

INFORMATION HANDOUT

AGREEMENTS

CALIFORNIA DEPARTMENT OF FISH AND GAME

NOTIFICATION NO. 1600-2012-0110-R6

NOTIFICATION NO. 1600-2005-0122-R6

MATERIALS INFORMATION

OPTIONAL DISPOSAL/MATERIAL SITES

ROUTE: 09-Iny-127-14.7/41.9

ROUTE: 09-Iny-178-46.0/47.5

AGREEMENTS

CALIFORNIA DEPARTMENT OF FISH AND GAME
NOTIFICATION NO. 1600-2012-0110-R6

CALIFORNIA DEPARTMENT OF FISH AND GAME
Inland Deserts Region
407 West Line St.
Bishop, CA 93514
Phone (760) 872-1171
Fax (760) 872-1284



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2012-0110-R6

CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT 9
HIGHWAY 127 CULVERT REPLACEMENT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Game (DFG) and the California Department of Transportation District 9 as represented by Patricia Ann Moyer (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified DFG on August 17, 2012 that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, DFG has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project is located on State Route 127, PM 15.17, in Shoshone, on a spring-fed stream, tributary to the Amargosa River, in the County of Inyo, State of California; Township 22N, Range 7E, Tract #37, Shoshone US Geological Survey Map; Assessors Parcel Number 046-120-25.

PROJECT DESCRIPTION

The project is limited to Permittee replacing one existing culvert structure that has deteriorated over time. To conduct the project, Permittee proposes to replace the culvert in-kind with an 80-foot long by 30-inch diameter plastic pipe. The inlet of the culvert is connected to a 4-foot by 200-foot long concrete drainage ditch. Sixteen square feet of concrete ditch that immediately adjoins the culvert will be removed and replaced in-kind.

Prior to construction commencing, a temporary 6-inch flexible culvert shall be installed parallel to the existing culvert to maintain water flow and to create a dry work area. Temporary sand bags will be used at the inlet side of the temporary culvert to direct flows into the culvert. Temporary sand bags will also be placed at the outlet to direct water flow back into the stream. Concrete replacement is proposed to be conducted by an excavator from the road. In the event that the excavator cannot conduct this work, a jackhammer will be hand carried and used in the ditch to break up the cement. Once the culvert has been replaced, the temporary culvert will be removed and the new culvert covered with minor concrete and native soil.

Equipment to be used includes a backhoe, vibratory compactor, concrete saw cutter, jackhammer and excavator. Work is proposed to begin October 2012 and is expected to take up to 45 days to complete. The proposed project is described in greater detail in the Permittee's notification package.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: fish, songbirds, amphibians, reptiles, mammals, and riparian plant species.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to DFG personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify DFG if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, DFG shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that DFG personnel may enter the project site at any time to verify compliance with the Agreement.

- 1.5 Compliance with other Agencies. This Agreement does not relieve the Permittee of responsibility for compliance with applicable federal, state, local laws, or ordinances. A consummated Agreement does not constitute DFG endorsement of the proposed operation, or assure DFG's concurrence with permits or conditions required from other agencies.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

- 2.1 Permittee shall not impact any wetland and/or riparian habitats beyond the limits described in this agreement.
- 2.2 Permittee shall have a qualified biological monitor present during project construction activities. The biological monitor shall have authority to immediately stop any activity that is not in compliance with this Agreement, and/or to order any reasonable measure to avoid or minimize impacts to fish and wildlife resources.
- 2.3 If Permittee intends to conduct the project during the period between February 1 and August 15, Permittee shall direct a qualified biologist to survey all potential bird nesting habitat within the project site prior to project activities (including construction and/or site preparation). Nest surveys shall be conducted at the appropriate time of day during the breeding season and surveys shall end no more than three days prior to clearing. DFG shall be notified in writing prior to the start of surveys. Documentation of surveys and findings shall be submitted to DFG within ten days of the final survey. If no nesting birds were observed, project activities may begin. If an active bird nest is located, Permittee shall protect the nest site from project-related impacts until the young have fledged or the nest otherwise becomes inactive. If threatened or endangered bird species are observed in the area, no work shall occur during the breeding season (March 1 through September 15) to avoid take of listed species. Permittee shall consult with DFG to determine possible protection measures and protective buffers for nesting birds. Sections 3503, 3503.5, and 3513 of FGC prohibits take of all birds and their active nests, including raptors and other migratory nongame birds (As listed under the Migratory Bird Treaty Act).
- 2.4 When work in a flowing stream is unavoidable, the entire stream flow shall be diverted around the work area as described in Permittee's notification package. Construction of the barrier and/or the new channel shall normally begin in the downstream area and continue in an upstream direction, and the flow shall be diverted only when construction of the diversion is completed. Channel bank or barrier construction shall be adequate to prevent seepage into or from the work area. Channel banks or barriers shall not be made of earth or other substances subject to erosion unless first enclosed by sheet piling, rock rip-rap, or other protective material. The enclosure and the supportive material shall be removed

when the work is completed and removal shall normally proceed from downstream in an upstream direction.

- 2.5 Permittee shall install silt fences, sand bags, fiber rolls, straw wattles or similar devices around the perimeter of the work area prior to the start of work to reduce the velocity of sediments and to control sediments downstream of the work area.
- 2.6 Permittee shall make all reasonable efforts to capture and move all stranded aquatic life observed in dewatered areas when project construction commences. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately into the spring-fed stream downstream and as far away from the work site as possible.
- 2.7 Permittee shall not allow water containing mud, silt or other pollutants from grading, aggregate washing, or other activities to enter a lake or flowing stream or be placed in locations that may be subjected to high storm flows.
- 2.8 Permittee shall ensure no broken concrete, debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any construction, or associated activity of whatever nature shall be allowed to enter into or placed where it may be washed by rainfall or runoff into, waters of the State. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake. When project activities are completed, any excess materials, debris or rubbish shall be removed from the work area.
- 2.9 Permittee shall ensure spoil sites are not located within a stream/lake or locations that may be subjected to high storm flows, where spoil has the potential to be washed back into a stream/lake, or where it will impact streambed habitat, aquatic or riparian vegetation.
- 2.10 Pursuant to Section 5650 of the Fish and Game Code, Permittee shall not use any chemicals, herbicides, or other substance or material deleterious to fish, plant life, or bird life, near a water body where it can pass into any waters of the State.
- 2.11 Permittee shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the Permittee to ensure compliance.
- 2.12 Permittee shall ensure equipment maintenance is not conducted within or near any stream channel where petroleum products or other pollutants from the equipment may enter these areas under any flow.
- 2.13 Permittee shall ensure all equipment is maintained such that there are no leaks of automotive fluids such as gasoline, oils, or solvents. Absorbent spill clean-up

materials and spill kits shall be available on site at all times in the event of such a spill.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 Permittee shall notify DFG, in writing, at least 5 days prior to initiation of project activities as noted in the Project Description above, and within 5 days of completion of project activities as noted in the Project Description above. Notification shall be transmitted by electronic mail to tbranston@dfg.ca.gov, or by FAX to DFG's Bishop Field Office (760) 872-1284. The subject line of any electronic mail or FAX pursuant to this term shall contain the phrase "1602 work advisory." This subject line is important so DFG can automatically disseminate the information to affected personnel. Please reference SAA # 1600-2012-0110-R6.

CONTACT INFORMATION

Any communication that Permittee or DFG submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or DFG specifies by written notice to the other.

To Permittee:

Ms. Patricia Ann Moyer
Branch Chief District 9 Environmental
California Department of Transportation
500 South Main Street
Bishop, California 93514
patricia_ann_moyer@dot.ca.gov

To DFG:

Ms. Tammy Branston
Environmental Scientist
Department of Fish and Game
407 West Line Street
Bishop, CA 93514
Notification #1600-2012-0110-R6
tbranston@dfg.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute DFG's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

DFG may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before DFG suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before DFG suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused DFG to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes DFG from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects DFG's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 et seq. (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

DFG may amend the Agreement at any time during its term if DFG determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by DFG and Permittee. To request an amendment, Permittee shall submit to DFG a completed DFG "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter DFG approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to DFG a completed DFG "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to DFG a completed DFG "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). DFG shall process the extension request in accordance with FGC 1605(b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code, § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of DFG's signature, which shall be: 1) after Permittee's signature; 2) after DFG complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at:
http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall expire on **December 31, 2013**, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

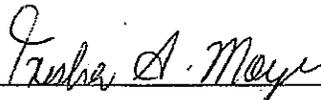
AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify DFG in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR CALIFORNIA DEPARTMENT OF
TRANSPORTATION**



Ms. Patricia Ann Moyer

Branch Chief District 9 Environmental

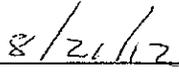
8.21.12

Date

FOR DEPARTMENT OF FISH AND GAME



Ms. Kim Nicol
Regional Manager



.Date

Prepared by: Tammy Branston
Environmental Scientist

CALIFORNIA DEPARTMENT OF FISH AND GAME
NOTIFICATION NO. 1600-2005-0122-R6



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Inland Deserts Region (IDR)
407 West Line Street
Bishop, CA 93514
(760) 872-1171
(760) 872-1284 FAX www.dfg.ca.gov

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director



June 3, 2010

Mr. Mark Heckman
California Department of Transportation
500 South Main Street
Bishop, CA 93514

Subject: Extension of Lake or Streambed Alteration Agreement
Notification No. 1600-2005-0122-R6

Dear Mr. Heckman:

The Department of Fish and Game (Department) received your request to extend Lake or Streambed Alteration Agreement (Agreement) and extension fee, for the above referenced agreement. The Department hereby grants your request to extend the Agreement from June 30, 2010 to June 30, 2015. All other conditions in the original Agreement remain in effect. The extension for the above referenced agreement is a one time extension. The agreement shall fully expire on June 30, 2015. To continue routine maintenance projects on culverts throughout Inyo and Mono Counties in future years, the Department recommends that you apply for a Long-term Routine Maintenance Agreement well in advance of the expiration date.

Copies of the original Agreement and this letter must be readily available at project worksites and must be presented when requested by a Department representative or other agency with inspection authority.

If you have any questions regarding this matter, please contact Tammy Branston, Environmental Scientist, at (760) 872-0751 or tbranston@dfg.ca.gov.

Sincerely,

Brad Henderson
Assistant Deputy Regional Manager

CAL TRANS DIST 9
2010 JUN -9 PM 12:32

DEPARTMENT OF FISH AND GAME

Inland Deserts and Eastern Sierra Region, Region 6
 Habitat Conservation Program
 407 West Line Street
 Bishop, California 93514
 (760) 872-1171

CAL. TRANS. DIST. 9

2000 AUG -8 PM 12: 15



**AGREEMENT REGARDING PROPOSED ACTIVITIES SUBJECT TO
 CALIFORNIA FISH AND GAME CODE SECTION 1601**

NOTIFICATION NUMBER: R6N-012-2000; (07/11/2000)

AGREEMENT PERIOD: July 1, 2000 to July 1, 2005

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the **Department**, and the **California Department of Transportation, District 9** (as represented by Mr. James E. Kemp, 760/872-0664), 500 S. Main Street, Bishop, 93514, County of Inyo, State of California, hereinafter called the **Operator**, is as follows:

WHEREAS, pursuant to Section 1601 of California Fish and Game Code, the Operator, on the 11th day of July, 2000 notified the Department that they intend to divert or obstruct the natural flow of, or change the bed, channel, or bank of, or use material from the streambed of, the following water(s): Various dry streambeds, washes, banks and channels throughout Inyo and Mono Counties.

WHEREAS, the Department (represented by Jeff Drongesen) has determined that such operations may substantially adversely affect existing fish and wildlife resources including: **those songbirds, raptors, other birds, mammals, reptiles, amphibians, fish (including brown and rainbow trout), plants (including riparian vegetation), and all other aquatic resources and wildlife in the various dry streambeds, washes, banks and channels throughout Inyo and Mono Counties and their associated area(s) affected by the proposed project in this Agreement.**

THEREFORE, the Department hereby proposes measures to protect fish and wildlife resources during the Operator's work. The Operator hereby agrees to accept the following measures/conditions as part of the proposed work.

If the Operator's work changes from that stated in the notification specified above, this Agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this Agreement and with other pertinent code sections, including but not limited to Fish and Game Code Sections 5650, 5652, 5937, and 5948, may result in prosecution.

Nothing in this Agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of responsibility for compliance with applicable federal, state, or local laws or ordinances. A consummated Agreement does not constitute Department of Fish and Game endorsement of the proposed operation, or assure the Department's concurrence with permits required from other agencies.

CAL. TRANS. DIST. 9
 2000 JUL 19 PM 12: 15

THIS AGREEMENT BECOMES EFFECTIVE ON July 1, 2000 AND TERMINATES ON July 1, 2005 for the proposed project only. This Agreement shall remain in effect for that time necessary to satisfy the terms and/or conditions of this Agreement.

CONDITIONS FOR NOTIFICATION No. R6N-012-2000:

1. The following provisions constitute the limit of activities agreed to and resolved by this Agreement. The signing of this Agreement does not imply that the Operator is precluded from doing other activities at the site. However, activities not specifically agreed to and resolved by this Agreement, shall be subject to separate notification pursuant to Fish and Game Code §1600.
2. The project area is located in the following streambeds: **Various dry streambeds, channels, washes and banks within Inyo and Mono Counties within the immediate vicinity of man-made facilities or structures.**
3. The Operator proposes to alter the streambed to perform the following work; **Perform channel maintenance activities to facilitate stream flow. Routine maintenance would include removing sediments, vegetation, debris or trash out of dry culverts, drop inlets and/or dry inlet and outlet ditches. Replacement of failing or undersized culverts during no flow conditions is also permitted.** The maintenance may be performed with either hand tools, or equipment operated from above the bank. Work within the channel shall not exceed more than 100 feet upstream or downstream from the centerline of the facility.
4. Maintenance activities may be performed at anytime providing the Operator uses best management practices. For those projects that will impact avifauna nesting activities, the operating period shall be September 1st through March 1st of each year.
5. All sediment deposits and vegetation removed from the streambed shall be placed outside of the banks of the stream/channel/lake where no impact to existing vegetation will occur.
6. All work activities shall be completed without any impact or disturbance to existing trees with a diameter-at-breast-height (DBH) of three (3) inches or greater, other than those exotic species identified in section 19 of this Agreement (Removal of exotic species during project activities is strongly encouraged).
7. Also included in this maintenance Agreement are provisions associated with dry drainage structures and/or stream/river crossings **along the Amargosa River along HWY 127 north of Shoshone from PM 20 north to PM 34, and along HWY 178 at PM 43.5 in Inyo County; and at the intersection of the Amargosa River and Route 127 at PM 32 in San Bernardino County.** Agreed work includes activity associated

with the routine maintenance of existing drainage culverts and other structures, and an additional undetermined number of road shoulder and road shoulder collection ditches, **all within 100 feet of State Routes 127 or 178 and not associated with wetted streambeds.**

8. **New construction and any work necessary within wetted streambeds, channels, washes and banks within Inyo and Mono Counties shall be covered under separate Agreement.**
9. **Separate Notification and Agreement shall be required concerning the wetted areas of the AMARGOSA RIVER and for those projects more than 100 feet from State Routes 127 or 178 and those areas south of Shoshone in Inyo County, except at the intersection of the Amargosa River and Route 127 at PM 32 in San Bernardino County.**
10. Pursuant to California Fish and Game code Section 2080, the Department is prohibited from entering into this Agreement if the project could result in take of a state listed endangered, threatened, or rare species. If take of a listed species may occur, the Operator must apply to and obtain from the Department a California Endangered Species Act (CESA) permit pursuant to California Fish and Game code Section 2081. The Department may formulate a management permit/plan that will avoid or mitigate take. The provisions of such permit/plan are additional provisions of this Agreement.
11. **The Operator either certifies by signing this Agreement that no impacts shall occur to rare, threatened or endangered species in the proposed project areas, or shall have a qualified Biologist survey all areas of expected impact within the Amargosa River for Southwestern willow flycatcher (*Empidonax traillii extimus*) which is a Federally Endangered specie, also Least Bell's vireo (*Vireo bellii pusillus*), Amargosa nitrophila (*Nitrophila mohavensis*) and the Amargosa Vole (*Microtus californicus scirpensis*), which are all State and Federally Endangered species, prior to conducting any project activities that may result in take of any of the above species. The Operator shall provide the survey results to the Department for review and approval, and shall comply with Fish and Game Code 2080 and 2081 prior to commencing any project activities where take of the above species may occur. The Operator shall be limited to maintenance activities within 100 feet of State Routes 127 or 178 until the time that such approved surveys indicate additional maintenance work can be completed without threat to these endangered species. The provisions of this Agreement may then be amended by mutually approved written agreement between both parties.**
12. If rare, threatened or endangered species occur within the proposed work area, or could be impacted by the work proposed, this Agreement shall not be valid and the Operator shall not proceed with the project until the Operator consults with the Department and obtains any required State and/or Federal permits.

13. This Agreement shall be reviewed every 5 years to ensure environmental conditions have not changed or that new provisions are not required to protect fish and wildlife or resolve conflict between the parties.
14. The Operator will avoid work on bridges when it would disturb nesting swallows (March 1st through September 1st). If such a condition cannot be met, then prior to March 1st, each year, the Operator will remove all unoccupied existing nests which would be destroyed by the project. The Operator will continue to discourage new nest building in places where they would be disturbed, using methods developed in consultation with the Caltrans District Biologist and the Department. Permission to destroy any occupied bird nest must be obtained from the Department and is only considered justified when work is essential to public safety.
15. Sediment curtains or some other appropriate measure(s) shall be utilized where necessary to ensure construction materials are not deposited into flows of the streambed/creek/inlet or outlet, or placed where they may be washed into flows of the streambed/creek/inlet or outlet.
16. The up and downstream streambed and streambank limits of disturbance within the construction work area, and any existing wetland/riparian habitat or aquatic vegetated areas outside of but adjacent to the area of impact, shall be identified with flagging or brightly colored mesh fencing or some other means readily conveyed to the equipment operators to ensure disturbance to the stream/lake is confined to that area minimally necessary to complete project construction. These limits will be identified by Operator's project supervisor familiar with the purpose of the terms of this Agreement prior to the beginning of project activities. Any impacts to existing wetland and/or riparian areas outside of the identified limits shall be coordinated with the Department prior to initiation of those impacts and may require amendment to this Agreement.
17. **On small maintenance projects, the supervisor's knowledge of the terms of this Agreement and close control over the equipment may be sufficient to keep work confined to agreed limits.**
18. The Operator is reminded of the following provisions for emergency repairs as listed in Fish and Game Code Section 1601: "The provisions of this section shall not be applicable to emergency work necessary to protect life or property; however, notification by the agency or public utility performing such emergency work shall be made to the department within 14 days of the commencement of such emergency work."
19. Vegetation shall not be removed or intentionally damaged beyond the identified work area or access corridor or beyond **the limit of 100 feet**, or as described above, **except that all accessible tamarisk (*Tamarix ramosissima*) commonly referred to as saltcedar, *Eleagnus angustifolia* commonly referred to as Russian olive and giant reed (*Arundo donax*) commonly referred to as arundo or false bamboo, shall be properly removed and disposed of within the limits of this Agreement.** Removal of these species shall be between September 1st through March 1st of each year and phased so that all vegetation is not removed at once.

20. Fill length, width, and height dimensions shall not exceed those of the original installation or the original naturally occurring topography, contour, and elevation. Fill shall be limited to the minimal amount necessary to accomplish the agreed activities. Except as otherwise specified in this Agreement, fill construction materials other than on-site alluvium, shall consist of clean silt-free gravel or river rock.
21. Excess material must be removed from the project site pursuant to Dept. of Transportation Standard Specifications Section 7-1.13.
22. The operator shall notify the Department in writing during the project activities if any fish and wildlife losses are generated by these projects. Information required would include species and quantity.
23. The operator assumes responsibility for the restoration of any fish and wildlife habitat which may be impaired or damaged, either directly or incidental, to the project, as a result of failure to properly implement or complete the conditions of this Agreement, or from activities which were not included in the Operator's notification.
24. If a stream channel has been altered during the operations, its low flow channel shall be returned as nearly as possible to pre-project conditions without creating a possible future bank erosion problem, or a flat wide channel or sluice-like area.
25. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the high water mark before such flows occur.
26. Vehicle access to all project activities will be limited to the least resource disturbing ingress and egress corridors possible. All other areas will be considered off-limits to equipment. Vehicles shall not be driven or equipment operated in water covered portions of a stream or in wetted areas (including but not limited to ponded, flowing, or wetland areas) or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed, except as necessary to gain direct access to and from the project site for immediate project construction activities within the identified construction area described above.
27. Spoil sites shall not be located within a stream/lake, where spoil can be washed back into a stream/lake, or where it will cover aquatic or riparian vegetation. The Operator may remove all human generated debris, such a lawn and farm cuttings, garbage and trash. Vegetation removed from the site shall not be stockpiled in the streambed/lake or on its bank. The sites selected on which to place this material out of the stream/lake should be selected in compliance with other provisions of this Agreement.
28. Staging/storage areas for equipment and materials shall be located outside of the stream or its associated wetland/riparian habitat areas. Any equipment or vehicles driven and/or operated within or adjacent to the streambed shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. No equipment maintenance shall be done within or near any stream channel or waters where petroleum products or other pollutants from the equipment may enter these areas under any flow.

29. The Operator shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the operator to ensure compliance. The clean-up of all pollution spills shall begin immediately. The Operator shall notify the Department immediately of any spills and shall consult with the Department regarding clean-up requirements.
30. All debris, rubbish, silt, cement or concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances resulting from project related activities which could be hazardous to aquatic life or waters of the state, shall be prevented from contaminating the soil and/or entering the waters of the state. None of these materials shall be allowed to enter into or be placed within or where they may enter or be washed by rainfall or runoff into waters of the state. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 100 feet of the high water mark of any stream or lake.
31. The Operator shall **provide a copy of this Agreement to all contractors, subcontractors, and the Operator's project engineers, supervisors, or inspectors. Copies of the Agreement shall be readily available at work sites at all times during periods of active work** and must be presented to any Department personnel, or personnel from another agency upon demand.
32. If the Operator or any of the individuals mentioned above, violate any of the terms or conditions of this Agreement, all work shall terminate immediately and shall not proceed until the Department has taken all of its legal actions. The Department reserves the right to enter the project site at any time to ensure compliance with terms/conditions of this Agreement.
33. The Department recommends the Operator contact the Lahontan Regional Water Quality Control Board (LRWQCB) to verify that the proposed activities are consistent with the Basin Plan for the area. Copies of all permits or other correspondence to and from the LRWQCB shall be provided to the Department through the Department's Bishop Office.
34. The Department reserves the right to suspend or cancel this Agreement for other reasons, including but not limited to, the following:
 - a. The Department determines that the information provided by the Operator in support of the Notification/Agreement is incomplete or inaccurate;
 - b. The Department obtains new information that was not known to it in preparing the terms and conditions of the Agreement;
 - c. The project or project activities as described in the Notification/Agreement have changed; and
 - d. The conditions affecting fish and wildlife resources change or the Department determines that project activities will result in an adverse effect on the environment.

35. **California Code of Regulations, Title 14, Section 699.5 establishes fees for projects subject to Fish and Game Code Section 1601. The category for MAINTENANCE PROJECTS BY PUBLIC AGENCIES currently specifies a \$129.50 fee each for the first 20 projects; \$102.75 each for the second 20 projects; and \$78.25 each for maintenance projects in excess of 40. For purposes of this Agreement, a "project" is defined as work that falls within the agreed scope of maintenance work (i.e. each culvert worked on). The Operator shall submit annually by June 30th for the previous years activities, the number and description of "projects" associated with this Agreement that have been completed in the previous fiscal year, along with the appropriate fees not to exceed the current \$2,400.00 maximum; or shall notify the Department that no projects were completed.**

In WITNESS WHEREOF, the parties below have executed this Lake or Streambed Alteration Agreement Number R6N-012-2000 as indicated below.

July 26, 2000
Date

James E. Kemp
James E. Kemp
Operator
Department of Transportation

July 28, 2000
Date

Jeff Drongesen
Jeff Drongesen,
Environmental Specialist
Department of Fish and Game

8/4/2000
Date

Alan Pickard
Alan Pickard
Deputy Regional Manager
Department of Fish and Game

AGREEMENT TO AMEND
THE AGREEMENT between THE DEPARTMENT OF FISH AND GAME and THE CALIFORNIA
DEPARTMENT OF TRANSPORTATION for ROUTINE MAINTENANCE WORK IN WATERWAYS
IN INYO AND MONO COUNTIES

WHEREAS, California Department of Transportation (Operator) and the Department of Fish and Game (Department) entered into a Lake or Streambed Alteration Agreement #1600-2005-0122-R6 (agreement) on July 14, 2005; and

WHEREAS, the terms of a Lake or Streambed Alteration Agreement may be amended by mutual agreement; and

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions set forth below, the Operator and the Department agree as follows:

The terms and conditions contained in the original agreement shall remain in full force and effect through the date of July 1, 2010.

The Agreement is hereby amended to include Condition 23: At the end of each year, by June 1st, the Operator shall send to the Department a list of all maintenance projects completed. Pursuant to California Code of Regulations, Title 14, Section 699.5, the Operator shall also pay to the Department, a fee of \$100 for each maintenance project completed per calendar year.

A copy of this amendment and a copy of the original agreement shall be provided to any contractors and subcontractors of the Operator and copies of these documents shall be available at the project site.

IN WITNESS WHEREOF, the parties below have executed this amendment to "The Agreement between the Department of Fish And Game and The California Department of Transportation" as indicated below.

DEPARTMENT OF FISH AND GAME

9/23/07
Date

Denyse Racine
Denyse Racine, Senior Environmental Scientist

CALIFORNIA DEPARTMENT OF TRANSPORTATION

2-OCT-2007
Date

Mark Heckman
Mark Heckman, Operator



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Inland Deserts Region (IDR)
407 West Line Street
Bishop, CA 93514
(760) 872-1171
(760) 872-1284 FAX www.dfg.ca.gov

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director



June 3, 2010

Mr. Mark Heckman
California Department of Transportation
500 South Main Street
Bishop, CA 93514

Subject: Extension of Lake or Streambed Alteration Agreement
Notification No. 1600-2005-0122-R6

Dear Mr. Heckman:

The Department of Fish and Game (Department) received your request to extend Lake or Streambed Alteration Agreement (Agreement) and extension fee, for the above referenced agreement. The Department hereby grants your request to extend the Agreement from June 30, 2010 to June 30, 2015. All other conditions in the original Agreement remain in effect. The extension for the above referenced agreement is a one time extension. The agreement shall fully expire on June 30, 2015. To continue routine maintenance projects on culverts throughout Inyo and Mono Counties in future years, the Department recommends that you apply for a Long-term Routine Maintenance Agreement well in advance of the expiration date.

Copies of the original Agreement and this letter must be readily available at project worksites and must be presented when requested by a Department representative or other agency with inspection authority.

If you have any questions regarding this matter, please contact Tammy Branston, Environmental Scientist, at (760) 872-0751 or tbranston@dfg.ca.gov.

Sincerely,

Brad Henderson
Assistant Deputy Regional Manager

CAL TRANS DIST 8
2010 JUN -9 PM 12:32

MATERIALS INFORMATION

SUMMARY OPTIONAL IMPORTED BORROW MATERIAL SITE

The New Death Valley junction Borrow Pit is available as an optional site for imported borrow. Removal shall be done in accordance with the attached environmental requirements and reclamation plan.

