

Agenda

County of Inyo Planning Commission

Board of Supervisors Room
Inyo County Administrative Center
Independence, California

NOTICE TO THE PUBLIC: In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend certain requirements of the Brown Act. Please be advised that the Planning Commission will be conducting its hearing exclusively via videoconference by which Planning Commission Members and staff will be participating. The videoconference will be accessible to the public by computer, tablet or smartphone at: <https://us02web.zoom.us/j/81212612610?pwd=NkZRcUlldE9jbWdxTUQrMUxPY3JLZz09> You can also dial in by phone at 1-669-900-6833 and then enter Access Code: 812 1261 2610 Passcode: 426701. Public Comment may be provided by emailing the comments prior to the meeting. All emailed comments will be read into the record, and the Planning Commission will take that feedback into consideration as it deliberates. Please send comments to: inyoplanning@inyocounty.us

FRANK STEWART
CAITLIN (KATE) J. MORLEY
TODD VOGEL
SCOTT STONER
SCOTT KEMP

FIRST DISTRICT
SECOND DISTRICT (CHAIR)
THIRD DISTRICT (VICE CHAIR)
FOURTH DISTRICT
FIFTH DISTRICT

Inyo County Planning Commission
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CATHREEN RICHARDS
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MICHAEL ERRANTE
CLINT QUILTER
GRACE CHUCHLA

PLANNING DIRECTOR
PROJECT COORDINATOR
PUBLIC WORKS DIRECTOR
COUNTY ADMINISTRATOR
DEPUTY COUNTY COUNSEL

Items will be heard in the order listed on the agenda unless the Planning Commission rearranges the order or the items are continued. Estimated start times are indicated for each item. The times are approximate and no item will be discussed before its listed time.

Lunch Break will be given at the Planning Commission's convenience.

The Planning Commission Chairperson will announce when public testimony can be given for items on the Agenda. The Commission will consider testimony on both the project and related environmental documents.

The applicant or any interested person may appeal all final decisions of the Planning Commission to the Board of Supervisors. Appeals must be filed in writing to the Inyo County Board of Supervisors within 15 calendar days per ICC Chapter 15 [California Environmental Quality Act (CEQA) Procedures] and Chapter 18 (Zoning), and 10 calendar days per ICC Chapter 16 (Subdivisions), of the action by the Planning Commission. If an appeal is filed, there is a fee of \$300.00. Appeals and accompanying fees must be delivered to the Clerk of the Board Office at County Administrative Center Independence, California. If you challenge in court any finding, determination or decision made pursuant to a public hearing on a matter contained in this agenda, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Inyo County Planning Commission at, or prior to, the public hearing.

Public Notice: In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Planning Department at (760) 878-0263 (28 CFR 35.102-3.104 ADA Title II). Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Planning Department 2 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format (Government Code Section 54954.2).

January 27, 2021

10:00
A.M.

1. PLEDGE OF ALLEGIANCE.
2. ROLL CALL – Roll Call to be taken by staff.

3. **PUBLIC COMMENT PERIOD** – This is the opportunity for anyone in the audience to address the Planning Commission on any planning subject that is not scheduled on the Agenda.
- Action Item 4. **APPROVAL OF MINUTES** – Approval of minutes from the September 23, 2020 Planning Commission Meeting.
- Action Item 5. **NOMINATION & ELECTION OF CHAIR PERSON** – The Commission will accept nominations for chair-person for 2021 and hold election.
- Action Item 6. **NOMINATION & ELECTION OF VICE CHAIR PERSON** – The Commission will accept nominations for vice-chair-person for 2021 and hold election
- Action Item Public Hearing 7. **CONDITIONAL USE PERMIT-2019-16 /INYO FACE – CULTIVATION** - The applicant is requesting a CUP for the cultivation of cannabis on an approximate 2.5-acre parcel located along the Old Spanish Trial Highway in the community of Charleston View, in southeast Inyo County. The project includes the construction of an 18,504-sqft building for the growing, harvesting, dry and curing of cannabis plants. This project has been applied for concurrently with a retail cannabis business to be located on a parcel directly north of the cultivation project.
- Action Item Public Hearing 8. **CONDITIONAL USE PERMIT-2019-17/INYO FACE –DISPENSARY** - The applicant is requesting a CUP to establish a retail cannabis store on an approximate 2.5-acre parcel located along the Old Spanish Trial Highway in the community of Charleston View, in southeast Inyo County. The project includes the construction of a 1,355-sqft building to house the store. This project has been applied for concurrently with a cannabis cultivation business to be located on a parcel directly south of the retail project.
- Action Item Public Hearing 9. **CONDITIONAL USE PERMIT-2020-10/DESERT GREEN - DISTRIBUTION** - The applicant has applied for a Conditional Use Permit. The applicant has met the application requirements for a CUP in Charleston View, in southeast Inyo County, and is seeking approval for a cannabis distribution facility, which is permitted as a conditional use for the property, following approval from the Inyo Planning Commission.
- Action Item Public Hearing 10. **CONDITIONAL USE PERMIT-2020-11/DESERT GREENS - CULTIVATION** - The applicant has applied for a Conditional Use Permit. The applicant has met the application requirements for a CUP in Charleston View, in southeast Inyo County, and is seeking approval for a cultivation site, which is permitted as a conditional use for the property, following approval from the Inyo Planning Commission.

**Action
Item
Public
Hearing**

11. **ZONE TEXT AMENDMENT-2020-02 ICC-RESCIND 18.78.340/SECOND UNITS** - Inyo County Code, is currently out of compliance with State Laws related to Accessory Dwelling Units. Staff has drafted a proposed ordinance to Amend the Inyo County Zoning Code's Title 18.78.340 General Regulations - Second Units, to bring the County into compliance with State regulations. This item is being brought back to the Planning Commission with staff recommended changes.

**Action
Item
Public
Hearing**

12. **AMENDMENT TO RECLAMATION PLAN 96-12** - The applicant has applied for an amendment to Reclamation Plan 96-12. The project proposes to expand mining operations at Keeler Pit MS #300 for continued maintenance of dirt shoulders in Inyo County. Approximately 300,000 cubic yards of material will be extracted from the site, over a 30 to 50-year timespan, in an 8.1 acre-expansion area. A Mitigated Negative Declaration of Environmental Impact has been prepared and publicly noticed pursuant to the California Environmental Quality Act.

COMMISSIONERS' REPORT/COMMENTS

Commissioners to give their report/comments to staff.

PLANNING DIRECTOR'S REPORT

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

CORRESPONDENCE – INFORMATIONAL

COUNTY OF INYO

PLANNING COMMISSION

MINUTES OF SEPTEMBER 23, 2020 MEETING

COMMISSIONERS:

FRANK STEWART
CAITLIN (KATE) J. MORLEY
TODD VOGEL
SCOTT STONER
SCOTT KEMP

FIRST DISTRICT
SECOND DISTRICT (CHAIR)
THIRD DISTRICT (VICE)
FOURTH DISTRICT
FIFTH DISTRICT

Inyo County Planning Commission
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STAFF:

CATHREEN RICHARDS
GRACE CHUHLA
STEVE KARAMITROS
RYAN STANDRIDGE
PAULA RIESEN
CLINT QUILTER
MIKE ERRANTE

PLANNING DIRECTOR
COUNTY COUNSEL
SENIOR PLANNER
ASSOCIATE PLANNER
PROJECT COORDINATOR
COUNTY ADMINISTRATOR
PUBLIC WORKS DIRECTOR

The Inyo County Planning Commission met in regular session on Wednesday, September 23, 2020, using Zoom for our meeting. Commissioner Morely opened the meeting at 10:03 a.m.

These minutes are to be considered for approval by the Planning Commission at their next scheduled meeting.

ITEM 1: **PLEDGE OF ALLEGIANCE** – All recited the Pledge of Allegiance at 10:03 a.m.

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

Staff present: Cathreen Richards, Planning Director; Steve Karamitros, Senior Planner; Ryan Standridge, Associate Planner; Paula Riesen, Project Coordinator, Grace Chuhla, County Counsel and John Vallejo, County Counsel.

Staff absent: Clint Quilter, County Administrator; Michael Errante, Public Works Director.

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

Chair Morley opened the Public Comment Period at 10:04 a.m.

With no one wishing to comment Chair Morley closed the public comment period at 10:04 a.m.

ITEM 4: **APPROVAL OF MINUTES (Action Item)** – Approval of the Minutes from the July 22, 2020, meeting of the Planning Commission.

MOTION: Commissioner Todd Vogel made the motion to approve the minutes and was seconded by Commissioner Stewart.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Kate Morley – Yes
Frank Stewart – Yes
Todd Vogel – Yes
Scott Stoner – Yes

The Motion passed 4-0 at 10:05 a.m.

ITEM 5: **ZONE TEXT AMENDMENT- 2020-02 ICC-RESCIND 18.78.340/SECOND UNITS**
– Based on a review of current zoning with respect to Accessory Dwelling Units, staff has found that the County is currently out of compliance with State regulations and is proposing to rescind Chapter 18.78.340 of the Inyo County Code. The Planning Commission will be considering providing a recommendation to the Board of Supervisors to adopt this proposed change.

Cathreen Richards, Planning Director, presented staff report.

Chair Morley opened the Public Hearing at 10:11 a.m.

With no one wishing to speak, Chair Morley closed the Public Hearing.

MOTION: Chair Morley asked for a motion, Commissioner Vogel made a motion in favor with the recommended findings 1-3, and was seconded by Commissioner Stoner.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Chair Morley – Yes
Commissioner Vogel – Yes
Commissioner Stewart – Yes
Commissioner Stoner – Yes

The Motion passed 4-0 at 10:13 a.m.

ITEM 6: **CONDITIONAL USE PERMIT-2020-07/CERRO GORDO** – The applicant,

Silver Pineapple LLC, has applied for a CUP to rebuild the Cerro Gordo Hotel and Surveyor House that were completely destroyed by a fire in June 2020 and to be compliant with the Inyo County Code 18.12 (Open Space). The hotel and surveyor house have been at the same location since the late 1800s and are grandfathered uses as they were established before the County's zoning code. Since they must now be rebuilt, they are subject to the current zoning and building codes and because of this, require a CUP.

Cathreen Richards, Planning Director, presented staff report.

Director Richards stated that Environmental Health was concerned with the water and septic systems, with the increased use, then as the project progresses the potable water issues will have to be addressed. Road Department stated that they would not increase the maintenance of the road to Cerro Gordo due to the business. The business would be responsible for the extra maintenance to the road and the owners would need to apply for an encroachment permit from the Public Works Department and Building & Safety are also closely monitoring the building site.

Chair Morley opened the Public Hearing at 10:21 a.m.

Jon Biers the owner was the first to speak about the project saying it was a labor of love, and he was honored to be able to restore the site and adhere to the new state codes that has to be followed since the fire.

Brent Underwood project manager was the next to speak. He stated that after the fire the community has been great and started donations to help with the cost of the rebuild.

Next was Matthew Royce he spoke saying he felt honored to be helping with this project and very willing to follow the new code updates that Building & Safety is working closely with them.

Chair Kate Morley asked what kind of timeline they are shooting for.

Brent Underwood stated that the timeline basically follows the weather. It is getting cold up there now and they hope to have the demolition finished before winter. As soon as The snow melts the will start as quickly as they can to start construction.

Chair Morley closed the Public Hearing at 10:27 a.m.

MOTION: Commissioner Frank Stewart stated that he thought the project was really great and made a motion to approve the CUP-2020-07/Cerro Gordo with the findings 1-7, and the conditions of approval 1-7, and was seconded by Commissioner Vogel.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Chair Morley – Yes
Commissioner Vogel – Yes

Commissioner Stewart – Yes
Commissioner Stoner – Yes

The Motion passed 4-0 at 10:28 a.m.

ITEM 7: **GENERAL PLAN AMEDMENT- 2019-01/ZONE RECLASS-2019-02/TENTATIVE PARCEL MAP-422/ CONDITIONAL USE PERMIT-2020-03 OLANCHA LAKE ZONING** - The applicant (Olancha Lake LLC) is requesting to merge seven parcels, which requires a Tentative Parcel Map. This parcel merger also requires a Zone Reclassification and General Plan Amendment to create the correct land use designations for a proposed future commercial RV camping business. The proposed project is allowed as a conditional use and requires approval from the Inyo County Planning Commission. The public hearing will address each of these four land use entitlements. The project is located in Olancha, CA.

Steve Karamitros, Senior Planner, presented staff report.

Commissioner Stoner said he had been down in Olancha and wanted to know if this would be East or West of the Olancha Corridor Project?

Senior Planner, Karamitros stated that North, East, South, and West was private land although northwest of the project was DWP.

Chair Morley opened the Public Hearing at 10:43 a.m.

The first to speak was Ignacio Saldana (a.k.a. Nacho) Project Manager stated that lake was 13 acres, and originally a Water Ski Lake. As of right now it is dry but will be filled back up, going NW to SE direction.

With no one else wishing to speak, Chair Morley closed the Public Hearing at 10:51 a.m.

MOTION: Commissioner Stewart made a motion to approve additional findings 1-7 in CUP-2020-03/Olancha Lake Zoning. Chair Morley made second with additional findings in TPM-422, findings 1-9, GPA -2019-01 & ZR-2019-02 findings 1-7 and conditions of approval for CUP,ZR & GPA 1-8.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Chair Morley – Yes
Commissioner Vogel – Yes
Commissioner Stewart – Yes
Commissioner Stoner – Yes

The Motion passed 4-0 at 10:40 a.m.

