1915 when the Darwin Lead and Silver Mines shipped ore to Utah until 1919.

From 1922 to 1929 American Metals, Inc. leased the mines and development began on Mt. Ophir (Darwin Mine) and a company town was built. Mining lasted off and on until 1942 when the government closed the mine for the “War Effort”.

In 1945 most of the silver-lead-zinc part of the district came under one management (the Darwin Mines). The mine was then purchased by the Anaconda Company who operated it more or less continuously until 1957.

The Darwin Mine was leased in about 1967 to West Hill Exploration, Ltd. which operated the mine until about 1970 and had poor operating results.


Anaconda Company reprocessed 80,000 tons of mine tailings 1981-1982.

Quintana Minerals Corporation took ownership from Anaconda in 1984 but never operated the mine. They subsequently sold it to Blue Range Mining Company in 1989. They also never operated the site.

In 1995 clean-up of the property was ordered by the Federal and State government. The use, storage and disposal of hazardous material on-site had ended. Hazardous materials stored onsite have been removed. Transformers have been removed or replaced with units, which are in compliance with current laws. The ball mill building was demolished and wastes contained within were disposed of. The above ground storage tanks were drained and removed. The reclamation of the heap area done by Anaconda was reviewed and approved. Bonds held by Inyo County and Lahontan were eventually released.

Project Darwin, Inc. bought the property in 1996 transferring interest to Project Darwin, LLC in 2000, which is the current owner and applicant.

Anaconda’s operation (1945-1957) never had more than a year’s supply of ore in sight. In their 10 years they operated the mine they had no problems in keeping ahead of the processing mill. Their yearly exploration always found more profitable ore. The Darwin Mine has never been considered as “mined out”. A number of geologic studies on the ore reserves have been made indicating the potential for a significant amount of additional ore. With mineral prices presently quite high the applicant has filed this application.

The Darwin District produced at least 1.1 million short tons (2,000 lbs) of silver-lead-zinc ore from 1875 to 1976. Anaconda mined the majority from 1945-1957. Since 1942 the ore averaged around 6 oz. silver, 6% lead and 6% zinc per ton however, much higher percentages (20-30%) have been recorded.
PROJECT DESCRIPTION

The project involves the mining of primarily the zinc and tungsten ore with other amounts of silver, copper, lead and gold being obtained as a byproduct of the milling process.

All waste rock will be utilized to back-fill existing underground stopes.

Rails and hoists exist underground and will be up-dated to current MSHA guidelines.

Electrical (battery powered) locomotives will be utilized to avoid air-borne particulate. The locomotives will pull the ore cars to and from various underground loading chutes, where electric powered slurgers will move the ore into chutes and eventually into the ore cars.

Calcium chloride (salt) and a combination of sonic dust suppression will be used to neutralize air-borne particulate in the mine.

The mining operation has to be operated in accordance with all Federal MSHA mining regulations and California OSHA Mine & Tunnel Division requirements. Explosive storage and handling will comply with all ATF&E and Inyo County Sheriff’s explosive regulations.

No new roads will be required. No additional surface disturbance beyond that now existing will occur in order to eliminate the necessity for a reclamation plan pursuant to the Surface Mining and Reclamation Act (SMARA) (more than one acre and more than 1,000 cubic yards of disturbance).

No processing, including crushing, will occur on the site. The ore will exit the Defiance Portal and be deposited into a skid mounted dump side. Initially, five (5) trucks per day will transport the ore to Millers Mill just north of Tonopah, Nevada. They will exit on Darwin Road to Highway 190 to Highway 395 to Highway 6 to Millers Mill. Trucks will travel during the evening hours.

Initially, 125 tons of ore per day (one shift, Mon-Fri) will be produced and shipped daily to Millers Mill. This will require up to 22 employees (including five truck drivers). This is called Phase One.

Once under production, this may increase to 500 tons per day (one shift, Mon-Fri) and shipped daily to Millers Mill. This would result in twenty (20) trucks loads per day and an additional 35 employees. This is called Phase Two. Phase Two will require up to 57 employees (including 20 truck drivers).

The applicant proposes to provide van service from Lone Pine and Keeler to the project site during Phase One and bus service during Phase Two in order to keep the transportation cost to the employees at a minimum.
There is currently housing on site for eight (8) employees and an additional eight (8) houses could be utilized for future housing if brought up to current building codes.

Employees will arrive at the existing recreation facility and park where after a brief on-site safety meeting they will enter into the fenced portal area and will then be issued necessary lighting and safety equipment. Here they will change to their work clothes. They will then be hauled underground to their designated work areas.

The ore will be continuously hauled out of the portal and placed into a skid mounted dump slide. It will be located at the end of the existing rails from the Defiance mine portal. An extension of the rails will be required (approximately 300-400 feet) in order to dump the ore cars down into the ore dump slide. The proposed location of the skid mounted dump slide, the truck loading and parking area was previously the site of the ball crusher mill and flotation mill, which was removed in 1995. This area is located approximately 50 feet below the portal area. No outside ground storage of the ore will be necessary.

Haul truck maintenance (tune-up, oil and lubrication) will be done at Millers Mill in Nevada.

All surface facility upgrades that are required (septic systems, plumbing, lavatories, electrical, building structural improvements) shall be accomplished under Inyo County building permits.

Any requirements for improvements, or signage, to any intersection with the Darwin Road (County road) shall be accomplished under Inyo County Road Department encroachment permits.

SURROUNDING LAND USES

All of the surrounding lands are vacant Bureau of Land Management lands with a General Plan Designation of State and Federal Lands (SFL), zoned Open Space, 40 acre minimum (OS-40).

STAFF ANALYSIS

The project involves the issuance of a Conditional Use Permit (CUP) by Inyo County. The project site is located on 1,050 acres of privately owned land (patented mining claims) and is zoned Open Space, 40 acre minimum (OS-40). Under the provisions of the OS-40 zone “mining” is a conditional use per County Code Section 18.12.040(I).

The mining activity is almost entirely underground and the majority of the underground activities are regulated by the Federal (MSHA),(ATF&E) and State (CAL-OSHA) agencies. Therefore, any conditions placed on the CUP will primarily be restricted to the above ground activities.
The applicant is aware of the thresholds, which will initiate the implementation of the SMARA and anticipates no additional surface disturbance of over one acre or the removal of 1,000 cubic yards of surface material during the mining operation. Any surface improvements or construction will affect only the existing structures or previously disturbed areas within the existing Darwin mine facilities.