Existing Stockpiles that meet the requirement for imported borrow may be used to the extent they are available at the time of construction. Additional material may be developed in the pit in accordance with the mining requirements in the reclamation plan and as directed by the Engineer.

The existing access road shall be used to access the pit. The road shall be left open after the contractor finishes his operations. Any damage done to the road by the contractor shall be repaired.

The contractor is not required to do any reclamation of the pit, except existing slopes that the contractor disturbed shall be leveled to a smooth uniform slope.

**MATERIAL SITE #286A
(NEW DEATH VALLEY JUNCTION SITE)
RECLAMATION PLAN**

DOC # 91-14-0046

Thu, Jan 30, 1997

**California State Department of Transportation
(Caltrans) District 09
500 South Main Street
Bishop, California 93514**

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MAP SHEETS (in back pockets)

1. Existing Site Conditions
2. Reclamation Features
3. Final Reclamation Configuration

MATERIAL SITE #286A RECLAMATION PLAN

1.0.0 INTRODUCTION

Caltrans under a permit with the U. S. Department of the Interior, Bureau of Land Management (BLM) intends to mine sand and gravel on federal lands about five miles west of Death Valley Junction, California. The site encompasses approximately 7.7 acres, and is currently undisturbed. Approximately 7.2 acres of this site will be mined intermittently over a 20-year period to provide material for road maintenance, and construction.

Approval of this reclamation plan is sought from the SMARA lead agency, Inyo County. This reclamation plan describes a process that will implement reclamation activities as soon as possible, returning land disturbed by mining to a condition suitable of supporting open space and wildlife habitat.

1.1.0 APPLICANT

California State Department of Transportation (Caltrans) District 09
500 South Main Street
Bishop, California 93514
(619) 872-0734

1.1.1 Representative

David B. Grah Senior Transportation Engineer
California State Department of Transportation (Caltrans), District 09
500 South Main Street
Bishop, California 93514
(619) 872-0734

1.2.0 LANDOWNER

U.S. Department of the Interior
Bureau of Land Management (BLM)
150 Coolwater Lane,
Barstow, California 92311
(619) 256-3591

1.3.0 OPERATOR

California State Department of Transportation (Caltrans) District 09
500 South Main Street
Bishop, California 93514
(619) 872-0734

1.4.0 LESSEE

California State Department of Transportation (Caltrans) District 09
500 South Main Street
Bishop, California 93514
(619) 872-0734

1.5.0 LOCATION

Material Site #286A is located in Inyo County on BLM land approximately 5.5 miles west of the town of Death Valley Junction, California, on the south side of Highway 190 at Post Mile 135.5 (Figure 1).

1.5.1 Assessor's Parcel Number

The site occupies a portion of the land designated as Assessor's Parcel Number 43-070-00 (Figure 2).

1.5.2 Township, Range, Section, Quadrangle

The project site is located in the eastern portion of the U.S. Geological Survey (USGS) 7.5-minute East of Ryan, California, Quadrangle Topographic Map (Provisional edition, 1988). The site is located in a portion of unsurveyed Section 14, Township 25 North, Range 4 East, San Bernardino Baseline and Meridian.

1.5.3 Latitude, Longitude

The mine site is located at Latitude 36 18' 13" North, Longitude 116 30' 39" West.

1.5.4 Claim Descriptions

The project site is known by Caltrans District 09, BLM, and the County of Inyo as State Material Site (MS) #286A. The site is also known as the New Death Valley Junction Material Site. The project name used for the purposes of this document will be MS #286A.

2.0.0 DESCRIPTION OF ENVIRONMENTAL SETTING

2.1.0 SITE ACCESS

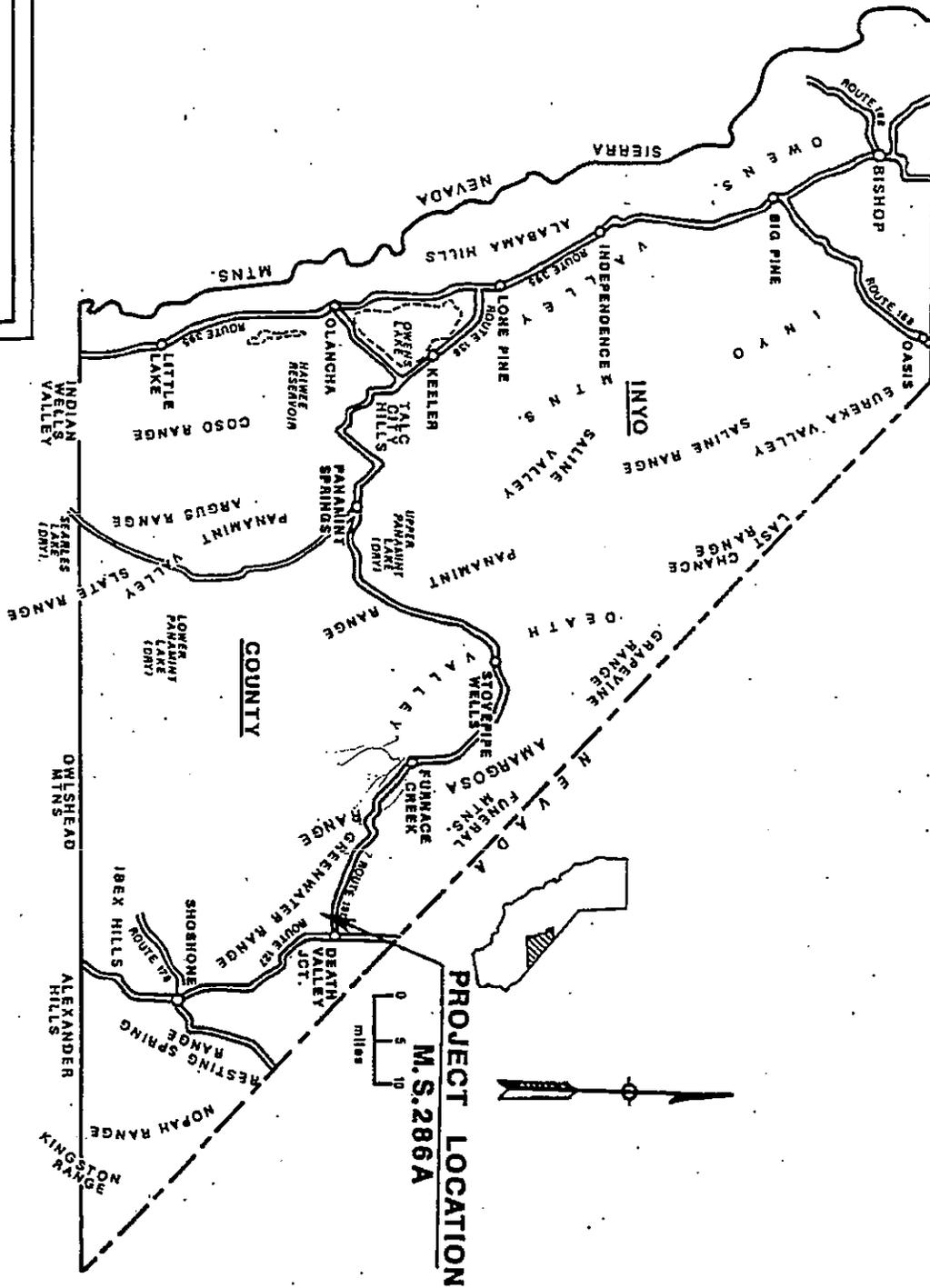
MS #286A is located approximately 5.5 miles west of the community of Death Valley Junction on the south side of Highway 190 at post mile 135.5. Currently, access to the site is from an unimproved dirt road created by the grading required to form the adjoining drainage berm (Figure 3).

2.2.0 TOPOGRAPHIC MAP

Figure 4 depicts the site's location in the eastern portion of the USGS 7.5-minute East of Ryan Quadrangle (Provisional Edition 1988); the site is not designated on the map. An old gravel pit is shown on the topographic base map approximately 0.5-mile east of the site to the north of Highway 190. The mine site boundaries have been transposed onto the map in Figure 4. Because the contour interval for the map is 40 feet, the topography of the site is not well defined. However, additional contour lines have been added to Map Sheet 1 (Existing Site Conditions) using the topographic map assuming a constant map distance for 10-foot intervals between the 40-foot intervals. Photo 1 depicts a view of the expected extraction area.

As shown on Figure 4, the site is located on the distal portion of the alluvial fan emanating from the Funeral Mountains to the north. Elevations at the site range from approximately 2,455 feet in the west to about 2,435 feet in the southeast corner of the site, producing approximately 20 feet of topographic relief. The topography steepens toward the mountains to the north, and flattens toward the valley to the southeast.

Figure 1: Regional Location
Caltrans Material Site #286A



1.1.0 APPLICANT

California State Department of Transportation (Caltrans) District 09
500 South Main Street
Bishop, California 93514
(619) 872-5204

1.1.1 Representative

Luis Elias, Senior Transportation Engineer
California State Department of Transportation (Caltrans), District 09
500 South Main Street
Bishop, California 93514
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1.2.0 LANDOWNER

U.S. Department of the Interior
Bureau of Land Management (BLM)
150 Coolwater Lane,
Barstow, California 92311
(619) 256-3591

1.3.0 OPERATOR

California State Department of Transportation (Caltrans) District 09
500 South Main Street
Bishop, California 93514
(619) 872-5204

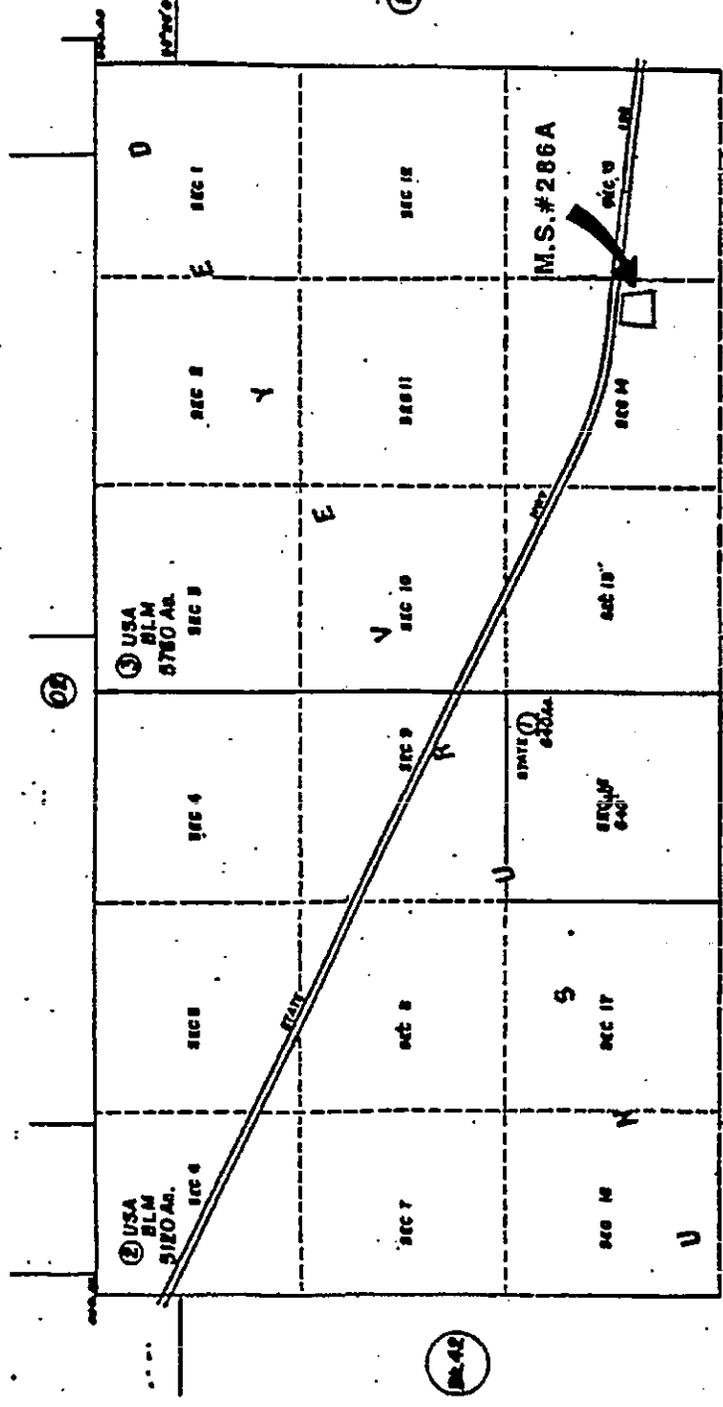
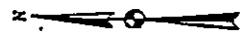
1.4.0 LESSEE

California State Department of Transportation (Caltrans) District 09
500 South Main Street
Bishop, California 93514
(619) 872-5204

43-07

N 1/2 T25N, R.4E, S.B.B.M.

TWP 25N
R. 4E



(11)

(12)

(13)

(14)

Assessor's Map Bl. 43 Pg. 07
County of Inyo, Calif.
1980

(15)

CALIFORNIA PROPORTION PARAGRAPHS 79
NOTES HERE ARE TO DEFINE COURSE OF ROAD.
LENGTHS ARE APPROXIMATE.

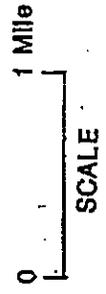
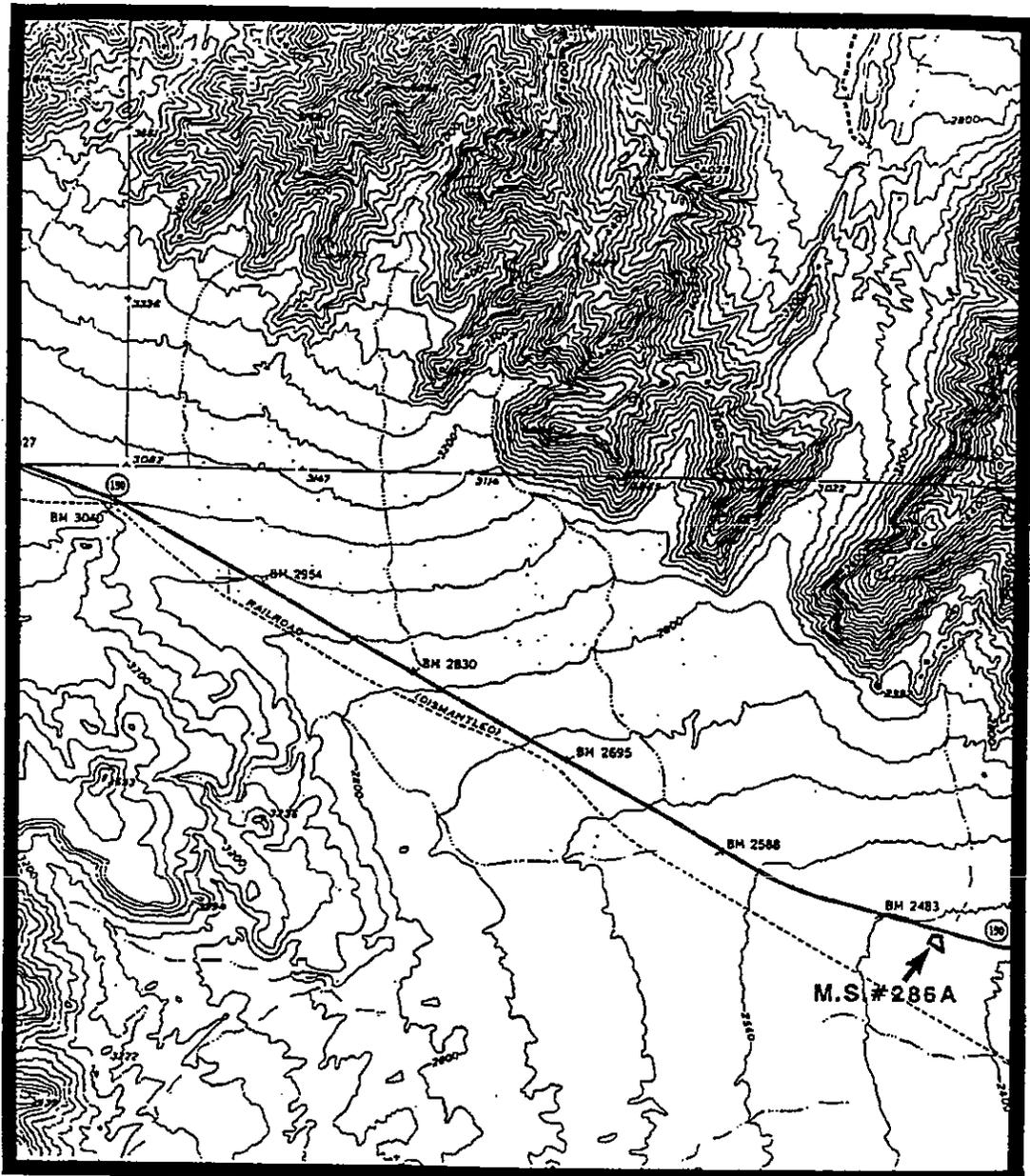
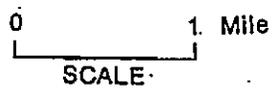


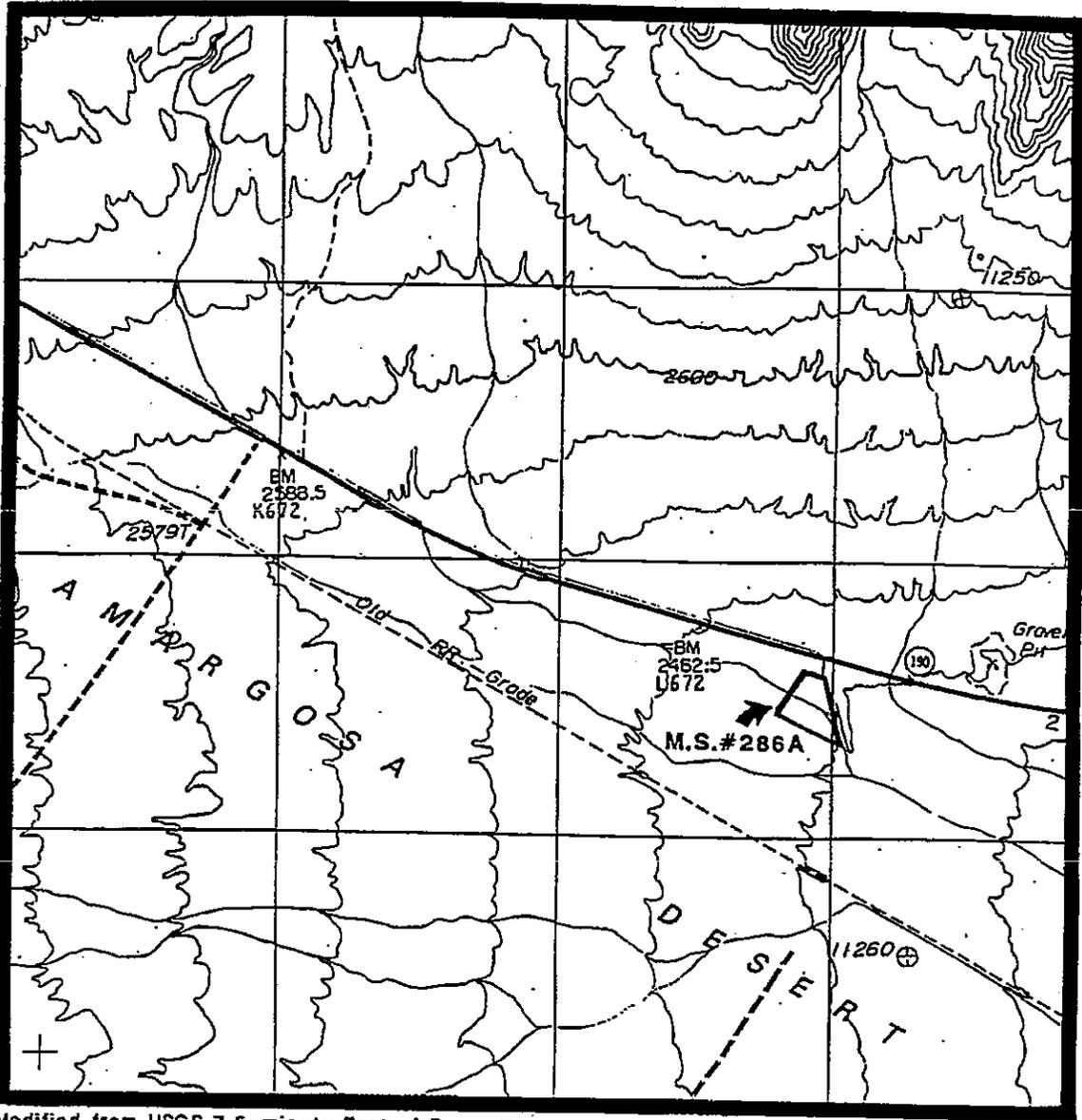
Figure 2: Assessor's Parcel Map
Caltrans Material Site #286A



Modified from USGS Ryan, CA-NV, 15-minute quadrangle (1952)

Figure 3: Project Location and Access.
Caltrans Material Site #286A





Modified from USGS 7.5-minute East of Ryan, Ca, topographic map (provisional edition, 1988)

Figure 4: Topographic Map
Caltrans Material Site #286A

2.3.0 GENERAL GEOLOGY

The site is located within a valley that enters the Amargosa River Valley between the Funeral Mountains to the northeast and the Greenwater Range to the southwest. The site is within a region known as the Basin and Range Geomorphic Province which is characterized by parallel and elongate north-to northwest-trending mountain ranges and valleys, known structurally as horsts and grabens, respectively. The Amargosa River Valley is a structural (graben-like) depression created by extension of crustal blocks within the region (Burchfiel et al. 1983).

Rock types within the area are dominated by Quaternary alluvial and basin deposits, Cenozoic volcanic rocks, and Paleozoic sedimentary and metasedimentary rocks.

2.3.1 Site Specific Geology and Geologic Cross Section

A reconnaissance geologic assessment of the site was performed January 20, 1994. As shown in Figures 5 and 6 (modified from McAllister 1971), MS #286A is located on younger alluvial fan deposits that are at least 50 feet thick beneath the site. As shown in the cross section, it is unknown what the depth to bedrock is, as well as the type of bedrock that underlies the site.

2.3.2 Ore Body/Deposit Being Mined

This mine site will be developed by Caltrans as a source of sand and gravel for road construction and maintenance. The surficial alluvial fan deposits are the source for this sand and gravel. These types of deposits are typically composed of an unsorted, loose mixture of sand and gravel. Samples from the material being mined consist of poorly graded sands with gravel (Unified Soils Classification System designations of SP).

2.3.3 Slope Stability

The slope of the existing topography at the site is approximately three percent, which is relatively flat-lying (Map Sheet 1). Under the existing conditions, there are no slope stability problems because of the nearly flat-lying configuration of the site.

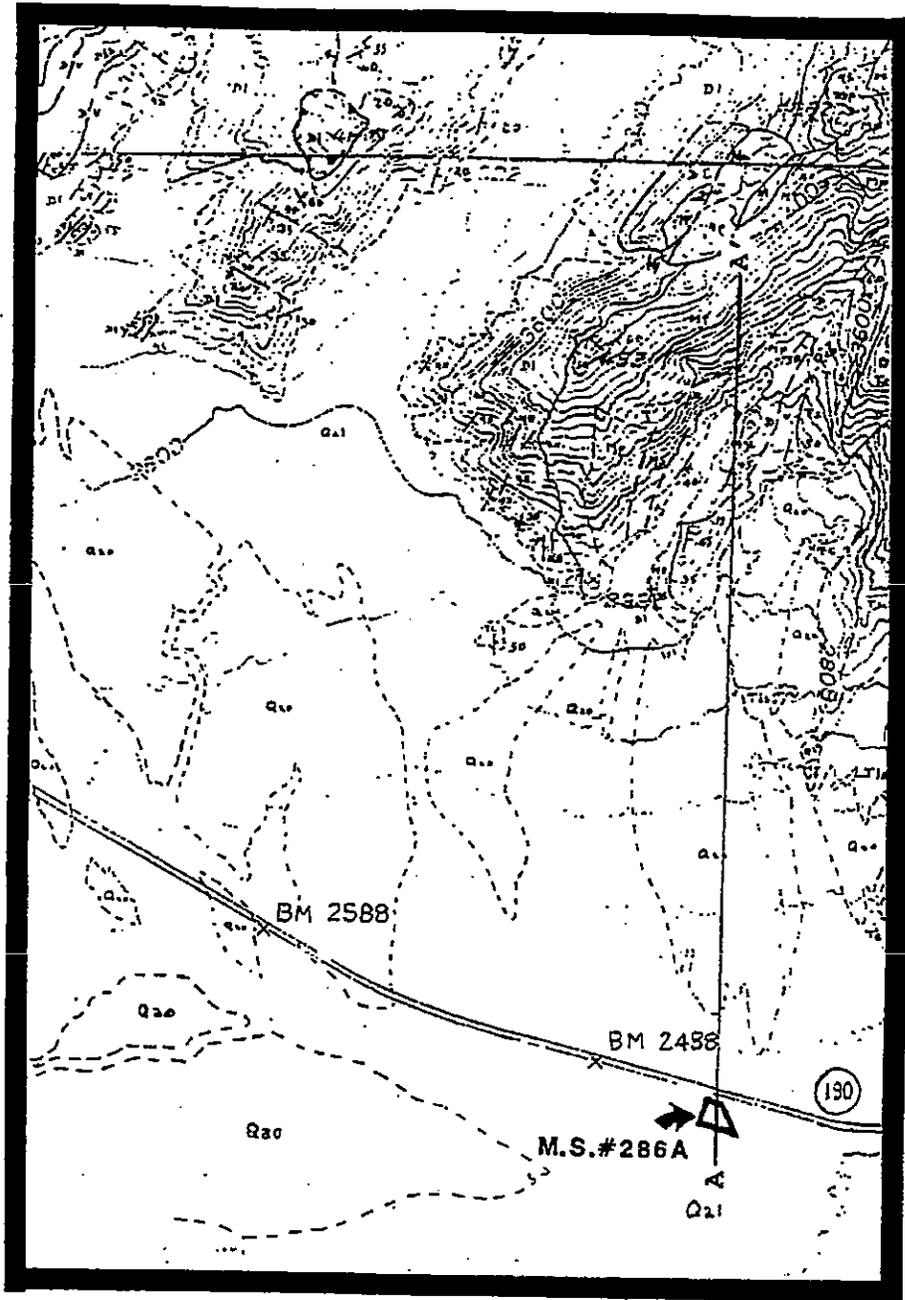
2.3.4 Seismicity

The site is located within an area of active seismicity. The closest faults to the site are just to the north, as shown in Figure 5, and are considered pre-Quaternary, non-active faults (Jennings 1992). According to Jennings (1992), the closest active fault is the Northern Death Valley-Furnace Creek fault zone (NDV-FCFZ), which is approximately 13 miles west of the site. Based on fault lengths given in Hart, et al. (1989) and Jennings (1992), maximum credible earthquake magnitudes of 8 can be expected for the NDV-FCFZ.

2.4.0 GENERAL HYDROLOGY

The character of the surface- and ground-water regimes at the site are directly related to the existing topography, geology, and climate of the region. Surface waters drain from the Funeral Mountains, to the north, and the Greenwater Range, to the south, into the Amargosa River Valley which eventually drains into Death Valley. Ground waters generally follow the flow direction of the surface waters. In loose alluvial deposits, the water-table gradient is a subtle expression of the land surface, unless there are changes in the subsurface stratigraphy or structure. The predominant source for ground water in the region is infiltration of surface water within the mountainous areas.