ITEM 8: **CONDITIONAL USE PERMIT-2020-05/PINO PIES** - The applicant has applied for a CUP for 'Mixed Use' to allow for residential use of half of the commercial space being rented by the applicant. The applicant is renting two of four suites within a single, commercially zoned building. One of these suites would be for residential use. The project is located on Grandview Drive, in Bishop.

Steve Karamitros, Senior Planner, presented staff report.

Chair Morley asked if there had been any concerns from the Jill Kinmont Boothe School?

Steve stated there had been no comments at this time.

Commissioner Stoner asked if there had been any concerns with the two other units in the building complex being rented to someone else.

Steve stated there had been one Phone call from a neighbor within 300' of project location concerned about mixed use in the area.

Chair Morley opened the Public Hearing at 10:59 a.m.

With no one else wishing to speak, Chair Morley closed the Public Hearing at 11:00 a.m.

MOTION: Commissioner Stewart made a motion to approve CUP-2020-05/Pino Pies including findings 1-7, and conditions of approval 1-4. Commissioner Vogel made the second.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Chair Morley – Yes
Commissioner Vogel – Yes
Commissioner Stewart – Yes
Commissioner Stoner – Yes

The Motion passed 4-0 at 11:01 a.m.

ITEM 9: **HEARING – Radcliff Mine Order Mandating Compliance** – The County will be seeking an order to comply from the Planning Commission imposing administrative penalties in the amount of \$50 per day, calculated from the date that the transfer of the Financial Assurance Mechanism (FAM) should have been completed per Public Resources Code § 2773.1(c) and Per Public Resource Code § 2774.1(a)(3)(A), the County will further seek an order from the Planning Commission mandating a closure of the Radcliff Mine until the FAM is properly transferred.

Ryan Standridge, Associate Planner & SMARA Coordinator passed out additional emails information consisting of emails between Blair Will, Charlie McLaughlin, Grace

Chuchla, and asked for procedural clarification. It was determined the presentation would proceed and the Commissioners would be given a five minute break to review the additional correspondence submitted for record. Ryan gave a brief history of the mine and the violation issue of not transferring the bond. She also explained that the SMARA code allows a \$5,000 a day fine. The County code allows a \$50 a day fine that would come to \$30,800. The director and County Counsel determined that based on the current economy, and the recent effort by Radcliff Mine to obtain the bond, the penalty fee should be set to recover staff time spent on the matter to date in the amount of \$7,496.39.

Chair Morley called the meeting to order after the break at 11:21 a.m.

Chair Morley had concerns about the status of the violations listed in the two letters attached to the staff report, and the amount of the FAM.

SMARA Coordinator, Ryan Standridge explained that both the idle plan and the Financial Assurance Cost Estimate (FACE) have been submitted recently and are being reviewed for adequacy. The only violation remaining is the transfer of the Bond. County Counsel, Grace Chuchla, reiterated what Ryan stated and added an explanation of the correlation FACE and how it is tied into the FAM.

Chair Morley asked about the 30,000.00 in charges, yet the bill staff came up with is only \$ 7,496.39. She also asked if the mine is working with staff to try and come into compliance, and if it is close and if the \$ 7,496.39 going to be enough to cover the cost?

Commissioner Frank Stewart stated that it looks like the mine has already been out of compliance for over 616 days already and he thinks they should pay \$50.00 a day.

Commissioner Stewart and Commissioner Stoner were curious to hear the owners thoughts on this issue.

Blair Will attorney representing Bush Management/Radcliff Mine stated that the mine is not currently operational. They took over in September of 2018. The Department of Conservation is having trouble collaborating with Union Bank and it has taken way too long.

Commissioner Stewart asked about the Bond amount, and said it looks like it has not changed in 12 years?

Grace Chuhla, County Counsel stated that she is working with Planning Department on the review of the FACE there will be requested changes that will result in the bond changing.

Chair Morley asked if the County would be absorbing the cost while we are waiting.

Grace Chuhla, County Counsel answered yes.

Commissioner Vogel stated Commissioner Stewart's point is well taken about future reimbursement, 616 days is a long time and it seems we are not covering our costs.

Attorney, Blair Will stated that there are clear legal documents to the Statement of Liability and they have taken steps to complete their work.

Chair Morley stated there is a 30-day window to transfer bonds and now it is pushing 2 years of being out of compliance.

Attorney, Blair Will disagreed he believes that they have been complying with the bond requirements as there is a bond in place and they have been working with the County and Department of Conservation sending several letters to the county to comply. He acknowledged it has been a long time.

Commissioner Scott Stoner said he had read that there is a letter to not operate, but has there been any working to clean up the earthwork BLM has mandated?

Attorney, Blair Will replied that cleanup has historically not been considered an operational function.

Commissioner Frank Stewart stated that the problem with Union Bank was a year ago, and it shows that last month Bush was unwilling to work with the County. Starting today we should charge 50.00 a day for as long as they are out of compliance.

Chair Morley asked if anyone would like to refute the evidence presented to the Planning Commission. We will continue working to clear the issues.

County Counsel, John Vallejo stated that everyone who testified needs to be sworn in;

- Ryan Standridge, SMARA Coordinator – The truth, nothing but the truth so help me god
- Cathreen Richards, Planning Director – I did not testify
- Attorney, Blair Will – Truth the whole truth
- Grace Chuhla, County Counsel – Stated that before deliberations, it is clear

Chair Morley opened the Public Hearing at 11:47 a.m.

With no one else wishing to speak, Chair Morley closed the Public Hearing at 11:48 a.m.

Commissioner Frank Stewart moved to postpone the deliberations. If it was unclear what was required to bring the mine into compliance. Grace Chuhla reiterated the two outstanding issues.

1. They do not have new Bond
2. Lack of Bank signature

Chair Morley stated she wants an account of the outstanding issues in the record.

Commissioner Todd Vogel made a motion to find:

- the Notice of Violation and Order to Comply were properly served on Mr. McLaughlin, as the authorized agent for Bush Management/Radcliff Mine;
- the hearing was properly noticed,
- Bush Management is in violation Public Resources Code § 2773.1(c) due to its failure to effect a transfer of the FAM within 90 days of obtaining ownership of the mine;
- mandating cessation of all activity at the Radcliff Mine except that which is necessary to prevent damage to the environment; and
- posing administrative penalties in the amount of \$7,496.39, with an addition of \$50 a day until the violation is remedied.

The motion was seconded by Chair Kate Morley.

John Vallejo stated that there is 15 days to appeal to the Planning Commission in regards to the Mining hearing. Should the Board uphold the decision then there is a 30 day appeal to the Board of Supervisors.

COMMISSIONERS' REPORT/COMMENTS –

Chair Kate Morley asked if the Conference she went to last year is going to Happen this year, maybe threw Zoom? Is there a cost and did we budget for that?

DIRECTOR'S REPORT –

IMACA is having another public meeting to for an appeal to the homeless parking project.

The Affordable Housing and the Housing Element Update projects will be starting soon.

October Planning Commission is cancelled and the next meeting will be December 9, 2020. Director Richards said she would send out an official invite.

ADJOURNMENT –

With no further business, Chair Kate Morley requested a motion to adjourn the meeting at 12:15 p.m. The next meeting was tentatively set for be December 9, 2020, at 10:00 a.m.

Motion by Commissioner Todd Vogel.

Seconded by Commissioner Scott Stoner.

Project Coordinator, Paula Riesen proceeded with roll call for each vote.

Frank Stewart – Yes

Todd Vogel – Yes

Kate Morley – Yes

Scott Stoner – Yes

Motion passed 4-0.

Prepared by:
Paula Riesen
Inyo County Planning Department



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AGENDA ITEM NO.: 7 (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: January 27, 2020
SUBJECT: Conditional Use Permit (CUP) 2019-16/Inyo Face Cannabis Cultivation

EXECUTIVE SUMMARY

The applicant has applied for a CUP for the cultivation of cannabis on an approximate 2.5-acre parcel located along the Old Spanish Trail Highway in the community of Charleston View, in southeast Inyo County. The project includes the construction of an 18,504-sqft building for the growing, harvesting, dry and curing of cannabis plants. This project has been applied for concurrently with a retail cannabis business to be located on a parcel directly north of the cultivation project.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Inyo Face – Ken Sobel, 2152 Crownhill Road, San Diego 92109

Property Owner: Inyo Face – Ken Sobel, 2152 Crownhill Road, San Diego 92109

Site Address: 800 East Old Spanish Trail Highway

Community: Charleston View

A.P.N.: 048-391-12

General Plan: Residential Rural Medium Density (RRM)

Zoning: Rural Residential with a 2.5-acre minimum (RR-2.5)

Size of Parcel: Approximately 2.5-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Vacant	Residential Rural Medium Density (RRM)	Rural Residential with a 2.5-acre minimum (RR-2.5)
North	Vacant	Resort Recreational (REC)	Highway Services and Tourist Commercial (C2)
East	Vacant	Resort Recreational (REC)	Open Space with a 40 acre minimum (OS-40)
South	Residential – single family home	Residential Rural Medium Density (RRM)	Rural Residential with a 2.5-acre minimum (RR-2.5)
West	Vacant	Residential Rural Medium Density (RRM)	Rural Residential with a 2.5-acre minimum (RR-2.5)

Staff Recommended Action: **1.) Approve the Conditional Use Permit (CUP) 2019-16/Inyo Face Cannabis Cultivation and certify the Mitigated Negative Declaration under CEQA.**

Alternatives:

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

Project Planner: Cathreen Richards

STAFF ANALYSIS

Background and Overview

The applicant has applied for a CUP to operate a commercial cannabis cultivation operation located on the Old Spanish Trail Highway, in the community of Charleston View. This operation proposes to grow, harvest, dry and cure cannabis plants at an approximate 18,500sqft facility at the project site (Site Plan attached). The property is zoned Rural Residential, which allows for cannabis cultivation on parcels 2.5-acres and above in Charleston View, with a CUP. This is a remote area of the County that primarily has open, vacant, land with some scattered residential development. The proposed location is not within 600-feet of a school, daycare, park or library; and therefore, is not prohibited by state or county cannabis exclusion regulations.

Vicinity Map



Project Location



General Plan Consistency

The goal of this project is to allow for a cannabis cultivation operation in a remote part of the County with minimal development. The project is consistent with the General Plan

designation of RRM as it provides for the continuation of the rural characteristics of an area by allowing for a mix of large lot residential, public quasi-public and similar compatible uses. This project is for a type of agriculture that does promote the rural nature of Charleston View as the overall development is minimal. It will employ about 5 people and will not create a significant increase in population. The RRM General Plan designation is compatible with the existing RR zoning designation, which allows for cannabis cultivation in Charleston View. It is also compatible with the General Plan's Conservation and Open Space Element's Goal Agriculture (AG) 1.0: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis. This activity is consistent with Goal AG 1.0, as it provides for a more diverse agriculture industry than currently exists in the County.

Zoning Ordinance Consistency

The proposed project is a CUP to allow for the commercial cultivation of cannabis. The RR zone allows for commercial cannabis cultivation on parcels 2.5-acres and above in Charleston View, with a CUP. The Rural Residential zone, within its purpose statement, states: single family rural residential and estate type uses where certain agricultural activities can be successfully maintained in conjunction with residential uses on relatively large parcels. This project is agriculture in nature and is on the periphery of residential use activities. The actual growing will take place indoors and the applicant has provided for the setback requirements of the RR zoning district, except in the rear where it is larger (approximately 70-feet). The 70-feet, as well as a local road, between the cannabis cultivation building and the residential property located to the south of it creates a good buffer between the two uses. Cannabis cultivation projects on RR parcels in Charleston View that are 2.5-acres and greater do not have specific setback requirements and it is at the discretion of the Planning Commission to apply more or less in the way of setbacks as they see fit for the particulars of specific projects.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2019-16/Inyo Face-Cultivation is a Mitigated Negative Declaration under CEQA. This project incorporates several mitigation measures (listed below) as conditions of approval for the issuance of the conditional use permit.

TRIBAL CONSULTATION

In compliance with AB 52, SB 18, and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter on August 25, 2020 about the project and the opportunity for consultation. The tribes notified were as follows: the Twenty-Nine Palms Band of Mission Indians, Big Pine Paiute Tribe, Bishop Paiute Tribe, Cabazon Band of the Mission Indians, Fort Independence Paiute Tribe, Lone Pine Paiute-Shoshone Tribe, Timbisha Shoshone Tribe, and the Torres Martinez Desert Cahuilla Indians.

None of the Tribes requested consultation.

NOTICING & REVIEW

The application for CUP 2019-16/Inyo Face - Cultivation has been reviewed by the appropriate county departments and no issues were reported. This included reviews by the Environmental Health, Public Works and Road Department and the Inyo/Mono Agricultural Commission.

Public review of the CEQA document was noticed in the Inyo Register and submitted to the State Clearinghouse on December 5, 2020. Comments were received by the California State Water Board – Lahontan; the California Department of Food and Agriculture (CDFA); and the California Department of Fish and Wildlife (CDFW) (Attached). Substantive comments included:

Lahontan Waterboard - regarding wastewater disposal, wastewater from cannabis cultivation cannot be discharged into a septic system. A condition of approval was added that the applicant shall work with Lahontan and the Inyo County Environmental Health Department on a proper wastewater disposal plan prior to attaining a building permit.