Staff is recommending approval of the CUP with conditions which includes ownership requirements; obtaining encroachment permits; obtaining other agency and county permits; a maintenance agreement for Darwin Road; waste disposal provisions; hooded lighting; no use of the swimming pool; the sealing of all adits; and the limitation of 500 tons of ore productions per day.

As of January 1, 2007 all projects, which requires a Negative Declaration or Mitigated Negative Declaration shall be required to pay the Department of Fish and Game habitat impact fee of $1,800 (Senate Bill 1535) prior to the recording of the Notice of Determination. Inyo County will no longer determine if a project has a “de minimums” impact on vegetation or wildlife habitat. The applicant must directly contact the Department of Fish and Game for an exemption of this habitat impact fee.

ENVIRONMENTAL REVIEW

A Draft Negative Declaration was prepared for the project and was submitted for public review and comment on October 4, 2007 with comment period ending on November 6, 2007. As of this date, three comments have been received on the Draft Negative Declaration.

These comments were from the Lahontan Regional Water Quality Control Board, and Kathleen Goss of Darwin. Copies of their comments are attached. Staff’s response to their concerns are as follows:

Lahontan:

Storm-water control and pollutant discharge: The project is not proposing any additional construction on the project site, expect for the installation of a slide dump to contain the ore. All other facilities are existing (residences, office, scale house, battery room, recreational hall, shower/dressing/locker room) and only require rehabilitation to bring them up to current codes. No new structures or grading is required. No changes are to be made to existing drainage channels. There are no surface waters on or adjacent to the project site. The depth to groundwater is unknown but is known to exceed over 1,000 feet based upon nearby drilling. No mitigation is required.

NPDES General Industrial Storm-water Permit requirement: In reviewing the threshold requirements for this permit (Application N. 97-03-DDWQ) we do not think this project would qualify however, Staff has added the condition that all necessary permits from Lahontan shall be obtained prior to any mining activities.
Waters of the State and of the U.S. mitigation: There are no surface waters on the project side, adjacent to the project site or in the immediate area. The Darwin Mine is an existing mine without any water infiltration and it is not expected to be encountered at further deeping of the mine. No mitigation is required.

Other: Storm-water management is not required for this specific project as no new construction is proposed except for the rehabilitation of existing structures, extension of the rail line to the proposed slide dump. No new roads, parking areas or grading are required. No surface water occurs on the project site or on adjacent properties. No drainage channels will be affected.

Kathleen Goss:

1. Aesthetics: As proposed, the mining operation will be conducted Monday thru Friday during the daylight hours (one shift). Some additional outside security or outside residential lights may be installed. If so, they are conditioned to be directed toward the ground and shall be hooded.

2. Air Quality: The Great Basin APCD had been sent a copy of the Draft Negative Declaration and we have received no comments. The applicant has indicated that he has discussed this project with them. A condition is included for the applicant to obtain all necessary permits from that agency.

3. Hydrology & Water Quality: The applicant owns the water rights from the Darwin Wash well from the State Division of Water Rights. The well has produced 138 gpm in the past but that amount is totally unnecessary for this project. That amount would total 200,000 gallons per day if it produced at maximum. That amount would fill the domestic water tanks and the swimming pool in one day. Water usage by the project is only for drilling purposes, showers, domestic usage and possible dust control. No ore processing will occur as was the case with Anaconda’s flotation mill.

4. Noise: Ore will be dumped only during daylight hours. Diesel trucks are decibel rated at 90dB(a) to 100dB(a). Assuming a 95dB(a) rating the decibel level at 1,500 feet (the nearest residence to the truck parking/loading area) will be 41dB(a) which is considered “Quiet Conversation”. This is without any obstructions between the noise source and the receptor. The parking area/loading area has an adjacent 50'-75' high waste dump which will defect the noise upward from the Darwin Community. Likely, no noise from the diesel trucks will reach Darwin.

The Darwin Wash well will need to be refurbished and the existing water line to the Darwin Mine repaired, if necessary, which may temporarily involve additional vehicles utilizing the public roads through the Darwin Community.

5. Transportation & Traffic: This comment is somewhat unclear and difficult to address as a specific condition of approval. Certainly, the five loaded ore trucks daily during Phase One and the possibility of twenty loaded ore trucks daily in Phase Two will
have an impact on Darwin Road. It is, at this time, difficult to ascertain what specific renumeration to Inyo County should be made for the "upgrading and maintaining" of the Darwin Road to State Highway 190. It appears that the applicant and Road Department have discussed this issue previously. We have therefore, added a condition, which requires the applicant, by written agreement, to provide his **applicable share** for the maintenance of the Darwin Road.

6. **Utilities and Service systems:** The applicant has indicated that all domestic trash and wastes shall be hauled to the Lone Pine Landfill for disposal. This is one of the conditions of approval.

**PUBLIC NOTICE**

A Notice of Public Hearing was published in the local newspaper and mailed to the surrounding property owners within 300 feet of the subject property (in this case, only to BLM).

**RECOMMENDATIONS**

Staff recommends approval of the applicant’s proposed conditional use permit with conditions. The Planning Department therefore recommends the Planning Commission take the following actions:

"Move to adopt the Final Negative Declaration of Environmental Impact and certify that the provisions of CEQA have been met; make the following findings with respect to and approve Conditional Use Permit No. 2007-04/Project Darwin, LLC. with the recommended conditions of approval."

**I. ENVIRONMENTAL**

Based on the whole record, the Initial Study, the Draft Negative Declaration, and written comments received, responses to those comments contained herein, and pursuant to CEQA Guidelines Section 15074(b), the Inyo County Planning Commission adopts the Final Negative Declaration and finds that the requirements of the California Environmental Quality Act have been satisfied.

[Evidence: In accordance with the requirements of the California Environmental Quality Act, an Initial Study and Draft Negative Declaration of Environmental Impact was prepared and circulated for this project for public review and comment. Any concerns and issues raised in those comments are adequately addressed in the discussion in the Draft Negative Declaration, Staff Report and Public Hearing testimony.]
II. FINDINGS

The proposed conditional use permit is found to be consistent with the Inyo County General Plan Designation and Goals and Policies, as well as the Inyo County Zoning Ordinance sections, which are applicable to the property.