Figure 5.



Modified from McAllister (1971)

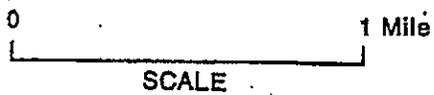


Figure 5 and 6: Map and Cross Section.
Caltrans Material Site #286A

* Figure 6 and Legend
for both figures on
following page



LEGEND FOR FIGURES 5 AND 6:

- Qal Quaternary younger alluvium
- Qoa Quaternary older alluvium

- Ts Tertiary sandstone and mudstone
- Tls Tertiary limestone and marlstone
- Tc Tertiary conglomerate

- Mp Mississippian Perdido Formation (limestone, conglomerate, and chert)
- Mt Mississippian Tin Mountain Limestone

- Dl Devonian Lost Burro Formation (limestone and dolomite)
- Dsh Devonian Hidden Valley Dolomite

- Contact, dashed where approximate
- $\begin{matrix} \Rightarrow \\ \leftarrow \end{matrix} \frac{U}{D} \text{---?---}$ Fault, dashed where approximate, queried where unknown, dotted where covered, U = upthrown side, D = downthrown side, dip in degrees
- $\triangle \triangle \triangle \triangle \triangle$ Thrust fault, dashed where approximate
- $\swarrow 60$ Strike and dip of beds (in degrees)
- $\swarrow 33$ Overturned beds (dip in degrees)
- \odot Landslide fracture, dashed where approximately located
- A ----- A' Cross Section line (see Figure 6)

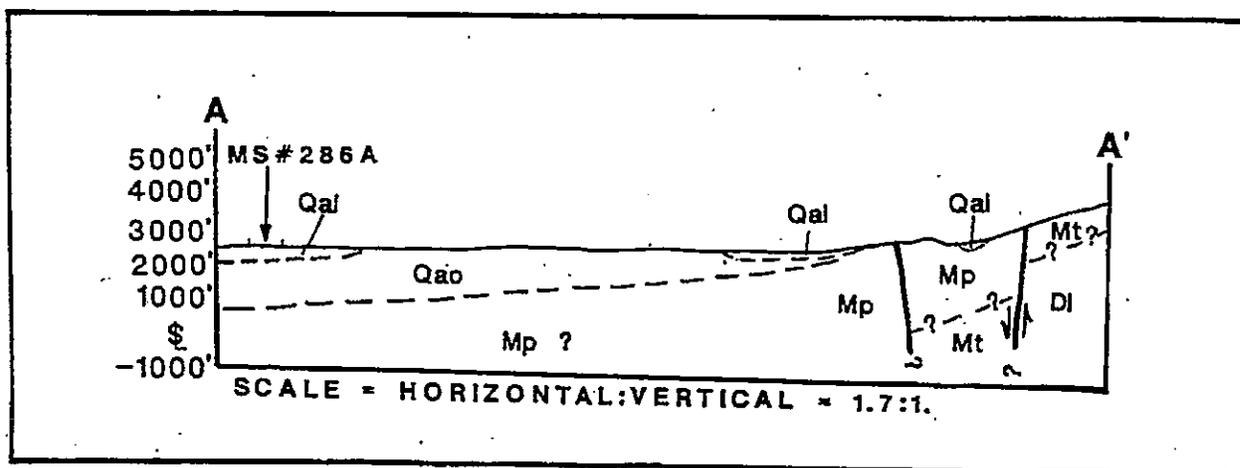


Figure 5 & 6 continued from previous page

Figure 6.

2.4.1 Site Specific Hydrology

Figure 7 shows the two watersheds that contribute surface-water runoff to the mine site. The drainage area of Watershed #1 is approximately 1152 acres. The drainage for Watershed #1 crosses Highway 190 approximately one mile west of the site and then three braided tributaries of this drainage enter the site from the west (see Map Sheet #1). The drainage area of Watershed #2 is approximately 2080 acres. The drainage for Watershed #2, which has been channelized into a large ditch north of Highway 190, crosses the highway to the north of the site and drains mainly into the wash to the east of the site; only a minor portion of this drainage enters the mine site from the north (Map Sheet #1).

Using the U. S. Department of Agriculture, Soil Conservation Service (USDA-SCS 1986) TR-55 Tabular Hydrograph method and the California Department of Water Resources Bulletin 195 (DWR 1976) method, peak flows for a 20-year return period storm were calculated for Watersheds #1 and #2 at 14.4 and 23.4 cubic feet per second, respectively. Because of the braided and multiple tributary drainage pattern that exists on the site, the above peak surface-water flow amounts will not be concentrated in any individual drainage and, therefore, these amounts should be subdivided between the many drainages that enter the site.

2.4.2 Area Hydrogeology

The dominant ground-water aquifer underlying the site is found within alluvial and basin deposits. According to Langer, et al. (1984), ground water is approximately 150 feet beneath the site. Although there is the potential for perched ground water to occur at a more shallow depth, this is unlikely because the area's arid climate produces only a small amount of rain water that can directly infiltrate from the surface. Ground water will not likely be exposed during mining operations.

According to Thompson, et al. (1984), ground-water quality in the Amargosa River Valley is considered borderline poor. The natural chemistry of the ground water classes it as a sodium bicarbonate type with a total dissolved-solids concentration between 1,000 and 3,000 milligrams per liter.

2.4.3 Water and Land Uses

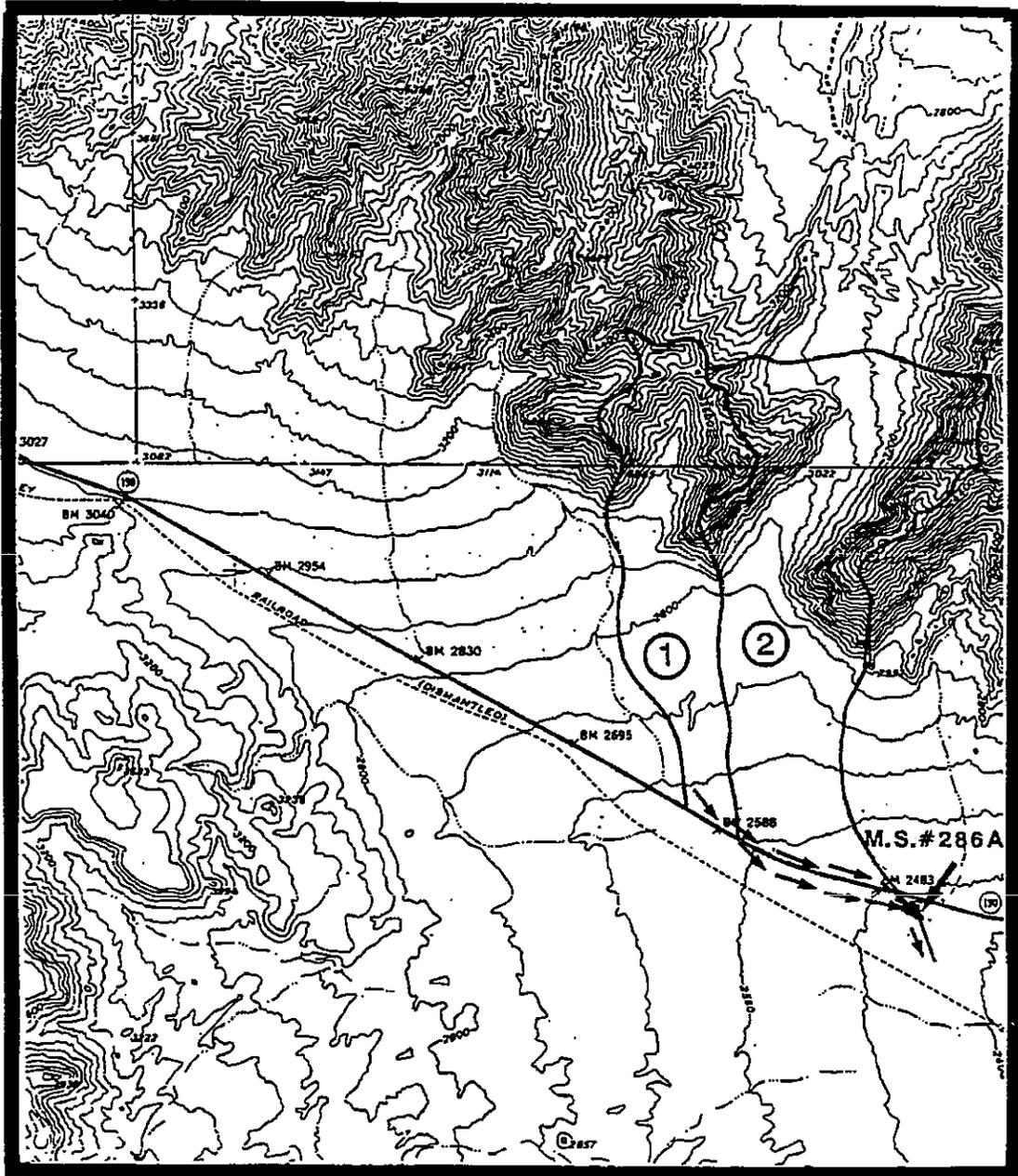
The land at the mine site is controlled by BLM for the U.S. Department of the Interior. The ground water and land at and near the site have not yet been developed.

2.5.0 SOIL RESOURCES

Soils that develop on alluvial deposits are controlled by a number of factors, including: 1) the type of parent material from which the deposits originated, 2) the age of the various depositional units within the fan, and 3) the grain-size distributions of the fan deposits. Alluvial fans typically have coarse textured soils with little pedogenic development. The A-horizon, if present, is generally less than five-inches thick and is directly underlain by a thick C-horizon, essentially unaltered alluvium. The alluvial material at the site originates from sedimentary and metasedimentary rock sources.

2.5.1 Analysis of Soil Samples

Two soil samples were taken during the reconnaissance geotechnical survey of the site. Figure 8 shows grain-size distribution curves from sieve analyses performed on the



① and ② represent
watersheds in text

Figure 7: Watershed Map.
Caltrans Material Site #286 A



samples. The samples are described according to the Unified Soil Classification System, a system used in engineering work to emphasize the engineering properties of soils. Sample 1 was taken from a streambed on the site and will likely be representative of the material that will be mined. Sample 2 was taken from a older alluvial surface and represents the native soil at the site. Both samples are composed of poorly graded sand with gravel (SP); the native soil sample (Sample 2) contains a slightly higher amount of fine-grained sand than the streambed material. Both samples are composed of very loose material and are brownish-gray in color. Gravels were predominantly composed of angular clasts of gray and black limestone and dolomite.

2.5.2 Erosion Potential

Soils in the high desert regions of California are generally susceptible to erosion due to high winds, intense scattered precipitation, and lack of soil structure. The soil analysis information gathered indicates that due to the relatively high fine-grained sand content, soils will likely be susceptible to wind and sheet erosion, and also to rill erosion on sloped areas.

2.5.3 Reclamation Potential

The site consists of alluvial fan deposits, with medium-textured soils that have a low water-holding capacity. Well-developed soil horizons are not present at the site; therefore, distinct soil horizons will not need to be reestablished in order to revegetate the site. Revegetation of these soils will need to be limited to native species that are adapted to droughty conditions.

2.6.0 VEGETATION

Standard methodologies (Mueller-Dombois and Ellenberg 1974, Nelson 1988) were used to survey the site for sensitive plant species, to map existing vegetation, and to determine the appropriate revegetation strategies. MS #286A was visited on May 5, 1992. The site is located in the central portion of the Hot Desert Floristic Province (Barbour and Major 1988). Classification of natural communities is after Holland (1986). Taxonomy follows Hickman (1993) and common names are from Jaeger (1969).

2.6.1 Description of Affected Area

The proposed extraction area occurs within a large bajada in the Mojave Creosote Bush Scrub vegetation type and is dominated by various shrub species such as creosote bush (*Larrea tridentata*), shadscale (*Atriplex confertifolia*), cheese-bush (*Hymenoclea salsola*), burrobush (*Ambrosia dumosa*), sweetbush (*Bebbia juncea* var. *aspera*), leather-leaved viguiera (*Viguiera reticulata*), desert asylum (*Lepidium fremontii*), desert holly (*Atriplex hymenolytra*), and desert mallow (*Sphaeralcea ambigua*). Three cactus species occur sporadically on the site, beavertail cactus (*Opuntia basilaris* var. *basilaris*), cottontop cactus (*Echinocactus polycephalus*), and Biglove cholla (*Opuntia bigloveii* var. *bigloveii*).

This site is currently relatively undisturbed. Total cover of the shrub layer is approximately 30 percent. The shrub canopy is approximately two to six feet in height.

There is a high diversity of herbaceous species on this site. The total cover of herbaceous species was ten percent, which is dense for a desert site. Common species included Esteve's pincushion (*Chaenactis stevioides*), four-o'clock (*Mirabilis bigelovii* var. *retrorsa*), desert trumpet (*Eriogonum inflatum*), rigid spineflower (*Chorizanthe rigida*), red brome (*Bromus madritensis* ssp. *rubens*), woolly plantain (*Plantago ovata*), fluff grass

(*Erioneuron pulchellum*), phacelia (*Phacelia crenulata*), Bigelov mimulus (*Mimulus bigelovii*), linanthus (*Linanthus demissus*), evening primrose (*Camissonia cardiophylla* ssp. *robusta*), desert star (*Monopilon bellioides*), and various species of forget-me-not (*Cryptantha pterocarpa*, *C. angustifolia*, *C. echinella*).

2.6.2 Unique/Critical Communities

The California Department of Fish and Game Natural Diversity Data Base (CNDDDB 1994) lists no unique or critical communities on the East of Ryan 7.5-minute quadrangle.

2.6.3 Special Plant Species

According to the CNDDDB (1994), no sensitive plant species occur in the vicinity of the extraction area. In addition, none were observed during the site visits.

2.6.4 Invasive Exotics

No invasive exotics are currently found on this site.

how about red
Brown's rubus?

2.6.5 Revegetation Potential

Revegetation of arid lands is often difficult; constraints to revegetation are natural and human-induced. Re-establishment of vegetation on this site will be somewhat limited due to the droughty nature of the soil and the arid climate. The vegetative shrub cover is sparse; therefore, the coarse fragments (gravel) present on the surface of this alluvial fan, rather than the vegetation, provide the protection from wind and water erosion. Therefore, the goal of revegetation at this site will be to reestablish components of the native Mojave Creosote Bush Scrub vegetation on native, coarse soils; thereby integrating the site with the surrounding area.

2.7.0 WILDLIFE

The site was visited on March 23, 1994. Classification of wildlife habitats relies on descriptions of vegetation types described by Holland (1986), and on wildlife habitats described in Mayer and Laudenslayer (1988).

2.7.1 Description of Habitats

This site contains a native Mojave Creosote Bush Scrub plant community (Holland 1986). The site is surrounded by a large contiguous area of similar native vegetation that is interrupted only by Highway 190 and roughly north-south running berms. Shallow dry washes extend across the site. The Funeral Mountains can be seen to the north and northwest.

The site supports an assemblage of arthropods, reptiles, birds, and mammals typical of the Mojave Desert. Animals associated with or requiring large amounts of water (e.g., fish and amphibians) are notably scarce in this and other arid regions. There is no water on the site and no aquatic or semi-aquatic organisms are expected to live there.

2.7.2 Unique/Critical Habitats

The California Natural Diversity Data Base has no records of unique or critical habitats for the USGS 7.5-minute East of Ryan, California, Quadrangle (CNDDDB 1994). No unique or critical habitats were identified on the site during the site survey.

2.7.3 Game Range

Wild Horse and Burro-- The site is within the Chicago Valley wild horse and burro herd management area (USDI 1980). In the California Desert Conservation Area Plan (USDI 1980), range quality was deemed sufficient to retain both species at their current populations of 28 horses and 28 burros. A group of about eight wild horses were observed approximately one to two miles east of the site on one occasion during site visits. Wild burros on BLM lands are protected by federal law (Wild and Free Roaming Horse and Burro Act 1971). Within Class-M BLM lands, horses and burros are maintained in stable herds subject to control to protect sensitive resources. The site is likely habitat for both of these protected species.

2.7.4 Special Animal Species

According to the CNDDDB (1994), one special animal species is known from the East of Ryan Quad:

Nelson's bighorn sheep (*Ovis canadensis nelsoni*)

Analysis: CDFG estimated that approximately 35 individuals made up the Funeral Mountains population of this species in 1988. At that time, sightings were made approximately 20 miles northwest of the proposed mine site. It is possible though unlikely that this species would be found on or using the site. Areas closer to and within the Funeral Mountains (northwest of the site) are more likely habitat, especially in the vicinity of water sources.

The site is also within the range of the Mojave population of the desert tortoise (*Xerobates (=Gopherus) agassizii*), which is listed as a threatened species both by the State of California and by the federal government (Zeiner, et al. 1988, USFWS 1993). MS #286A is at the northern end of the proposed Eastern Mojave Recovery Unit, but is not within any designated proposed Desert Wildlife Management Area (USFWS 1993). Creosote bush scrub, like that found on the mine site, is a listed desert tortoise habitat type (USFWS 1993).

The area of the mine site is not listed as a critical area for desert tortoise by BLM (USDI 1980). Evidence of the presence of desert tortoises was not observed on the site during the site visits. However, the site visits were short and were not specifically designed to detect tortoises or tortoise sign. Also, no attempt was made to cover the entire site or to employ systematic search procedures for evidence of tortoises. Tortoise surveys are under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS). Surveys are to be conducted by authorized personnel using approved methodology with the consent and advice of the USFWS in order to be valid under the provisions of the Federal Endangered Species Act. In addition, CDFG requires specific procedures for dealing with impacts on desert tortoises and their habitat under the California Endangered Species Act and the Fish and Game Code. Caltrans' standard tortoise mitigations are included in Appendix D.

2.8.0 AIR RESOURCES/CLIMATOLOGY

Precipitation data are from the town of Shosone (elevation 1,570 feet), approximately 20 miles south of the mine site. Temperature data are from the nearest location to the site where such data are regularly collected: Death Valley (elevation -19 feet, about 22 miles west of the site).

2.8.1 Precipitation

The mean annual precipitation at Shoshone over a nine-year period, 1974-1982, is 4.6 inches per year. In 1992, a maximum rainfall of 3.4 inches was recorded during the month of March. Less than one inch of rain was recorded for the months of July through November of the same year (NOAA 1992).

2.8.2 Temperature

The mean annual temperature in Death Valley in 1992 was 76.8°F. The monthly mean temperatures at Death Valley for the months of January and July are 50° and 98°F, respectively. The highest temperature in 1992 was 125°F (August), and the lowest temperature was 27°F (December). The last spring minimum of 32°F or below was January 27, and the first fall minimum of 32°F or below was December 17. The length of the frost free season in 1992 was 325 days (NOAA 1992).

2.8.3 Prevailing Winds

High winds can accompany the periodic thundershowers that are seasonally common in this area. Wind is a primary agent of erosion in arid regions because rainfall is only sufficient to allow for a sparse vegetative cover of the land surface, leaving much of the surface soil exposed to wind erosion. The rocky alluvial deposit protects the native soil from wind erosion by forming a lag layer of gravel, cobble, and rock on the surface of the soil.

2.8.4 Air Quality

Air quality in the region is typically excellent.

2.9.0 LAND USES AND AESTHETICS

All lands within the California Desert Conservation Area (CDCA) under BLM management have been classified into one of four multiple-use classes based on sensitivity of resources and land-use for each area. The four multiple-use classes are used to designate different levels of permitted land-use and different kinds of resource management within an area. In addition county planning agencies classify lands according to county land-use plans.

2.9.1 Existing and Surrounding Land Uses

MS #286A is within the California Desert Conservation Area (CDCA). The site is classed as open space (40-acre minimum) by Inyo County, and is contained within a larger area designated Multiple-use Class-M by BLM (USDI 1980). Class-M areas are those that are classed for moderate uses. The Class-M designation is based on a controlled balance between higher intensity uses and protection of public lands. Class-M designated lands are open to many uses such as mining, livestock grazing, recreation, energy and utility development. Class-M management is also designed for conservation of desert resources and mitigation of damage to those resources that may be caused by permitted uses (USDI 1980).

Motorized vehicle use in the area of the site is limited to existing routes of travel with provisions for seasonal access restrictions.

There is no grazing allotment on or near the site, and the surrounding lands are owned by BLM. There are no towns, houses, or other structures in the vicinity of the site.

2.9.2 Visually Sensitive Areas

BLM has developed draft Visual Resource Management (VRM) standards for all BLM lands. The mining site is designated VRM II/BHFg. BLM describes the objectives of the VRM II designation as follows:

"The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen from key observation points, but should not attract the attention of the casual observer. Any changes must repeat the basic form, line, color, and texture found in the predominant natural features of the characteristic landscape (USDI 1991)."

The scenic quality of the area is rated good (B). Highway 190 is well traveled by tourists; therefore, the sensitivity of the area, determined by the number of people that are likely to encounter the area and the frequency of use, is rated high (H). The scenic and sensitive qualities of the region are concentrated in the foreground (Fg).

2.9.3 Visual Impact of Reclamation to These Uses

The extraction area will be visible from Highway 190. The contrast on the site that will result from mining will be caused by removal of the coarse ground-surface layer, and a decrease in the density of the vegetation due to vegetation removal. In addition, the topography of the mined area will be changed by the excavation of the pit. These topographic and vegetative changes will be moderated somewhat by the side-slope shaping and revegetation done during reclamation. Revegetation with native species and resoiling will eventually integrate the site with the surrounding area. However, for the duration of the mine and reclamation plan, the mine site will remain visible to the casual observer.

3.0.0 DESCRIPTION OF PROPOSED MINING OPERATION

3.1.0 DIMENSIONS, ACREAGE

MS #286A occupies approximately 7.7 acres on BLM land. The site is an irregular-shaped polygon, with sides ranging in length from 869 feet to 273 feet. The site has not yet been disturbed by mining (Map Sheet 1). Approximately 7.2 acres of the site will be mined, 0.7 acres of which will be utilized as the mining operations area. Approximately 0.2 acres will be disturbed off-site for an access road entering the site from the north.

3.2.0 INITIATION AND TERMINATION DATES

Mining at this site will take place on an intermittent basis over a 20-year period (1997 to 2017). The termination date for this reclamation plan will be the year 2022, 25 years from the date of reclamation plan approval, thereby allowing for five years of final monitoring. Renewal of this plan approval may be sought from the County after the termination date if the anticipated demand for the minerals is delayed. A description of the management of the site during idle phases, if they occur, can be found in Appendix C, Interim Management Plan.

3.3.0 PRODUCTION SCHEDULE

The site will be mined for material to be used primarily for emergency road repair and road maintenance, and possibly for road construction. It is estimated that the annual extraction volume will be about 7,500 cubic yards. However, the maximum annual extraction volume may be as high as 40,000 cubic yards if the site is used to provide construction material. In any case, no more than 150,000 cubic yards will be removed over the 20-year life of the mine. At the end of this 20-year period, final site reclamation will be implemented.

3.4.0 MINING PLAN

Material from this site will be used for road maintenance and construction on an as-needed basis. Refer to Map Sheet 2 for the configuration of the site.

3.4.1 Description of Operations

Mining will initiate in the western portion of the site, a minimum of 50-feet from the western boundary. As shown in Map Sheet 2, mining will encompass most of the mine site. Excavations within the pit will be no deeper than 30 feet below the existing ground surface. The pit slopes within the mining area will be no greater than 3:1 (Horizontal: Vertical), with a relatively flat-lying base, sloping gently (three percent) to the southeast; the cut for the access road will be no greater than 2:1 (H:V). There will be a minimum 20-foot setback for mining from the northern, eastern, and southern boundaries of the site. Material storage, stockpiles, and screening equipment will be concentrated in the materials operations area to be located within the pit, as shown on Map Sheet 2. Material will be screened and stored on-site, and will be transported off-site by truck when needed.

3.4.2 Access Roads

The site will be accessed from the northwest via a dirt road constructed within the southern half of the 400-foot-wide Caltrans right-of-way for Highway 190.

3.4.3 Topsoil Handling

Topsoil (defined as the upper six inches of the native surface) will be salvaged and stockpiled within the 50-foot setback zone along the western boundary. Approximately 4,150 cubic yards of topsoil will be salvaged. Additionally, approximately 500 cubic yards of waste fines will be used for resoiling portions of the site. Waste fines and topsoil will be stockpiled separately.

3.4.4 Minerals, Overburden and Waste

All useable and waste material excavated during mining will be stored and stockpiled on-site in the mining operation area. Waste is estimated to compose five percent of the extracted volume, or approximately 7,500 cubic yards. A portion of these waste fines will be used to resoil a small portion of the site, approximately 0.3 acre, during the post-mining reclamation phase.

3.4.5 Water Impoundments and Diversions

The following erosion and sediment control measures will be implemented to help reduce potential slope instability problems and minimize erosion and off-site sediment discharge:

Grade-stabilization structures: As shown on Map Sheet 2, several drainages enter the site from north and west. To help reduce erosion of the pit slopes by these drainages, three grade-stabilization structures will be constructed along the western slope of the pit (refer to Appendix F for general construction specifications). The chutes for these structures will be 10 feet wide and will be protected by rip-rap at their tops where the drainages enter and at their bases where they enter small sediment basins. The sediment basins will be connected by a south-flowing drainage ditch, and the southern basin will feed into an east-flowing drainage ditch approximately 300 feet long. These structures will be constructed as mining proceeds and will be cleaned out and repaired after major storm events.

Drainage-diversion berm: As discussed previously, a five-foot high berm was previously constructed to the east of the site to divert channelized drainage water away from the highway. In order to keep this diverted drainage from entering the pit, a five-foot high material berm will be constructed along the northern and eastern boundaries of the site within the 20-foot mining setback zone. The berm will be approximately 1,000 feet long and will have side slopes no greater than 2:1 (H:V). Once mining begins at the site, this drainage berm will be constructed in the location shown on Map Sheet 2.

Outlet structure: In case the mining area becomes inundated by flood waters, an rock-protected outlet channel will be constructed in the southeast corner of the pit, the point where flood waters would drain from the pit. The outlet structure will be cut approximately four-feet deep with a drainage apron, 50-feet long and 50-feet wide, in the southern corner of the site.

3.5.0 PROCESSING EQUIPMENT

A portable screening operation will be moved onto the site during periods of operation. If the site is used for construction, a portable asphalt plant will be moved onto the site. No permanent buildings or equipment will be constructed on site as part of the mining operation.

3.6.0 WATER REQUIREMENTS

Water requirements for this site will be limited to that needed for screening, crushing, washing, and for dust control. Water will be trucked to the site, most likely from Shoshone.

3.6.1 Waste Water

The only type of waste water to be produced by this mining operation will be screening water that will be collected in the operations area and allowed to evaporate or infiltrate. Water use during intermittent operational phases is estimated at 2,000 gallons per day.

3.6.2 Drinking Water

Water will be trucked to the site to provide safe drinking water for site employees.

3.6.3 Sewage Disposal

During operations, portable toilets will be brought to the site and maintained.

3.7.0 ENERGY REQUIREMENTS

Electricity will be used by the plant for screening and washing operations. When electricity is needed for processing, it will be provided by a diesel generator. Diesel consumption will be approximately 800 gal/mth. Electricity will not be needed for reclamation activities.

3.8.0 NOISE & EMISSIONS

Mining operations will include the use of a D-9 cat, a five-yard loader, belly dumps, bobtail trucks, and pickups. Processing activities will include a screening plant, crushing operation and possibly an asphalt plant. This aspect of the mining operation will affect noise and emissions.