CDFW – CDFW provided both substantive and non-substantive comments. Conditions of Approval have been added to address substantive comments. Since biological surveys already conducted found no special status species on the 2-parcels (approximately 5-acres, as shown on the maps provided in the ISMND) and that a large part of these two parcels are highly disturbed, the suggested mitigation measures from CDFW have been somewhat adjusted, these include:

- Burrowing Owl - A pre-construction survey shall be conducted, per CDFW's most recent version of the Staff Report on Burrowing Owl Mitigation, and submitted to the Planning Department for review. If burrowing owls are detected during the surveys a relocation plan will be prepared in consultation with, and approved by CDFW and US Fish and Wildlife.
- Desert Tortoise - A pre-construction survey shall be conducted per the US Fish and Wildlife's Desert Tortoise (Mojave Population) Field Manual and submitted to the Planning Department. If tortoises are detected the applicant shall work with CDFW on appropriate mitigation and/or an Incidental Take Permit.
- Nesting Birds - A pre-construction survey will be conducted for nesting birds, no more than 3-days prior to vegetation clearing or ground disturbance activities, and submitted to the Planning Department. If active nests are found, a Nesting Bird Plan shall be prepared and implemented by a qualified avian biologist, per CDFW requirements and any grubbing or vegetation removal shall occur outside peak nesting season (February 1 – September 1).
- If any special status wildlife species are identified during the pre-construction surveys, a qualified biologist shall conduct an education program for all persons employed or otherwise working on-site that addresses the particular biology and habitats of the species that are present.
- Special Status Plants – A pre-construction survey will be conducted per CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Native Communities, 2018. If any state listed plants are found the applicant shall work with CDFW on appropriate mitigation plans and/or an Incidental Take Permit.

- Artificial Lighting (indoor) – night time indoor lighting shall be blocked to prevent light escape to mitigate possible affects to wildlife.
- Water – based on the biological survey, Section 3.3.6: The project site does not support any jurisdictional waters of the U.S. or State as defined by the US Army Corps of Engineers, CDFW, and the Regional Water Quality Control Board, nor could staff verify an ephemeral stream on the project location, per ESRI California Stream mapping or USGS Topographical maps; therefore, mitigations include that the applicant shall obtain all State, Federal and local permits as required by CDFWA for licensing.

None of the comments from the CDFWA were related to a specific impact, nor provided particular potential conditions addressing an impact. They have been noted for future reference.

The public hearing for this CUP was noticed on January 9, 2021 in the Inyo Register and mailed to property owners within 1,500-feet of the project location as required by 18.78.360(F). No additional comments have been received to date.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2019-16/Inyo Face – Cannabis Cultivation, with the following Findings and Conditions of Approval:

FINDINGS

1. Based upon the Initial Study and all oral and written comments received, adopt the Mitigated Negative Declaration of Environmental Impact and certify that the provisions of the California Environmental Quality Act have been satisfied.

[Evidence: An Initial Study and Draft Negative Declaration of Environmental Impact were prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 30-day public comment period ended on January 4, 2021. Comments were received by the Lahontan Water Board and CDFWA. Lahontan's comments included potentially significant environmental impacts regarding wastewater conditions have been added to the project addressing this potential impact to a level of non-significant.]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Rural Residential Medium Density (RRM).

[Evidence: The goal of this project is to allow for a cannabis cultivation operation in a remote part of the County with minimal development. The project is consistent with the General Plan designation of RRM as it provides for the continuation of the rural characteristics of an area by allowing for a mix of large lot residential, public quasi-public and similar compatible uses. This project is for a type of agriculture that does promote the rural nature of Charleston View as the overall development is minimal. It will employ about 5 people and will not create a significant increase in population. The RRM General Plan designation is

compatible with the existing RR zoning designation, which allows for cannabis cultivation in Charleston View. It is also compatible with the General Plan's Conservation and Open Space Element's Goal Agriculture (AG) 1.0: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis. This activity is consistent with Goal AG 1.0, as it provides for a more diverse agriculture industry than currently exists in the County.]

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits cannabis cultivation activities, as a conditional use, in the Rural Residential zone on parcels 2.5-acres or greater in Charleston View.
[Evidence: The proposed project is a CUP to allow for the commercial cultivation of cannabis. The RR zone allows for commercial cannabis cultivation on parcels 2.5-acres and above in Charleston View, with a CUP. The Rural Residential zone, within its purpose statement, states: single family rural residential and estate type uses where certain agricultural activities can be successfully maintained in conjunction with residential uses on relatively large parcels. This project is agriculture in nature and is on the periphery of residential use activities. The actual growing will take place indoors and the applicant has provided for the setback requirements of the RR zoning district, except in the rear where it is larger (approximately 70-feet). The 70-feet, as a well as a local road, between the cannabis cultivation building and the residential property located to the south of it creates a good buffer between the two uses. Cannabis cultivation projects on RR parcels in Charleston View that are 2.5-acres and greater do not have specific setback requirements.]

4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan's Economic Development Element states: 'Inyo County's wealth is...highly dependent on a number of activities that occur throughout the County...including grazing, mining, water transportation, and the growing of crops. These activities are expected to continue in the long term, and are expected to remain stable throughout the time horizon of this General Plan.' The applicant has stated that Inyo Face expects to produce cannabis plants that will serve County businesses and consumers, as well as, other markets in the State making this a desirable project with regard to the County's economy.]

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed conditional use permit is for a commercial cannabis cultivation establishment to operate in a remote, rural, area. It is related to the current and historic rural, agriculture and open space nature of the area and will not cause impacts on transportation or service facilities in the vicinity as the project does not create a significant amount of additional people or vehicles in the area. Parking areas will be located on the project parcel and road facilities are already established in the area and provide access to the property.]

6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The proposed conditional use permit is to allow for cannabis cultivation. This agricultural use will not change or increase the current level or general type of allowed uses in the Charleston View area. The proposed security plan for Inyo Face – cannabis cultivation was reviewed by the Sheriff's Department as a business license requirement and the project was evaluated by the Southern Inyo Fire District. Neither had any comments of concern; therefore, it has been determined that the project will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]
7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: Cannabis cultivation activities require a conditional use permit per Inyo County Code Section 18.45.030(P) and it is therefore necessary for the operation of Inyo Face, LLC.]

CONDITIONS OF APPROVAL

1. Hold Harmless

The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. CUP 2019-16/Inyo Face – Cannabis Cultivation. The County reserves the right to prepare its own defense.

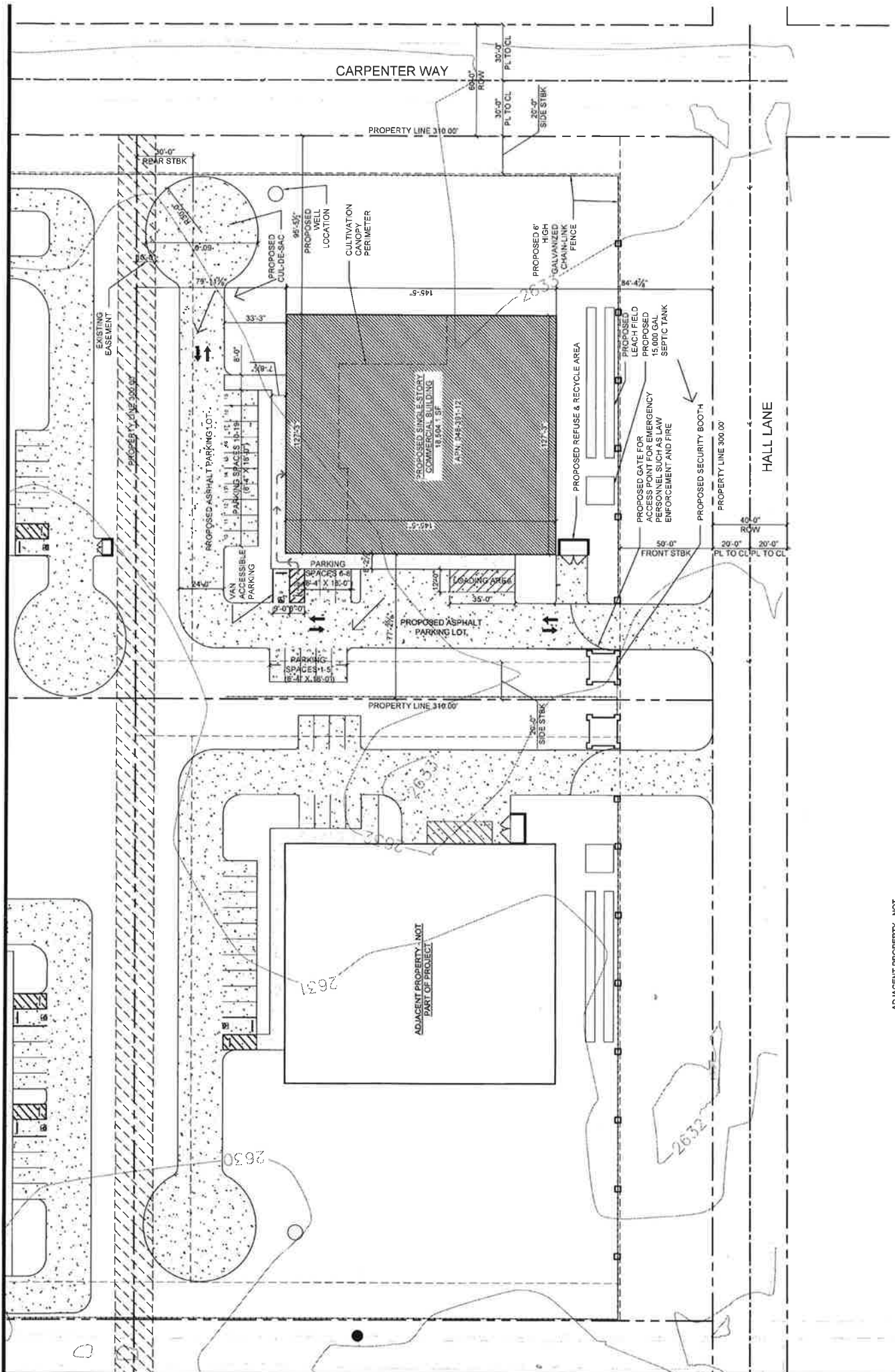
2. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations including but not limited to building, grading and public health and safety. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

3. Visual Resources - The applicant shall adhere to Inyo County's General Plan Visual Resources requirement (VIS-1.6-Control of Light & Glare), which requires all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level) and are fully shielded.
4. Air Quality - The applicant shall follow best management practices to control for dust and odors & will consult with the Great Basin Air Pollution Control District to minimize potential air quality effects during construction and from the Cannabis crop's VOC emissions (Terpenes).
5. Biological

- Burrowing Owl - A pre-construction survey shall be conducted, per CDFW's most recent version of the Staff Report on Burrowing Owl Mitigation, and submitted to the Planning Department for review. If burrowing owls are detected during the surveys a relocation plan will be prepared in consultation with, and approved by CDFW and US Fish and Wildlife.
 - Desert Tortoise - A pre-construction survey shall be conducted per the US Fish and Wildlife's Desert Tortoise (Mojave Population) Field Manual and submitted to the Planning Department. If tortoises are detected the applicant shall work with CDFW on appropriate mitigation and/or an Incidental Take Permit.
 - Nesting Birds - A pre-construction survey will be conducted for nesting birds, no more than 3-days prior to vegetation clearing or ground disturbance activities, and submitted to the Planning Department. If active nests are found, a Nesting Bird Plan shall be prepared and implemented by a qualified avian biologist, per CDFW requirements and any grubbing or vegetation removal shall occur outside peak nesting season (February 1 – September 1).
 - If any special status wildlife species are identified during the pre-construction surveys, a qualified biologist shall conduct an education program for all persons employed or otherwise working on-site that addresses the particular biology and habitats of the species that are present.
 - Special Status Plants – A pre-construction survey will be conducted per CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Native Communities, 2018. If any state listed plants are found the applicant shall work with CDFW on appropriate mitigation plans and/or an Incidental Take Permit.
 - Artificial Lighting (indoor) – night time indoor lighting shall be blocked to prevent light escape that may affect wildlife.
 - Water – The applicant shall obtain all State, Federal and local permits regarding Lake or Stream bed alteration, as required by CDFA for licensing.
6. Wastewater - The applicant shall provide evidence that a proper wastewater plan for the project is in place prior to obtaining a building permit, approved by the County Environmental Health Department. Per the Lahontan Waterboard, the plan shall show that either:
1. Wastewater will be collected in a sealed container and hauled for disposal at a permitted facility; or,
 2. Separate regulatory authorization is obtained for onsite disposal of the cannabis wastewater by enrollment under the Small Industrial General Order. Disposal to land is prohibited unless this authorization is obtained.
7. Environmental Health - The applicant shall consult with the County Environmental Health Department and follow any regulations provided for by them regarding well and septic development.

- The applicant shall prepare a plan approved by the County Environmental Health Department for any possible pesticide and fertilizer use for the cultivation activities.
- 8. Public Works -** Prior to ground disturbing activities, the applicant shall work with the County Public Works Department and/or Building and Safety on a grading plan to ensure best management practices, for proper water drainage that meets all applicable state and federal regulations, are in place.



ADJACENT PROPERTY - NOT PART OF PROJECT

ADJACENT PROPERTY - NOT PART OF PROJECT

Comments

From: InyoPlanning
Sent: Monday, December 21, 2020 12:03 PM
To: Cathreen Richards
Subject: FW: Conditional Use Permit (CUP) 2019-16/Inyo Face - Cannabis Cultivation

From: Bindl, Kathleen@Waterboards [mailto:Kathleen.Bindl@waterboards.ca.gov]
Sent: Monday, December 21, 2020 11:52 AM
To: InyoPlanning
Subject: Conditional Use Permit (CUP) 2019-16/Inyo Face - Cannabis Cultivation

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Good afternoon,

Thank you for the opportunity to comment on the (CUP) 2019-16/Inyo Face - Cannabis Cultivation. The project proposes an indoor cannabis cultivation facility. My comment is in regards to the disposal of cannabis cultivation wastewater at the site.