[Evidence: The General Plan Designation is Rural Protection (RP), zoned Open Space, 40 acre minimum (OS-40), both which allow underground mining projects with the approval of a conditional use permit by Inyo County.]

III. CONDITIONS OF APPROVAL

1. Pursuant to Section 18.81.140 of the County Code the authorization of this Conditional Use Permit shall lapse and be void unless started within one year of the date of its approval. The Planning Commission may, without a hearing, extend the Conditional Use Permit for additional one-year periods upon application filed prior to the expiration of the Conditional Use Permit.

2. The Conditional Use Permit is for the re-opening of the Darwin Mine by the applicant, Project Darwin, LLC. This CUP is issued solely to this applicant. Any change in ownership, revisions, additions or expansions in the project description contained in the application shall require an amendment to this CUP.

3. The applicant shall obtain encroachment permits from the Inyo County Road Department for both the existing main mine access road AND the existing ore truck access road.

4. The applicant shall obtain all necessary permits from MSHA, ATF&E, CAL/OSHA, GBABCD, Lahontan, Inyo County Sheriff’s Department and the Environmental Health Department (septic, water and hazardous material storage) prior to any mining operations.

5. The applicant shall pay the Department of Fish and Game the habitat impact fee of $1,800 pursuant to Senate Bill 1535. The applicant may directly contact the Department of Fish and Game to apply for an exemption of this habitat impact fee.

6. Any storm-water from any additional surface disturbance or impervious areas shall be contained on-site and/or directed into existing natural drainage channels.

7. The existing swimming pool on the project site shall not be utilized for recreational uses.

8. Prior to transporting of ore the applicant, shall enter into an agreement with the Inyo County Road Department concerning improvements of the Darwin Road to State Route 190 to the satisfaction of Inyo Count Public Works.
9. The applicant shall obtain all necessary building, plumbing and electrical permits from Inyo County prior to any construction, rehabilitation, or major maintenance to any of the surface facilities.

10. Any additional outside lighting (security, safety or residential) shall be directed toward the ground and the lamps hooded.

11. All domestic garbage and waste shall be hauled to the Lone Pine Landfill for disposal.

12. Any increase beyond the proposed 500 tons of ore per day production (Phase Two) shall require an amendment to this CUP.

13. Upon the termination of underground mining activities (exceeding 90 days) all adits to the Darwin Mine shall be physically sealed to the satisfaction of the Inyo County Planning Department.

14. Any surface disturbance in excess of one acre or involving more than 1,000 cubic yards of material shall not be permitted without the submission and approval of a reclamation plan pursuant to SMARA and Inyo County Code.

15. The applicant, landowner, and operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action, or proceeding against the county, its advisory agencies, appeal boards, or its legislative body concerning Conditional Use Permit No. 2007-04/Project Darwin, LLC.

Attachments: Vicinity Map/Location Map
Negative Declaration
Negative Declaration Comments (2)
Pictures
Application
NOTICE OF DECISION

December 5, 2007

Jack Stone
Darwin Project, LLC.
P.O. Box 1367
Tonopah, Nevada 89049

SUBJECT: Conditional Use Permit No. 2007-04/Project Darwin, LLC.

On December 5, 2007 the Inyo County Planning Commission conducted a public hearing to consider the above application to re-open the Darwin mine. The site is located approximately 4 miles southeast of the intersection of the Darwin Road with State Route 190, ½ mile northwest of the town of Darwin. After considering the report of staff and all oral and written comments received, the Planning Commission took the following actions:

I. ENVIRONMENTAL

Based on the whole record, the Initial Study, the Draft Negative Declaration, and written comments received, responses to those comments contained herein, and pursuant to CEQA Guidelines Section 15074(b), the Inyo County Planning Commission adopts the Final Negative Declaration and finds that the requirements of the California Environmental Quality Act have been satisfied.

[Evidence: In accordance with the requirements of the California Environmental Quality Act, an Initial Study and Draft Negative Declaration of Environmental Impact was prepared and circulated for this project for public review and comment. Any concerns and issues raised in those comments are adequately addressed in the discussion in the Draft Negative Declaration, Staff Report and Public Hearing testimony.]
II. FINDINGS

The proposed conditional use permit is found to be consistent with the Inyo County General Plan Designation and Goals and Policies, as well as the Inyo County Zoning Ordinance sections, which are applicable to the property.

[Evidence: The General Plan Designation is Rural Protection (RP), zoned Open Space, 40 acre minimum (OS-40), both which allow underground mining projects with the approval of a conditional use permit by Inyo County.]

III. CONDITIONS OF APPROVAL

1. Pursuant to Section 18.81.140 of the County Code the authorization of this Conditional Use Permit shall lapse and be void unless started within one year of the date of its approval. The Planning Commission may, without a hearing, extend the Conditional Use Permit for additional one-year periods upon application filed prior to the expiration of the Conditional Use Permit.

2. The Conditional Use Permit is for the re-opening of the Darwin Mine by the applicant, Project Darwin, LLC. This CUP is issued solely to this applicant. Any change in ownership, revisions, additions or expansions in the project description contained in the application shall require an amendment to this CUP.

3. The applicant shall obtain encroachment permits from the Inyo County Road Department for both the existing main mine access road AND the existing ore truck access road.

4. The applicant shall obtain all necessary permits from MSHA, ATF&E, CAL-Osha, GBABC, Lahontan, Inyo County Sheriff’s Department and the Environmental Health Department (septic, water and hazardous material storage) prior to any mining operations.

5. The applicant shall pay the Department of Fish and Game the habitat impact fee of $1,800 pursuant to Senate Bill 1535. The applicant may directly contact the Department of Fish and Game to apply for an exemption of this habitat impact fee.

6. Any storm-water from any additional surface disturbance or impervious areas shall be contained on-site and/or directed into existing natural drainage channels.

7. The existing swimming pool on the project site shall not be utilized for recreational uses.

8. Prior to transporting of ore the applicant, shall enter into an agreement with the Inyo County Road Department concerning improvements of the Darwin Road to State Route 190 to the satisfaction of Inyo Count Public Works.
9. The applicant shall obtain all necessary building, plumbing and electrical permits from Inyo County prior to any construction, rehabilitation, or major maintenance to any of the surface facilities.

10. Any additional outside lighting (security, safety or residential) shall be directed toward the ground and the lamps hooded.

11. All domestic garbage and waste shall be hauled to the Lone Pine Landfill for disposal.

12. Any increase beyond the proposed 500 tons of ore per day production (Phase Two) shall require an amendment to this CUP.