3.8.1 Noise

The noise emissions will be most heavily concentrated within the processing area of the pit, and will be shielded from surrounding receptors by the pit walls. Both the physical walls of the pit and the large distance to receivers will reduce the potential noise impact from mining.

Effective source strength of a rock plant is around 72-75 dB at 400 feet. Earth-moving activities would typically generate estimated noise levels of 75 and 80 dB at a distance of 50 feet with noise control devices for dozers and scrapers. In combination, the noise exposure at a distance of 2,000 feet would be reduced to approximately 60 dB, which is below most standards for noise-sensitive land-uses. Noise generated from the concurrent reclamation activities will not be perceivable against the noise generated by the mining activities. Noise generated from reclamation activities following the termination of mining will be minimal. There are no towns, dwellings, or buildings within 2,000 feet of the proposed mining area.

3.8.2 Dust, Odors, Vehicular Emissions

Air quality parameters that are potentially affected by aggregate mining operations are vehicular emissions and suspended particulate, or dust. Operations of this magnitude (7,500-40,000 cubic yards/year) may cause a significant increase in vehicular emissions on Highway 190 during the intermittent road construction phases. Increased emissions would emanate from the pit during the active extraction phases. However, the site will be mined in a manner that will result very nearly in the final reclaimed landform; therefore, reclamation activities will not cause an increase in vehicular emissions.

Because the soil disturbance from materials screening, extraction, and hauling is a "fresh" disturbance, the major component of the produced dust will be of large particle size (greater than ten microns), which settles out rapidly. Best available control technology, such as maintaining a moist aggregate surface, will be used to suppress screening, extraction, and hauling dust sources. Reclamation activities, such as reseeding and resoiling with topsoil mixed with vegetative debris, will also help to control dust.

3.9.0 HOURS OF OPERATION/NUMBER OF EMPLOYEES

The hours of operation will be twelve hours per day during the hours of 6:00 am to 6:00 pm. It is estimated that this operation will employ between one and seven people during active mining and about two to three people for three to five days during final reclamation implementation.

3.10.0 TRANSPORTATION

Transportation to and from the site by maintenance and repair crews will not increase traffic on Highway 190; however, during construction mining operations, transportation by employees to the mine site may increase traffic on Highway 190. Transportation of aggregate resources to construction locations may increase traffic on those roads as well. It is estimated that during construction mining operations, haul trucks will make approximately fifty round-trips per week. Approximately three to ten 25-ton belly dump trucks and five to fifteen 10-ton bobtail trucks will be used in this operation. This may necessitate access road intersection improvement on Highway 190. These possible impacts are all mining related. Since mining will result in very nearly in the final reclaimed landform and much of the reclamation will be performed concurrent with mining phases, reclamation activities are not likely to cause an increase in vehicular traffic on Highway 190.

4.0.0 DESCRIPTION OF PROPOSED RECLAMATION

This site will be used by Caltrans intermittently as a source of materials for road maintenance and construction. Reclamation of the site will be implemented according to the reclamation plan discussed below.

4.1.0 SUBSEQUENT USES

The land is zoned by Inyo County as open space (40-acre minimum). According to CDFG and BLM sources the site is not located within any area designated as critical habitat for any sensitive species. However, the site does provide general habitat values to various wildlife species and is within the range of the Chicago Valley wild horse and burro herd management area. The site is also within the range of the Mojave population of the desert tortoise, at the northern end of the Eastern Mojave Recovery Unit, but is not within any designated proposed Desert Wildlife Management Area (USFWS 1993). The site will be reclaimed to open space and wildlife habitat, which will leave the site in a productive end use that is readily adaptable to alternative end uses.

4.2.0 IMPACT ON FUTURE MINING

Reclamation of this site will not preclude mining at a future date. The aggregate resource likely extends beyond 50 feet deep; mining according to the current mining plan will not have exhausted on-site mineral resources.

4.3.0 RECLAMATION SCHEDULE

Reclamation treatments, such as the grade-stabilization structures, drainage ditches, and material berms, will be installed as mining proceeds. Reclamation treatments such as resoiling, using topsoil and amended waste fines, and revegetation will be initiated when final slopes are established. Once reclamation treatments have been implemented, they will be monitored until performance standards have been met. The monitoring plan is designed to evaluate site-specific criteria for slope stability, erosion and sediment control, and resoiling and revegetation.

4.4.0 POST-MINING ACTIVITIES AND SITE CONFIGURATION

Map Sheet 3 depicts the post-mining activities and reclaimed topography of the mined area. The final site configuration will be a 30-foot deep excavation with 3:1 (H:V) side slopes. The surface of the mine operations area and access roads (7.2 acres on-site and 0.2 acres off-site; 7.4 acres total) will be 1) decompacted, 2) resoiled using stockpiled topsoil and on-site waste fines, and 3) revegetated.

4.4.1 Slope Stability

Pit slopes for the mining phase and the final reclaimed site will not be steeper than 3:1 (H:V). The roadcut for the access road, that has a slope of 2:1 (H:V), will also remain but is not considered a major slope. The angle of repose for loose sediments on the site is approximately 32°. This angle can be considered to be representative of the angle of internal friction of the native slope material. Thus, pit slopes will be stable at the proposed angle under static conditions. Any slope failures that may occur would be retained within the pit.

4.4.2 Final Drainage Plan and Impoundments

Map Sheet 3 details the final drainage plan of the reclaimed site. The excavated pit will serve as sediment basin/trap for eroded sediment coming from upslope of the pit, and from within the pit itself. The grade-stabilization structures, drainage ditches, and material berm will not be maintained after final reclamation has been completed.

4.4.3 Disposition of Equipment

Any equipment brought onto the site will be removed from the site following termination of mining activity. No equipment will be stored permanently on-site. At final reclamation, there will be no equipment remaining on the mined site.

4.5.0 RESOILING

The native soil of this site is a poorly graded sand with gravel derived from the sedimentary and metasedimentary rock units found upslope. A native soil contains native seeds and soil microorganisms, and therefore, is preferred for site reclamation. The topsoil will be defined as the upper six inches of the substrate on the site. Topsoil will be salvaged prior to mining any area of the site. The topsoil will be placed in designated stockpiles within the western buffer zone.

Native surface materials will be kept separate from the processing fines. Processing fines will be placed in the stockpile area delineated on the site plans, and may be respread prior to (and beneath) topsoil application. Prior to spreading the topsoil, all compacted areas will be decompacted (ripped or disced) to facilitate root growth. The topsoil that was salvaged will be respread to a depth of six inches in all areas of the pit, inclusive of slopes outside of the drainage structures. The woody debris less than 0.5 feet, if stockpiled separately, will be distributed over the site in a random manner following the topsoil application. The large amount of coarse material (gravel) in the native topsoil will also serve as a gravel mulch, thereby armoring the revegetated site.

4.5.1 Mulches

Since the native coarse-grained topsoil will be used to reseed this site, a gravel mulch will not need to be added. The coarse fraction of the native soil will act as a protective lag layer, thereby guarding against wind and water erosion.

4.6.0 REVEGETATION

Revegetation will strive to achieve visual integration with the vegetation surrounding the site. Establishment of vegetation in the borrow pit area will provide some erosion control for the site, while creating cover and forage for wildlife.

4.6.1 Seedbed Preparation

After decompacting the growth medium, the area will be roughed to form a variety of microsites; this can be accomplished by "track walking" or imprinting the site. The growth medium will be prepared to provide a firm, but not overly compacted, bed.

4.6.2 Plant Materials and Planting Densities

Many plant species are comprised of local ecotypes that are highly adapted to local climate and edaphic conditions (Plummer et al. 1955, 1968). The plants that will have the best chance of survival on a site are those ecotypes that are growing on (or near) the site (Millar and Libby 1989). The use of nonlocal plant materials can result in the application of a poorly adapted ecotype, as well as the potential genetic contamination of the local ecotype through interbreeding with the introduced ecotype. The results of interbreeding between nonlocal and wild local native stock can be adverse and permanent.

The best policy is to collect plant materials from on or near the site. Therefore, plant materials for each of the designated species should be obtained from the same region as the mine site. For the purposes of MS #286A, the collection region will be defined as Mojave Creosote Bush Scrub vegetation that occurs between 1,500 and 3,500 feet elevation, east of the Funeral Mountains and the Greenwater Range, and within a 20-mile radius of MS #286A.

4.6.3 Cactus Transplanting

Approximately 15 cacti will be impacted by mining: four beavertail cacti, three cottontop cacti, and eight cholla. These cacti will be offered to the Park Service and/or BLM for salvage and transplanting in areas outside of the lease boundary as part of the reclamation activities.

4.6.4 Irrigation

Irrigation would only serve to aid the growth of invasive exotics and therefore is not recommended for this site.

4.6.5 Plant Eradication Measures

Plant eradication will not be necessary unless the presence of Russian thistle, or other invasive exotics, on the site becomes a limiting factor in the reestablishment of native vegetation. Remediation for invasive exotic species is discussed in Table 4.10-1.

TABLE 4.10-1: REMEDIAL MEASURES

| FEATURE | OBJECTIVES | MONITORING FREQ | FINDINGS | ACTION |
|---|---|---|---|--|
| Wind Erosion | Soil stabilized, no nuisance dust from site. | Continuously during mining and reclamation implementation; annually following reclamation. | Soil drifts found behind plants and rises, blowing dust. | Consider additional soil stabilization, i.e., rock mulching and revegetation. |
| Water Erosion | Soil stabilized, no evidence of rilling or gulying. | After first major storm event (>0.5 inch rain in a 24-hour period) following construction; once a year during annual monitoring of reclamation. | Rilling, gulying, erosion, or evidence of washouts or erosion in established drainage ways. | Repair area, consider additional stabilization (waterbars, berms, diversion channels, rock lining, or mulches). |
| Slope Stability | No evidence of slope failures. | Monitor continuously during mining operations; and annually during reclamation. | Slope failures, slumping. | Reconstruct slope, lessen angle of slope, and implement erosion control measures. |
| Invasion by Russian thistle or other invasive exotics | No interference with establishment of native vegetation. | Once per year, note areas of infestation of Russian Thistle or other species. | Infestation of exotics interfering with establishment of native vegetation. | Apply weed eradication measures: hand-pulling, hand-cutting, and possibly hand-applied herbicide. |
| Revegetation | Perennial cover averages 10 percent. | Annually following implementation. | <10 percent perennial cover, signs of drought stress; signs of herbivory that may significantly affect outcome. | Consider fertilizing and irrigating individual plants; analyze soil for problems; analyze for pest problems (consider fencing individual plants that volunteered). |
| Resoiling | Decompacted native soils respread to a depth of 6 inches. | Monitor during implementation. | Fines absent from substrate surface or a compacted substrate. | Respread additional topsoil; rip or disc site to alleviate compaction. |

4.7.0 EROSION AND SEDIMENT CONTROL

Erosion and sediment control will be achieved by implementation of the previously described drainage and revegetation plans. Diversion of the drainage to the east of the mining and operations areas will limit the amount of flood waters entering these areas. Resoiling and revegetation will be performed according to the revegetation plan and will aid in reducing erosion.

4.8.0 PUBLIC SAFETY

The configuration of the mined lands, will not pose a hazard to the public. No hazardous materials will be stored on-site. In addition, the boulders at the access point to the site will help prevent uncontrolled access.

4.9.0 PERFORMANCE STANDARDS

The following discussion sets forth minimum site criteria, or performance standards, for the various aspects of site reclamation. Monitoring of reclamation performance standards will be agreed upon by Caltrans and Inyo County.

4.9.1 Erosion and Sediment Control

Erosion and sediment control monitoring will be completed at the same time and frequency that the used to vegetation monitoring is done. The drainage ditches and swale will be inspected following the season's first major storm event or at a minimum of annually. These structures will be cleaned out as needed to maintain a clear flow-path for flood waters. The results will be identify areas of potential failures and to trigger the implementation of remedial measures before problem areas cause widespread failures. Any observable reason for failure will be noted and the appropriate remedial measure suggested as part of the annual monitoring report.

4.9.2 Slope Stability

No large man-made slope within the pit shall be steeper than 3:1 (H:V), which has been determined to exceed the slope stability standard for this material for all except the most severe earthquake events.

4.9.3 Revegetation

The following performance standards will be applied to the site. Undisturbed, site-indigenous woody perennial cover was estimated at 30 percent. All phases of reclamation will achieve a minimum average density of herbaceous and woody perennial coverage of 10 percent. Areas found to be below these standards will be evaluated as set forth in the Remedial Measures Plan.

4.9.4 Other Species

The goal will be to transplant 15 individual cacti and to achieve 50 percent survival of these transplants (or seven individuals). If the survival rate falls below this standard, remedial measures will be taken.

4.10.0 MAINTENANCE, MONITORING, AND REMEDIAL MEASURES

Site maintenance and monitoring will continue until Inyo County deems reclamation complete.

4.10.1 Erosion and Sediment Control

All erosion and sediment control structures will be maintained and monitored annually for as long as mining and reclamation continues. This shall be done to ensure that the failure of one or more structures does not apply additional and unplanned stress on other structures.

If infilling or failure of a structure occurs, steps to repair the original structure will be taken. Infilled structures shall be cleaned out without causing damage.

4.10.2 Slope Stability

All slopes will be assessed, on a form such as the one supplied in Appendix B, during annual monitoring to ensure that they are stable. If excess slope erosion is observed, or failures noted, as discussed in the performance standards section, the appropriate remedial measures will be implemented.

4.10.3 Revegetation

Revegetation of the site will be monitored following implementation on each phase. Monitoring activities will take place during the peak flowering season, approximately April to May. Once the monitoring date is set following these initial reclamation activities, monitoring of the site during the later years will occur within two weeks of that original date. This scheme will assure that the data will be comparable over time.

Revegetation monitoring will consist of visual assessments and recording the progress of reclamation with photographs. The species composition, shrub cover, and shrub density will be recorded on a form (an example is included in Appendix B). If it appears that the site will not meet the performance standards set forth, then the investigator shall suggest remedial measures. Appropriate remedial measures are listed in Table 4.10-1.

4.10.4 Other Species

If Russian thistle invades revegetated areas to the point that it is impacting the germination and/or growth of desired species, then this invasive exotic will be manually removed from the site as a remedial measure as detailed in Table 4.10-1.

4.11.0 REPORTING

Once the reclamation activities have been completed, monitoring activities will commence and will continue until the County is satisfied that performance standards have been met. Reporting of the progress of reclamation will be transmitted to Inyo County on an annual basis. This annual report will, at a minimum, consist of the name and credentials of the investigator(s), a summary of the work accomplished, the date of the visit(s), the methods and materials used, the data collected, an analysis of the data and performance standards, and any suggested remedial measures.

5.0.0 COST OF RECLAMATION

A reclamation cost estimate is provided in Appendix A.

6.0.0 APPLICANT STATEMENT OF RESPONSIBILITY

An Applicant Statement of Responsibility can be found on Page 2 of Appendix A-1.

7.0.0 REFERENCES

Burchfiel, B.C., G.S. Hamill IV, and D.E. Wilhelms. 1983. Structural geology of the Montgomery Mountains and the northern half of the Nopah and Resting Spring Ranges, Nevada and California. Geological Society of America Bulletin, Volume 94 (pages 1359-1376).

California Department of Water Resources (DWR). 1976. Rainfall Analysis for Drainage Design Volume I: Short Duration Precipitation Frequency Data. DWR Bulletin 195.

Hart, E.W., W.A. Bryant, C.J. Wills, J.A. Treiman, and J.E. Kahle. 1989. Summary Report: Fault Evaluation Program, 1987-1988, Southwestern Basin and Range Region and Supplemental Areas. California Division of Mines and Geology Open-File Report 89-16.

Jennings, C.W. 1992. Fault Activity Map of California. California Division of Mines and Geology Open-File Report 92-03. Scale 750,000.

Joyner, W.B. and D.M. Boore. 1982. Measurement, Characterization, and Prediction of Strong Ground Motion in Earthquake Engineering and Soil Dynamics II - Recent Advances in Ground-Motion Evaluation. ASCE Geotechnical Special Publication No. 20 (pages 43-102).

Langer, W.H., W.R. Moyle, L.R. Woolfenden, and D.A. Mulvihill. 1984. Maps showing groundwater levels, springs, and depth to ground water, Basin and Range Province, Southern California. U. S. Geological Survey Water-Resources Investigation (WRI) 83-4116-B. Scale 1:500,000.

McAllister, J.F. 1971. Preliminary geologic map of the Funeral Mountains in the Ryan Quadrangle, Death Valley region, Inyo County, California. U.S. Geological Survey Open-File Map. Scale 1:24,000.

State of California Department of Water Resources (DWR). 1976. Bulletin 195.

Stoddart, L.A., A.D. Smith, and T.W. Box. 1975. Range Management, Third Edition. McGraw-Hill, New York, N.Y.

Thompson, T.H., J. Nuter, W.R. Moyle, and L.R. Woolfenden. 1984. Maps showing the distribution of dissolved solids and dominant chemical type in ground water, Basin and Range Province, California and Nevada. U. S. Geological Survey Water-Resources Investigation (WRI) 83-4116-C. Scale 1:500,000.

U. S. Department of Agriculture, Soil Conservation Service. 1986. Urban Hydrology for Small Watersheds. Technical Release 55.

U.S. Fish and Wildlife Service. 1993. Draft recovery plan for the desert tortoise (Mojave population). U.S. Fish and Wildlife Service, Portland, Oregon. 170 pp. plus appendices.

U. S. Geological Survey. 1988 (Provisional Edition). Ryan Quadrangle, 7.5-minute Topographic Map. Scale 1:24,000.

APPENDIX A
COUNTY OF INYO
MINING RECLAMATION PLAN APPLICATION

PLEASE PRINT OR TYPE INFORMATION DATE: 01-23-97 USE ADDITIONAL SHEETS IF NECESSARY

This application is for a: [check the appropriate box(es)]

Mining Operation Sand/Gravel Pit Screening Plant
 Milling Operation Concrete Batch Plant Asphalt Batch Plant
 Exploration Other (describe) RECLAMATION PLAN

1. APPLICANT

Name: California Dept. of Transportation (Caltrans) Phone: (619) 872-0601
Address: 500 South Main Street
City: Bishop State: California Zip: 93514

2. REPRESENTATIVE

Name: David B. Grah Phone: (619) 872-0734
Caltrans District 09
Address: 500 South Main Street
City: Bishop State: California Zip: 93514

3. LANDOWNER

Name: U.S. Dept. of Interior, Bureau of Land Mgmt. (BLM) Phone: (619) 384-5400
Address: 300 S. Richmond Road
City: Ridgecrest State: California Zip: 93555

4. OPERATOR

Name: California Dept. of Transportation (Caltrans) Phone: (619) 872-0734
Address: 500 S. Main Street
City: Bishop State: California Zip: 93514

5. LESSEE

Name: California Dept. of Transportation (Caltrans) Phone: (619) 872-0734
Address: 500 S. Main Street
City: Bishop State: California Zip: 93514

6. ASSESSOR'S PARCEL NO(S): 43-070-000

Section(s): E1/2 of Section 14 Township(s): 25N Range(s): 4E
Latitude: 17° 30' 35"N Longitude: 116° 30' 43"W

| | | | | |
|------------|---|--|------------------------------|------------|
| 7. | CLAIM DESCRIPTION(S) | | | |
| | Name | TYPE (lode,placer,millsite) | RECORDED VOL PG | BLM ID# |
| | State Material Site #286A (New Death Valley Junction Pit) | Borrow Pit (Placer) | | |
| 8. | GEOLOGY See Section 2.3.0 | | | |
| | Describe the geologic setting of the area with a more detailed geologic description of the mineral deposit to be mined and principle minerals or rock types present. If referenced in a geologic report please attach a copy. | | | |
| 9. | ENVIRONMENT See Section 2.0.0 | | | |
| 10. | MINING OPERATION | | | |
| | A. <u>Proposed Starting Date:</u> | 1997 | | |
| | B. <u>Name of Mine or Project:</u> | State Material Site #286A or New Death Valley Junction Pit | | |
| | C. <u>Minerals to be Mined:</u> | Sand and gravel | | |
| | D. <u>Maximum Total Yearly Production:</u> | ORE: 38,000 yd ³ | WASTE: 2,000 yd ³ | |
| | | TOTAL: 40,000 yd ³ | | |
| | E. <u>Estimated Mine Life:</u> 20 yrs | <u>Estimated Time to Complete Reclamation:</u> 30 yrs | | |
| | F. <u>Operation is:</u> Continuous | Intermittent: X | Seasonal: | |
| | G. <u>Operation is:</u> New Site | In Operation: | Inactive: X | |
| | H. <u>Days per Week:</u> 5 | <u>Daily Operation Hours:</u> 6 am to 6 pm | <u>Starting Time:</u> 6 am | |
| | I. <u>Estimated Number of Employees:</u> 1-7 | <u>Number of Shifts Per Day:</u> 1 | | |
| | J. <u>Type of Housing (if needed):</u> None | | | |
| 11. | MINE DIMENSIONS | | | |
| | <u>Highest Elevation:</u> 2450' | <u>Overall Slope:</u> Angle 3° | | |
| | <u>Maximum Depth:</u> 30' | <u>Maximum Slope Angle:</u> 3:1 (H:V) 18° | | |
| | <u>Maximum Length:</u> 869' | <u>Maximum Width:</u> 273' | | |
| | <u>Angle of Repose for Native or Host Material:</u> 32° | | | |
| | <u>Bench Height:</u> NA | <u>Bench Width:</u> NA | | |

12. SIZE OF OPERATION (in Acres)

Owned: _____ Leased 7.7 acres

Patented: _____ Sub-leased _____

Unpatented: 7.7 acres Other _____

Total Acres: 7.7 acres To be Reclaimed: 7.4 acres

13. MINE WASTE (See Map Sheets for phases)

Describe waste piles, stockpiles, tailings ponds, other ponds, and leach pads.

Answer for EACH pile, pond or pad where appropriate.

Highest Elevation: 2450' Overall Slope Angle: 3:1 (H:V)

Maximum Height: 15' Surface Area of Ponds: NA

Maximum Length: 300' Depth of Ponds: NA

Maximum Width: 50'

14. TYPE OF OPERATION

| | | |
|-----------------|---|------------------|
| Open Pit | | Single Bench |
| Borrow Pit | X | Multibench |
| Gravel/Sand Pit | X | Underground |
| Clay Pit | | Hardrock |
| Hill Top | | Waste Dump |
| Side Hill | | Tailings Pond |
| Shovel/Truck | | Quarry |
| Dragline | | Other (describe) |

15. OTHER CONSTRUCTION

| | | | |
|----------------------------|---|--------------------------|-------|
| Access Roads | X | Plant Site (portable) | X |
| Asphalt Batch Plant (port) | X | Screening (portable) | X |
| Bathhouse (Dry) | | Settling Ponds | _____ |
| Blasting | | Sheds | |
| Concrete Batch Plant | | Shops | |
| Conveyors | | Stockpiles | X |
| Crushers (portable) | X | Tailings Dams | |
| Explosive Storage | | Tanks (asphalt & diesel) | X |
| Office Site (portable) | X | Water Wells | |
| On-Site Living | | Waste Dumps | |
| Sewage Disposal | | Other (describe) | |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--------------------------------------|---|-----------------------|--|--------------------------|------|-----------------------------|--|----------------|-------------------------------------|-----------------------------|-------------------------------------|------------------------|-------------------------------------|-------------|--|---------------|--|-----------|--|--------|--|----------|--|------------------|--|--------------------------------------|-------------------------------------|
| 16. | PROCESSING | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>A. Check Box(es) that Describe Operation:</p> <table border="0"> <tr> <td>Crushing (portable)</td> <td><input checked="" type="checkbox"/></td> <td>Amalgamation</td> <td></td> </tr> <tr> <td>Milling</td> <td></td> <td>Concrete Batch</td> <td></td> </tr> <tr> <td>Washing</td> <td><input checked="" type="checkbox"/></td> <td>Asphalt Batch (portable)</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Flotation</td> <td></td> <td>Precipitate</td> <td></td> </tr> <tr> <td>Heap Leaching</td> <td></td> <td>Hand Sort</td> <td></td> </tr> <tr> <td>Sizing</td> <td></td> <td>Smelting</td> <td></td> </tr> <tr> <td>Other (describe)</td> <td></td> <td>Temporary Screening Plant (portable)</td> <td><input checked="" type="checkbox"/></td> </tr> </table> <p>B. List Chemicals Used in the Processing Asphaltic Materials</p> | | Crushing (portable) | <input checked="" type="checkbox"/> | Amalgamation | | Milling | | Concrete Batch | | Washing | <input checked="" type="checkbox"/> | Asphalt Batch (portable) | <input checked="" type="checkbox"/> | Flotation | | Precipitate | | Heap Leaching | | Hand Sort | | Sizing | | Smelting | | Other (describe) | | Temporary Screening Plant (portable) | <input checked="" type="checkbox"/> |
| Crushing (portable) | <input checked="" type="checkbox"/> | Amalgamation | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Milling | | Concrete Batch | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Washing | <input checked="" type="checkbox"/> | Asphalt Batch (portable) | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Flotation | | Precipitate | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Heap Leaching | | Hand Sort | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sizing | | Smelting | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other (describe) | | Temporary Screening Plant (portable) | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17. | ACCESS | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Describe existing routes to the operation site. The site is 5.5 miles west of Death Valley Junction on Highway 190.</p> <p>Describe any proposed new access roads to be constructed. 300' of access road to be extended into mining area from Highway 190.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 18. | AIR QUALITY | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>List Number and Types of Vehicles and Equipment Associated with the Project:</p> <p>One D-9 CAT, one or more 5 cy FEL, Belly Dumps, Bobtail Trucks and Pickups, and a portable screening plant.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19. | WATER QUALITY/SUPPLY: | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="0"> <tr> <td>Source of Fresh Water</td> <td>Water truck (Shoshone or Death Valley Junction)</td> </tr> <tr> <td>Gallons per Day Fresh</td> <td>100 gallons/day (up to 2,000 gallons/day for processing)</td> </tr> <tr> <td>Gallons per Day Recycled</td> <td>None</td> </tr> <tr> <td>Total Gallons Used per Day.</td> <td>100 gallons/day (up to 2,000 gallons/day for processing)</td> </tr> <tr> <td>Chemicals Used</td> <td>None</td> </tr> <tr> <td>Method of Chemical Disposal</td> <td>None</td> </tr> <tr> <td>Proposed Sewage System</td> <td>Portable toilets, Commercial Vendor</td> </tr> </table> | | Source of Fresh Water | Water truck (Shoshone or Death Valley Junction) | Gallons per Day Fresh | 100 gallons/day (up to 2,000 gallons/day for processing) | Gallons per Day Recycled | None | Total Gallons Used per Day. | 100 gallons/day (up to 2,000 gallons/day for processing) | Chemicals Used | None | Method of Chemical Disposal | None | Proposed Sewage System | Portable toilets, Commercial Vendor | | | | | | | | | | | | | | |
| Source of Fresh Water | Water truck (Shoshone or Death Valley Junction) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Gallons per Day Fresh | 100 gallons/day (up to 2,000 gallons/day for processing) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Gallons per Day Recycled | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Gallons Used per Day. | 100 gallons/day (up to 2,000 gallons/day for processing) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Chemicals Used | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Method of Chemical Disposal | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Proposed Sewage System | Portable toilets, Commercial Vendor | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20. | ENERGY: | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>To be Consumed by the Project/Month</p> <p>ELECTRICITY Diesel Generator (see below)</p> <p>NATURAL GAS</p> <p>OTHER FUELS (type): Diesel, average 40 gallons per day, while processing aggregate, up to 800 gal/mth.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

21.