Cannabis cultivation wastewater is prohibited from being discharged to a septic tank, due to the potential to contaminate groundwater. Cannabis wastewater includes irrigation runoff, wastewater from water filtration such as a reverse osmosis system, or any other wastewater produced during cultivation activities.

There are two options for alternative wastewater disposal

1. Wastewater may be collected in a sealed container and hauled for disposal at a permitted facility or
2. Separate regulatory authorization may be obtained for onsite disposal of the cannabis wastewater by enrollment under the Small Industrial General Order. Disposal to land is prohibited unless this authorization is obtained.

Thank you for your consideration of the above comment.

Kathleen

Kathleen Bindl | Environmental Scientist
Cannabis Regulatory Unit
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd, South Lake Tahoe, CA 96150
Direct 530.542.5487 | Main 530.542.5400



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd. Ste. C-220
Ontario, CA 91762
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 04, 2021
Sent via email

Cathreen Richards
Planning Director
Inyo County Planning Department
168 North Edwards St.
P.O. Drawer "L"
Independence, CA 93526

Inyo Face Cannabis Retail and Cultivation (Project)
Initial Studies and Draft Mitigated Negative Declarations (IS/MNDs)
SCH#s 2020120074 and 2020120075

Dear Cathreen:

The California Department of Fish and Wildlife (CDFW) received two Notices of Intent to Adopt an MND from Inyo County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife; CDFW appreciates the opportunity to respond to both Draft IS/MNDs in one letter. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

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Inyo County
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CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Inyo Face, LLC.

Project Description: A complete project description is not provided in the Draft IS/MNDs. The Project consists of cannabis cultivation and a retail cannabis business to be located on the parcel directly north of the cannabis cultivation. Although there are separate Draft IS/MNDs for the cultivation and retail businesses, they rely on a single Biological Resources Report and the content of Section IV Biological Resources (p 8) of the Draft IS/MNDs is identical. Therefore, CDFW is commenting on both Draft IS/MNDs in this letter. According to the two Draft IS/MNDs, construction is proposed for a 1,335 sq.ft. retail cannabis store that is 13-feet 6-inches in height and an 18,504 sq.ft. cannabis cultivation and processing building that is 22-feet in height on two adjacent parcels.

According to the Biological Resources Report (accessed at the Inyo County website, <https://www.inyocounty.us/services/planning-department/current-projects>), the Project would consist of one single-story commercial building, parking lots, a secure staging area, and landscaping. Access to the site would be from East Old Spanish Trail Highway, with emergency access from Hall Lane. Utility access will be provided from East Old Spanish Trail Highway, water will be from a proposed well, and sewage will be handled with an on-site septic system.

Location: 800 East Old Spanish Trail Highway in the unincorporated community of Charleston View of southeastern Inyo County. APNs 048-391-05-00 and 048-391-12-00. 35°58'15.61"N, 115°53'44.26"W. The Project parcels are bordered on the North by East Old Spanish Trail Highway, on the East by Carpenter Rd, on the South by Hall Ln. and on the West by two additional parcels planned for later development by the same project proponent. The area around the Project consists primarily of open desert land with a few single-family homes and graded roads. The Project site is located within the Stump Springs-Calvada Springs watershed, in an alluvial basin which drains towards a dry lakebed in the lower Pahrump Valley. The Project location is approximately 20 miles East of Tecopa and 45 miles West of Las Vegas, NV.

Timeframe: No timeframe given in the Draft IS/MNDs.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Inyo County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW is also concerned that potential cannabis related biological impacts and corresponding mitigation are not identified in the Draft IS/MNDs.

In addition to the sections below, CDFW is concerned with the lack of detail in the Project descriptions provided in the Draft IS/MNDs, the lack of a clear site diagram that shows where on the parcels planned construction will take place, as well as conflicting Project descriptions in the Draft IS/MNDs and the Biological Resources Report. The Project descriptions do not provide enough information to fully assess potentially significant impacts. The Draft IS/MNDs do not mention parking, driveways, fencing, paving, utility installation, drainage plans, landscaping, or other Project infrastructure. Additionally, no timeline for construction and implementation of the Project was given in the Draft IS/MNDs. If the start date for Project activities is delayed, the biological assessment and surveys could be outdated and site conditions may have changed when the Project begins. CDFW generally considers survey results valid for one year. To evaluate the project impacts on biological resources, CDFW requests that the Draft IS/MNDs is revised to include a detailed project description addressing the above comments including a detailed site map and a project timeline.

CDFW is concerned that mitigation was deferred in the Draft IS/MNDs. Section IV Biological Resources (p 8) of the Draft IS/MNDs states that impacts to species identified as a candidate, sensitive, or special status species will be less than significant only with mitigation incorporation, but no mitigation measures have been provided. CDFW requests that specific mitigation measures are included in the Draft IS/MNDs prior to adoption of the MNDs.

ASSESSMENT OF IMPACTS ON BIOLOGICAL RESOURCES

California Endangered Species Act (CESA)

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate species of plant and animal species, pursuant to CESA. CDFW recommends that an incidental Take Permit (ITP) be obtained if the Project has potential to "take" (California Fish and Game Code Section 86 defines "take" as hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill) state-listed CESA species, either through construction or over the life of the property. CESA ITPs are issued to protect, conserve, enhance, and restore state-listed CESA species and their habitats.

Biological Surveys

A general biological survey was conducted from 1500-1800 on April 14, 2020 and from 1500-1500 (zero hours) on April 15, 2020 (Biological Resources Report, Table 1, p 6) on

the 9.65-acre site. A single biologist cannot reasonably be expected to complete focused, protocol-level surveys for burrowing owl, desert tortoise, nesting birds, and rare plants, nor adequately survey 9.65 acres for all species in one three-hour general survey. CDFW is concerned about the adequacy of the biological surveys to identify fish and wildlife resources on the Project site and requests biological surveys be conducted as specified in proposed mitigation measures BIO-1 through BIO-4 below.

Burrowing Owl (*Athene cunicularia*)

The Draft IS/MNDs conclude, based on the biological survey completed, that there is potential for burrowing owl to occur on the Project site (p 9). According to the Biological Resources Report (p 14), "Approximately 9.65 acres of suitable burrowing and wintering habitat for burrowing owl is present and impacts to breeding individuals could occur if the species begins to use the site during the breeding season. Impacts to wintering and breeding individuals would be considered significant." CDFW recommends that focused surveys be conducted, as the general biological surveys completed in April of 2020 are not adequate to assess current burrowing owl presence on the parcel. The Biological Resources Report (Table 1, p 6) establishes that the surveys conducted by RECON Environmental, Inc. biologist Jason R. Sundberg did not follow the protocol established by the CDFW *Staff Report on Burrowing Owl Mitigation* (2012). The survey was completed before the recommended peak breeding season window (April 15 through July 15) for breeding season surveys; the surveys were not conducted at least three weeks apart; and the surveys were conducted by a single biologist over 9.65 acres in only 3 hours while completing surveys for other biological resources such as desert tortoise and rare plants. CDFW requests that focused burrowing owl surveys be conducted according to the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version; <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>).

Preconstruction surveys are also required because suitable burrowing owl habitat was confirmed on site. Preconstruction surveys should also be conducted using the *Staff Report on Burrowing Owl Mitigation* (2012). CDFW recommends that the following mitigation measure be added to the Draft IS/MNDs:

MM BIO-1: Suitable burrowing owl habitat has been confirmed on the site, therefore focused burrowing owl surveys shall be conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). If the focused burrowing owl surveys detect active burrowing owl burrows outside the breeding season (September 1 through January 31), or within the breeding season (February 1 through August 31) but owls are not nesting or in the process of nesting, active and/or passive relocation may be conducted following consultation with CDFW and U.S. Fish and Wildlife Service (USFWS). A relocation plan will be required by CDFW and USFWS if active and/or passive relocation is necessary. The relocation plan will outline the basic process and provide options for avoidance and mitigation, identify short- and long-term habitat management needs of the receiver site, and identify the entity responsible for all financial costs associated

ephemeral stream that crosses from the east to the northwest side of the parcels and the importance of ensuring that no refuse or pollution enters the streambed habitat. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing any work on-site.

Hydrology and Water Quality

The Draft IS/MNDs do not fully address impacts to hydrological and water resources during construction and for the life of the Project. Impacts to these resources could directly or indirectly impact local wildlife species and ecosystem function. Regarding impacts to surface or ground water quality (Section X, Hydrology and Water Quality, subsection (a), p 12) Inyo Face, LLC. defers to later coordination to determine NPDES/SWPPP needs. The Draft IS/MNDs should include information on their proposed SWPPP and Best Management Practices. For groundwater management (Section X, Hydrology and Water Quality, subsection (b), p 12) no specific hydrological data on groundwater at the site or a well analysis is provided; this is of particular concern for the cannabis cultivation portion of the Project. Regarding site drainage impacts, the Draft IS/MNDs (Section X, Hydrology and Water Quality, subsection (c), p 13) find that the Project will be constructed on an area that is virtually flat and not in proximity to any streams. As mentioned in the above LSA section of this letter, there is a mapped ephemeral stream that crosses the Project site. Also, increasing the impermeable area of the site poses concerns for increased runoff and decreased drainage. The Draft IS/MNDs (Section X, Hydrology and Water Quality, subsection (c), p 13) state that "In the unlikely event issues are found at pre-construction, they will be addressed during building review." CDFW is concerned about the deference of drainage plans or mitigation measures and recommends that prior to adoption of the MND Inyo Face, LLC should work with the appropriate entities to develop plans to avoid, minimize, and mitigate impacts to hydrological and water resources.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the

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Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND for Inyo Face, LLC. to assist Inyo County in identifying and mitigating Project impacts on biological resources. CDFW has assessed the Draft IS/MNDs and found that they do not adequately identify or mitigate for all of this Project's impacts on biological resources. CDFW recommends that prior to the adoption of this MND, Inyo County revise the document to include a more complete project description and assessment of impacts to biological resources on the Project parcels and adjacent parcels, as well as appropriate avoidance, minimization, and mitigation measures.

Questions regarding this letter or further coordination should be directed to Kevin Francis, Environmental Scientist at (909) 239-0895 or Kevin.Francis@wildlife.ca.gov, or to Marissa Caringella, Senior Environmental Scientist (Specialist) at (909) 544-1177 or Marissa.Caringella@wildlife.ca.gov.

Sincerely,

DocuSigned by:

DF423498814B441

For
Scott Wilson
Environmental Program Manager I

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec: HCPB CEQA Program
Habitat Conservation Planning Branch
CEQAcommentletters@wildlife.ca.gov

Office of Planning and Research
State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

Kevin Francis, Environmental Scientist
California Department of Fish and Wildlife
kevin.francis@wildlife.ca.gov

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Marissa Caringella, Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
marissa.caringella@wildlife.ca.gov

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measure	Schedule	Responsible Party
<p>MM BIO-1: Burrowing Owl Surveys Suitable burrowing owl habitat has been confirmed on the site, therefore focused burrowing owl surveys shall be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). If the focused burrowing owl surveys detect active burrowing owl burrows outside the breeding season (September 1 through January 31), or within the breeding season (February 1 through August 31) but owls are not nesting or in the process of nesting, active and/or passive relocation may be conducted following consultation with CDFW and U.S. Fish and Wildlife Service (USFWS). A relocation plan will be required by CDFW and USFWS if active and/or passive relocation is necessary. The relocation plan will outline the basic process and provide options for avoidance and mitigation, identify short- and long-term habitat management needs of the receiver site, and identify the entity responsible for all financial costs associated with the relocation plan and long-term management of the receiver site.</p> <p>Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with USFWS and CDFW to conduct an impact assessment to develop avoidance, minimization, and mitigation measures to be approved by CDFW prior to commencing Project activities.</p>	<p>Focused Surveys: Breeding Season Surveys: 1 survey prior to breeding season and 3 surveys during breeding season spaced at least 3 weeks apart. Non-breeding Season Surveys: At least 4 surveys evenly spread throughout the non-breeding season. Pre-construction Surveys: No less than 14 days prior to start of any Project activities and within 24 hours prior to ground disturbance.</p>	<p>Inyo Face, LLC.</p>
<p>MM BIO-2: Desert Tortoise A qualified biologist shall conduct a protocol level presence or absence survey no more than 14 days prior to initiating Project activities in accordance with procedures described in Chapter 6 of the US Fish and Wildlife Service Desert Tortoise (Mojave Population) Field Manual. In addition, the survey shall utilize perpendicular survey routes and 100-percent visual coverage of the Project area and 50-foot buffer zone for desert tortoise and their sign. If the survey confirms absence, a qualified biological monitor shall remain on-site during all Project activities to confirm desert tortoise do not enter the Project site. If the survey confirms presence, the Project Proponent shall obtain an Incidental Take Permit (ITP) for desert tortoise prior to the</p>	<p>No more than 14 days prior to beginning any Project activities. Ongoing throughout Project activities.</p>	<p>Inyo Face, LLC.</p>