13. Upon the termination of underground mining activities (exceeding 90 days) all adits to the Darwin Mine shall be physically sealed to the satisfaction of the Inyo County Planning Department.

14. A reclamation plan shall be submitted to the Inyo County Planning Department for processing within 60 days from the date of approval of this Conditional Use Permit.

15. The applicant, landowner, and operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action, or proceeding against the county, its advisory agencies, appeal boards, or its legislative body concerning Conditional Use Permit No. 2007-04/Project Darwin, LLC.

Section 16.56.020 of the Inyo County Subdivision Ordinance provides that any interested party may, within ten (10) days after the Planning commission’s action, appeal the determination made by the Planning Commission to the Inyo County Board of Supervisors after compiling evidence of an alleged error and making an appeal fee payment of three-hundred dollars ($300) to the Clerk of the Board. If you have any question regarding the Planning Commission’s action, please contact this office at (760) 872-2706.

Thank you,

Pat Cecil
Planning Director

cc: Richard Cervantes, Fifth District Supervisor
Paul Payne, Fifth District Commissioner
Marvin Moskowitz, Environmental Health
DRAFT NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

PROJECT TITLE: Conditional Use Permit No. 2007-04/Project Darwin, LLC

PROJECT LOCATION: Portion of Section 1, Township 19 South, Range 40 East and portions of Sections 16, 18, 30 and 32, Township 19 South, Range 41 East, Mount Diablo Base and Meridian, approximately ½ mile Northwest of Darwin and approximately 4 mile Southeast of the intersection of Darwin Road with State Route 190 in Inyo County (see Vicinity Map).

PROJECT DESCRIPTION: The proposed project involves the re-opening of the Darwin Mine, located in Darwin, Inyo County, CA. The Mine has been inactive since 1976.

The project involves the issuance of a Conditional Use Permit (CUP) by the County of Inyo. The project site is located on 1,050 acres of privately owned land (patented mining claims) and is zoned Open Space, 40 acre minimum (OS-40). Under the provisions of the OS-40 zone “mining” is a conditional use per County Code Section 18.12.040(I).

The mining activity is almost entirely underground; the majority of the underground activities are regulated by Federal (MSHA)(ATF&E) and State (CAL-OSHA) agencies. Therefore, any conditions place on the CUP will primarily be restricted to the above ground activities.

The applicant is aware of the thresholds, which will initiate the implementation of the Surface Mining and Reclamation Act (SMARA) and anticipates no additional surface disturbance of over one acre or the removal of 1,000 cubic yards of surface material during the mining operation. Any surface improvements or construction will affect only the previously disturbed areas within the existing Darwin Mine facilities.

The project involves the mining of primarily the zinc and tungsten ore with other amounts of silver, copper, lead and gold being obtained as byproduct of the milling process.

All the ore will be removed from the Defiance portal on electric ore cars and deposited in a proposed ore bin located approximately 300-400 feet from the portal.

All waste rock shall be utilized to back-fill existing underground stopes.

Rails and hoists exist underground and will be up-dated to current MSHA guidelines.

Electrical (battery powered) locomotives will be utilized to avoid diesel particulate to avoid air-borne particulate. The locomotives will pull the ore cars to and from various underground loading chutes, where electric powered slushers will move the ore into chutes and eventually into the ore cars.
Calcium chloride (salt) and a combination of sonic dust suppression will be used to neutralize air-borne particulate in the mine.

The mining operation has to be operated in accordance with all Federal MSHA mining regulations and California OSHA Mine & Tunnel Division requirements. Explosive storage and handling will comply with all ATF&E and Inyo County Sheriff's explosive regulations.

No new roads will be required. No additional surface disturbance beyond that now existing will occur in order to eliminate the necessity for a reclamation plan pursuant to SMARA (more than one acre or more than 1,000 cubic yards of disturbance).

No processing, including crushing, will occur on the site. The ore will exit the Defiance portal and deposited into a skid mounted dump slide. Initially five (5) trucks per day will transport the ore to Millers Mill just north of Tonopah, Nevada. They will exit on Darwin Road to Highway 190 to Highway 395 to Highway 6 to Millers Mill. Trucks will travel during the evening hours.

Initially, 125 tons of ore per day (one shift, Mon-Fri) will be produced and shipped daily to Millers Mill. This will require up to 22 employees (including five truck drivers). This is called Phase One.

Once under production, this may increase to 500 tons per day (one shift, Mon-Fri) and shipped daily to Millers Mill. This would result in twenty (20) truck loads per day and an additional 35 employees. This is called Phase Two. Phase Two will require up to 57 employees including 20 truck drivers.

At this time, or if demand warrants it in Phase One, the company will provide bus service from Lone Pine and Keeler to the project site for the employees.

There is currently housing on site for eight (8) employees and an additional eight (8) houses could be utilized for future housing if brought up to current building code.

Employees will arrive at the existing recreation facility and park where after a brief on-site safety meeting they will enter into the fenced portal area and will then be issued necessary lighting and safety equipment. They will then be hauled underground to their designated work areas.

The ore will be continuously hauled out of the portal and placed into a skid mounted dump slide. It will be located at the end of the existing rails of the Defiance Mine portal (approximately 300-400 feet). The proposed location of the skid mounted dump slide, the truck loading area and the truck scales was previously the site of the ball mill and flotation mill, which was removed in 1995. No outside ground storage of the ore will be necessary.

Haul truck maintenance will be done at Millers Mill in Nevada.

All surface facility upgrades that are required (septic systems, plumbing, lavatories, electrical, building structural improvements) shall be accomplished under Inyo County building permits.

Any requirements for improvements, or signage, to any intersection with the Darwin Road (County road) shall be accomplished under Inyo County Road department encroachment permits.
SURFACE FACILITIES:

The surface development is quite extensive. The crusher and mill was removed in 1995 and most hazardous materials were removed from the site and disposed of at that time.

The main offices and upper level housing originated in 1921 and are still in use today. Also, the original cafeteria, machine shop, warehouse, office, managers house, battery room, carpenters shop, blacksmith shop, recreation room, shower/changing room and a 90,000 gallon swimming pool (used for fire suppression) are present and in usable condition (with upgrades).