Describe the site alterations that will be produced by your proposed project. For instance, describe topographic changes, storm flows that will have to be channelized, lengths of new roads and/or easements and other such changes:

See map sheet #3 for final site configuration

22.

If your project requires any permits from other agencies, please identify the agency and type of permits. Some of the Agencies or department that you may have to obtain permits from are listed below:

| | |
|--|---------------------------|
| Great Basin Unified Air Pollution Control District | Operating Permit |
| Lahontan Regional Water Quality Control Board | |
| County Environmental Health Department | |
| County Building and Safety Department | |
| County Road Department | |
| Bureau of Land Management | Mining Permit |
| California Department of Fish and Game | |
| Inyo National Forest | |
| Inyo County | Reclamation Plan Approval |

Note: All other agencies or contractors using the pit will be required to obtain their own permits.

23.

HAZARDOUS WASTES; AIR QUALITY; AND HAZARDOUS MATERIALS

Pursuant to Section 65962.5(e) of the California Government Code the project site is _____ is not identified on the latest list prepared by the Secretary of Environmental Affairs as a hazardous waste site.

Pursuant to Section 65850.2(a)(1) of the California Government Code the applicant will _____ will not need to comply with Sections 25505, 25533, and 25534 of the California Health and Safety Code requiring a hazardous material business plan; hazardous materials registration forms; and the preparation of a Risk Management and Prevention Program (RMPP), respectively, and the requirements for a permit for construction or modification from the Great Basin Unified Air Pollution Control District.

Pursuant to Section 65850.2(a)(2) of the California Government Code the applicant will _____ will not handle acutely hazardous materials as defined by Section 25500 et. seq. of the California Health and Safety Code. If "will" is checked then a notice of requirement to comply with or determination of exemption for a Risk Management and Prevention Program (RMPP) from the Inyo County Environmental Health Department shall be attached to this application pursuant to Section 65850.2(b) of the California Government Code.

Pursuant to Section 65850.2(b) of the California Government code the applicant shall attach certification from the Great Basin Unified Air Pollution Control District that the project is in compliance with any disclosures required by Section 42303 of the California Health and Safety Code concerning information needed by them to determine air pollution resulting from the project.

| | |
|-----|--|
| 24. | PROPOSED OR POTENTIAL USE OF THE LAND AFTER RECLAMATION open space and wildlife habitat |
| 25. | METHODS OF RECLAMATION: See Section 4.0.0 Backfilling _____ Rehabilitation of drainage _____ Stabilization of slopes <u> X </u> Equipment and refuse removal <u> X </u> Resoiling and revegetation <u> X </u> Mitigate Hazards _____ Soil Augmentation _____ Other (describe) _____ |
| 26. | TIMING OF RECLAMATION Check One: <u> X </u> Mining and Reclamation is done simultaneously. _____ Reclamation will be done after mining complete. State sequence of mining and reclamation. See map sheets #1 -#3 and Section 3.0.0 |

27. RECLAMATION COST ESTIMATE SUMMARY SHEET MINING AND MILLING OPERATIONS

Section 2773.1 of the Surface Mining and Reclamation Act (SMARA) requires that financial assurance be established for each surface mining operation to ensure reclamation is performed in accordance with the surface mining operation's approved reclamation plan. The assurance is to be reviewed on an annual basis to account for new lands disturbed, inflation, and reclamation of lands completed in accordance with the approved reclamation plan.

Please provide an estimate of the actual cost of reclamation of your operation based on existing and/or anticipated disturbance resulting from your operation. This estimate should show a detailed break-down of cost to include, but not be limited to the following items:

A. Earthwork/Recontouring

| | Manpower ¹ | Equipment | Materials |
|------------------------------|-----------------------|-----------------|------------|
| 1. Roads | \$95.00 | \$174.00 | \$0 |
| 2. Pits, Adits/Trenches | \$95.00 | \$174.00 | \$0 |
| 3. Process Ponds | \$0 | \$0 | \$0 |
| 4. Heaps | \$136.00 | \$62.00 | \$0 |
| 5. Dumps (waste + landfills) | \$0 | \$0 | \$0 |
| 6. Tailings | \$0 | \$0 | \$0 |
| 7. Buildings and Equipment | \$0 | \$0 | \$0 |
| 8. Drainage Control Plan | \$0 | \$0 | \$0 |
| 9. Misc. (remove fence) | \$0 | \$0 | \$0 |
| Subtotal | \$626.00 | \$410.00 | \$0 |

B. Revegetation/Stabilization

| | | | |
|--------------------------------------|-----------------|-----------------|-------------------|
| 1. Roads | \$0 | \$0 | \$0 |
| 2. Pits, Adits/Trenches | \$175.00 | 116.00 | \$1300.00 |
| 3. Process Ponds | \$0 | \$0 | \$0 |
| 4. Heaps | \$0 | \$0 | \$0 |
| 5. Dumps (waste + landfills) | \$0 | \$0 | \$0 |
| 6. Tailings | \$0 | \$0 | \$0 |
| 7. Buildings and Equipment | \$0 | \$0 | \$0 |
| 8. Drainage Control Plan | \$0 | \$0 | \$0 |
| 9. Misc. (describe) | \$0 | \$0 | \$0 |
| 10. Monitoring (post reclamation) | \$0 | \$0 | \$0 |
| Subtotal | \$175.00 | \$116.00 | \$1,300.00 |

where is scarification or impounding?

¹ County construction cost must use California prevailing wage law. Wage rates must include FICA, and other required coverage and benefits covering your work force.

27. RECLAMATION COST ESTIMATE SUMMARY SHEET MINING AND MILLING OPERATIONS (cont)

C. Detoxification/Disposal of Wastes

| | Manpower ¹ | Equipment | Materials |
|-------------------------------------|-----------------------|-----------------|------------|
| 1. Process Ponds | \$0 | \$0 | \$0 |
| 2. Heaps | \$0 | \$0 | \$0 |
| 3. Dumps (waste + landfills) | \$0 | \$0 | \$0 |
| 4. Tailings | \$0 | \$0 | \$0 |
| 5. Drainage Control Plan | \$0 | \$0 | \$0 |
| 6. Misc. (describe) | \$0 | \$0 | \$0 |
| 7. Monitoring (post reclamation) | \$300.00 | \$256.00 | \$0 |
| Subtotal | \$300.00 | \$256.00 | \$0 |

D. Removal

| | | | |
|-----------------|------------|------------|------------|
| 1. Structures | \$0 | \$0 | \$0 |
| 2. Equipment | \$0 | \$0 | \$0 |
| 3. Facilities | \$0 | \$0 | \$0 |
| Subtotal | \$0 | \$0 | \$0 |

| | |
|---|----------|
| E. Insurance (on site liability (1.5%)) | \$48.00 |
| F. Contract Administration (15%) | \$477.00 |
| G. Bond (performance & payment) (1.5%) | \$48.00 |
| H. Profit (10%) | \$318.00 |

i. **Grand Total** \$4,074.00

J. **Remarks**

* All reclamation costs are to be calculated as third party contracts (the County will put the reclamation contracts out to bid in case of operator default). If you seek a bond reduction based upon your own "in house" equipment and personnel, submit a second cost analysis and a written request for the reduction to the County.

28. TYPE OF FINANCIAL ASSURANCE (check one):

Surety Bond

Irrevocable Letter of Credit

Trust Funds (Cash)

California Department of Transportation-Budget Set Aside

29. RECLAMATION COST ESTIMATE FOR EXPLORATION OPERATIONS

A. Earthwork/Recontouring

| | Manpower | Equipment | Materials |
|---------------|----------|-----------|-----------|
| 1. Roads | \$ _____ | \$ _____ | \$ _____ |
| 2. Drill Pads | \$ _____ | \$ _____ | \$ _____ |
| 3. Trenches | \$ _____ | \$ _____ | \$ _____ |
| Subtotal | \$ _____ | \$ _____ | \$ _____ |

B. Revegetation/Stabilization

| | | | |
|---|----------|----------|----------|
| 1. Roads | \$ _____ | \$ _____ | \$ _____ |
| 2. Drill Pads | \$ _____ | \$ _____ | \$ _____ |
| 3. Trenches | \$ _____ | \$ _____ | \$ _____ |
| 4. Monitoring (if required) (post reclamation) | \$ _____ | \$ _____ | \$ _____ |
| Subtotal | \$ _____ | \$ _____ | \$ _____ |

C. Insurance (on site liability) (1.5%) \$ _____

D. Contract Administration (15%) \$ _____

E. Bond (performance & payment) (1.5%) \$ _____

F. Profit (10%) \$ _____

G. Total \$ _____

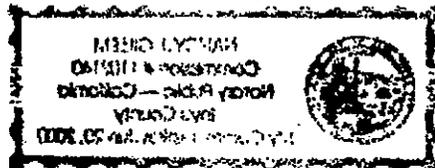
H. Grand Total \$ _____

I. Remarks

* All reclamation costs are to be calculated as third party contracts (the County will put the reclamation contracts out to bid in case of operator default). If you seek a bond reduction based upon your own "in house" equipment and personnel, submit a second cost analysis and a written request for the reduction to the County.

30. TYPE OF FINANCIAL ASSURANCE (check one):

- Surety Bond
- Irrevocable Letter of Credit
- Trust Funds (Cash)
- Not Applicable



| | |
|---|---------------------------------------|
| 31. | NOTIFICATION OF RESPONSIBILITY |
| <p>I, The <u>SMARA Coordinator</u>, the undersigned representing (the) <u>California Dept. of Transportation</u>, (state agency) legal holder of the possessory interest, mineral and/or surface rights to the property commonly known as the <u>Material Site #288</u> located in Township <u>21S</u>, Range <u>37E</u> Section(s) <u>36</u> (MDBM), do hereby acknowledge to abide by the Reclamation Plan as submitted with the application.</p> <p><u><i>David B. Grah</i></u> <u>3 FEB 97</u> David B. Grah, SMARA Coordinator Date</p> | |
| | |
| <u>Corporation Acknowledgment</u> | |

State of California

County of Inyo

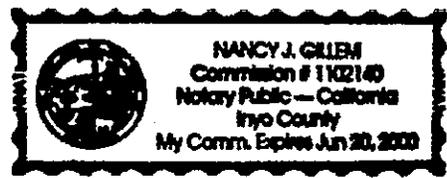
On Feb 3, 1997 before me, Nancy J. Gillem, Notary Public
DATE NAME, TITLE OF OFFICER-E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared David Beahrs Grah
NAME(S) OF SIGNER(S)

personally known to me-OR- proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Nancy J. Gillem
SIGNATURE OF NOTARY



32. APPLICANTS CERTIFICATION OF FILING: (Legal owner of the property must sign)

NOTE: If more than one person is involved in the ownership of the property or mineral rights a separate page must be attached to this application which lists the names and All applicants for surface mining permits who are not also the recorded owner(s) of

I certify under penalty of perjury that I am the owner of record, or as noted below and the owner of record has knowledge of and consents to the proposed surface mining reclamation plan application for this property. I further certify that the information contained is true and correct to the best of my knowledge.

 K Linn Mgr USDE/BLM
Owner or Possessory Interest or Mineral Rights

Legal Owner(s) (all individual owners must sign as their names appear on the deed to the land)

Corporate Officer(s) empowered to sign for the Corporation.

Owner's legal Agent having Power of Attorney for this action (a Certified Power of Attorney document must accompany the application form).

Date 4/1/97

 J. Read
Signature

 Tim Read
Print Name

 Bureau of Land Management
Company
 Barstow Area Mgr

Individual Acknowledgment

Corporation Acknowledgment

NOTE: THIS APPLICATION REQUIRES A PUBLIC HEARING BEFORE THE INYO COUNTY PLANNING COMMISSION. YOU OR A REPRESENTATIVE MUST BE PRESENT TO ANSWER ANY QUESTIONS. FAILURE TO APPEAR MAY RESULT IN THE PUBLIC HEARING BEING CONTINUED OR THE APPLICATION DENIED.

State of _____

County of _____

On _____ before me, _____

DATE

NAME, TITLE OF OFFICER-E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared _____

NAME(S) OF SIGNER(S)

personally known to me-OR- proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)

is/are subscribed to the within instrument and acknowledged to me that he/she/they

executed the same in his/her/their authorized capacity(ies), and by his/her/their

signature(s) on instrument the person(s), or the entity upon behalf of which the person(s)

acted, executed the instrument.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY



APPENDIX A-3

Financial Assurance Cost Estimate Worksheets

The following is a generalized format for the Financial Assurance cost estimate worksheets. Note, some of the items may not be applicable for all sites.

DATE: 01/02/97

Mine Name: NEW DEATH VALLEY ICT MS #286 A Mine ID# : 91-14-0046

Financial Assurance Worksheets prepared by: J. R. Stahl

Financial Assurance Summary Costs Totals

| <u>Item</u> | <u>Total Amount</u> |
|--|---------------------|
| <u>Direct Costs:</u> | |
| 1. Removal of Roads | \$269.00 |
| 2. Regrading Pit Areas | \$269.00 |
| 3. Regrading Mine Spoils | \$198.00 |
| 4. Topsoil Replacement | \$291.00 |
| 5. Seeding Costs | \$1,300.00 |
| 6. Channel Grading | |
| 7. Removal of Structures/Buildings | |
| <u>Direct Cost Sub-Total</u> | <u>\$2,327.00</u> |
| 8. Supervision (2% to 7% of Direct Costs) | \$105.00 |
| 9. Profit & Overhead (3% to 15% of Direct Costs) | \$209.00 |
| 10. Contingencies (2% to 10% of Direct Costs) | \$140.00 |
| 11. Mobilization (1% to 5% of Direct Costs) | \$70.00 |
| <u>Total Financial Assurance Amount =</u> | <u>\$2,851.00</u> |

1. Removal of Roads

Description of Task:

This task includes the removal of roadways per the conditions of the approved reclamation plan. This estimate should include a listing of assumptions including: length of the roadway, total cubic yards of asphalt and/or concrete surfaces to be removed, production rates for scarifying road bed, and grading required for the removal of roadside ditches and drainage structures. All disposal costs should be listed.

Describe the task required to meet the conditions of the approved reclamation plan:
Rip gravel road 1 hr. W/D8, fine grade 1 hr. W/12G

Length of Road: 750' Width of Road: 20'

Total Pavement Materials (cy/hr.): 0CY Total Acres: 0.34

A. Equipment: List all equipment, operating costs, total hours and total cost for each category.

| Item | Quantity | \$/hour | Total \$/hour | Total Hours | Total Cost(\$) |
|----------------------------|----------|----------|---------------|-------------|----------------|
| 1) Cat 966 FEL | | \$73.00 | \$0 | | \$0 |
| 2) Cat D8L Dozer w/ ripper | 1 | \$104.82 | \$104.82 | 1 | \$105 |
| 3) Water Truck | 1 | \$30.93 | \$30.93 | 1 | \$31 |
| 4) Cat 12G Blade | 1 | \$38.40 | \$38.40 | 1 | \$38 |
| 5) Ford F-700 Truck | | \$25.00 | \$0 | | \$0 |

Total Equipment Cost \$174

B. Labor: List all labor categories to complete the job requirements.

| Item | Quantity | Labor Rate \$/hour | Total \$/hour | Total Hours | Total Cost(\$) |
|---------------------------------|----------|--------------------|---------------|-------------|----------------|
| 1) Heavy Equip. Operator (G-13) | 1 | \$32.99 | \$32.99 | 1 | \$33 |
| 2) Heavy Equip. Operator (G-13) | 1 | \$32.99 | \$32.99 | 1 | \$33 |
| 3) Heavy Equip. Operator (G-13) | | \$32.99 | \$32.99 | | \$ |
| 4) Truck Driver (G-5) | 1 | \$29.41 | \$29.41 | 1 | \$29 |
| 5) Laborer (G-1) | | \$25.12 | \$25.12 | | \$0 |

Total Labor Cost \$95

C. Materials: List all materials required to complete job requirements (including disposal costs).

| Item | Quantity | Cost/Unit | Cost | Unit #Units | Total Cost(\$) |
|----------------------------|----------|-----------|-------|-------------|----------------|
| 1) Asphalt Disposal(loads) | | \$100 | \$100 | | \$0 |

Total Materials Cost \$0

D. Calculations:

Equipment Cost + Labor Cost + Materials Costs = Total Direct Cost \$269

2. Regrading Pit Areas

Description of Task:

The reduction of highwalls and final grading for mine pit areas. Cross-sections and reclamation plan maps should be used to develop this information provided operators have submitted sufficient data.

Describe the task required to meet the conditions of the approved reclamation plan:

Rough Grading Pit 1hr. W/D8L. Fine Grade 1hr. W/12G

Production Rate(s) (cy/hr): 800 Total Acres: 1.66

A. Equipment

Instructions: List all equipment required to complete final highwall grading for pit areas. You may want to separate mine areas for ease of accounting.

| Item | Quantity | \$/hour | Total \$/hour | Total Hours | Total Cost(\$) |
|----------------------|----------|----------|---------------|-------------|----------------|
| 1) Cat 631 Scraper | | \$134.38 | \$134.38 | | \$ |
| 2) Cat D8L Dozer | 1 | \$104.82 | \$104.82 | 1 | \$105 |
| 3) Water Truck | 1 | \$30.93 | \$30.93 | 1 | \$31 |
| 4) Cat 12G Blade | 1 | \$38.40 | \$38.40 | 1 | \$38 |
| Total Equipment Cost | | | | | <u>\$174</u> |

B. Labor: List all labor categories to complete the job requirements.

| Item | Quantity | Labor Rate \$/hour | Total \$/hour | Total Hours | Total Cost(\$) |
|---------------------------------|----------|--------------------|---------------|-------------|----------------|
| 1) Heavy Equip. Operator (G-13) | 1 | \$32.99 | \$32.99 | 1 | \$33 |
| 2) Heavy Equip. Operator (G-13) | 1 | \$32.99 | \$32.99 | 1 | \$33 |
| 3) Truck Driver (G-5) | 1 | \$29.41 | \$29.41 | 1 | \$29 |
| Total Labor Cost | | | | | <u>\$95</u> |

C. Materials: List all materials required to complete job requirements (including disposal costs).

| Item | Quantity | Unit Cost | Total Cost(\$) |
|------|----------|-----------|----------------|
|------|----------|-----------|----------------|

1)

Total Materials Cost _____

D. Calculations:

Equipment Cost + Labor Cost + Materials Costs = Total Direct Cost \$269

3. Regrading Mine Spoils

Description of Task:

grade all mine spoil areas to final approval reclaimed contour. Include scarifying all regraded slope areas where applicable. Cross-sections and reclamation plan maps should be used to develop this information. This item does not include the reduction of highwalls (see item No. 2).

Describe the methods used to regrade spoil piles to meet final approved reclaimed contours.
Rip & flatten areas 1hr. W/D8

Total Acres: 1.66 Production Rate(s) (cy/hr): 1200

A. Equipment

Instructions: List all equipment to complete final highwall grading for pit areas. You may want to separate mine areas for ease of accounting.

| Item | Quantity | \$/hour | Total \$/hour | Total Hours | Total Cost(\$) |
|----------------------|----------|----------|---------------|-------------|----------------|
| 1) Cat D8L Dozer | 1 | \$104.82 | \$104.82 | 1 | \$105 |
| 2) Water Truck | 1 | \$30.93 | \$30.93 | 1 | \$31 |
| Total Equipment Cost | | | | | <u>\$136</u> |

B. Labor: List all categories to complete the job requirements.

| Item | Quantity | Labor Rate \$/hour | Total \$/hour | Total Hours | Total Cost(\$) |
|---------------------------------|----------|--------------------|---------------|-------------|----------------|
| 1) Heavy Equip. Operator (G-13) | 1 | \$32.99 | \$32.99 | 1 | \$33 |
| 2) Truck Driver (G-i) | 1 | \$29.41 | \$29.41 | 1 | \$29 |
| 3) Laborer (G-1) | | \$25.12 | \$25.12 | | \$ |
| Total Labor Cost | | | | | <u>\$62</u> |

C. Materials: List all materials required to complete job requirements (including disposal costs).

| Item | Quantity | Cost/Unit | Unit Cost | #Units | Total Cost(\$) |
|----------------------|----------|-----------|-----------|--------|-----------------------------|
| Total Materials Cost | | | | | <u> </u> |

D. Calculations:

Equipment Cost + Labor Cost + Materials Costs = Total Direct Cost \$198

4. Topsoil Replacement

Description of Task: *Replacement of topsoil or approved topsoil substitute on all reclaimed surfaces as described in the approved reclamation plan.*

Describe the topsoil replacement requirements of the reclamation plan:

Fine grade stockpiled material out over site

Total Topsoil (cubic yards): Total Acres: 2.0
 Production Rate(s) (cy/hr):
 Haul Distance (feet):

A. Equipment:

Instructions: List all equipment required to be used in the operation, operating costs with total cost per category. Total the cost of equipment

| Item | Quantity | \$/hour | Total \$/hour | Total Hours | Total Cost(\$) |
|----------------------|----------|----------|---------------|-------------|----------------|
| ○ Cat 631 Scraper | | \$134.38 | \$134.38 | | \$ |
| Water Truck | | \$30.93 | \$30.93 | | \$ |
| 3) Cat 12G Blade | 1 | \$38.40 | \$38.40 | 2 | \$77 |
| 4) 2-axle Dump Truck | 1 | \$19.50 | \$19.50 | 2 | \$39 |
| Total Equipment Cost | | | | | \$116 |

B. Labor: List all labor categories to complete the job requirements.

| Item | Quantity | \$/hour | Total \$/hour | Total Hours | Total Cost(\$) |
|---------------------------------|----------|---------|---------------|-------------|----------------|
| 1) Heavy Equip. Operator (G-13) | 1 | \$32.99 | \$32.99 | 2 | \$66 |
| 2) Heavy Equip. Operator (G-13) | | \$32.99 | \$32.99 | | \$ |
| 3) Heavy Equip. Operator (G-13) | | \$32.99 | | | \$ |
| 4) Truck Driver (G-5) | 1 | \$29.41 | \$29.41 | 2 | \$59 |
| 5) Laborer (G-1) | 1 | \$25.12 | \$25.12 | 2 | \$50 |
| Total Labor Cost | | | | | \$175 |

C. Materials: List all materials required to complete job requirements (including disposal costs).

| Item | Quantity | Cost/Unit | Unit Cost | #Units | Total Cost(\$) |
|-----------------------|----------|-----------|-----------|--------|----------------|
| 1) | | | | | |
| ○ Total Material Cost | | | | | \$0 |

D. Calculations:

Equipment Cost + Labor Cost + Materials Costs = Total Direct Cost **\$291**

5. Seeding & Revegetation Costs

Description of Tasks

Includes the cost of revegetating all reclaimed areas identified in the approved reclamation plan. These costs may include, but are not limited to: seedbed preparation, seeding, hydromulching, seed and plant materials costs, fertilizers, mulching, irrigation and monitoring.

Describe the revegetation requirements of the approved reclamation plan:

Native seeding : 20.0lb./A (\$200.00 seed + \$200.00 application) /A on 2.0 A

List assumptions used in the estimate as described below:

Seeding Rate (lbs/ac): 20.0 Seeding Production Rate (ac/hr): _____

Total Acres: 2.0 Monitoring Period: as needed

A. Equipment:

Instructions: List all equipment required to be used in the operation, operating costs with total cost per category. Total the cost of all equipment.

| Item | Quantity | \$/Unit | Total \$/acre | Total acres | Total Cost(\$) |
|------|----------|---------|------------------|----------------|-------------------|
|------|----------|---------|------------------|----------------|-------------------|

Total Equipment Cost _____

B. Labor: List all labor categories to complete the job requirements.

| Item | Labor Rate \$/ | Total \$/ | Total Acres/Site | Total Cost(\$) |
|------|-------------------|--------------|---------------------|-------------------|
|------|-------------------|--------------|---------------------|-------------------|

| | | | | |
|---------------------|---------|----------|-----|----------|
| 1) Seed Application | \$200/A | \$200.00 | 2.0 | \$400.00 |
|---------------------|---------|----------|-----|----------|

Total Labor Cost _____ \$400.00

C. Materials: List all materials required to complete job requirements (including disposal costs).

| Item | Quantity | Unit Cost/Acre | Total Acres | Total Cost(\$) |
|------|----------|-------------------|----------------|-------------------|
|------|----------|-------------------|----------------|-------------------|

| | | | | |
|---------------|-----------|----------|-----|----------|
| 1) Seed Costs | 20.0lb./A | \$450.00 | 2.0 | \$900.00 |
|---------------|-----------|----------|-----|----------|

Total materials Cost _____ \$900.00

D. Calculations:

Equipment Cost + Labor Cost + Materials Costs = Total Direct Cost \$1,300.00

APPENDIX B

REVEGETATION MONITORING, SAMPLE DATA SHEET

Name _____ Date _____ Site # _____
Plot Size _____ Plot Number _____ Photo # _____
Treatment Received (i.e., type of mulch, resoiled?) _____

Plot Data: Total Plant Cover _____ Percent Bare Ground _____
Percent Litter _____ Percent Exposed Gravel or Cobble _____

Flora:

| Shrubs | Percent Cover | Number (density) | Height/Vigor |
|--------|---------------|------------------|--------------|
| | | | |
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| | | | |

| Herbs | Percent Cover | Number (density) | Height/Vigor |
|-------|---------------|------------------|--------------|
| | | | |
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Notes:

APPENDIX C

INTERIM MANAGEMENT PLAN (IMP)

RESPONSIBLE PERSON/PARTY:

David Grah
California State Department of Transportation (Caltrans)
District 09
500 S. Main Street
Bishop, California 93514
(619) 872-0734

SUMMARY

The purpose of an Interim Management Plan (IMP) is to prevent or minimize adverse environmental effects from an idle mining operation and to ensure that residual hazards to the public health and safety are eliminated while the mine is idle.

Idle Plan

The mining operation is carefully designed such that an idle period can be easily integrated into the site's management. The erosion control and drainage plan for the initial site reclamation phase and mining phase will also serve to protect the site during idle periods. Within 90 days of this operation becoming idle, Caltrans shall contact Inyo County requesting initiation of an idle period of up to five years in duration. If Caltrans plans to extract or transport minerals from the site during an idle period (which may not exceed 10 percent of the operation's previous maximum annual mineral production), the following information will be transmitted with the request for idle status:

- A description of any equipment, structures, and other facilities that will remain on-site while the operation is idle.
- The estimated annual production of overburden, mining waste, and ore while the operation is idle.

- A description of surface mining operations that will be conducted while the operation is idle.

Upon the County's approval of idle status, the following annual monitoring activities will be implemented:

- verification that all erosion control and drainage control structures have been installed for the mining phase and/or reclamation phase, as per Section 3.0 and 4.0 of the reclamation plan;
- cleaning out of sediment basins, run-off retention areas, straw check dams, and ditches (if any);
- clearing out of the up-gradient sides of the soil berms;
- maintenance of emplaced fill and fill slopes on site;
- maintenance and management of stockpiles; and,
- appropriate, off-site disposal of any illegally dumped materials found on the site.

APPENDIX D

Desert Tortoise Mitigation

In order to protect the desert tortoise from impacts during operations and restoration of the material site, the following measures will be implemented; 1) the material site will be fenced with tortoise proof fencing installed on a five strand barbed wire type fence; 2) a locked gate will be provided for security and to keep tortoises out of the pit site and a 25 mile per hour speed limit will be placed on the access road; 3) a qualified tortoise monitor will be present during the fencing on the project site to be sure that no tortoise are harmed; 4) after the fence has been installed, the entire pit site will be surveyed for tortoises. Any tortoise found during the clearance survey will be relocated outside of the fence; 5) educational classes will be given to the crews that are to use the site; and 6) the fence will be monitored each year during the active season to ensure that the fence is providing the desired protection for the desert tortoise.