<p>start of Project activities. If the biological monitor during the life of the Project encounters a desert tortoise, work shall be suspended, and the Project Proponent shall obtain an ITP for the species prior to the restarting Project activities.</p>		
<p>MM BIO-3: Nesting Birds Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside peak breeding season (February 1 through September 1).</p>	<p>Within 3 days of beginning any vegetation clearing or ground disturbing activities.</p>	<p>Inyo Face, LLC.</p>
<p>MM BIO-4: Special Status Plants A thorough floristic-based assessment of special status plants and natural communities, following CDFW's <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> (CDFW 2018) or most recent version shall be performed by a qualified biologist prior to commencing Project activities. Should any state-listed plant species be present in the Project Area, the Project Proponent shall obtain an ITP for those species prior to the start of Project activities. Should other special status plants or natural communities be present in the Project Area, a qualified restoration specialist shall assess whether perennial species may be successfully transplanted to an appropriate natural site or whether on-site or off-site conservation is warranted to mitigate Project impacts. If successful transplantation of perennial species is determined by a qualified restoration specialist, the receiver site shall be identified, and transplantation shall occur at the appropriate time of year. Additionally, the qualified restoration specialist shall perform seed collection and dispersal from special status annual plant species to a natural site as a conservation strategy to minimize</p>	<p>Prior to construction and issuance of any grading permit. Ongoing throughout Project activities.</p>	<p>Inyo Face, LLC.</p>

<p>and mitigate Project impacts. If these measures are implemented, monitoring of plant populations shall be conducted annually for 5 years to assess the mitigation's effectiveness. The performance standard for mitigation shall be no net reduction in the size or viability of the local population.</p>		
<p>MM BIO-5: Pesticides Prior to construction and issuance of any grading permit, Inyo Face, LLC shall develop a plan, to be approved by Inyo County, with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers". (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers), and physical barriers.</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>Inyo Face, LLC.</p>
<p>MM BIO-6: Artificial Light Light shall not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk, as these windows of time are when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.</p>	<p>Ongoing throughout Project activities.</p>	<p>Inyo Face, LLC.</p>
<p>MM BIO-7: LSA Program Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>Inyo Face, LLC.</p>

<p>MM BIO-8: Employee Education Program A qualified biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site. The program shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. The qualified biologist shall also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations, and mitigation measures. The Employee Education Program should include, but not be limited to: (1) Best practices for managing waste and reducing activities that can lead to increased occurrences of opportunistic species and the impacts these species can have on wildlife in the area (2) Protected species that have the potential to occur on the Project site including desert tortoise, burrowing owl, rare and sensitive plants, and nesting birds, and (3) The location of the ephemeral stream that crosses from the east to the northwest side of the parcels and the importance of ensuring that no refuse or pollution enters the streambed habitat. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing any work on-site.</p>	<p>Prior to any person performing work on-site. Ongoing throughout Project activities.</p>	<p>Inyo Face, LLC.</p>
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CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

December 22, 2020

Inyo County Planning Department
Cathreen Richards
Post Office Drawer L
Independence, CA 93526
email: inyoplanning@inyocounty.us

Subject: Initial Study/Mitigated Negative Declaration (SCH#2020120075) –
Conditional Use Permit 2019-16/Inyo Face – Cannabis Cultivation

Dear Ms. Richards:

Thank you for providing the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) the opportunity to comment on the Initial Study/ Mitigated Negative Declaration (IS/MND) (SCH#2020120075) prepared by Inyo County for the proposed Conditional Use Permit 2019-16/Inyo Face – Cannabis Cultivation (Proposed Project).

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. CDFA issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a)(2).) All commercial cannabis cultivation within California requires a cultivation license from CDFA. For a complete list of all license requirements, including CalCannabis Licensing Program regulations, please visit: https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text_01162019_Clean.pdf.

CDFA expects to be a Responsible Agency for this project because the project will need to obtain an annual cultivation license from CDFA. In order to ensure that the IS/MND is sufficient for CDFA's needs at that time, CDFA requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to CDFA. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in Inyo County.



CDFA offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Proposed Project Description

Certain comments provided in the comment table below relate to the need for additional detail regarding the description of the Proposed Project. In general, a more detailed project description would be helpful to CDFA. The following information would make the IS/MND more informative:

1. Description of the size and location of any existing natural features, such as vegetation, water features, and topography of the Proposed Project site.
2. Specific information describing the proposed 18,504 square foot building to be used for cannabis cultivation, as well as any other structures that may be existing or constructed as part of the Proposed Project, and any other proposed features (e.g., waste collection areas, employee break and restroom facilities, hazardous materials storage, septic system).
3. Description of the proposed canopy size and the cultivation techniques to be used.
4. Specifics on the Proposed Project's operations and routine maintenance. This would include:
 - a. Hours of operation;
 - b. Number of employees, including the estimated number of daily trips to and from the site for employee commuting, delivery of materials or supplies, and shipment of products;
 - c. Any heavy equipment that will be used for cultivation operations, including tractors, forklifts, mowers, etc.;
 - d. Any water efficiency equipment that would be used;
 - e. Utilities that would serve the project; and
 - f. Source(s) and amounts of energy expected to be used in operating the project, including any generators that may be used, as well as any energy management and efficiency features incorporated into the Proposed Project.
5. The IS/MND should include local street maps, topographic maps, aerial photographs, site plans, property diagrams, and/or other graphics to show the existing site conditions, the Proposed Project, and the surrounding area. This would allow CDFA to understand the general location and surrounding features, as well as to visualize the layout of existing and Proposed Project features. Most importantly, these figures would help document some of the information that is described in the document.

GC 2: Mitigation Measures

The document is titled as a "Draft Mitigated Negative Declaration of Environmental Impact and Initial Study." The "Environmental Factors Potentially Affected" section indicates that the Proposed Project may result in Potentially Significant Impacts to Biological Resources and Air Quality. However, the document does not specify any mitigation measures in any sections throughout the document, nor does it provide a Mitigation Monitoring and Reporting Plan (MMRP).

The document would be improved by clarifying which potential impacts may require mitigation to reduce potentially significant impacts to less than significant levels, designating specific mitigation measures to reduce those impacts, and providing an analysis of how the proposed mitigation measures would reduce impacts to less than significant levels. Measures should provide both standards (e.g., performance criteria) by which the effectiveness of the mitigation will be evaluated, and actions that will be taken should the mitigation fail to meet the standards. In addition, the IS/MND would be improved by including an MMRP.

GC 3: Acknowledgement of CDFA Regulations

The IS/MND does not acknowledge that CDFA is a public agency whose approval is required for the Proposed Project. The IS/MND would be more informative by acknowledging that CDFA is responsible for the licensing of cannabis cultivation, as well as that CDFA is responsible for regulation of cannabis cultivation and enforcement, as defined in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and CDFA regulations related to cannabis cultivation (Bus. & Prof. Code, § 26103(a)). The IS/MND's analysis would also benefit from discussion of the protections for environmental resources provided by CDFA's regulations. In particular, the impact analysis would be further supported by an explicit identification of the state regulations that are being relied on to reduce the severity of impacts on the following resource topics:

- Aesthetics (See 3 California Code of Regulations § 8304(c); § 8304(g).)
- Air Quality and Greenhouse Gas Emissions (See § 8102(s); § 8304(e); § 8305; § 8306.)
- Biological Resources (See § 8102(w); § 8102(dd); § 8216; § 8304(a-c); § 8304(g).)
- Cultural Resources (See § 8304(d).)
- Hazards and Hazardous Materials (See § 8102(q); § 8106(a)(3); § 8304(f); § 8307.)
- Hydrology and Water Quality (See § 8102(p); § 8102(v); § 8102(w); § 8102(dd); § 8107(b); § 8216; § 8304(a and b); § 8307.)
- Noise (See § 8304(e); § 8306.)
- Utilities and Service Systems (See § 8102(s); § 8108; § 8308.)
- Energy (See §8102(s); § 8305; § 8306.)

- Cumulative Impacts (related to the above topics).

GC 4: Page Numbers

The IS/MND does not include page numbers and/or line numbering. For the purposes of this letter, CDFA's comments have, therefore, referred to sections or headings within the document to provide context. For future CEQA documents, it would be easier to review and provide comments on the IS/MND if page numbers and/or line numbers could be specified.

GC 5: Impact Analysis

Several comments provided in the comment table below relate to the absence of information or support for impact statements in the document. CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with "substantial evidence." Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. In general, the IS/MND would be improved if additional evidence (e.g., regulatory setting, environmental setting, impact analysis and methodology, impact assessment, etc.) was provided to support the impact statements in the checklist, including the sources of information relied upon to make conclusions.

Specific Comments and Recommendations

In addition to the general comments provide above, CDFA provides the following specific comments regarding the analysis in the IS/MND.

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
1	Introduction	Project Description	The project consists of the construction of an 18,504-sqft building for cannabis cultivation greater than 5,000-sqft that includes growing, harvesting and processing (drying, curing and trimming).	The Project Description indicates the cultivation canopy will be greater than 5,000 square feet; however, it does not specify the proposed canopy size. The document would be improved if it described the square footage of the cultivation area, including the canopy size, the processing area, and any additional features of the site (see General Comment 1).
2	Appendix G Introduction, Question 10	Other Public Agencies Whose Approval is Required	N/A (General Comment)	The IS/MND would be improved if it listed all agencies requiring approval and what type of permit is required from each agency listed. This would include a cultivation license from CDFA, and a Lake and Streambed Alteration Agreement from California Department of Fish and Wildlife, or a statement that one is not required.
3	I(a) and I(b)	Aesthetics	N/A (General Comment)	The document would be improved if it provided a description of all scenic vistas and scenic resources in the vicinity of the Proposed Project and provided an analysis of how and whether the Proposed Project may impact such resources.
4	I(d)	Aesthetics	No, the project is required to meet State	The IS/MND would be improved if it described County General Plan policies

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
			<p>regulations and County General Plan policy, related to light and glare; therefore, will not affect day or nighttime views.</p>	<p>that would apply to light and glare, and if it referenced CDFA's requirements that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 3 §§ 8304(c), 8304(g)). Then, the document should describe how the Proposed Project will comply with these policies and regulations.</p>
5	III(a)	Air Quality	<p>No, there is not an air quality plan for the area in which the project is proposed.</p>	<p>The IS/MND would be improved if it described local, regional, state, and federal air quality standards, and provided a description of any project operations or equipment that may contribute to air emissions, including generators, ventilation equipment, carbon scrubbers, heavy machinery, and vehicles. The document should provide an analysis of whether the Proposed Project will meet such standards.</p>
6	III(b)	Air Quality	<p>No, there are not air quality standards being violated in the area for the area in which the project is proposed.</p>	<p>The IS/MND would be improved if it included a list of applicable air quality standards and an analysis of whether project operations would be in compliance with such standards.</p>

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
7	III(d)	Air Quality	N/A (General Comment)	The document would be strengthened if it described the type and location of sensitive receptors in the vicinity of the Proposed Project, then provided an analysis of how compliance with County Environmental Health Department and State regulations would ensure a less than significant impact for those sensitive receptors.
8	III(e)	Air Quality	No, although the project is cannabis cultivation that does produce odors, the project is conditioned with the use of an odor suppression strategy that will filter exhaust through a carbon scrubber. It will also have an HVAC system with negative and positive pressure rooms to control airflow that prevents odors from escaping the building.	The checkbox for this section indicates that impacts would be less than significant with mitigation incorporated. However, no mitigation measures are specified. If the Proposed Project would result in potentially significant impacts related to odor, the document should specify mitigation measures to reduce impacts to less than significant levels, as appropriate. Then, the IS/MND should provide an analysis of how the mitigation measures would reduce impacts to less-than-significant levels.
9	IV(a)	Biological Resources	N/A (General Comment)	The IS/MND would be improved if it identified the listing status of Goodding's phacelia, Nye and Gravel's milk-vetch, desert tortoise, and burrowing owl..