During 1947-1950 homes for the miners were constructed on the patented and unpatented mining claims (lower level housing). The unpatented mining claims have since expired but the applicant is in the process of re-claiming them (as well as other adjacent areas of the mine) to insure control over the immediate area. These homes and outbuildings are in general disrepair and may be removed/demolished in the future but that is not part of this project.

The electrical service to the Department of Water and Power substation (33,000 volts) and phones service are active and will provide enough services to the project. All the electrical transmission lines, services, and transformers on the site are company maintained and serviced. They are adequate for all future needs of the company.

The company has its own water rights (.32cfs) which is pumped from 4.5 miles away in Darwin Wash through a 4 inch pipe line crossing legally existing easements. No effect on the Darwin Community Service District water supply will occur, as their water source is located at a spring on the China Lake Naval Weapons Center.

Existing septic systems are in place and in use.

Currently, security is provided by an on-site caretaker.

UNDERGROUND FACILITIES:

The Darwin Mine is composed of a number of mines all interconnected. The main portal (adit) is at the Defiance Mine (Radiore Portal) located at the surface facilities (next to the battery room and the changing/shower room building).

The inter-workings of the mine consist of approximately 150-200 miles of tunnels and drifts in fourteen different levels. There are 28 miles of existing rail line underground. All operations are conducted using electric motors.

There is a natural airflow of 21,500 cfm in the main access tunnel (Radiore Tunnel). All existing ventilation shafts have been fenced in accordance with SMARA. No additional ventilation is required. Temperature in the mine is a constant 56 degrees.

Little tunnel timber shoring is required due to the hard rock characteristics of the mine. The mine is “dry” and contains no water.
FINDINGS:

An Initial Study and Evaluation of Potential Impacts has 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 on the environment for the following reasons:

A. The proposed project is consistent with the goals and objectives of the Natural Resources land use designation of the 2001 Inyo County General Plan. No conflicts exist with policies and objectives in other adopted elements of the General Plan. Therefore, the project is consistent with the adopted General Plan.

B. The proposed project is consistent with the requirements of the Inyo County Zoning Ordinance and the Open Space, 40-acre minimum zone.

C. The proposed project does not fall under the requirements of Chapter 7.70 (Surface Mining and Land Reclamation) of the Inyo County Code.

D. Existing public and private services are adequate to meet the requirements of the proposed project without the need for their expansion.

E. Based upon the Initial Study and environmental evaluation of the proposed project, it has been found the project 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 (30 day review) for this Negative Declaration expires on November 06, 2007. 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.

9/28/07

Pat Cecil, Planning Director

Attachments: Initial Study,
Evaluation of Potential Impacts
Vicinity Map
INYO COUNTY PLANNING DEPARTMENT

APPENDIX G
Environmental Checklist Form

EVALUATION OF ENVIRONMENTAL IMPACTS:

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).

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.

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.

“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).

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:

Earlier Analysis Used. Identify and state where they are available for review.

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.

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.

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.

Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
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.

The explanation of each issue should identify:

the significance criteria or threshold, if any, used to evaluate each question; and

the mitigation measure identified, if any, to reduce the impact to less than significance issues.
Environmental Checklist Form

1. Project title: Conditional Use Permit No. 2007-04/Project Darwin, LLC

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: Portion of Section 1, Township 19 South, Range 40 East and portions of Sections 16, 18, 30 and 32, Township 19 South, Range 41 East, Mount Diablo Base and Meridian, approximately ½ mile Northwest of Darwin and approximately 4 miles Southeast of the intersection of Darwin Road with State Route 190 in Inyo County (see Vicinity Map).

5. Project sponsor's name and address: Project Darwin, LLC, P.O. Box 1367, Tonopah, Nevada 89049.


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.)

   The proposed project involves the re-opening of the Darwin Mine, located in Darwin, Inyo County, CA. The Mine has been inactive since 1976.

   The project involves the issuance of a Conditional Use Permit (CUP) by the County of Inyo. The project site is located on 1,050 acres of privately owned land (patented mining claims) and is zoned Open Space, 40 acre minimum (OS-40). Under the provisions of the OS-40 zone “mining” is a conditional use per County Code Section 18.12.040(I).

   The mining activity is almost entirely underground; the majority of the underground activities are regulated by Federal (MSHA)(ATF&E) and State (CAL-OSHA) agencies. Therefore, any conditions placed on the CUP will primarily be restricted to the above ground activities.

   The applicant is aware of the thresholds, which will initiate the implementation of the Surface Mining and Reclamation Act (SMARA) and anticipates no additional surface disturbance of over one acre or the removal of 1,000 cubic yards of surface material during the mining operation. Any surface improvements or construction will affect only the previously disturbed areas within the existing Darwin Mine facilities.

   The project involves the mining of primarily the zinc and tungsten ore with other amounts of silver, copper, lead and gold being obtained as byproduct of the milling process.

   All the ore will be removed from the Defiance portal on electric ore cars and deposited in a proposed ore bin located approximately 300-400 feet from the portal.

   All waste rock shall be utilized to back-fill existing underground stopes.

   Rails and hoists exist underground and will be up-dated to current MSHA guidelines.

   Electrical (battery powered) locomotives will be utilized to avoid diesel particulate to avoid air-borne particulate. The locomotives will pull the ore cars to and from various underground loading chutes, where electric powered slushers will move the ore into chutes and eventually into the ore cars.
Calcium chloride (salt) and a combination of sonic dust suppression will be used to neutralize air-borne particulate in the mine.

The mining operation has to be operated in accordance with all Federal MSHA mining regulations and California OSHA Mine & Tunnel Division requirements. Explosive storage and handling will comply with all ATF&E and Inyo County Sheriff's explosive regulations.

No new roads will be required. No additional surface disturbance beyond that now existing will occur in order to eliminate the necessity for a reclamation plan pursuant to SMARA (more than one acre or more than 1,000 cubic yards of disturbance).

No processing, including crushing, will occur on the site. The ore will exit the Defiance portal and deposited into a skid mounted dump slide. Initially five (5) trucks per day will transport the ore to Millers Mill just north of Tonopah, Nevada. They will exit on Darwin Road to Highway 190 to Highway 395 to Highway 6 to Millers Mill. Trucks will travel during the evening hours.

Initially, 125 tons of ore per day (one shift, Mon-Fri) will be produced and shipped daily to Millers Mill. This will require up to 22 employees (including five truck drivers). This is called Phase One.