The tortoise monitor shall hold a current Memorandum of Understanding (MOU) with the DFG and USFWS that authorizes handling on the desert Tortoise.

Any mortality or injury to a desert tortoise shall be reported to the DFG and USFWS within 24 hours.



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

Phone: (619) 878-0263
(619) 872-2706
FAX: (619) 872-2712
E-Mail: InyoPlanning@telis.org

DRAFT MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

**PROJECT TITLE: Reclamation Plan #96-10/ New Death Valley Junction Site - #286A-
California State Department of Transportation (CalTrans)**

PROJECT LOCATION:

The project is located on Bureau of Land Management (BLM) lands approximately 5.5 miles west of the community of Death Valley Junction (more specifically referenced as being on the south side of Highway 190 at post mile 135.5). The project is located in a portion of Section 14, Township 25 North, Range 4 East, SBBM.

PROJECT DESCRIPTION:

This is a mining project that will occupy approximately 7.7 acres of BLM lands. The site is an irregular-shaped polygon with sides ranging in lengths from 869 feet to 273 feet. The site has not yet been mined. Approximately 7.2 acres of the site will be disturbed by operations.

Approximately 0.2 acres will be disturbed off-site for an access road entering the site from the north. The termination date for this reclamation plan shall be the year 2022 A. D. The site will be mined for material to be used for road repair and maintenance, and possible construction. It is estimated that the annual extraction volume will be about 7,500 cubic yards. There is a pre-existing borrow site 1,500 feet east (across State Highway 190) that has naturally reclaimed itself (1974).

FINDINGS:

An Initial Study and an Evaluation of Potential Impacts has been prepared by the Planning Department (attached). The Initial Study, including an environmental checklist, indicated that the proposed project, as mitigated, will 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 Inyo County General Plan. Therefore, the project is consistent with the adopted General Plan Land Use designation of "Open Space - Natural Resources."
- B. The proposed reclamation plan is consistent with the requirements of the Inyo County Zoning Ordinance and the OS-40 (Open space-40 acre minimum) zone.
- C. The proposed Reclamation Plan is consistent with the requirements of Chapter 7.70 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. Potential loss of native vegetation and wildlife habitat is considered to be in agreement with the standards set by the Fish and Game Code for potential habitat loss. Because of the potential loss of native vegetation and wildlife habitat, however sparse, Section 711.4 of the Fish and Game Code requires the payment of \$1,250.00 fee before this project is deemed "operative, vested, or final." The potential impact is greater than *de minimus* standard of section 711.4. Said \$1,250.00 shall be paid by the applicant at the time the Notice of Determination is filed by the Planning Department (5 days after the reclamation plan approval).

F. Based upon the information submitted, and the mitigation measures which will be required as a result of the Initial Study, it has been found that the project does not have the potential to create a significant adverse impact on the following:

1. Earth
2. Flora or fauna
3. Air Quality

This constitutes a Negative Finding for the Mandatory Findings required pursuant to Section 15065 of the California Environmental Quality Act (CEQA) Guidelines. Mitigation measures that will be required are as follows:

1. EARTH:

PROBLEM:

Although the area is not in an identified FEMA flood zone, short-term high-intensity precipitation events have been known to occur in this area.

MITIGATION MEASURE: CalTrans shall recalculate the potential for flooding based upon 20-year flood data and design appropriate containment or diversion structures.

MITIGATION LEVEL: Mitigate to a less than significant level.

LEAD AGENCY: Inyo County Planning Commission

FUNDING SOURCE: Mining Operator/Applicant shall directly implement this measure at their expense.

IMPLEMENTING AGENCY: Mining Operator/Applicant.

TIMING: Mitigation measure is to be implemented prior to mining.

MONITORING AGENCY: Inyo County Planning Department.

2. EARTH:

PROBLEM:

CalTrans has requested that a temporary asphalt batch plant be authorized for the site.

MITIGATION MEASURE: CalTrans or the contractor shall not bury any asphalt on site.

MITIGATION LEVEL: Mitigate to a less than significant level.

LEAD AGENCY: Inyo County Planning Commission

FUNDING SOURCE: Mining Operator/Applicant shall directly implement this measure at their expense.

IMPLEMENTING AGENCY: Mining Operator/Applicant.

TIMING: Mitigation measures are to be implemented concurrently with operations, and at the time of final closure.

MONITORING AGENCY: Inyo County Planning Department.

3. FLORA and FAUNA:

PROBLEM:

CalTrans will be removing 15 cacti and donating them to the National Park Service, and replacing them during reclamation. Also, the area is within the range of the Desert Tortoise.

MITIGATION MEASURE: Conditions of approval shall include the following mitigation measures:

1. Replace the 15 cacti to be disturbed by mining.
2. CalTrans standard mitigation measures shall be followed to protect the Desert Tortoise.

MITIGATION LEVEL: Mitigate to a less than significant level.

LEAD AGENCY: Inyo County Planning Commission

FUNDING SOURCE: Mining Operator/Applicant shall directly implement this measure at their expense.

IMPLEMENTING AGENCY: Mining Operator/Applicant.

TIMING: Mitigation measures are to be implemented concurrently operations and closure.

MONITORING AGENCY: Inyo County Planning Department.

4. **AIR QUALITY:**

PROBLEM:

This project will create dust in the initial operations, start-up, operation and reclamation.

MITIGATION MEASURE: In the initial start-up and during operations CalTrans shall supply a water truck on-site to keep the dust down while these activities are being conducted. The County of Inyo of Inyo is not required to have a water truck on site as the County will not be operating either a screening plant or asphalt plant within the project area.

Should, in the future, the County wish to operate either the screening plant or the asphalt batch plant, the County (with permission from CalTrans) shall supply a water truck for dust suppression.

MITIGATION LEVEL: Mitigate to a less than significant level.

LEAD AGENCY: Inyo County Planning Commission

FUNDING SOURCE: Mining Operator/Applicant shall directly implement this measure at their expense.

IMPLEMENTING AGENCY: Mining Operator/Applicant.

TIMING: Mitigation measures are to be implemented concurrently operations and closure.

MONITORING AGENCY: Inyo County Planning Department.

5. **FLORA and FAUNA:**

PROBLEM:

Area will need to be reseeded at time of closure.

MITIGATION MEASURE: The project will disturb 7.7 acres of wildlife and plant habitat. However, the reclamation plan shall mitigate the disturbance by implementation of reclamation conditions.

MITIGATION LEVEL: Mitigate to a less than significant level.

LEAD AGENCY: Inyo County Planning Commission

FUNDING SOURCE: Mining Operator/Applicant (CalTrans) shall directly implement this measure at their expense.

IMPLEMENTING AGENCY: Mining Operator/Applicant.

TIMING: Mitigation measures are to be implemented concurrently operations and closure.

MONITORING AGENCY: Inyo County Planning Department.

The review period for this Negative Declaration expires on MAY 29, 1997. 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, Curtis E. Kellogg, if you have any questions regarding this project.

INYO COUNTY PLANNING DEPARTMENT

4-29-97

Date

Peter Chamberlin

Peter Chamberlin

Planning Director

Attachments: Initial Study,
Evaluation of Potential Impacts
Vicinity Map (from Rec. Plan)

| Date | Reviewer | Initials |
|------|-------------------|-------------|
| 4/29 | Project Planner | [Signature] |
| 4/29 | Review Planner | [Signature] |
| 4/29 | Planning Director | [Signature] |
| | Secretary | |

INITIAL STUDY CHECKLIST

I. BACKGROUND

1. Project Title: Reclamation Plan # 96-10/ New Death Valley Junction Site - #286A-
California State Department of Transportation (CalTrans)
2. Name of Project Applicant: California State Department of Transportation (CalTrans)
3. Address and Phone Number of Applicant: 500 South Main Street
Bishop, CA 93514
(760) 872-0734
4. Lead Agency Contact Persons: Earl H. Gann & Curtis E. Kellogg.
5. Lead Agency Address and Phone Number: Inyo County Planning Department
P. O. Drawer "L"
Independence, CA 93526
(760) 878-02363
6. Date Checklist Completed: _____
7. Parties Completing Checklist: Earl H. Gann, Mine Reclamation Planner.
Curtis E. Kellogg, Associate Planner.
8. Project Location: The project is located on Bureau of Land Management (BLM) lands approximately 5.5 miles west of the community of Death Valley Junction (more specifically referenced as being on the south side of Highway 190 at post mile 135.5). The project is located in a portion of Section 14, Township 25 North, Range 4 East, SBEM.
9. General Plan Designation: Open Space / Natural Resources .
10. Zoning Classification: OS-40 (Open Space - Forty acres minimum).
11. Description of Project (*Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary*):

This is a mining project that will occupy approximately 7.7 acres of BLM lands. The site is an irregular-shaped polygon with sides ranging in lengths from 869 feet to 273 feet. The site has not yet been mined. Approximately 7.2 acres of the site will be disturbed by operations. Approximately 0.2 acres will be disturbed off-site for an access road entering the site from the north. The termination date for this reclamation plan shall be the year 2022 A. D. The site will be mined for material to be used for road repair and maintenance, and possible construction. It is estimated that the annual extraction volume will be about 7,500 cubic yards.
12. Surrounding Land Uses and Setting (*Briefly describe the project's surroundings*):

The surrounding land use is Open Space (across State Highway 190 to the north are lands designated as "Wilderness" by the BLM).
13. Other Agencies Whose Approval Is Required (*e.g., permits, financing approval, or participation agreement*):
Bureau of Land Management

II. 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. "Potentially Significant Impact" is appropriate if there is *substantial evidence* that an effect is significant.
4. Mitigation Identified: *Negative Declaration* applies where the incorporation of mitigation measures has reduced an effect from potentially significant to less than significant. The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level.
5. No Mitigation Identified: *EIR* applies where there is substantial evidence that an effect is significant and no mitigation is identified or more analysis is needed. When this determination is made, an EIR is required.
6. 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. State CEQA Guidelines Section 15063(c)(3)(D).
7. References to information sources for potential impacts (e.g., general plans, zoning ordinances) should be provided. *Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.*

III. ENVIRONMENTAL ANALYSIS

Include explanations for all answers by adding text to form or on attached pages.

| | No Impact | Less-than-Significant Impact | Potentially Significant Impact | |
|---|-----------|------------------------------|--|--------------------------------|
| | | | Mitigation Identified - Negative Declaration | No Mitigation Identified - EIR |
| 1. Land Use and Planning | | | | |
| a. Does the project conflict with adopted land use plans or policies that are applicable to the project site or to the project vicinity? [Note that on a project-specific basis, such applicable land use plans and policies may include those imposed by local agencies, by local or regional agencies, and by statewide land use agencies.] <i>This project will not conflict with any adopted land use plans or policies.</i> | X | _____ | _____ | _____ |
| b. Would the project conflict with open space, low-income housing, or other adopted land use goals that are applicable to the project location? <i>This project will not conflict with any open space, low-income housing or land use goals because the project is located in a extremely remote area.</i> | X | _____ | _____ | _____ |
| c. Would the project conflict with established recreational, educational, religious, or scientific uses at the project location? <i>This project will not conflict with the above uses.</i> | X | _____ | _____ | _____ |
| d. Would the project require cancellation of Williamson Act agricultural contracts, or convert agricultural land to a non-agricultural use within an area designated as Important Farmland by the Department of Conservation, or an area designated as Prime Farmland by the Soil Conservation Service of the federal Department of Agriculture? <i>This project is not in any farming area and will not convert any agricultural land to non agricultural uses.</i> | X | _____ | _____ | _____ |
| e. Would the project cause a nuisance to existing or planned land uses? Would existing or planned land uses cause a nuisance to the residents or users of the project? <i>This project is consistent with existing land use policies of the County in regards to mining.</i> | X | _____ | _____ | _____ |
| 2. Population, Employment, and Housing | | | | |
| a. Does the project conflict with population, employment, or housing policies or projections established by government agencies with jurisdiction over the project? <i>This project is located in a remote area of the County and will</i> | X | _____ | _____ | _____ |

| | No Impact | Less-than-Significant Impact | Potentially Significant Impact | |
|--|-----------|------------------------------|--|--------------------------------|
| | | | Mitigation Identified - Negative Declaration | No Mitigation Identified - EIR |
| <i>not affect any population, employment and housing policies or projections.</i> | | | | |
| b. Will the project directly or indirectly cause substantial growth or concentration in the population beyond current levels? | X | _____ | _____ | _____ |
| <i>Due to the small size of the project no substantial growth or population concentration will occur.</i> | | | | |
| c. Will the project directly or indirectly cause a net loss in the number of jobs in the community or cause substantial job or income losses by changing the employment opportunities in a community? | X | _____ | _____ | _____ |
| <i>Because of the nature of this project no net loss of jobs will occur.</i> | | | | |
| d. Does the project displace existing residences or otherwise create or exacerbate a housing shortage? | X | _____ | _____ | _____ |
| <i>No residential units are located in the area of this project. This project will not create a housing shortage.</i> | | | | |
| 3. Geology, Soils, and Seismicity | | | | |
| a. Would the project conflict with applicable legal requirements regarding geohazards and soil conservation? | X | _____ | _____ | _____ |
| <i>This project will not conflict with any legal requirements regarding geohazards and soil conservation.</i> | | | | |
| b. Is the project likely to expose people or structures to significant geohazards? In particular, is the project located within an Alquist-Priolo Special Studies Zone, within a known active fault zone, in an area characterized by surface rupture that might be related to a fault, or in an area designated as geologic hazard area or subject to geohazard safety measures in a local plan or ordinance? | X | _____ | _____ | _____ |
| <i>The project is not located in an earthquake Special Study Zone as identified in the Alquist-Priolo Special Studies Maps (no map printed).</i> | | | | |
| c. Does the substrate at the project site consist of material that is subject to liquefaction or other secondary seismic hazards in the event of groundshaking? | X | _____ | _____ | _____ |
| <i>The substrate is not subject to liquefaction or secondary hazards.</i> | | | | |
| d. Is there any evidence of static hazards, such as landsliding or slopes in excess of 15%, that could result in slope failure? | X | _____ | _____ | _____ |
| <i>The area has no slopes greater than 15% and is not subject to landsliding.</i> | | | | |

| | No Impact | Potentially Significant Impact | | |
|---|-----------|--------------------------------|--|--------------------------------|
| | | Less-than-Significant Impact | Mitigation Identified - Negative Declaration | No Mitigation Identified - EIR |
| <p>c. Is the project located on or in the vicinity of soil that is likely to collapse or subside, as might be the case with fill, old mining properties, or areas of subsidence caused by groundwater drawdown?</p> <p><i>Due to the nature of the project, no groundwater drawdown will occur.</i></p> | X | _____ | _____ | _____ |
| <p>f. Are soils characterized by shrink/swell potential that might result in deformation of foundations or damage to structures?</p> <p><i>Soils in the project area are not characterized by shrink/swell potential.</i></p> | X | _____ | _____ | _____ |
| <p>g. Would the project result in substantial soil erosion or loss of topsoil?</p> <p><i>Because of the nature of this project soil erosion may occur. However, the design of the project will mitigate this to a less than significant impact.</i></p> | _____ | _____ | X | _____ |
| <p>h. Would the project result in loss of (or lost access to) mineral resources, including rock/sand/gravel resources, or other known resources such as those identified in a Mineral Resource Zone identified by the California Department of Mines and Geology?</p> <p><i>The project will not result in the loss of a valuable mineral resource.</i></p> | X | _____ | _____ | _____ |
| <p>i. Would the project result in loss of a unique geographical feature of statewide or national significance?</p> <p><i>The project site does not have any unique geologic features.</i></p> | X | _____ | _____ | _____ |
| 4. Hydrology and Water Quality | | | | |
| <p>a. Would the project conflict with applicable legal requirements relating to hydrology and water quality?</p> <p><i>This project will not conflict with any legal requirements relating with hydrology or water quality.</i></p> | X | _____ | _____ | _____ |
| <p>b. Would the project cause direct or indirect wastewater discharges that would result in acute or eventual exposures to levels of hazardous materials that would adversely affect human health, wildlife, or plant species? Would the project otherwise substantially degrade surface water quality?</p> <p><i>This project will not cause direct or indirect wastewater discharges of hazardous materials to surface water.</i></p> | X | _____ | _____ | _____ |
| <p>c. Would the project substantially degrade groundwater quality, interfere substantially with groundwater recharge, or deplete groundwater resources in a manner that would cause water-</p> | X | _____ | _____ | _____ |

| | Potentially Significant Impact | | | |
|--|--------------------------------|------------------------------|--|--------------------------------|
| | No Impact | Less-than-Significant Impact | Mitigation Identified - Negative Declaration | No Mitigation Identified - EIR |

related hazards such as subsidence?

This project will not degrade groundwater. Groundwater in the area is not potable, and therefore, undrinkable.

- | | | | | |
|--|-------|---|-------|-------|
| d. Would the project alter the existing drainage pattern of the site or area in a manner that results in flooding, erosion, or siltation, on- or off-site? | _____ | X | _____ | _____ |
|--|-------|---|-------|-------|

Drainage may be affected. However, this will not be a significant impact.

- | | | | | |
|---|-------|-------|---|-------|
| e. Is the project located in a flood-prone area, based on either historical flood records or potential risks relating to existing or planned changes to flood control measures? | _____ | _____ | X | _____ |
|---|-------|-------|---|-------|

This project location is possibly in a flood prone area. Due to the nature of the project, as conditioned/mitigated flooding should not affect the site. There is no FEMA flood map printed for the area.

CalTrans shall recalculate the potential for flooding based upon 20-year flood data and design appropriate containment or diversion structures.

5. Biological Resources

- | | | | | |
|--|-------|-------|---|-------|
| a. Would the project violate any environmental law or regulation designed to protect wildlife, fisheries, plant species, or habitat areas? | _____ | _____ | X | _____ |
|--|-------|-------|---|-------|

The project will disturb 7.7 acres of wildlife and plant habitat. However, the reclamation plan shall mitigate the disturbance by implementation of reclamation conditions.

- | | | | | |
|---|-------|-------|---|-------|
| b. Would the project directly harm a sensitive species or cause a net loss to the habitat of the species? | _____ | _____ | X | _____ |
|---|-------|-------|---|-------|

The short term impacts will harm species habitat. However, reclamation will restore damage to a less than significant impact (see standard CalTrans Mitigation Measures in the Reclamation Plan).

- | | | | | |
|--|---|-------|-------|-------|
| c. Would the project interfere substantially with the movement of any resident or migratory fish or wildlife species, or with established resident or migratory corridors? | X | _____ | _____ | _____ |
|--|---|-------|-------|-------|

This project will not interfere substantially with the movement of any resident or migratory wildlife species.

- | | | | | |
|--|---|-------|-------|-------|
| d. Would the project cause any fish or wildlife population to drop below self-sustaining levels? | X | _____ | _____ | _____ |
|--|---|-------|-------|-------|

The size of this project will not cause any fish or wildlife

| | Potentially Significant Impact | | | |
|---|--------------------------------|------------------------------|--|--------------------------------|
| | No Impact | Less-than-Significant Impact | Mitigation Identified - Negative Declaration | No Mitigation Identified - EIR |
| <i>population to drop below self-sustaining levels.</i> | | | | |
| e. Would the project cause a net loss of any riparian lands, wetlands, marshes, or other environmentally sensitive habitat areas? | X | _____ | _____ | _____ |
| <i>No wetlands are in the area of this project.</i> | | | | |
| f. Would the project result in the loss of any "specimen tree" or tree with historic value? | X | _____ | _____ | _____ |
| <i>No trees are in the project area.</i> | | | | |
| <i>Wildlife mitigation measures for CalTrans shall be those standard measures imposed on all CalTrans projects as outlined in their reclamation plan.</i> | | | | |
| 6. Cultural and Historical Resources | | | | |
| a. Would the project conflict with the cultural and historic protection measures established by federal, state, or local regulatory programs? | X | _____ | _____ | _____ |
| <i>No Federal State or local cultural or historical protection regulatory programs have been established for this area.</i> | | | | |
| b. Would the project cause the physical disturbance of, or prevent future access to, a prehistoric, historic, or cultural site that is listed or eligible for listing on the National Register of Historic Places, the California Register of Historic Resources, or a Register of Historic Resources that has been adopted by resolution or ordinance of a local government? | _____ | X | _____ | _____ |
| <i>No prehistoric cultural resources were found within the proposed project area. However, evidence of previous mining activity was found east of the site and was deemed less than significant.</i> | | | | |
| c. Would the project cause the physical disturbance of, or prevent future access to, a structure, parcel, or other feature of historic or cultural significance to a community, ethnic, or social group? | X | _____ | _____ | _____ |
| <i>No.</i> | | | | |
| d. Would the project cause the physical disturbance of, or prevent future access to, a unique paleontological site? | X | _____ | _____ | _____ |
| <i>A previous Cultural Inventory (1974) found no paleontological sites in the project area.</i> | | | | |

| | No Impact | Potentially Significant Impact | | |
|---|-----------|--------------------------------|--|--------------------------------|
| | | Less-than-Significant Impact | Mitigation Identified - Negative Declaration | No Mitigation Identified - EIR |
| <p>e. Would the project cause the disturbance of any human remains? <i>No human remains have been found in the project area (previous survey - 1974).</i></p> | X | _____ | _____ | _____ |
| 7. Traffic and Transportation | | | | |
| <p>a. Would the project cause a new violation, or exacerbate an existing violation, of an applicable legal standard or goal relating to traffic levels of service (LOS) or volume/capacity (V/C) ratios, of a state or local agency? (LOS ratings range from "A" to "F", with many California agencies ranking "E" and "F" as unacceptable. V/C ratios range from 0 to 1.0, with many California agencies ranking an incremental worsening of 0.02 as unacceptable for intersections already operating at LOS E or F. These significance thresholds should be used to evaluate average and peak-hour project traffic impacts if the local agency has not adopted any particular significance standards for the project area.) <i>Due to the remote location of this project site, no legal standard relating to traffic levels will be violated.</i></p> | X | _____ | _____ | _____ |
| <p>b. Does the project conflict with an applicable Congestion Management Plan, air quality plan, or other plan or policy relating to automobiles or transit systems, adopted by a federal, state, or local agency? <i>No congestion management plan is in effect for this area of the County.</i></p> | X | _____ | _____ | _____ |
| <p>c. Would the project add traffic to a roadway that has design features (e.g., narrow width, roadside ditches, sharp curves, poor sight distance, inadequate pavement structure) or supports uses that would be incompatible with substantial increases in traffic (e.g., rural roads used by farm equipment, livestock, horseback riders, or pedestrians) that would result in safety problems with the addition of project-related traffic? <i>The nature of this project will not add any traffic to any road within the area.</i></p> | X | _____ | _____ | _____ |
| <p>d. Does the project have adequate internal circulation capacity, including entrance and exit routes, to safely accommodate average and peak-hour traffic loads? <i>The remote location and the nature of this project will adequately accommodate the traffic loads created by this project.</i></p> | X | _____ | _____ | _____ |
| <p>e. Does the project provide for safe pedestrian and bicycle circulation?</p> | X | _____ | _____ | _____ |

| | No Impact | Less-than-Significant Impact | Potentially Significant Impact | |
|--|-----------|------------------------------|--|--------------------------------|
| | | | Mitigation Identified - Negative Declaration | No Mitigation Identified - EIR |

Pedestrian traffic will not be a problem in this area due to the extremely remote location of the project site,

- f. Does the project provide sufficient parking capacity for the projected numbers of automobiles and bicycles? If not, is there sufficient commercial parking capacity available in the immediate project vicinity? If not, will unmet project parking demand worsen parking availability for existing residents or commercial enterprises?

X _____ _____ _____

The small size and nature of this project precludes any parking problems associated in the area of this project.

- g. Is the project currently served by the community transit program? Is there sufficient capacity on the existing transit system for the project? If not, is there an adopted and funded plan to increase transit capacity to meet project demand?

X _____ _____ _____

This project is not served by any community transit program. This project will not create any need to establish a community transit program for this area.

8. Visual Quality and Aesthetics

- a. Would the project conflict with the applicable vista protection standards, scenic resource protection requirements, and design criteria of federal, state, and local agencies?

_____ X _____ _____

The visual qualities and vistas protection standards of the area will not be affected by this project. Reclamation will restore the project site close to its original configuration.

- b. Does the project alter or obstruct existing public viewsheds from or across the project site, including scenic features associated with designated scenic highways?

_____ _____ X _____

The project, as submitted, will alter existing public viewsheds. However, reclamation of the site will restore the landscape.

- c. Does the project change the existing visual quality and character at the project site in a manner that is inconsistent with other uses that currently exist or have been approved for the area? Are such changes attributable to project size, massing, density, landscaping, regrading, or other changes to the physical environment?

X _____ _____ _____

Reclamation will restore the project site close to its original configuration.

- d. Does the project increase light and glare in the project vicinity so as to cause a hazard or nuisance condition?

X _____ _____ _____

The nature of this project will not alter light or glare in the

| | Potentially Significant Impact | | | |
|--|--------------------------------|------------------------------|--|--------------------------------|
| | No Impact | Less-than-Significant Impact | Mitigation Identified - Negative Declaration | No Mitigation Identified - EIR |
| <i>project vicinity.</i> | | | | |
| e. Does the project significantly reduce sunlight or introduce shadows in public areas? Would loss of sunlight or increase in shadows adversely affect sensitive species or habitats? | X | _____ | _____ | _____ |
| <i>The nature of this project will not alter the or reduce the sunlight or introduce any shadows in the area.</i> | | | | |
| 9. Air Quality | | | | |
| a. Would the project violate any law or regulation designed to achieve or maintain compliance with ambient air quality standards or protect against adverse health effects caused by air pollution? | _____ | _____ | X | _____ |
| <i>The County is a non-compliance area for PM10 emissions. This project will create dust in the initial operations start-up and operation. Mitigation will require a water truck to be present to keep the dust down while operations are being conducted.</i> | | | | |
| b. Would the project violate any approved plan or policy regarding air pollution, including federal or state air quality management plans for achieving or maintaining compliance with applicable ambient air quality standards, local or regional growth or congestion management plans, and local or regional CEQA significance standards for air quality? | _____ | _____ | X | _____ |
| <i>See 9a.</i> | | | | |
| c. Would the project result in a net increase of any criteria pollutant for which the project area has not attained applicable federal or state ambient air quality standards? Would such a net increase exceed any of the specific parameters listed below? | _____ | _____ | X | _____ |
| <i>See 9a.</i> | | | | |
| d. Using the approved or established risk assessment methodologies of the air quality control agencies, would project toxic air contaminant (TAC) emissions cause a significant short- or long-term health risk? Would project TAC emissions cause an increased cancer risk of greater than ten per million? | X | _____ | _____ | _____ |
| <i>The project will not cause any toxic air contaminant to be released into the air.</i> | | | | |
| e. Would the project require the removal or demolition of building components containing asbestos, or the excavation or crushing of serpentine rock containing asbestos? | X | _____ | _____ | _____ |
| <i>Asbestos is not found in the area.</i> | | | | |
| f. Would the project require the removal or movement of soils contaminated by hazardous materials that can cause adverse | X | _____ | _____ | _____ |

| | No Impact | Potentially Significant Impact | | |
|---|-----------|--------------------------------|--|--------------------------------|
| | | Less-than-Significant Impact | Mitigation Identified - Negative Declaration | No Mitigation Identified - EIR |
| health impacts if airborne? <i>Soils to be moved in the road construction and the reclamation of said roads are not contaminated with hazardous materials. The soils do not contain any hazardous materials.</i> | | | | |
| g. Would the project concentrate vehicle trips or vehicle-related emissions in a localized area (e.g., intersections, parking areas), which would cause a violation of the carbon monoxide ambient air quality standard? <i>The small nature of this project will not violate any carbon monoxide ambient air standards.</i> | X | _____ | _____ | _____ |
| h. Does the project have the potential to cause an odor, visibility, or other problem that would create a public nuisance condition? <i>Because of the remote location and the nature of this operation no odors produced will create a public nuisance condition.</i> | X | _____ | _____ | _____ |
| 10. Noise and Vibration | | | | |
| a. Would the project violate any established noise or vibration law, regulation, or standard? <i>The project will not violate any established noise or vibration law regulation or standard. All equipment shall conform with the required standards set by both California Office of Safety and Health Administration and Mine Safety and Health Administration.</i> | X | _____ | _____ | _____ |
| b. Would the project cause a permanent increase in ambient noise or vibration levels that would be perceptible to humans in the project vicinity, and that is perceptibly greater than the noise or vibration levels caused by existing development in the project area? <i>No permanent increase in noise will be created by this project.</i> | X | _____ | _____ | _____ |
| c. Would the project cause a temporary or periodic increase in ambient noise or vibration levels that would be perceptible to humans in the project vicinity, and that is perceptibly greater than the noise or vibration levels caused by existing development and activity in the project area? <i>Road construction, mining and reclamation activities will cause a temporary increase in ambient noise levels. Workers in the immediate vicinity shall be required to wear hearing protection.</i> | _____ | X | _____ | _____ |
| d. Can the project noise and vibration level during construction activities be limited to daylight, weekday hours and be comparable to that required for construction of existing development in the project area? | _____ | X | _____ | _____ |

| | No Impact | Less-than-Significant Impact | Potentially Significant Impact | |
|--|-----------|------------------------------|--|--------------------------------|
| | | | Mitigation Identified - Negative Declaration | No Mitigation Identified - EIR |

Road construction, operations and reclamation activities may increase noise levels on a sporadic basis. However, this is an insignificant impact at the mine site.