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
10	IV(a)	Biological Resources	<p>Because of these factors, the project is conditioned with a pre-construction survey to verify that there are still none of these plant and/or animal species on the site prior to ground breaking activities. If any candidate, sensitive or special status plant or animal species are observed during the pre-construction survey, the project will be suspended until mitigation measures are implemented.</p>	<p>Specifically, it should indicate whether these species are identified as candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.</p>
11	IV(a)	Biological Resources	<p>The checkbox for this section indicates that impacts would be less than significant with mitigation incorporated. However, no mitigation measures are specified. If the Proposed Project would result in potentially significant impacts related to biological resources, the document should clearly specify mitigation measures to reduce impacts to less than significant levels, as appropriate. Then, the IS/MND should provide an analysis of how the mitigation measures would reduce impacts to less-than-significant levels.</p>	<p>To ensure that CDFA has supporting documentation for the IS/MND, CDFA</p>

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
			applicant-supplied biologists who work for RECON Environmental, Inc.	requests that the County advise the applicant to provide a copy of the Biological Resources Report with its state application package for annual cultivation license to CDFA.
12	IV(b)	Biological Resources	No, there is no identified riparian habitat on the project site based on the USFWS National Wetlands Inventory Mapping Tool, or in close proximity, that would be affected by the project.	The document would be more informative if it identified whether there are any sensitive natural communities identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.
13	IV(d)	Biological Resources	No, although the project site could potentially have occurrences of wildlife species, the project will not interfere with migratory fish or wildlife species.	The IS/MND would be more informative if it included an analysis of how this conclusion was reached.
14	V(a)	Cultural Resources	No, a cultural study was conducted by RECON Environmental Inc. on the project site including a records request to the	To ensure that CDFA has supporting documentation for the IS/MND, CDFA requests that the County advise the applicant to provide a copy of the Biological Resources Report with its state

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
15	VI(a)	Energy	<p>California Historical Resources Information System and a field survey was conducted on April 13-14, 2020.</p> <p>No, the project is a commercial cannabis cultivation facility. It will not require large amounts of energy and is required to meet California Building Standards including Green and Title 24 Standards.</p>	<p>application package for annual cultivation license to CDFA.</p> <p>The IS/MND would be improved if it provided an analysis of all equipment that uses energy, including lighting, generators, ventilation equipment, carbon scrubbers, heavy machinery, and vehicles. The document should provide a description of the energy source(s) that will supply the Proposed Project, and a description of any energy conservation features that may be a part of the Proposed Project.</p> <p>In addition, the document would be strengthened if it described how the Proposed Project will comply with CDFA regulations relating to the use of renewable energy in cultivation projects. (Cal. Code Regs., tit. 3 §§ 8203(g), 8305).</p>
16	VIII(a)	Greenhouse Gas Emissions	<p>No, the proposed cannabis cultivation project will not generate greenhouse gas emissions that will</p>	<p>The IS/MND would be improved by providing support for this statement. Additionally, operational impacts should be discussed, such as a description of any equipment to be used in cultivation,</p>

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
17	VIII(b)	Greenhouse Gas Emissions	<p>have a significant impact. Temporary construction-related emissions will occur, but such dust related impacts will be minimized through best management practices.</p> <p>No, the proposed project will not cause conflicts with a plan, policy or regulation adopted for the purpose of reducing greenhouse gasses.</p>	<p>delivery of materials, and shipment of product from the Proposed Project site. The IS/MND should also identify what threshold of significance is being used to make this determination, and analyze whether and how the activities described would fall below the threshold.</p> <p>The IS/MND would be more informative if the plans, policies, and regulations referenced here were listed.</p>
18	IX(a) and (b)	Hazards and Hazardous Materials	N/A (General Comment)	<p>The IS/MND would be more informative if it described the hazardous materials that would be used at the facility, including fertilizers, pesticides, and fuels, and described how compliance with County Environmental Health Department and State regulations would ensure a less than significant impact.</p>

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
19	IX(f)	Hazards and Hazardous Materials	No, the proposed project will not physically interfere with an adopted emergency plan or emergency evacuation plan.	The IS/MND would be improved if it provided support for this statement.
20	X(a)	Hydrology and Water Quality	The applicant will coordinate with Inyo County's Environmental Health Department, the Inyo County Building and Safety Department, as well as the Regional Water Quality Board, to determine what is required in terms of the NPDES/SWPPP process (waste discharge requirements for the project), based on regulatory criteria and site characteristics (soils, slopes, etc.).	The IS/MND would be improved if it listed the possible waste discharge requirements for the Proposed Project and how these requirements would ensure there would be no impacts to hydrology or water quality. If this is a mitigation measure, it should be identified as such.

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
21	IX(b)	Hydrology and Water Quality	N/A (General Comment)	<p>The IS/MND would be improved if it provided more information regarding the proposed use of groundwater at the site. The document should indicate the source for its estimate of water used annually for the Proposed Project.</p> <p>In addition, the document indicates that water for the Proposed Project will be sourced from a well. The document should include well data or other data that supports its conclusion that the Proposed Project will not substantially decrease groundwater supplies.</p>
22	X(c)	Hydrology and Water Quality	There are some off site run-off areas east and southeast of the project location.	The document would be improved if it described the location, nature, and capacity of the runoff areas and how the placement or use of these runoff areas will ensure that the Proposed Project will not result in significant impacts related to drainage and erosion.
23	XIII(a)	Noise	N/A (General Comment)	The document would be improved if it described the sources of noise (e.g., equipment, operation and maintenance activities) expected to occur during project operations and the levels of noise those sources are likely to generate.

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
				<p>Additionally, the document should include a description of sensitive receptors, and their distances from the Proposed Project site, and an analysis of whether the Project would result in noise-related impacts on sensitive receptors. Sources of noise may include delivery trucks, employee vehicles, HVAC equipment, and generators.</p>
24	XIV	Population and Housing	N/A (General Comment)	<p>The document would be more informative if it provided an estimate of the number of employees expected to work at the Proposed Project.</p>
25	XV	Public Services	N/A (General Comment)	<p>The IS/MND would be improved by providing support for the conclusions in this section.</p>
26	XVII(a)	Transportation and Traffic	<p>The concurrent cultivation and retail projects were both reviewed together by the County Road Department, with regard to the roadway, a condition for the applicant to obtain an encroachment permit for the Old Spanish</p>	<p>If this is intended to be a mitigation measure, it should be specified as such, and the IS/MND should provide an analysis of how the mitigation measures would reduce impacts to less-than-significant levels.</p>

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
27	XVII(b)	Transportation and Traffic	<p>Trail Highway (a County Road) will be included, as well as, a requirement to meet the weight restrictions on it.</p> <p>Therefore, the Project will result in less than significant impacts to this resource.</p>	<p>The "No Impact" box is checked for this impact topic. However, the IS/MND analysis indicates that Proposed Project impacts would be "Less Than Significant." The document would be improved if the text and the check box was made consistent.</p>
28	XIX(b)	Utilities and Service Systems	N/A (General Comment)	<p>The document would be improved if it provided an analysis, supported by data, of whether the Proposed Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. (See Specific Comment 21.)</p>
29	XIX(f)	Utilities and Service Systems	Solid waste needs for the project will be minimal.	<p>The document would be improved by providing an analysis of impacts resulting from all sources of waste described.</p> <p>In addition, the "No Impact" box is checked for this impact topic. However, the IS/MND analysis indicates that Proposed</p>

Comment No.	Section No.	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
30	XXI(a)	Mandatory Findings of Significance	N/A (General Comment)	Project impacts would be "Less Than Significant." The document would be improved if the text and the check box was made consistent.
31	XXI(b)	Mandatory Findings of Significance	N/A (General Comment)	This IS/MND would be improved if mitigation measures were made clear throughout the document in their specific sections. The IS/MND would be improved by identifying whether any other cannabis growing operations exist or have been proposed in the vicinity of the Proposed Project. The IS/MND should analyze whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects.

Conclusion

CDFA appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about these comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 576-4161 or via e-mail at kevin.ponce@cdfa.ca.gov.

Sincerely,

Lindsay Rains
Licensing Program Manager



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AGENDA ITEM NO.: 8 (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: January 27, 2020
SUBJECT: Conditional Use Permit (CUP) 2019-17/Inyo Face Cannabis Retail

EXECUTIVE SUMMARY

The applicant has applied for a CUP to establish a retail cannabis store on an approximate 2.5-acre parcel located along the Old Spanish Trail Highway in the community of Charleston View, in southeast Inyo County. The project includes the construction of a 1,355-sqft building to house the store (Site Plan attached). This project has been applied for concurrently with a cannabis cultivation business to be located on a parcel directly south of the retail project.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Inyo Face – Ken Sobel, 2152 Crownhill Road, San Diego 92109

Property Owner: Inyo Face – Ken Sobel, 2152 Crownhill Road, San Diego 92109

Site Address: 800 East Old Spanish Trail Highway

Community: Charleston View

A.P.N.: 048-391-05

General Plan: Resort/Recreational (REC)

Zoning: Highway Services and Tourist Commercial (C2)

Size of Parcel: Approximately 2.5-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Vacant	Resort Recreational (REC)	Highway Services and Tourist Commercial (C2)
North	Vacant	Old Spanish Trail Highway	Old Spanish Trail Highway
East	Vacant	Resort Recreational (REC)	Open Space with a 40 acre minimum (OS-40)
South	Residential – single family home	Residential Rural Medium Density (RRM)	Rural Residential with a 2.5-acre minimum (RR-2.5)
West	Vacant	Residential Rural Medium Density (RRM)	Rural Residential with a 2.5-acre minimum (RR-2.5)

Staff Recommended Action: 1.) Approve the Conditional Use Permit (CUP) 2019-17/Inyo Face Cannabis Retail and certify the Mitigated Negative Declaration under CEQA.

Alternatives:

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

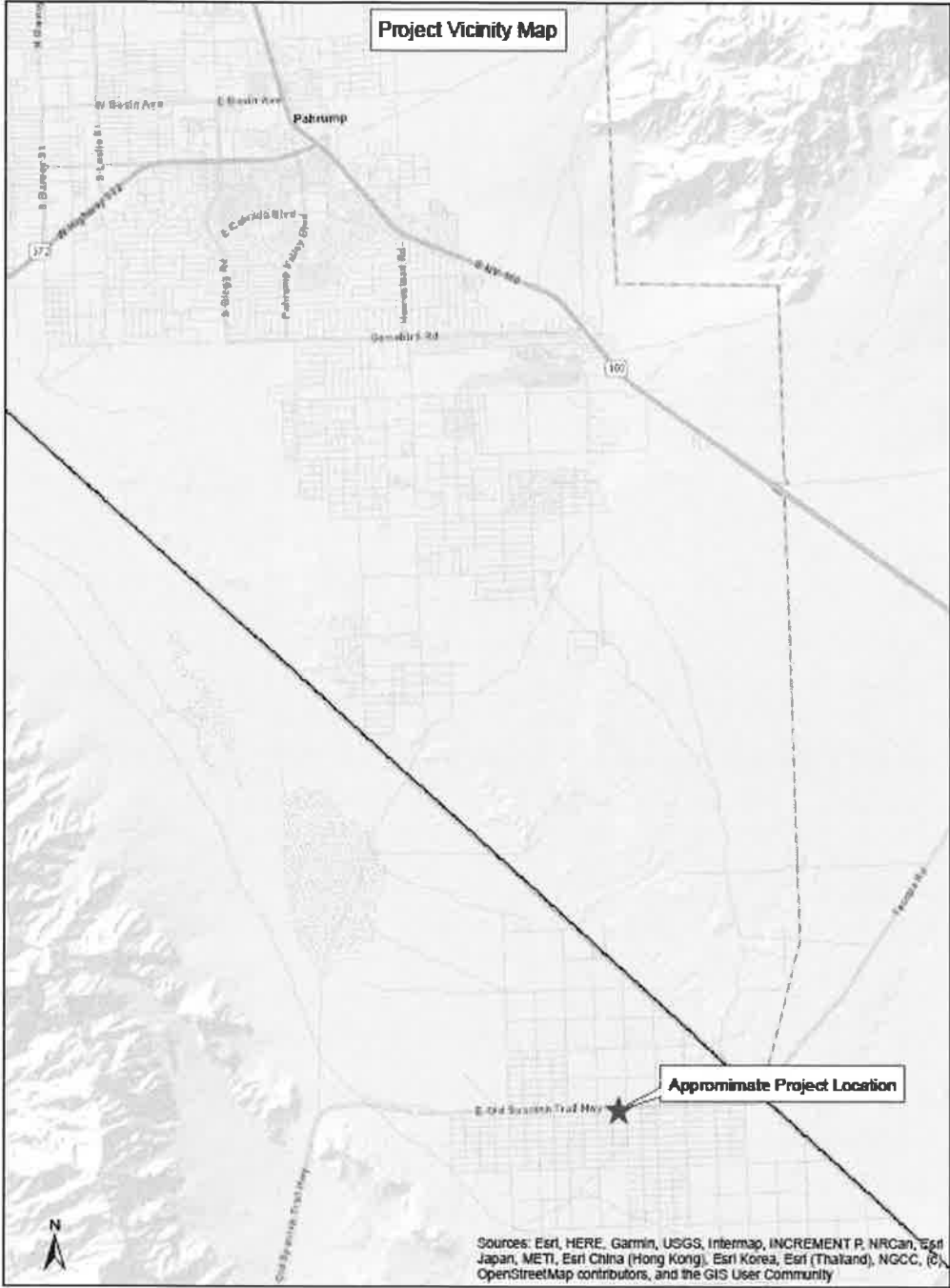
Project Planner: Cathreen Richards

STAFF ANALYSIS

Background and Overview

The applicant has applied for a CUP to operate a cannabis retail business located on the Old Spanish Trail Highway, in the community of Charleston View. The project includes building a 1,355sqft store. The property is zoned C2, which allows for commercial cannabis retailers. This is a remote area of the County that primarily has open, vacant, land with some scattered residential development. The proposed location is not within 600-feet of a school, daycare, park or library; and therefore, is not prohibited by state or county cannabis exclusion regulations.

Vicinity Map



Project Location



General Plan Consistency

The goal of this project is to allow for a cannabis retailer in a remote part of the County with minimal development. The project is consistent with the General Plan designation of REC as it allows for retail stores and tourist uses. The REC General Plan designation is

compatible with the existing C2 zoning designation, which allows for cannabis retailers with a CUP. It is also compatible with the General Plan's Economic Development Policy ED-3.1: Encourage the development of retail establishments that will reduce spending outside of the County for retail purchases, services and entertainment. The applicant is proposing to sell cannabis products. The target cliental is locals as well as people traveling along the Old Spanish Trial Highway. This activity is consistent with ED-3.1 as a retail cannabis store at this location will bring cannabis spending to Inyo County instead of it going elsewhere.

Zoning Ordinance Consistency

The proposed project is a CUP to allow for a cannabis retail store. The C2 zone allows for commercial cannabis retailers with a CUP. Within its intent statement, the C2 zone: *is established to provide space for highway and tourist related enterprises adjacent to major routes of travel. . .* This project will serve locals and the traveling public as many people use the Old Spanish Trail Highway to get to various tourist destinations including Death Valley, Las Vegas and the Dumont Dunes. The project, as proposed, also meets the setback and parking requirements of the C2 zoning district. All of these factors make the project consistent with the C2 zone.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2019-17/Inyo Face - Retail is a Mitigated Negative Declaration under CEQA. This project incorporates several mitigation measures (listed below) as conditions of approval for the issuance of the conditional use permit.