Once under production, this may increase to 500 tons per day (one shift, Mon-Fri) and shipped daily to Millers Mill. This would result in twenty (20) truck loads per day and an additional 35 employees. This is called Phase Two. Phase Two will require up to 57 employees including 20 truck drivers.

At this time, or if demand warrants it in Phase One, the company will provide bus service from Lone Pine and Keeler to the project site for the employees.

There is currently housing on site for eight (8) employees and an additional eight (8) houses could be utilized for future housing if brought up to current building code.

Employees will arrive at the existing recreation facility and park where after a brief on-site safety meeting they will enter into the fenced portal area and will then be issued necessary lighting and safety equipment. They will then be hauled underground to their designated work areas.

The ore will be continuously hauled out of the portal and placed into a skid mounted dump slide. It will be located at the end of the existing rails of the Defiance Mine portal (approximately 300-400 feet). The proposed location of the skid mounted dump slide, the truck loading area and the truck scales was previously the site of the ball mill and flotation mill, which was removed in 1995. No outside ground storage of the ore will be necessary.

Haul truck maintenance will be done at Millers Mill in Nevada.

All surface facility upgrades that are required (septic systems, plumbing, lavatories, electrical, building structural improvements) shall be accomplished under Inyo County building permits.

Any requirements for improvements, or signage, to any intersection with the Darwin Road (County road) shall be accomplished under Inyo County Road Department encroachment permits.
SURFACE FACILITIES:

The surface development is quite extensive. The crusher and mill was removed in 1995 and most hazardous materials were removed from the site and disposed of at that time.

The main offices and upper level housing originated in 1921 and are still in use today. Also, the original cafeteria, machine shop, warehouse, office, managers house, battery room, carpenters shop, blacksmith shop, recreation room, shower/changing room and a 90,000 gallon swimming pool (used for fire suppression) are present and in usable condition (with upgrades).

During 1947-1950 homes for the miners were constructed on the patented and unpatented mining claims (lower level housing). The unpatented mining claims have since expired but the applicant is in the process of re-claiming them (as well as other adjacent areas of the mine) to insure control over the immediate area. These homes and outbuildings are in general disrepair and may be removed/demolished in the future but that is not part of this project.

The electrical service to the Department of Water and Power substation (33,000 volts) and phones service are active and will provide enough services to the project. All the electrical transmission lines, services, and transformers on the site are company maintained and serviced. They are adequate for all future needs of the company.

The company has it’s own water rights (.32cfs) which is pumped from 4.5 miles away in Darwin Wash through a 4 inch pipe line crossing legally existing easements. No effect on the Darwin Community Service District water supply will occur as their water source is located at a spring on the China Lake Naval Weapons Center.

Existing septic systems are in place and in use.

Currently, security is provided by an on-site caretaker.

UNDERGROUND FACILITIES:

The Darwin Mine is composed of a number of mines all interconnected. The main portal (adit) is at the Defiance Mine (Radiore Portal) located at the surface facilities (next to the battery room and the changing/shower room building).

The inter-workings of the mine consist of approximately 150-200 miles of tunnels and drifts in fourteen different levels. There are 28 miles of existing rail line underground. All operations are conducted using electric motors.

There is a natural airflow of 21,500 cfm in the main access tunnel (Radiore Tunnel). All existing ventilation shafts have been fenced in accordance with SMARA. No additional ventilation is required. Temperature in the mine is a constant 56 degrees.

Little tunnel timber shoring is required due to the hard rock characteristics of the mine. The mine is “dry” and contains no water.
9. Surrounding land uses and setting: Briefly describe the project’s surroundings:

10. Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement.)

   Federal MSHA – Underground mining
   Federal ATF&E – Storage and use of explosives
   Federal BLM – Possible road access issues regarding the expired unpatented mining claims
   California Office of Mining Regulation – SMARA (does not propose to exceed thresholds)
   California OSHA mine & Tunnel division – Underground mining
   Lahontan – WQCB (initial contact by applicant indicated no permits required)
   Great Basin Air Quality Control District – Dust & particulates (initial contact by applicant indicated no permits required)
   County Sheriff – Storage of explosives
   County Road Department – Intersection(s) with and use of the Darwin Road
   County Building Department – Building, electrical and plumbing permits for surface activities
   County Environmental Health Department – Sewage disposal & domestic water quality
   County Weights and Measures – Truck scales

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.

<table>
<thead>
<tr>
<th>Aesthetics Resources</th>
<th>Agriculture</th>
<th>Air Quality</th>
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<tbody>
<tr>
<td>Biological Resources</td>
<td>Cultural Resources</td>
<td>Geology/Soils</td>
</tr>
<tr>
<td>Hazards &amp; Hazardous Materials</td>
<td>Hydrology/Water Quality</td>
<td>Land Use/Planning</td>
</tr>
<tr>
<td>Mineral Resources</td>
<td>Noise</td>
<td>Population/Housing</td>
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<tr>
<td>Public Services</td>
<td>Recreation</td>
<td>Transportation/Traffic</td>
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<tr>
<td>Utilities/Service Systems</td>
<td>Mandatory Findings of Significance</td>
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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.
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
Inyo County Planning Department
I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista? 
No. The project does not result in any new development or structures on the property's surface except for an ore loading facility and truck scales. The project site is already extensively developed with mining and residential structures. The project will not have a substantial adverse effect on any scenic vista from the Darwin Road.

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 new development or structures on the property's surface except for an ore loading facility and truck scales. The project site is already extensively developed with mining and residential structures. The project will not have a substantial adverse effect on any scenic vista from the Darwin Road. There is no state scenic highway in the area. None of the existing structures are proposed to be removed by this project.

c) Substantially degrade the existing visual character or quality of the site and its surroundings? 
No. The project does not result in any new development or structures on the property's surface except for an ore loading facility and truck scales. The project site is already extensively developed with mining and residential structures.

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 new development or structures on the property's surface except for an ore loading facility and truck scales. The project will not create any new source of lighting or glare which would adversely affect day or nighttime views in the area.

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 and Monitoring Program of the California Resources CUP No. 2007-04/Darwin Mine
### 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.