11. Utilities and Infrastructure

- a. *Electricity:* Will the project require expansions in existing electrical generating facilities and existing high-power transmission lines?

X _____ _____ _____

This project will not require any expansion of existing electrical generating facilities (portable diesel generator).

- b. *Water:* Will the project comply with water conservation and supply requirements imposed by state and local agencies? Will the project require expansions in existing water supply treatment facilities or trunk conveyance lines? Has the water purveyor determined that it has adequate treatment facilities, conveyance capacity, and water supplies to serve project demand? Will the water supply be drawn from a groundwater basin that is overdrawn in relation to demand and historical levels?

X _____ _____ _____

This project will comply with water conservation requirements. The project will not expand any water supply.

- c. *Wastewater Treatment:* Will the project comply with wastewater pretreatment standards enforced by federal, state, and local regulatory agencies? Will the project require expansions of the wastewater treatment facilities and trunk conveyance lines? Has the wastewater treatment provider determined that it has adequate treatment and conveyance capacity to serve project demand?

X _____ _____ _____

This project will not create any wastewater and will not require expansion of any wastewater facility.

- d. *Solid Waste:* Will the project comply with state and local requirements relating to recycling, litter control, and solid waste handling? Is a landfill available with sufficient capacity to accommodate on a long-term basis (10 or more years) solid waste generated by the proposed project?

X _____ _____ _____

This project will create insignificant amounts of solid waste. It will not impact any solid waste facility.

12. Public Services

- a. *Sheriff:* Will the project require additional staff or equipment to maintain acceptable service ratios, response times, or other performance objectives?

X _____ _____ _____

The project will not require additional law enforcement

| | No Impact | Less-than-Significant Impact | Potentially Significant Impact | |
|--|-----------|------------------------------|--|--------------------------------|
| | | | Mitigation Identified - Negative Declaration | No Mitigation Identified - EIR |
| <i>personnel or equipment to service this project.</i> | | | | |
| b. <i>Fire:</i> Will the project require additional staff or equipment to maintain an acceptable level of service (i.e., response time, equipment capacity)? | X | _____ | _____ | _____ |
| <i>This project will not require additional staff to maintain adequate fire protection.</i> | | | | |
| c. <i>Schools:</i> Will the project increase the population of school-age children in a K-12 school district that is or will be operating without adequate staff, equipment, or facilities? | X | _____ | _____ | _____ |
| <i>Schools will not be affected by this project.</i> | | | | |
| d. <i>Parks and Recreation:</i> Will the project increase use of existing park and recreational facilities, or require the creation of new park and recreational facilities, to comply with locally adopted park and recreational service standards? | X | _____ | _____ | _____ |
| <i>This project will not increase the use of any park or recreational facilities.</i> | | | | |
| 13. Energy | | | | |
| a. Does the project comply with applicable laws and regulations regarding energy conservation? | X | _____ | _____ | _____ |
| <i>This project will comply with all energy conservation regulations.</i> | | | | |
| b. Does the project require quantities of nonrenewable sources of energy in excess of quantities required by recent, similar projects? | X | _____ | _____ | _____ |
| <i>This project will not require inordinate amount of nonrenewable resources.</i> | | | | |
| c. Do the energy suppliers have the capacity to supply the project's energy needs with existing and planned energy sources and conveyance systems? | X | _____ | _____ | _____ |
| <i>Energy suppliers will have no problems in supplying this project.</i> | | | | |
| 14. Hazardous Materials | | | | |
| a. Will the project comply with applicable federal, state, and local laws, regulations, and standards relating to hazardous materials? | X | _____ | _____ | _____ |
| <i>This project will not use any hazardous material, other than the usual fuel to operate mobile equipment.</i> | | | | |
| b. Is the soil or groundwater at the project site contaminated by hazardous materials? Is such contamination known to exist at | X | _____ | _____ | _____ |

| | No Impact | Less-than-Significant Impact | Potentially Significant Impact | |
|--|-----------|------------------------------|--|--------------------------------|
| | | | Mitigation Identified - Negative Declaration | No Mitigation Identified - EIR |
| another location that is within 2,000 feet of the project site? <i>The soil and groundwater are not contaminated with hazardous material. No such contamination is known to be located within 2,000 feet of the project site.</i> | | | | |
| c. Does the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? <i>This project does not use hazardous materials in the operation of mining activities.</i> | X | _____ | _____ | _____ |
| d. Does the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials to the environment? <i>This operation does not use hazardous material.</i> | X | _____ | _____ | _____ |
| e. Will the project interfere with community emergency response plans or emergency evacuation plans in the event of a reasonably foreseeable emergency situation involving a hazardous material exposure or release? <i>This project is located outside the range of any emergency response plans.</i> | X | _____ | _____ | _____ |
| f. Are there hazardous material re-use, or one or more hazardous waste treatment or disposal, facilities available to lawfully accept and handle hazardous wastes generated by the project? <i>This site will not generate any hazardous waste.</i> | X | _____ | _____ | _____ |
| 15. Mandatory Findings of Significance | | | | |
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause fish or wildlife populations 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? | X | _____ | _____ | _____ |
| b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one that occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.) | _____ | X | _____ | _____ |
| c. Does the project have impacts that are individually limited, but cumulatively significant when placed in the context of other reasonably foreseeable projects? | _____ | _____ | X | _____ |

| | No Impact | Less-than-Significant Impact | Potentially Significant Impact | |
|--|-----------|------------------------------|--|--------------------------------|
| | | | Mitigation Identified - Negative Declaration | No Mitigation Identified - EIR |
| d. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | X | _____ | _____ | _____ |

IV. DETERMINATION BASED ON ENVIRONMENTAL EVALUATION

On the basis of this Initial Study evaluation:

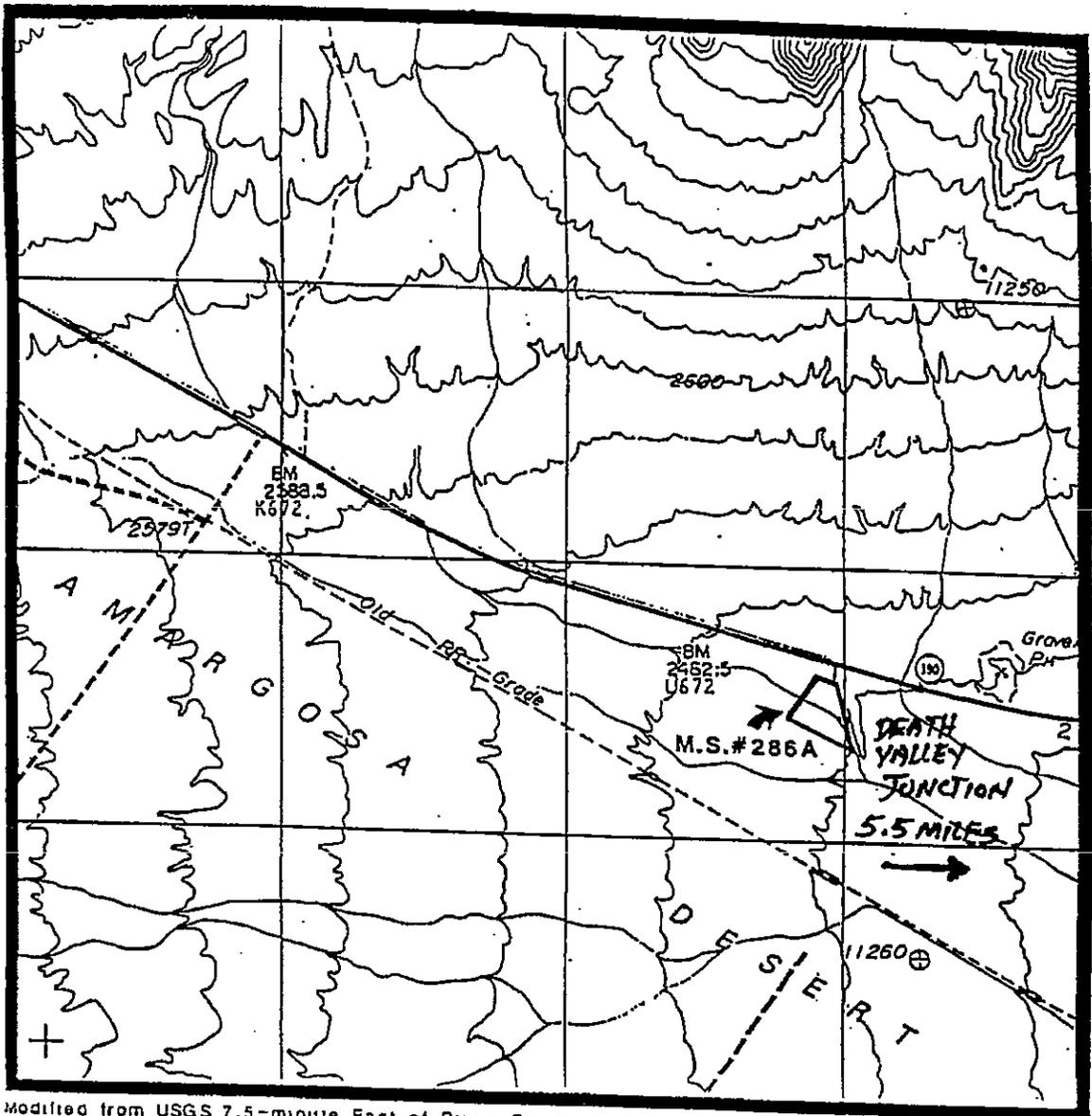
- The proposed project is CATEGORICALLY EXEMPT from CEQA under Class(es) _____, and there are no unusual circumstances or specified statutory conditions present that render reliance on such applicable Categorical Exemption(s) unlawful.
- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described [above/in the attached list] will be a required condition of project approval, and accordingly a MITIGATED NEGATIVE DECLARATION should be prepared.
- There is substantial evidence that the proposed project may have a significant adverse impact on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

Date:

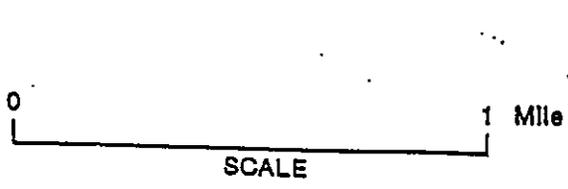
4/29/97

(Signature)

For PETER CHAMBERLIN -
DIRECTOR OF PLANNING



Modified from USGS 7.5-minute East of Ryan, Ca, topographic map (provisional edition, 1988)



Topographic Map
 Caltrans Material Site #286 A

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk
County of INYO

From: (Public Agency) INYO COUNTY PLANNING DEPARTMENT INDEPENDENCE CA
FILED 93526

SEP 02 1997

BEVERLY J. HARRY
INYO COUNTY CLERK
DEPUTY
M. Lopez



Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title: RECLAMATION PLAN #96-10 / NEW DEATH VALLEY SITE / CALTRANS

State Clearinghouse Number (if submitted to Clearinghouse): _____
Lead Agency Contact Person: CURTIS E. KELLOGG
Area Code/Telephone/Extension: (760) 878-0263

Project Location (include county): SOUTH OF STATE HIGHWAY #190, 5.5 MI. WEST OF DEATH VALLEY JUNCTION INYO CO., CA.

Project Description:

RECLAMATION PLAN

This is to advise that the INYO COUNTY PLANNING COMMISSION has approved the above described project on 6/25/97 and has made the following determinations regarding the above described project:
(Date) Lead Agency Responsible Agency

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A statement of Overriding Considerations was was not adopted for this project.
5. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at: INYO COUNTY PLANNING DEPT. 168 N. EDWARDS, INDEPENDENCE, CA. 93526

Earl H. Mann 9/2/97 MINE RECLAMATION PLANNER
Signature (Public Agency) Date Title

ie received for filing at OPR:

97-47



STATE OF CALIFORNIA-THE RESOURCES AGENCY
 DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFG 753.5a (8-91)

48449

Lead Agency: Inyo Co Planning Dept Date: 9-2-97
 County/State Agency of Filing: Inyo Document No.: 97-47
 Project Title: Reclamation Plan 96-10 / Death Valley Site 760
 Project Applicant Name: Caltrans Phone Number: 872-0284
 Project Applicant Address: 500 S Main Bishop CA 93514
 Project Applicant (check appropriate box): Local Public Agency School District Other Special District
 State Agency Private Entity

CHECK APPLICABLE FEES:

| | | |
|---|------------|-------------------|
| <input type="checkbox"/> Environmental Impact Report | \$850.00 | \$ _____ |
| <input checked="" type="checkbox"/> Negative Declaration | \$1,250.00 | \$ <u>1250.00</u> |
| <input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only) | \$850.00 | \$ _____ |
| <input type="checkbox"/> Projects Subject to Certified Regulatory Programs | \$850.00 | \$ _____ |
| <input type="checkbox"/> County Administrative Fee | \$25.00 | \$ _____ |
| <input type="checkbox"/> Project that is exempt from fees | | |

TOTAL RECEIVED \$ 1250.00

Signature and title of person receiving payment: Mary Roper Deputy Clerk

FIRST COPY-PROJECT APPLICANT SECOND COPY-DFG/FASB THIRD COPY-LEAD AGENCY FOURTH COPY-COUNTY/STATE AGENCY OF FILING



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

Phone: (760) 878-0263
(760) 872-2706
FAX: (760) 872-2712
E-Mail: InyoPlanning@telis.org

June 12, 1997

David Grah
Department of Transportation
Caltrans, District 9
500 South Main St.
Bishop, CA 93514

97 JUN 13 PM 1:19
CALTRANS DIST 9

Dear Mr. Grah:

Enclosed find the draft staff report for the New Death Valley Borrow Pit, MS 286A RP 96-10. This is to go to the Planning Commission for the public hearing June 25, 1997. A representative of Caltrans needs to be at that meeting to answer any questions the Commissioners may have:

If you have any questions on this report please let me know prior to June 19, 1997. This is when the Planning Commissioners receive the staff report. If any changes need to be made they can be made prior to that date.

Also enclosed are the comments of the Office of Mine Reclamation on the Keeler Pit, MS#300-reclamation plan.

Sincerely,

Earl H. Gann
Mine Reclamation Planner

Enclosure (2) Death Valley Borrow Pit Staff Report
Office of Mine Reclamation comments on the Keeler Borrow Pit Reclamation Plan



Planning Department
168 North Edwards Street
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Independence, California 93526

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(760) 872-2706
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STAFF REPORT

AGENDA ITEM NO: 8

DATE: June 25, 1997

SUBJECT: Reclamation Plan # 96-10/ New Death Valley Borrow
Site/MS#286A/ Caltrans

SUPERVISORIAL

DISTRICT:

Fifth.

APPLICATION:

New Death Valley Borrow Site # RP 96-10.

APPLICANT:

Caltrans District 9
500 South Main
Bishop, CA 93514
(760) 872-0784

LANDOWNER:

Department of Interior Bureau of Land Management.

LOCATION:

The project is located 5.5 miles west of the community of Death Valley Junction, south of Highway 190 in Section 14, Township 25N, Range 4E, SBB&M.

A.P.N.:

43-070-000

ZONING:

OS-40 (Open Space - 40 acres minimum).

GENERAL PLAN:

"Open Space-Natural Resources".

SITE SIZE:

7.7 acres.

PROPOSAL:

The proposal is, at the conclusion of mining, to reclaim disturbance caused by mining a new borrow site. Mine life is expected to be twenty years.

PROJECT PLANNER:

Earl H. Gann, Mine Reclamation Planner.

PROJECT DESCRIPTION:

The project is to reclaim a new borrow pit when mining is concluded. The borrow pit will be mined on an as needed basis. The total size of the project is 7.7 acres. The life of the project is expected to be twenty years. No more than 150,000 cubic yards of material will be removed from

this site. Approval of the reclamation plan is a discretionary action by Inyo County under Section 7.70.02 of Inyo County Code and Section 2710 *e.t. seq.* of Public Resources Code.

SUBJECT PROPERTY AND SURROUNDING LAND USES:

Surrounding land uses are all open space and zoned as follows:

| | <u>Land Owner</u> | <u>Land Use</u> | <u>Zoning</u> |
|---------------|---------------------------|-----------------|---------------|
| <u>North:</u> | Bureau of Land Management | Open | OS-40 |
| <u>South:</u> | Bureau of Land Management | Open | OS-40 |
| <u>East:</u> | Bureau of Land Management | Open | OS-40 |
| <u>West:</u> | Bureau of Land Management | Open | OS-40 |

STAFF ANALYSIS:

The County's comments and analysis of the submitted reclamation plan are located after the proposed reclamation plan.

Reclamation Plan (As submitted by the Applicant, written in different font)

The site will be used by CalTrans intermittently as a source of materials for road maintenance and construction. Reclamation of the site will be implemented according to the reclamation plan discussed below.

SUBSEQUENT USES

The land is zoned by Inyo County as open space (40 acres minimum). According to CDFG and BLM sources the site is not located within any area designated as critical habitat for any sensitive species. However, the site does provide general habitat values to various wildlife species and is within the range of the Chicago Valley wild horse and burro herd management area. The site is also within the range of the Mojave population of the desert tortoise, at the northern end of the Eastern Mojave Recovery Unit, but is not within any designated proposed Desert Wildlife management Area (USFWS, 1993). The site will be reclaimed to open space and wildlife habitat, which will leave the site in a productive end use that is readily adaptable to alternative end uses.

IMPACT TO FUTURE MINING

Reclamation of this site will not preclude mining at a future date. The aggregate resource likely extends beyond 50 feet deep; mining according to the current mining plan will not have exhausted on-site mineral resources.

RECLAMATION SCHEDULE

Reclamation treatments, such as the grade-stabilization structures, drainage ditches, and material berms, will be installed as mining proceeds. Reclamation treatments such as resoiling, using topsoil and amended waste fines, and revegetation will be initiated when final slopes are established. Once reclamation treatments have been implemented, they will be monitored until performance standards have been met. The monitoring plan is designed to evaluate site-specific criteria for slope stability, erosion and sediment control, and resoiling and revegetation.

POST-MINING ACTIVITIES and SITE CONFIGURATION

Map Sheet 3 depicts the post mining activities and reclaimed topography of the mined area. The final site configuration will be a 30-foot deep excavation with 3:1 (H:V) side slopes. The surface of the mine operations area

and access roads (7.2 acres on-site and 0.2 acres off site: 7.4 acres total) will be 1) decompacted, 2) resoiled using stockpiled topsoil and on-site waste fines, and 3) revegetated.

Slope Stability

Pit slopes for the mining phase and the final reclaimed site will not be steeper than 3:1 (H:V). The roadcut for the access road, that has a slope of 2:1 (H:V), will also remain but is not considered a major slope. The angle of repose for loose sediments on the site is approximately 32°. This angle can be representative of the angle of internal friction of the native slope material. Thus, pit slopes will be stable at the proposed angle under static conditions. Any slope failures that may occur would be retained within the pit.

Final Drainage Plan and Impoundment's

Map Sheet 3 details the final drainage plan of the reclaimed site. The excavated pit will serve as sediment basin/trap for eroded sediment coming from upslope of the pit, and from within the pit itself. The grad-stabilization structures, drainage ditches, and material berm will not be maintained after final slope reclamation has been complete.

Disposition of Equipment

Any equipment brought onto the site will be removed from the site following termination of mining activity. No equipment will be stored permanently on-site. At final reclamation, there will be no equipment remaining on the mined site.

RESOILING

The native soil of this site is a poorly graded sand with gravel derived from the sedimentary and metasedimentary rock units found upslope. A native soil contains native seeds and soil microorganisms, and therefore, is preferred for site reclamation. The topsoil will be defined as the upper six inches of the substrate on the site. Topsoil will be salvaged prior to mining any area on the site. The topsoil will be placed in designated stockpiles within the western buffer zone.

Native surface material will be kept separate from the processing fines. Processing fines will be placed in a stockpile area delineated on the site plans, and may be respread prior to (and beneath) topsoil application. Prior to spreading the topsoil, all compacted areas will be decompacted (ripped or disced) to facilitate root growth. The topsoil that was salvaged will be respread to a depth of six inches in all areas of the pit, inclusive of slopes outside of the drainage structures. The woody debris less than 0.5 feet, if stockpiles separately, will be distributed over the site in a random manner following the topsoil application. The large amount of coarse material (gravel) in the native topsoil will also serve as a gravel mulch, thereby armoring the revegetated site.

Mulches

Since the native coarse-grained topsoil will be used to re-soil this site, a gravel mulch will not need to be added. The coarse fraction of the native soil will act as a protective lag layer, therefore guarding against wind and water erosion.

REVEGATION

Revegetation will strive to achieve visual integration with vegetation surrounding the site. Establishment of vegetation in the borrow pit will provide some erosion control for the site, while creating cover and forage for wildlife.

Seedbed Preparation

After decompacting the growth medium, the area will be roughed to form a variety of microsites; this can be accomplished by "track walking" or imprinting the site. The growth medium will be prepared to provide a firm, but not overly compacted, bed.

Seed Sources, Mixtures and Rates

Many Plant species are comprised of local ecotypes that are highly adapted to the local climate and edaphic conditions (Plummer et al. 1955, 1968). The Plants that will have the best chance of survival are those ecotypes that are growing on (or near) that site (Millar and Libby, 1989). The use of non local plant materials can result in the application of a poorly adapted ecotype, as well as the potential genetic contamination of the local ecotype through interbreeding with the introduced ecotype. The result of interbreeding between non local and wild local native stock can be adverse and permanent.

The best policy is to collect the material from or near the site. Therefore, plant materials for each of the designated species should be obtained from the same region as the mine site. For the purposes of MS #286A, the collection region will be defined as Mojave Creosote Bush Scrub between 1,500 and 3,500 feet elevation east of the Funeral Mountains and the Greenwater Range, and within a 20 mile radius of MS #286A.

Cactus Transplanting

Approximately 15 cacti will be impacted by mining: four beavertail cacti, three cottontop cacti, and eight cholla. These cacti will be offered to the Park Service and/or BLM for salvage and transplanting in areas outside of the lease boundary as part of the reclamation activities.

Irrigation

Irrigation would only serve to aid the growth of invasive exotics and therefore is not recommended for this site.

Plant Eradication Measures

Plant eradication will not be necessary unless the presence of Russian thistle, or other invasive exotics, on site become a limiting factor in reestablishment of native vegetation. Remediation for invasive species is discussed in table 4.10-1.

EROSION AND SEDIMENT CONTROL

Erosion and sediment control will be achieved by implementation of the previously described drainage and revegetation plans. Diversion of the drainage to the east of the mining and operations will limit the amount of flood waters entering these areas. Resoiling and revegetation will be performed according to the revegetation plan and will aid in reducing erosion.

PUBLIC SAFETY

The configuration of the mined lands, will not pose a hazard to the public. No hazardous materials will be stored in-site. In addition, the boulders at the access point to the site will prevent uncontrolled access.

PERFORMANCE STANDARDS

The following discussion sets forth minimum site criteria, or performance standards, for the various aspects of site reclamation. Monitoring of reclamation performance will be agreed upon by Caltrans and Inyo County.

Erosion and Sediment Control

Erosion and sediment control monitoring will be completed at the same time and frequency that used to vegetation monitoring is done. The drainage ditches and swale will be inspected following the season's first major storm event or at a minimum of annually. These structures will be cleaned out as needed to maintain a clear flow path for floodwaters. The result will be identified areas of potential failures and to trigger the implementation of remedial measures before problem areas cause widespread failures. Any observable reason for failure will be noted and the appropriate remedial measure suggested as part of the annual monitoring report.

Slope Stability

No large man-made slope within the pit shall be steeper than 3:1 (H:V), which has been determined to exceed the slope stability standard for this material for all except the most severe earth quake events.

Revegetation

The following performance standards will be applied to the site. Undisturbed, site indigenous woody perennial cover was estimated at 30 percent. All phases of reclamation will achieve a minimum average density of herbaceous and woody perennial coverage of 20 percent. Areas found below these standards will be evaluated as set forth in the Remedial Measures plan.

MAINTENANCE, MONITORING, and REMEDIAL MEASURES

Site maintenance and monitoring will continue until Inyo County deems reclamation complete.

Erosion and Sediment Control

All erosion and sediment control structures will be maintained and monitored annually for as long as mining and reclamation continues. This shall be done to ensure that the failure of one or more structures does not apply additional and unplanned stress on other structures.

Slope Stability

All slopes will be assessed, on a form such as the one supplied in Appendix B, during annual monitoring to ensure that they are stable. If excess slope erosion is observed, or failures noted, as discussed in the performance standards section, the appropriate remedial measures will be implemented.

Revegetation

Revegetation of the site will be monitored following implementation on each phase. Monitoring activities will take place during the peak flowering season, approximately April to May. Once the monitoring date is set following these initial reclamation activities, monitoring of the site during later years will occur within two weeks of that original date. This scheme will assure that the data will be comparable over time.

Revegetation monitoring will consist of visual assessments and recording the progress of reclamation with photographs. The species composition, shrub cover, and shrub density will be recorded on a form (an example is included in Appendix B). If it appears that the site will not meet the performance standards set forth, then the investigator shall suggest remedial measures. Appropriate remedial measures are listed in Table 4.10-1.

Other Species

If Russian thistle invades revegetated areas to the point that it is impacting the germination and/or growth of desired species, then this invasive exotic will be manually removed from the site as a remedial measure as detailed in Table 4.10-1.