TRIBAL CONSULTATION

In compliance with AB 52, SB 18, and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter on August 25, 2020 about the project and the opportunity for consultation. The tribes that were notified are: Big Pine Tribe of Owens Valley, Bishop Paiute Tribe, Fort Independence Indian Community of Paiutes, Lone Pine Paiute-Shoshone Tribe, Timbisha Shoshone tribe, Twenty-Nine Palms Band of Mission Indians, Cabazon Band of Mission Indians and the Torrez Martinez Desert Cahuilla Indians.

On September 24, 2020 the Fort Independence Indian Community of Paiutes requested consultation and copies of the biological and cultural resources studies. Staff sent the requested materials on September 29, 2020 and subsequent requested materials on November 2, 2020. The Tribe has been non-responsive since. Since no comments were provided and no formal consultation meeting date requested, staff submitted the Negative Mitigated Negative Declaration for a 30-day review and comment period to the State Clearinghouse. Staff continued to be open to consultation with the Tribe during this period. Since the Tribe did not provide comments or schedule a formal consultation meeting within this 30-day period, the County, per Public Resources Code 21082.3 (d)(2) has considered the consultation process complete and is asking the Planning Commission to certify the Mitigated Negative Declaration of Environmental Impact. No other Tribes have requested consultation on the project.

NOTICING & REVIEW

The application for CUP 2019-17/Inyo Face – Cannabis Retail has been reviewed by the appropriate county departments and no issues were reported. This included reviews by the Environmental Health, Public Works, and the Inyo/Mono Agricultural Commission.

Public review of the CEQA document was noticed in the Inyo Register and submitted to the State Clearinghouse on December 5, 2020. Comments were received by the California Department of Fish and Wildlife (CDFW) (Attached). Substantive comments included:

CDFW – CDFW provided both substantive and non-substantive comments. Conditions of Approval have been added to address substantive comments. Since biological surveys already conducted found no special status species on the 2-parcels (approximately 5-acres, as shown on the maps provided) and that a large part of these two parcels are highly disturbed, the suggested mitigation measures from CDFW have been somewhat adjusted, these include:

- Burrowing Owl - A pre-construction survey shall be conducted, per CDFW's most recent version of the Staff Report on Burrowing Owl Mitigation, and submitted to the Planning Department for review. If burrowing owls are detected during the surveys a relocation plan will be prepared in consultation with, and approved by CDFW and US Fish and Wildlife.
- Desert Tortoise - A pre-construction survey shall be conducted per the US Fish and Wildlife's Desert Tortoise (Mojave Population) Field Manual and submitted to the Planning Department. If tortoises are detected the applicant shall work with CDFW on appropriate mitigation and/or an Incidental Take Permit.
- Nesting Birds - A pre-construction survey will be conducted for nesting birds, no more than 3-days prior to vegetation clearing or ground disturbance activities, and submitted to the Planning Department. If active nests are found, a Nesting Bird Plan shall be prepared and implemented by a qualified avian biologist, per CDFW requirements and any grubbing or vegetation removal shall occur outside peak nesting season (February 1 – September 1).
- If any special status wildlife species are identified during the pre-construction surveys, a qualified biologist shall conduct an education program for all persons employed or otherwise working on-site that addresses the particular biology and habitats of the species that are present.
- Special Status Plants – A pre-construction survey will be conducted per CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Native Communities, 2018. If any state listed plants are found the applicant shall work with CDFW on appropriate mitigation plans and/or an Incidental Take Permit.
- Artificial Lighting (indoor) – night time indoor lighting shall be blocked to prevent light escape to mitigate possible affects to wildlife.
- Water – based on the biological survey, Section 3.3.6: The project site does not support any jurisdictional waters of the U.S. or State as defined by the US Army Corps of Engineers, CDFW, and the Regional Water Quality Control Board, nor could staff verify an ephemeral stream on the project location, per ESRI California Stream mapping or USGS Topographical maps; therefore, mitigations include that

the applicant shall obtain all State, Federal and local permits as required by CDFA for licensing.

The public hearing for this CUP was noticed on January 9, 2021 in the Inyo Register and mailed to property owners within 1,500-feet of the project location as required by 18.78.360(F). No additional comments have been received to date.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2019-17/Inyo Face – Cannabis Retail, with the following Findings and Conditions of Approval:

FINDINGS

1. Based upon the Initial Study and all oral and written comments received, adopt the Mitigated Negative Declaration of Environmental Impact and certify that the provisions of the California Environmental Quality Act have been satisfied.

[Evidence: An Initial Study and Draft Negative Declaration of Environmental Impact were prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 30-day public comment period ended on January 4, 2021. No additional potentially significant environmental impacts from the construction and operation of the cannabis retail project were identified in the course of that circulation nor were any comments received.]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Rural Residential Medium Density (RRM).

[Evidence: The goal of this project is to allow for a cannabis retailer in a remote part of the County with minimal development. The project is consistent with the General Plan designation of REC as it allows for retail stores and tourist uses. The REC General Plan designation is compatible with the existing C2 zoning designation, which allows for cannabis retailers with a CUP. It is also compatible with the General Plan's Economic Development Policy ED-3.1: Encourage the development of retail establishments that will reduce spending outside of the County for retail purchases, services and entertainment. The applicant is proposing to sell cannabis products. The target clientele is locals as well as people traveling along the Old Spanish Trail Highway. This activity is consistent with ED-3.1 as a retail cannabis store at this location will bring cannabis spending to Inyo County instead of it going elsewhere.]

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits cannabis cultivation activities, as a conditional use, in the Rural Residential zone on parcels 2.5-acres or greater in Charleston View.

[Evidence: The proposed project is a CUP to allow for a cannabis retail store. The C2 zone allows for commercial cannabis retailers with a CUP. The C2 zone, within its intent statement, states: the C-2 district is established to provide space for highway and tourist related enterprises adjacent to major routes of travel. . .

This project will serve locals and the traveling public as many people use the Old Spanish Trail Highway to get to various tourist destinations including Death Valley, Las Vegas and the Dumont Dunes. The project, as proposed, also meets the setback, height, and parking requirements of the C2 zoning district. All of these factors make the project consistent with the C2 zone.]

4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan's Economic Development Element under Goal ED 3.1 states: Encourage the development of retail establishments that will reduce spending outside of the County for retail purchases, services and entertainment. The applicant is proposing to sell cannabis products and has stated that Inyo Face expects to sell cannabis products to locals and visitors alike. This will bring cannabis dollars to Inyo County and keep them from going elsewhere, making this a desirable project with regard to the County's economy.]
5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed conditional use permit is for a commercial cannabis retail establishment. It is related to the current residents and the traveling public that use the Old Spanish Trial Highway. It will not cause impacts on transportation or service facilities in the vicinity as the project does not create a significant amount of additional people or vehicles in the area. The will rely on existing traffic as business opportunity since the location is remote and not convenient for people who are not either living in Charleston View or traveling through. Parking areas will be located on the project parcel and road facilities are already established in the area and provide access to the property.]
6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The proposed conditional use permit is to allow for a cannabis retailer. This use will not change or increase the current level or general type of allowed uses in the Charleston View area. The proposed security plan for Inyo Face – cannabis retail was reviewed by the Sheriff's Department as a business license requirement and the project was evaluated by the Southern Inyo Fire District. Neither had any comments of concern; therefore, it has been determined that the project will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]
7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: Cannabis retail activities require a conditional use permit per Inyo County Code Section 18.45.030(P) and it is therefore necessary for the operation of Inyo Face, LLC.]

CONDITIONS OF APPROVAL

1. Hold Harmless

The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. CUP 2019-17/Inyo Face – Cannabis Retail. The County reserves the right to prepare its own defense.

2. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations including but not limited to building and public health and safety. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

3. The applicant shall adhere to Inyo County's General Plan Visual Resources requirement (VIS-1.6-Control of Light & Glare), which requires all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level) and are fully shielded.

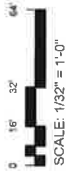
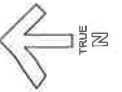
4. The applicant shall follow best management practices to control for dust and odors & will consult with the Great Basin Air Pollution Control District to minimize potential air quality effects during construction.

5. Biological

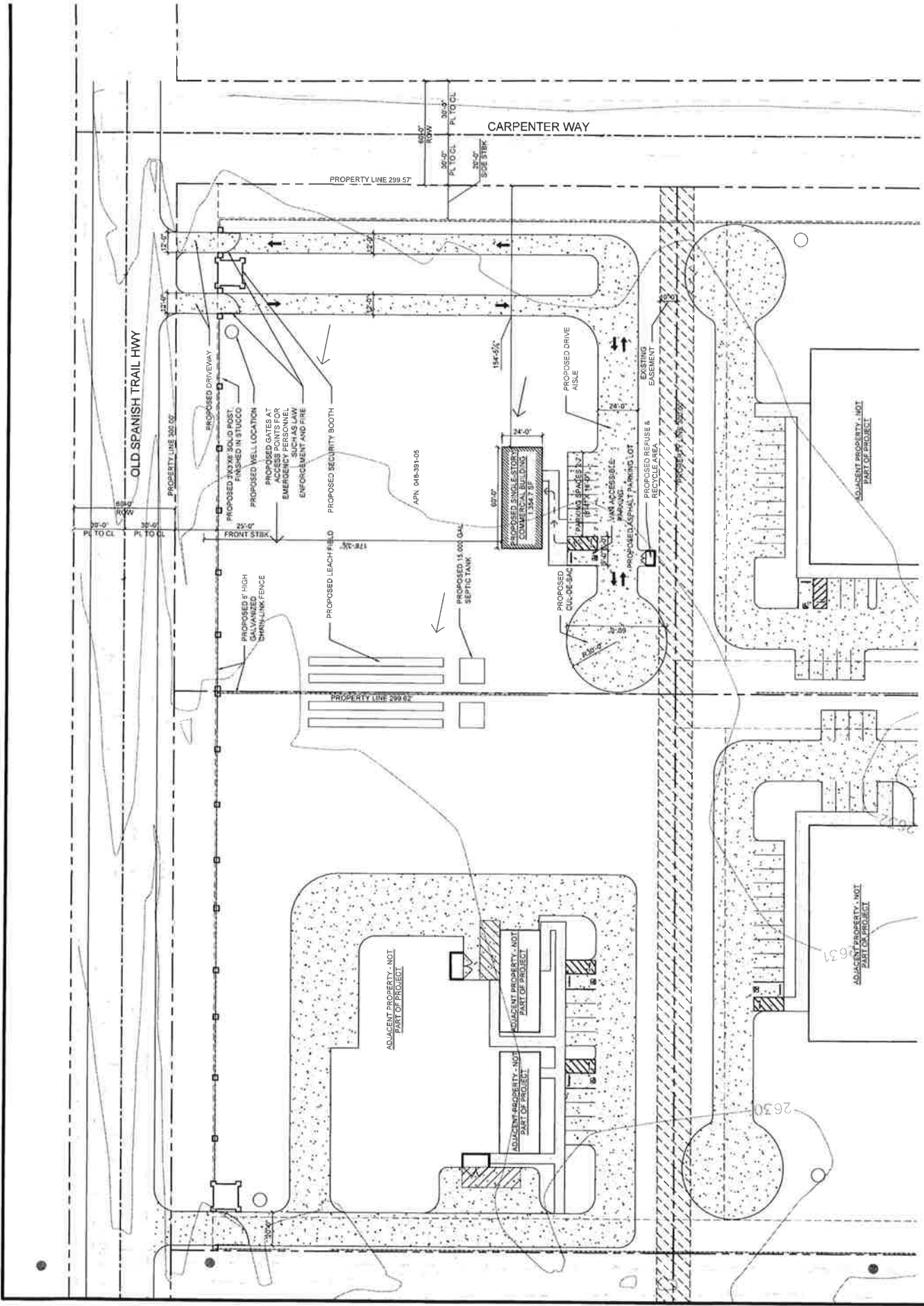
- Burrowing Owl - A pre-construction survey shall be conducted, per CDFW's most recent version of the Staff Report on Burrowing Owl Mitigation, and submitted to the Planning Department for review. If burrowing owls are detected during the surveys a relocation plan will be prepared in consultation with, and approved by CDFW and US Fish and Wildlife.
- Desert Tortoise - A pre-construction survey shall be conducted per the US Fish and Wildlife's Desert Tortoise (Mojave Population) Field Manual and submitted to the Planning Department. If tortoises are detected the applicant shall work with CDFW on appropriate mitigation and/or an Incidental Take Permit.
- Nesting Birds - A pre-construction survey will be conducted for nesting birds, no more than 3-days prior to vegetation clearing or ground disturbance activities, and submitted to the Planning Department. If active nests are found, a Nesting Bird Plan shall be prepared and implemented by a qualified avian biologist, per CDFW requirements and any grubbing or vegetation removal shall occur outside peak nesting season (February 1 – September 1).
- If any special status wildlife species are identified during the pre-construction surveys, a qualified biologist shall conduct an education

program for all persons employed or otherwise working on-site that addresses the particular biology and habitats of the species that are present.

- Special Status Plants – A pre-construction survey will be conducted per CDFW’s Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Native Communities, 2018. If any state listed plants are found the applicant shall work with CDFW on appropriate mitigation plans and/or an Incidental Take Permit.
 - Artificial Lighting (indoor) – night time indoor lighting shall be blocked to prevent light escape that may affect wildlife.
 - Water – The applicant shall obtain all State, Federal and local permits regarding Lake or Stream bed alteration, as required by CDFA for licensing.
6. The applicant shall consult with the County Environmental Health Department and follow any regulations provided for by them regarding well and septic development.
 7. Public Works - Prior to ground disturbing activities, the applicant shall work with the County Public Works Department and/or Building and Safety on a grading plan to ensure best management practices, for proper water drainage that meets all applicable state and federal regulations, are in place.