### 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:

<table>
<thead>
<tr>
<th>a) Conflict with or obstruct implementation of the applicable air quality plan?</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. Very little dust will be generated by the project except for during the dumping of the ore (150-500 tons per day) into the dump slide and then into the trucks. The project will not conflict with or obstruct implementation of the applicable air quality plan. Initial contact with the Great Basin Air Quality Control District by the applicant indicated that no permits would be required as the project was presented to them.</td>
</tr>
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<th>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</th>
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<td>No. Very little dust will be generated by the project except for during the dumping of the ore (150-500 tons per day) into the dump slide and then into the trucks. The project will not violate any air quality standards or contribute substantially to an existing or projected air quality violation.</td>
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<th>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)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. The cumulative impact due to the dust generated by this project is less than significant. All mining, drilling, blasting will be accomplished underground and all ore removal equipment will be electric.</td>
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</table>

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<tr>
<th>d) Expose sensitive receptors to substantial pollutant concentrations?</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. Very little dust will be generated by the project except for the dumping of the ore into the dump slide and then into the trucks and will not expose sensitive receptors to substantial dust.</td>
</tr>
</tbody>
</table>
e) Create objectionable odors affecting a substantial number of people?
No. The project will not create objectionable odors as no onsite ore processing is proposed. All equipment will be electric (except for the ore hauling trucks) and a small number of employees are required which are dispersed throughout the mine. Darwin, the nearest community is approximately ½ mile to the southwest.

IV. BIOLOGICAL RESOURCES: Would the project:

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. No sensitive habitat exists at this site. No vegetation or surface disturbance is proposed by this project.

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?
No. The project site is not in riparian habitat and will not cause a substantial adverse effect on any riparian or other sensitive habitat.

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 project site contains no wetlands and 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 project will not interfere with movement of any native resident or migratory fish or wildlife species. No vegetation removal or surface disturbance is proposed by this project.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
No. The project will not conflict with any local policies or ordinances protecting biological resources. No vegetation removal or surface disturbance is proposed by this project.

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 project will not conflict with any Habitat Conservation Plan or Natural Community Conservation Plans protecting...
biological resources. No vegetation removal or surface
Disturbance is proposed by this project.

V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the
significance of a historical resource as defined in
Section 15064.5?
No. Some of the buildings date back to the 1920's
but none are proposed to be removed or structurally
altered by this project.

b) Cause a substantial adverse change in the
significance of an archaeological resource pursuant to
Section 15064.5?
No. This site (Darwin Hills) has been mined since the
1870's but none of the existing structures are proposed
to be removed or structurally altered by this project. No
human occupation of this site prior to this time are known
to exist on the project site. No surface disturbance is
proposed by this project.

c) Directly or indirectly destroy a unique paleontological
resource or site or unique geologic feature?
No. No known paleontological resource or unique geologic
Features exist on the site. No surface disturbance is
proposed by this project.

d) Disturb any human remains, including those interred
outside of formal cemeteries?
No. No surface disturbance is proposed by this project.

VI. GEOLOGY AND SOILS: Would the project:

a) 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.
No. No known earthquake fault is located on this site.
The Owens Valley Fault is 24 miles to the west and the
Panamint Valley Fault is 12 miles to the east.

ii) Strong seismic ground shaking?
No. The mine has been used by the Department of
Energy for a seismic station since the early 1960's
and is considered as a "quiet zone".

iii) Seismic-related ground failure, including
liquefaction?
No. The mine is in a seismic "quiet zone" and no water
Exist in the surface or within the mine. Deep drilling at
Darwin to an elevation of 3,100 feet revealed no water.
This is 500 feet deeper than the Darwin Mine.
iv) Landslides?
No. The mine is in a seismic “quite zone” and none of the project’s facilities would be impacted by any landslides. Most of the terrain above the Darwin mine facilities are bare rock.

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. No new surface disturbance is proposed by this project.

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 project is located on stable soils. The only proposed new structure is an ore slide dump and truck scales occupying the site previously occupied by the Ball crusher and flotation mill which was removed in 1995.

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 project 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. No wastewater disposal structures or systems are proposed to be constructed however, existing systems may be upgraded.

VII. HAZARDS AND HAZARDOUS MATERIALS:
Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
No. The only hazardous material on the site will be explosives which will be permitted by the Federal ATF&E and the Inyo County Sheriff as to its transport, Storage and use.

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. No processing of the ore onsite is proposed. Basically it involves the bringing of the ore to the surface and placing it into trucks for transport to Millers Mill in Nevada for processing. No hazardous materials will be used.

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 project site is not within ¼ mile of an existing or proposed school.
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. No such site is listed at this location.

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 project 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 project area.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
No. The project 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 wild-lands?
No. The very sparse vegetation at the site is not conducive to wild-land fires.

VIII. HYDROLOGY AND WATER QUALITY: Would the project:

a) Violate any water quality standards or waste discharge requirements?
No. The project will not violate water quality standards or discharge requirements. No water exists on the project site. Existing septic systems will be utilized and no processing of the ore will occur on the site. No water discharge or any kind is part of this project.

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. The project will have water needs for domestic uses (lavatories, showers, and a couple of residences). Water will be utilized in the drilling of the ore but is not considered significant. Water supply will be by an existing well in Darwin.
Wash (4.5 miles to the east), which has been utilized by the mine since about 1920. The community of Darwin receives its domestic water from a spring in the Coso Mountains over seven (7) miles to the southwest.

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? No. No erosion or siltation will occur as a result of this project. No surface disturbance is proposed by this project.

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? No. No drainage patterns will be altered by this project nor would it increase surface runoff.

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. This project will not increase any surface runoff from the site. There are no existing or planned storm water drainage systems in the area.

f) Otherwise substantially degrade water quality? No. Water quality will not be degraded by this project. Only domestic use of the water is proposed except for the drilling activities. The mine is dry with no water. A dry well was drilled in Darwin which was 500 feet below the lowest level of the Darwin Mine.

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 project site is not within a 100-year flood hazard Area. No new housing is proposed by this project.

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 project. The site is not within a designated 100 year flood zone.

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. There are no levees or dams in the area. The site is above any dry desert washes which may have water during flash floods.
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. Water does not exist on the site and the rocky soils are not conducive to mudflows.

IX. LAND USE AND PLANNING: Would the project:
   a) Physically divide an established community?
   No. The project site is located in a remote location and will not divide any community. The nearest community is Darwin, located approximately 1.2 mile to the southeast. Darwin and the Darwin Mine are closely intertwined.

   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 not inconsistent with the goals and objectives of the Open Space and Recreation land use designation or any other element of the County’s General Plan.

   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. No surface disturbance is proposed by this project.