REPORTING

Once the Reclamation Activities have been completed, monitoring activities will commence and will continue until the County is satisfied that performance standards have been met. Reporting of the progress of reclamation will be transmitted to Inyo County on an annual basis. This annual report will, at a minimum consist of the name and credentials of the investigator(s), a summary of the work accomplished, the date of the visit(s), the methods and materials used, the data collected, an analysis of the data and performance standards, and any suggested remedial measures.

INTERIM MANAGEMENT PLAN:

Section 2727.1 defines "Idle" means to curtail for a period of one year or more surface mining operations by more than (90) percent of the operations previous maximum annual mineral production, with the intent to resume those surface mining operations in the future. Section 2770(h) (1) States that within 90 days of a surface mining operation becoming idle, the operator shall submit an interim management plan to the lead agency for approval. Because of the nature of borrow pit operation, Caltrans has submitted with the reclamation plan an interim management plan. The plan basically insures that public safety and reclamation standards are maintained during these idle periods of operation. This plan should be considered integral with the proposed plan.

DEPARTMENT OF CONSERVATION - OFFICE OF MINE RECLAMATION (OMR) COMMENTS:

Pursuant to the State Mining and Reclamation Act of 1975 (SMARA), Inyo County has submitted the Reclamation Plan to OMR for a 30-day review and comment period on April 30, 1997.

Inyo County has reviewed OMR's comments (see attached) and prepared the following written responses to address the issues. Most of OMR's comments have been incorporated into the Reclamation Plan; many were incorporated prior to the receipt of comments on April 30, 1997. Comments were due April 30, 1997 but were not received until May 5, 1997 after the Planning Department asked for them. The last several reclamation plans the comments have been late. These late comments foul up staff's timing in bringing these reclamation plans to the Planning Commission in a timely manner.

Office of Mine Reclamation Comment May 23, 1997)

1. Section 2.4.1 addresses site specific hydrology and provides peak flows based on a 20-year return period. The information used to determine peak flows was obtained from the California Department of Water Resources bulletin 195 (1976). California has experienced "unusual" rainfall events since 1976 and the peak flow data may no longer be valid for watersheds in the project area.

County of Inyo Response June 6, 1997

1. County Staff concurs: Correct data is required to calculate the 20 year one hour intensity flows. However, it is felt that the difference of a few cfs should not affect the proposed structures for this borrow pit. The average twenty year one hour event should not have changed significantly over the past twenty years. If this data is so critical that a revision of the peak flow is required to calculate the flows onto this site,

the data to be valid would have to be very site specific. The data is not available to be site specific. The suggested life of this pit is twenty years. By the time the specific data would be derived the pit will be closed.

Office of Mine Reclamation Comment (May 23, 1997)

2. The project is located in a wash. To mitigate flows into the pit and the discharge of sediments off-site, the reclamation plan proposes to construct a drainage diversion berm on the north and east boundaries of the site and to install grade stabilization structures and outlets from the pit. No reference is made to the possible requirement of a Stream Bed Alteration Agreement for this project. We recommend that the applicant contact the California Department of Fish and Game (DFG) regarding the applicability of a this agreement to this project. Mitigation measures and management procedures recommended by DFG should be referenced in and appended to the reclamation plan [CCR Section 3710(b)].

County of Inyo Response June 6, 1997

2. County Staff concurs: The existing flows are currently concentrated by an established berm south of the Highway. The proposed borrow pit is just to the west of this berm. The proposed berms are to keep the flows between the existing berm and the proposed pit. It is felt that this does not require a Stream Alteration Permit. Most of the flow is concentrated at the existing berm. Mining will not interfere with area. The only flow that will be affected by mining would be sheet flow off the immediate area of the borrow pit and up slope from the pit and south of the highway.

Office of Mine Reclamation Comment May 23, 1997

3. Section 2.5.2 of the plan discusses erosion potential of site soils, stating that soils will "likely be susceptible to wind and sheet erosion." We recommend that the reclamation plan include provisions for mulching topsoil storage berms and processing fines to minimize loss of these materials. The use of gravel or rock mulch would be appropriate for this site [CCR Section 3503(a)(2), 3711(d)].

County of Inyo Response June 6, 1997

3. County Staff concurs. The operator has discussed rock mulching at this site. Therefore, this comment is addressed. However, the application of rock mulch can contaminate material and its use must be weighted very carefully.

Office of Mine Reclamation Comment May 23, 1997

4. Revegetation is discussed in Section 4.6.0 of the plan. The plan, however, does not include a revegetation plan. It appears that information on plant materials and planting densities was not included in section 4.6.2. A revegetation plan must be included in the reclamation plan to satisfy the requirements of Section 2773(a) and the CCR. The revegetation plan also must include specific performance standards for plant cover, plant density, and species richness [CCR Section 37505(m)]. Only a cover performance standard is proposed in Table 4.10-1.

Due to the extreme aridity of this site, use of containerized plants is strongly recommended. The plants should be grown from seed or cuttings obtained in the general project area discussed in Section 4.6.2. Plants should be watered on installation and then at least once monthly during the first growing season. The amount of water should approximate that of a normal spring rain and should be applied directly to the planting basin around the plant. Weed mats can be used if necessary to minimize the establishment of weeds. Planting techniques and irrigation frequency can be monitored in test plots during the life of the project so that the most effective techniques can be used during final reclamation. Deliberate over-planting of container stock will offset plant mortality [CCR Section 3705(b), 3705(h), 3705(i), 3705(j), 3705(k), 3705(l)].

County of Inyo Response June 6, 1997

4. County Staff concurs. The discussed items are missing in the proposed reclamation plan. With out a revegetation plan, the reclamation plan is lacking focus. These items will be covered in the proposed conditions of approval. The conditions of approval will also address performance standards as well as the required revegetation with a proposed plant mix.

This borrow site will be used on a very limited basis. Maintenance of nursery planted stock would be very labor intensive. The small size of this site also precludes establishing test plots. The idea of using weed mats is also an unnecessary requirement to implement on this reclamation plan. Some time in the future these weed mats would need to be removed. Removing these mats would cause damage to established plants. Every reclamation plan approved in the desert by the Planning Commission has required reseeding as the preferred method of establishing vegetative cover. It has been pointed out that the success of planting nursery stock is very limited. The success of seed planting appears to be relative good. In fact in this area natural revegetation appears to do a better than average job of revegetation of mine sites. Reseeding and seedbed preparation are the keys in revegetation of desert lands.

Office of Mine Reclamation Comment May 23, 1997

5. In addition to providing technical assistance and review of reclamation plans, the Office of Mine Reclamation is authorized to review cost estimates prior to lead agency approval of the financial assurances for reclamation per SMARA Section 2773,1, Seeding and Revegetation Costs in the reclamation plan refer solely to seeding of 2 acres of the site. We recommend that the financial assurance estimate be revised to include revegetation of the entire mine site. These costs should also include the establishment and monitoring or revegetation test plots, propagation of containerized plants irrigation, and revegetation monitoring following implementation. An analysis of the reclamation cost estimate will be forwarded under separate cover.

County of Inyo Response May 5, 1997

5. County Staff concurs. Financial assurances will be reviewed by the lead agency. If OMR wishes to comment on the calculations at a later date this may be done. Calculations are scrutinized very carefully by the lead agency and adjusted when

necessary. All tasks involved in reclamation of the borrow site must have costs calculated. The Lead Agency also reviews the actual financial assurance mechanism to insure the validity of the instrument. The lead agency has reviewed the cost estimates provided by Caltrans was for 2 acres. Cost calculations for the entire site are considerably higher.

STAFF ANALYSIS:

Planning Department staff has reviewed the proposed reclamation plan as well as all comments received. Many requirements stated in the proposed reclamation plan were either incorrect or not included. The comments received from the Office of Mine Reclamation brought out many of the deficiencies in the proposed reclamation plan. The proposed reclamation plan along with the OMR comments and the Initial Study that was prepared, staff feels that the borrow pit can be reclaimed with the recommended conditions of approval below under Recommendations. The conditions of approval incorporate the comments submitted by the Office of Mine Reclamation. This proposed reclamation plan, with the conditions of approval, and the changes in the proposed reclamation plan can accomplish the required reclamation under the Surface Mining and Reclamation Act of 1975 and the requirements of Chapter 7.70 of County Code (Inyo County Mine Reclamation Ordinance).

FINANCIAL ASSURANCES:

The applicant has formulated financial assurances for this reclamation plan, as required by SMARA. The Planning Department has reviewed the proposed reclamation procedures, costs and the proposed financial assurances in the amount of \$4,074.00. However, after review the Planning Department has determined financial assurances of \$11,355.29 are required. The difference is due to Caltrans calculating costs for 2 acres not the entire site of 7.4 acres. All labor and equipment costs used were Caltrans figures. Caltrans also failed to include contingencies in their calculations.

ENVIRONMENTAL REVIEW:

An Initial Study and Draft Mitigated Negative Declaration was prepared and circulated for this project pursuant to the requirements of the California Environmental Quality Act (CEQA). To date, the only comments received have been the comments from the Office of Mine Reclamation and the Department of Transportation. Comment period ended May 29, 1997.

PUBLIC NOTICE:

Notice of this public hearing has been published in the *Inyo Register* and mailed to all property owners within 300 feet of the subject property. To date, comments have been received from the California Department of Conservation, Office of Mine Reclamation and Caltrans (see attached). These comments are attached.

RECOMMENDATION:

Staff recommends the Planning Commission approve Reclamation Plan # 96-10 Death Valley Junction Borrow Pit/MS #286A by taking the following actions:

- A. Based upon the Initial Study and all written and verbal comments received, adopt the Mitigated Negative Declaration of Environmental Impact and certify 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 Mitigated Negative Declaration of Environmental Impact were prepared and circulated for public comment.]

- B. Find the proposed reclamation plan conforms and meets the requirements of Chapter 7.70 (Mining & Reclamation) of Inyo County Code and State Mining Reclamation Act of 1976.

- C. Find the potential loss of native vegetation and wildlife habitat to be greater than the standards set by the Fish and Game Code for potential habitat loss. Because of the potential loss of native vegetation and wildlife habitat, however sparse, Section 711.4 of the Fish and Game Code requires the payment of \$1,250.00 fee before this project is deemed "operative, vested, or final." The potential impact is greater than *de minimus* standard of section 711.4. Said \$1,250.00 shall be paid by the applicant at the time the Notice of Determination is filed by the Planning Department (15 days after the reclamation plan approval).

[Evidence: The subject property has not been disturbed and contains native vegetation and wildlife as documented by the photographic evidence.]

- D. Approve Reclamation Plan No.96-10/Death Valley Junction Borrow Pit, MS #286A

CONDITIONS OF APPROVAL:

Term of Plan and Timing of Reclamation

1. The term of the reclamation plan shall not exceed twenty years from the date of approval, or no later than August 31, 2017. Total amount of usable aggregate and waste material that can be removed from this pit is 150,00 cubic yards. If 150,000 cubic yards are removed prior to the termination date, reclamation shall proceed with in six months of the removal of the 150,000 cubic yards. The Planning Commission may grant an extension. The applicant must submit a complete reclamation plan application for an amended reclamation plan. To assure continued operation, the above application should be received prior to the expiration date and prior to removal of 150,000 cubic yards of material..

Interim Management Plan

2. Through out the 20-year life of this project, the interim management plan shall be implemented during periods of "idle" operation. If zero production occurs for a period of five consecutive years, the reclamation plan shall be implemented immediately. Mining

can not occur until an amended reclamation plan is submitted and approved by the Inyo County Planning Commission.

3. At the conclusion of each period of mining interim reclamation shall take place. This shall consist of regrading all slopes to 3:1 (H: V) or less.
4. During times of inactivity, Caltrans shall prevent public access to the pit.
5. During periods of inactivity all equipment and trash shall be removed from the area. No asphalt may be buried onsite.

Mapping

6. Caltrans shall provide the County with a contour map with two-foot contours within three years of approval of this reclamation plan.

Salvage of Growth Media (Topsoil)

7. The top six inches (6") of growth media (topsoil), shall be collected from areas to be disturbed (Borrow pits and internal access roads). This (topsoil) shall be stockpiled in the active work site until final phase reclamation.
8. After the site is recontoured, the salvaged topsoil shall be respread to a depth of six inches over the recontoured pit. (See condition #7)

Erosion Control

9. Pit slopes shall be contoured to a minimum of 3:1 (H: V). These slopes shall be in established during times of intermittent operation, times the interim management plan is in affect, and during final reclamation.

Earthwork

10. All compacted areas shall be scarified. Road berms shall be brought back into the roadway after scarification.

Noxious Weed Control

11. During mining and reclamation activities and during idle periods noxious weeds shall be controlled on site.

Seed Sources and Mixtures

12. Seed used for revegetation shall be collected on or near the site. If sufficient seed is not available, it may be purchased. A seed mix of plant species in the Mojave Creosote Bush Scrub plant community shall be used. Below is the recommended seed mix:

| Scientific Name | Common Name | PLS Pounds/acre |
|---------------------------------|-------------------------------|--------------------|
| PERENNIALS | | |
| <i>(Larrea tridentata)</i> ✓ | Creosote bush | 3 |
| <i>(Ephedra nevadensis)</i> ✓ | Nevada joint-fir (Mormon Tea) | 3 |
| <i>(Hymenoclea Salsola)</i> ✓ | Cheese bush | 3 |
| <i>(Atriplex hymenolytra)</i> ✓ | Desert holly | 3 |
| <i>(Ambrosia dumosa)</i> ✓ | Burrobush | 3 |
| ANNUALS | | |
| <i>(Chaenactis stevioides)</i> | Esteve's pincushion | 4 |
| <i>(Mirabilis Bigelovii)</i> | four-o'clock | 4 |
| <i>(Eriogonum inflatum)</i> | Desert Trumpet | 5 |
| Total pounds live seed per acre | | 28 |

These native species may only be obtained from seed stock found within five miles of the borrow site and within the Mojave Creosote Bush Scrub plant community. If purchased, the seed shall be certified originating in the Amargosa Valley. Reseeding shall take place during the fall.

Mulching

13. A mulch of native vegetative material and straw shall be applied at a rate of 1000 lbs. per acre into the seeding program. This mulch shall be crimped into the slope to provide both wind and water erosion control and seed holding. This will enhance revegetation.

Revegetation Methods

14. After scarification, the approved seed mix shall be broadcast and then mixed into the top one-half inch (½") of the substrate by either raking or dragging a chain across the seedbed. This shall be done perpendicular to the slope of the pit.

Revegetation Performance Standard

15. Reclamation will not be considered successful or complete until vegetative density reaches 20 percent (number of plants per unit area) of the surrounding undisturbed land with a 50 percent diversity (species richness) of the perennial species on surrounding undisturbed land. New perennial species shall be at least two years old before considered viable plants. This shall be verified based upon visual calculations and substantiated by past photographs of the site including off site photographs of the surrounding undisturbed lands.

Monitoring

16. From initial seeding, the project shall be monitored until performance standards are met. Remedial measures may be implemented any time to insure revegetation success. For the first two years, monitoring shall be performed twice a year.

Remedial Measures

17. If it appears the site will not meet the performance standard, the applicant shall consult with the Planning Department for recommendations on remedial measures. The remedial measures listed below shall be considered if reclamation problems are observed during annual monitoring:
 - a. Mulching and/or fertilizing to supplement growth media;
 - b. Reseeding;
 - c. Irrigation;
 - d. Planting of appropriate plants and protection of these plants.
 - d. If irrigation is used the plants must make it on their own for two years.
 - e. Analysis of soil for problems;
 - f. Measures to reduce pest problems, including fencing individual plants.

Reporting and Annual Inspections

18. Each year the applicant shall file an annual mining report with the State. These reports shall be filed until financial assurances are released. 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.

Inyo County Road Department

19. Caltrans shall allow Inyo County Road Department to remove material from this site. Caltrans shall be responsible for all reclamation requirements, including bonding and reporting. When Inyo County Road Department uses this pit, they shall adhere to the conditions of approval for this reclamation plan. Inyo County shall report the quantity of material to Caltrans each calendar quarter.

Reclamation Responsibility Statement

20. The applicant shall submit a notarized statement to the Inyo County Planning Department accepting responsibility for reclaiming lands as per the conditions specific herein.

Financial Assurances

21. Financial assurances in the sum of \$11,355.29 are required in the form of a surety bond, irrevocable letter of credit, cash or certificate of deposit. Government agencies may also use budget set asides, or pledge of revenue to post their financial assurances. Financial assurances shall be posted with the Inyo County Planning Department. Said assurances shall be made payable to the County of Inyo and the Director of the California Department of Conservation and The Bureau of Land Management.

Financial Assurance Recalculation

22. Financial assurances shall be recalculated each year in accordance with Section 2773.1(a)(3) of SMARA and Inyo County Code. This shall occur at the time of annual inspection.

Release of Financial Assurances

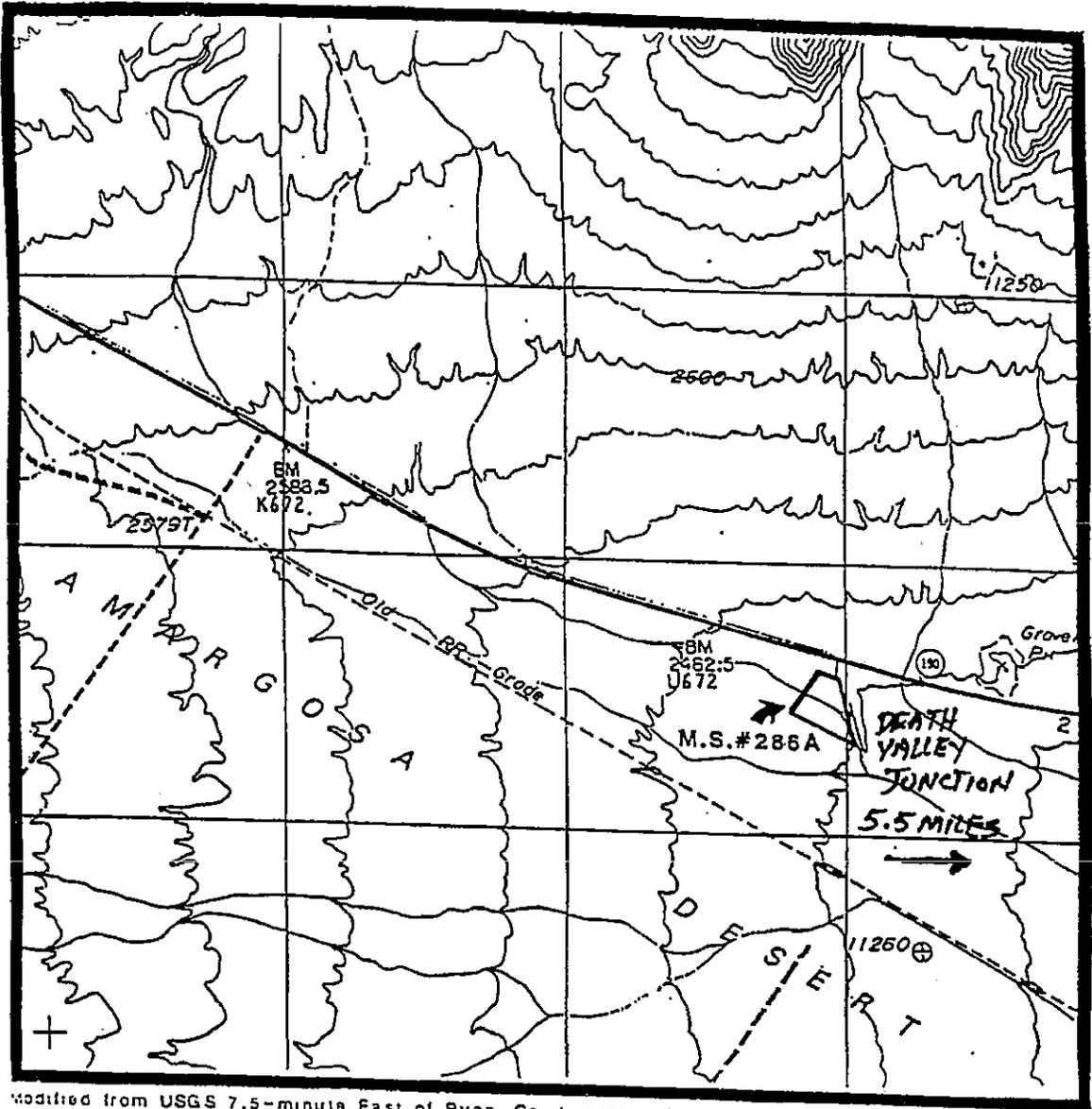
23. As required reclamation standards are achieved, that portion of financial assurances covering the completed activity may be released. The remainder of financial assurances covering revegetation and monitoring shall not be released until the revegetation performance standards is met.

Hold Harmless

24. 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 agents, officers and employees to attack, set aside, void, or annul any approval of the County, its advisory agencies, appeal boards, or its legislative body concerning Reclamation Plan No. 96-10/ Death Valley Junction Borrow Pit, MS 286A.

Attachments: Vicinity Map
Department of Conservation, Office of Mine Reclamation, Comments of May 20, 1997,
Department of Transportation Comments of May 29, 1997.

| Date | Reviewer | Initials |
|---------|-------------------|----------|
| 6/10/97 | Project Planner | SK |
| 6/10/97 | Review Planner | CSB |
| 6/11/97 | Planning Director | PC |
| | Secretary | |



Modified from USGS 7.5-minute East of Ryan, Ca, topographic map (provisional edition, 1988)



Topographic Map
Caltrans Material Site #286A

**DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION**

Reclamation Unit
501 K Street, MS 09-06
SACRAMENTO, CA 95814-3529
PHONE: (916) 323-8567
FAX: (916) 322-4862



Telecommunications
Device for the Deaf
(916) 324-2555



May 20, 1997

Earl Gann
Inyo County Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, CA 93526

Dear Mr. Gann:

**Negative Declaration and Reclamation Plan for Caltrans Material Site #286A
(New Death Valley Pit) SCH #97052004 - CA Mine ID# 91-14-0046**

The Department of Conservation's Office of Mine Reclamation (OMR), has reviewed the Negative Declaration and Reclamation Plan for Caltran's Material Site #286A (New Death Valley Pit). The mine is located approximately 5 miles west of Death Valley Junction on the south side of Highway 190. Approximately 150,000 cubic yards of sand and gravel would be removed from the 7.7-acre site over the next 20 years. The following comments prepared by Mary Ann Showers are offered to assist in your review of this project.

The reclamation plan addresses the majority of requirements of the Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code Section 2710 et seq.) and the State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations (CCR) Title 14, Chapter 8, Article 1, Section 3500 et seq., Article 9 Section.3700 et seq.). The following items, however, require additional information.

1. Section 2.4.1 addresses site specific hydrology and provides peak flows based on a 20-year return period. The information used to determine peak flows was obtained from the California Department of Water Resources Bulletin 195 (1976). California has experienced "unusual" rainfall events since 1976 and

the 1976 peak flow data may no longer be valid for the watersheds in the project area. The peak flow data used for this reclamation plan should reflect the most recent information available.

2. The project is located in a wash. To mitigate flows into the pit and the discharge of sediments off-site, the reclamation plan proposes to construct a drainage diversion berm on the north and east boundaries of the site and to install grade stabilization structures and outlets from the pit. No reference is made to the possible requirement of a Streambed Alteration Agreement for this project. We recommend that the applicant contact the California Department of Fish and Game (DFG) regarding the applicability of a this agreement to the project. Mitigation measures and management procedures recommended by DFG should be referenced in and appended to the reclamation plan [CCR Section 3710(b)].
3. Section 2.5.2 of the plan discusses erosion potential of site soils, stating that soils will "likely be susceptible to wind and sheet erosion." We recommend that the reclamation plan include provisions for mulching topsoil storage berms and processing fines to minimize loss of these materials. The use of a gravel or rock mulch would be appropriate for this site [CCR Sections 3503(a)(2), 3711(d)].
4. Revegetation is discussed in Section 4.6.0 of the plan. The plan, however, does not include a revegetation plan. It appears that information on plant materials and planting densities was not included in Section 4.6.2. A revegetation plan must be included in the reclamation plan to satisfy the requirements of SMARA Section 2773(a) and the CCR. The revegetation plan also must include specific performance standards for plant cover, plant density, and species richness [CCR Section 3705(m)]. Only a cover performance standard is proposed in Table 4.10-1.

Due to the extreme aridity of this site, use of containerized plants is strongly recommended. The plants should be grown from seeds or cuttings obtained in the general project area discussed in Section 4.6.2. Plants should be watered on installation and then at least once monthly during the first growing season. The amount of water should approximate that of a normal spring rain and should be applied directly to the planting basin around the plant. Weed mats can be used if necessary to minimize the establishment of weeds. Planting techniques and irrigation frequency can be monitored in test plots during the life of the project so that the most effective techniques can be used during final reclamation. Deliberate overplanting of container stock will

Earl Gann
May 20, 1997
Page 3

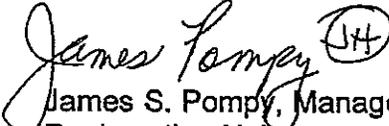
offset plant mortality [CCR Section 3705(b), 3705(h), 3705(l), 3705(j), 3705(k), 3705(l)].

5. In addition to providing technical assistance and review of reclamation plans, the Office of Mine Reclamation is authorized to review cost estimates prior to lead agency approval of the financial assurance for reclamation per SMARA Section 2773.1. Seeding and Revegetation Costs in the reclamation plan refer solely to seeding of 2 acres of the site. We recommend that the financial assurance estimate be revised to include revegetation of the entire mine site. These costs should include the establishment and monitoring of revegetation test plots, propagation of containerized plants, irrigation, and revegetation monitoring following implementation. An analysis of the reclamation cost estimates will be forwarded under separate cover.

Please send a copy of the approved reclamation plan, response to our comments, and permit issued by you as lead agency under SMARA to the Office of Mine Reclamation, Reclamation Unit at 801 K Street, M.S. 09-06, Sacramento, CA 95814-3529. The approved documents will be placed in the Office of Mine Reclamation files.

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 323-8565.

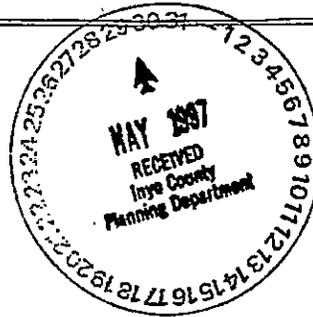
Sincerely,


James S. Pompy, Manager
Reclamation Unit

cc: Karen Yowell , OGER

DEPARTMENT OF TRANSPORTATION

500 SOUTH MAIN STREET
HOP, CA 93514



(760) 872-0658

May 29, 1997

File - Inyo - 190 - 135.5
SCH 97052004

Mr. Curtis E. Kellog
Inyo County Planning Department
P.O. Drawer L
Independence, CA 93526

DRAFT MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL
IMPACT

Thank you for the opportunity to review and comment on the Reclamation Plan #96-10/New Death Valley Junction Site - #286A - California Department of Transportation (Caltrans). We note that the project area is not within the range of the Desert Tortoise. This has been confirmed with contacts with the Barstow Office of BLM. Being as there is no impact to the tortoise or other listed species or animals the project is de minimus in its effect on fish and wildlife. No filing fee should be required. If you have questions on this matter please call me at (760) 872-0658.

Sincerely,

DENNIS MANNING
Chief, Branch of IGR/CEQA Reviews

DM:mam
cc: SCH - Angel Howell

| | |
|--------|--|
| PETER | |
| CHUCK | |
| CURTIS | |
| SANDY | |
| EARL | |
| FILE | |