X. MINERAL RESOURCES: Would the project:
   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 project will not result in the loss of availability of a known mineral resource. The reactivation of the mine will produce zinc, lead, tungsten, gold, silver and copper which is of value to the region, the state and nation. Extensive exploration is proposed as the amount of profitable ore is unknown.

   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. This project will, in fact, restore the availability of a locally-important mineral resource site.

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. Drilling, blasting and ore excavation will be done entirely underground. The only
noise will be the dumping of the ore into the slide dump and then into the trucks on the north side of a high waste dump. The nearest residence to the south in Darwin is about 1.2 mile away and will not be affected.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
   No. All mining shall be conducted underground with only the dumping of the ore into trucks causing noise levels to increase. Drilling, blasting and ore excavation will be done entirely underground. The only noise will be the dumping of the ore into the slide dump and then into the trucks on the north side of a high waste dump. The nearest residence to the south in Darwin is about 1.2 mile away and will not be affected.

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. All mining shall be conducted underground with only the dumping of the ore into trucks causing noise levels to increase. Drilling, blasting and ore excavation will be done entirely underground. The only noise will be the dumping of the ore into the slide dump and then into the trucks on the north side of a high waste dump. The nearest residence to the south in Darwin is about 1.2 mile away and will not be affected.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
   No. During operations there will be a temporary increase in the ambient noise level of the area. All mining shall be conducted underground with only the dumping of the ore into trucks causing noise levels to increase. Drilling, blasting and ore excavation will be done entirely underground. The only noise will be the dumping of the ore into the slide dump and then into the trucks on the north side of a high waste dump. The nearest residence to the south in Darwin is about 1.2 mile away and will not be affected.

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 area 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 project:

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 project is not growth enhancing. It anticipates approximately 22 employees in Phase One and 57 employees in Phase Two. Due to the remoteness of the area it is anticipated some employees may live in Darwin, Keefer and Olancha however, most would probably reside in Lone Pine and commute to the site. Some of the truck drivers (5 in Phase One and 20 in Phase Two) may reside in Tonopah near the processing facility at Millers Mill.

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 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 project:

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 operation.

Fire protection?

Fire protection will not need to be increased.

Police protection?

Police protection will not need to be increased.

Schools?

School facilities will not need to be increased.

Parks?

Parks facilities will not need to be increased.

Other public facilities?

Other public facilities in the area will not need to be increased.
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?
The project does not include recreational facilities or require construction or expansion of recreational facilities.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

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)?
The project does not result in any increase of traffic volume beyond that which will be generated by the mining activity itself. ADT's will increase by 10 from the trucks Hauling ore in phase One and by 40 from the trucks Hauling ore in Phase Two. Employees (17 in Phase One and 37 in Phase Two) would probably commute to the site from Darwin, Keeler, Olanche and Lone Pine. If warranted, the applicant will provide a daily employee bus from Lone Pine and Keeler to reduce the cost of commuting. Additional ADT's would result from contractors servicing the mining operation.

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 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.

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 would not result in inadequate emergency access to the site.

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 project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
No. The project does not require any wastewater facilities nor will any be required.

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 this project.

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?
No. No new surface facilities are proposed except for the slide dump and truck scales. No new water drainage facilities are required.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
Yes. The project applicant has a guaranteed water source from Darwin Wash, 4.5 miles to the east, which provides 138 gallons per minute to the project site. This is entirely sufficient for the project.

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?
Not applicable. There will be no need for wastewater treatment as the result of this 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 solid waste requiring offsite disposal.

g) Comply with federal, state, and local statutes and regulations related to solid waste?
The project will not generate any solid waste requiring offsite disposal. All waste rock will be disposed of underground. Domestic garbage will be hauled to the Keeler transfer station or the Lone Pine Landfill which has sufficient capacity.
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?

No. The impact of this project on the quality of the environment will be less than significant.

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 together are considered cumulatively considerable.

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

No. The project will have no environmental effects, which will cause substantial adverse effects on human beings.

Attachment: Vicinity Map
1" = 500 feet

DIESEL TRUCK: Different dB(a) charts rate a diesel truck at 90dB(a) and at 100dB(a) at one meter (3 feet) distance. Assuming a 95dB(a) reading at the source then at 1500 feet the dB(a) reading would be 41dB(a) which is comparable to a “Quiet Conversation.”

This 41dB(a) is without any physical obstruction located between the noise source and the receptor. In this case, there is a 50'-75' high waste dump located adjacent to the truck parking area and ore dump which will deflect much of the noise upward from the Darwin Community. Likely, no noise from the diesel trucks will reach Darwin.

The trucks will only operate during entry, ore loading, weighing and exiting. Five per day in Phase One and twenty per day in Phase Two.
AGENDA ITEM NO.: 8 (Workshop)

PLANNING COMMISSION
MEETING DATE: April, 25, 2018

SUBJECT: Inyo County 2017 General Plan Annual Progress Report

EXECUTIVE SUMMARY

Staff has prepared the County's 2017 General Plan Annual Progress Report and is presenting to the Planning Commission for review.

PROJECT INFORMATION

Supervisorial District: County-wide

Workshop: Staff will present a summary of the Inyo County 2017 Annual Progress Report

Project Planner: Ryan Standridge, Project Coordinator

BACKGROUND

Government Code Section 65400 requires that local agencies prepare a General Plan Annual Progress Report (APR). The purpose of the document is to report on the County’s progress in implementing its General Plan. The document is being provided to the Planning Commission for their review. Subsequently, it is submitted to the Governor’s Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

STAFF ANALYSIS

The Board approved APR is attached to this report for the Commission’s review. In summary, the General Plan is the County’s constitution and guiding vision, and upkeep and maintenance of the General Plan is a continuous process. The County implements the
General Plan’s vision on a day-to-day basis in its many planning projects, and strives to include the public in the decision-making process.

The County provided leadership and participated in many planning activities in 2017, as identified in the attached report. It continued its project review responsibilities to further the General Plan’s goals, policies, programs, and implementation measures. The County also completed regulations for commercial cannabis and short-term rentals in 2017. Significant work also took place for the North Sierra Highway Specific Plan and Specific Plans for Charleston View, Tecopa, and Shoshone in southeast Inyo County.

ENVIRONMENTAL REVIEW

The APR is exempt from the requirements of the California Environmental Quality Act (CEQA) per Guidelines Section 15306.

ATTACHMENTS

Board approved Inyo County 2017 General Plan Annual Progress Report.