1 SITE PLAN - PROPOSED
SCALE: 1/32" = 1'-0"



Comments



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd. Ste. C-220
Ontario, CA 91762
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 04, 2021
Sent via email

Cathreen Richards
Planning Director
Inyo County Planning Department
168 North Edwards St.
P.O. Drawer "L"
Independence, CA 93526

Inyo Face Cannabis Retail and Cultivation (Project)
Initial Studies and Draft Mitigated Negative Declarations (IS/MNDs)
SCH#s 2020120074 and 2020120075

Dear Cathreen:

The California Department of Fish and Wildlife (CDFW) received two Notices of Intent to Adopt an MND from Inyo County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife; CDFW appreciates the opportunity to respond to both Draft IS/MNDs in one letter. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

Cathreen Richards, Planning Director
Inyo County
January 04, 2021
Page 2

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Inyo Face, LLC.

Project Description: A complete project description is not provided in the Draft IS/MNDs. The Project consists of cannabis cultivation and a retail cannabis business to be located on the parcel directly north of the cannabis cultivation. Although there are separate Draft IS/MNDs for the cultivation and retail businesses, they rely on a single Biological Resources Report and the content of Section IV Biological Resources (p 8) of the Draft IS/MNDs is identical. Therefore, CDFW is commenting on both Draft IS/MNDs in this letter. According to the two Draft IS/MNDs, construction is proposed for a 1,335 sq.ft. retail cannabis store that is 13-feet 6-inches in height and an 18,504 sq.ft. cannabis cultivation and processing building that is 22-feet in height on two adjacent parcels.

According to the Biological Resources Report (accessed at the Inyo County website, <https://www.inyocounty.us/services/planning-department/current-projects>), the Project would consist of one single-story commercial building, parking lots, a secure staging area, and landscaping. Access to the site would be from East Old Spanish Trail Highway, with emergency access from Hall Lane. Utility access will be provided from East Old Spanish Trail Highway, water will be from a proposed well, and sewage will be handled with an on-site septic system.

Location: 800 East Old Spanish Trail Highway in the unincorporated community of Charleston View of southeastern Inyo County. APNs 048-391-05-00 and 048-391-12-00. 35°58'15.61"N, 115°53'44.26"W. The Project parcels are bordered on the North by East Old Spanish Trail Highway, on the East by Carpenter Rd, on the South by Hall Ln. and on the West by two additional parcels planned for later development by the same project proponent. The area around the Project consists primarily of open desert land with a few single-family homes and graded roads. The Project site is located within the Stump Springs-Calvada Springs watershed, in an alluvial basin which drains towards a dry lakebed in the lower Pahrump Valley. The Project location is approximately 20 miles East of Tecopa and 45 miles West of Las Vegas, NV.

Timeframe: No timeframe given in the Draft IS/MNDs.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Inyo County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW is also concerned that potential cannabis related biological impacts and corresponding mitigation are not identified in the Draft IS/MNDs.

In addition to the sections below, CDFW is concerned with the lack of detail in the Project descriptions provided in the Draft IS/MNDs, the lack of a clear site diagram that shows where on the parcels planned construction will take place, as well as conflicting Project descriptions in the Draft IS/MNDs and the Biological Resources Report. The Project descriptions do not provide enough information to fully assess potentially significant impacts. The Draft IS/MNDs do not mention parking, driveways, fencing, paving, utility installation, drainage plans, landscaping, or other Project infrastructure. Additionally, no timeline for construction and implementation of the Project was given in the Draft IS/MNDs. If the start date for Project activities is delayed, the biological assessment and surveys could be outdated and site conditions may have changed when the Project begins. CDFW generally considers survey results valid for one year. To evaluate the project impacts on biological resources, CDFW requests that the Draft IS/MNDs is revised to include a detailed project description addressing the above comments including a detailed site map and a project timeline.

CDFW is concerned that mitigation was deferred in the Draft IS/MNDs. Section IV Biological Resources (p 8) of the Draft IS/MNDs states that impacts to species identified as a candidate, sensitive, or special status species will be less than significant only with mitigation incorporation, but no mitigation measures have been provided. CDFW requests that specific mitigation measures are included in the Draft IS/MNDs prior to adoption of the MNDs.

ASSESSMENT OF IMPACTS ON BIOLOGICAL RESOURCES

California Endangered Species Act (CESA)

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate species of plant and animal species, pursuant to CESA. CDFW recommends that an incidental Take Permit (ITP) be obtained if the Project has potential to "take" (California Fish and Game Code Section 86 defines "take" as hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill) state-listed CESA species, either through construction or over the life of the property. CESA ITPs are issued to protect, conserve, enhance, and restore state-listed CESA species and their habitats.

Biological Surveys

A general biological survey was conducted from 1500-1800 on April 14, 2020 and from 1500-1500 (zero hours) on April 15, 2020 (Biological Resources Report, Table 1, p 6) on

the 9.65-acre site. A single biologist cannot reasonably be expected to complete focused, protocol-level surveys for burrowing owl, desert tortoise, nesting birds, and rare plants, nor adequately survey 9.65 acres for all species in one three-hour general survey. CDFW is concerned about the adequacy of the biological surveys to identify fish and wildlife resources on the Project site and requests biological surveys be conducted as specified in proposed mitigation measures BIO-1 through BIO-4 below.

Burrowing Owl (*Athene cunicularia*)

The Draft IS/MNDs conclude, based on the biological survey completed, that there is potential for burrowing owl to occur on the Project site (p 9). According to the Biological Resources Report (p 14), "Approximately 9.65 acres of suitable burrowing and wintering habitat for burrowing owl is present and impacts to breeding individuals could occur if the species begins to use the site during the breeding season. Impacts to wintering and breeding individuals would be considered significant." CDFW recommends that focused surveys be conducted, as the general biological surveys completed in April of 2020 are not adequate to assess current burrowing owl presence on the parcel. The Biological Resources Report (Table 1, p 6) establishes that the surveys conducted by RECON Environmental, Inc. biologist Jason R. Sundberg did not follow the protocol established by the CDFW *Staff Report on Burrowing Owl Mitigation* (2012). The survey was completed before the recommended peak breeding season window (April 15 through July 15) for breeding season surveys; the surveys were not conducted at least three weeks apart; and the surveys were conducted by a single biologist over 9.65 acres in only 3 hours while completing surveys for other biological resources such as desert tortoise and rare plants. CDFW requests that focused burrowing owl surveys be conducted according to the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version; <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>).

Preconstruction surveys are also required because suitable burrowing owl habitat was confirmed on site. Preconstruction surveys should also be conducted using the *Staff Report on Burrowing Owl Mitigation* (2012). CDFW recommends that the following mitigation measure be added to the Draft IS/MNDs:

MM BIO-1: Suitable burrowing owl habitat has been confirmed on the site, therefore focused burrowing owl surveys shall be conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). If the focused burrowing owl surveys detect active burrowing owl burrows outside the breeding season (September 1 through January 31), or within the breeding season (February 1 through August 31) but owls are not nesting or in the process of nesting, active and/or passive relocation may be conducted following consultation with CDFW and U.S. Fish and Wildlife Service (USFWS). A relocation plan will be required by CDFW and USFWS if active and/or passive relocation is necessary. The relocation plan will outline the basic process and provide options for avoidance and mitigation, identify short- and long-term habitat management needs of the receiver site, and identify the entity responsible for all financial costs associated

with the relocation plan and long-term management of the receiver site.

Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version).

Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with USFWS and CDFW to conduct an impact assessment to develop avoidance, minimization, and mitigation measures to be approved by CDFW prior to commencing Project activities.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for proposed MM BIO-1. The draft MMRP with MM BIO-1 through MM BIO-8 is enclosed as Attachment 1 at the end of this letter.

Desert Tortoise (*Gopherus agassizii*)

Desert tortoises are listed as Threatened under CESA and the Draft IS/MNDs concludes that there is potential for desert tortoise to occur on the Project site (p 9). According to the Biological Resources Report (p 14), "Approximately 9.65 acres of suitable foraging habitat for desert tortoise is present and impacts could occur if the species begins to use the site. Impacts to individuals and their habitat would be considered significant." A general biological survey for multiple species, including desert tortoise, was conducted over the course of three hours by RECON Environmental, Inc. biologist Jason R. Sundberg on April 14 and 15, 2020 on the Project site. While no evidence of living tortoises was found at that time, the Project site occurs within the Eastern Mojave Recovery Unit (USFWS 2011; Biological Resources Report, p 12). With average temperatures in the high 50s and low 60s Fahrenheit, desert tortoise may not have been very active in the weeks preceding the surveys. The most recent update to USFWS *Mojave Desert Tortoise Pre-project Survey Protocol* states, "The most effective way to estimate abundance of tortoises is to conduct surveys when tortoises are most active" (USFWS 2018). Given the potential for desert tortoise to be found on the site during the life of the Project, CDFW requests that a qualified biologist conduct a protocol level survey according to the USFWS Desert Tortoise (Mojave Population) Field Manual. CDFW recommends the following mitigation measure be added to the Draft IS/MNDs:

MM BIO-2: A qualified biologist shall conduct a protocol level presence or absence survey no more than 14 days prior to initiating Project activities in accordance with procedures described in Chapter 6 of the US Fish and Wildlife Service Desert Tortoise (Mojave Population) Field Manual. In addition, the survey shall utilize perpendicular survey routes and 100-percent visual coverage of the Project area and 50-foot buffer zone for desert tortoise and their sign. If the survey confirms absence,

a qualified biological monitor shall remain on-site during all Project activities to confirm desert tortoise do not enter the Project site. If the survey confirms presence, the Project Proponent shall obtain an Incidental Take Permit (ITP) for desert tortoise prior to the start of Project activities. If the biological monitor during the life of the Project encounters a desert tortoise, work shall be suspended, and the Project Proponent shall obtain an ITP for the species prior to the restarting Project activities.

Nesting Birds

The Draft IS/MNDs proposes no mitigation measures to avoid or minimize potentially significant impacts to nesting birds. CDFW is concerned that although the Draft IS/MNDs mentions a general preconstruction survey (p 9), no timing or details are provided and it is unclear if the survey would include nesting birds. CDFW requests that preconstruction nesting bird surveys be conducted and recommends that the following mitigation measure be added to the Draft IS/MND:

MM BIO-3: Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside peak breeding season (February 1 through September 1).

Special Status Plants

The Draft IS/MNDs should include measures to fully avoid and otherwise protect rare and sensitive plant species from Project related direct and indirect impacts. Plants constituting California Rare Plant Ranks 1A, 1B, 2A, and 2B generally meet the criteria of a CESA-listed species and should be considered as an endangered, rare or threatened species for the purposes of CEQA analysis. According to a California Natural Diversity Database (CNDDDB) query using BIOS mapping software, Goodding's phacelia (*Phacelia pulchella* var. *gooddingii*, CNPS 2B.2 plant species), Nye milk-vetch (*Astragalus nyensis*, CNPS 1B.1 plant species), and gravel milk-vetch (*Astragalus sabulonum*, CNPS

2B.2 plant species) are likely to occur within or near to the Project site. CDFW recommends that the Draft IS/MNDs include information describing how the Project will avoid impacts to these species.

After reviewing the Biological Resources Attachment 3 (Sensitive Plant Species Observed or with the Potential to Occur), CDFW is concerned with the presumption of low likelihood of occurrence for many sensitive plant species in the project area. CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (2018 or most recent version; <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>) states, "The failure to locate a known special status plant occurrence during one field season does not constitute evidence that this plant occurrence no longer exists at this location, particularly if adverse conditions are present." CDFW is concerned that the rare plant survey was not conducted properly as it took place as part of a general biological survey over the span of three hours across 9.65 acres by a single biologist. CDFW requests that a thorough assessment of special status plant species and communities be conducted prior to Project activities. CDFW recommends the following mitigation measure be included in the Draft IS/MNDs:

MM BIO-4: A thorough floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018) or most recent version shall be performed by a qualified biologist prior to commencing Project activities. Should any state-listed plant species be present in the Project Area, the Project Proponent shall obtain an ITP for those species prior to the start of Project activities. Should other special status plants or natural communities be present in the Project Area, a qualified restoration specialist shall assess whether perennial species may be successfully transplanted to an appropriate natural site or whether on-site or off-site conservation is warranted to mitigate Project impacts. If successful transplantation of perennial species is determined by a qualified restoration specialist, the receiver site shall be identified, and transplantation shall occur at the appropriate time of year. Additionally, the qualified restoration specialist shall perform seed collection and dispersal from special status annual plant species to a natural site as a conservation strategy to minimize and mitigate Project impacts. If these measures are implemented, monitoring of plant populations shall be conducted annually for 5 years to assess the mitigation's effectiveness. The performance standard for mitigation shall be no net reduction in the size or viability of the local population.

Pesticides, Including Fungicides, Herbicides, Insecticides, and Rodenticides

Cannabis cultivation sites (whether indoor or outdoor) often use substantial quantities of pesticides, including fungicides, herbicides, insecticides, and rodenticides. Wildlife, including beneficial arthropods, birds, mammals, amphibians, reptiles, and fish, can be poisoned by pesticides after exposure to a toxic dose through ingestion, inhalation, or

dermal contact (Fleischli et al. 2004, Pimentel 2005, Berny 2007). They can also experience secondary poisoning through feeding on animals that have been directly exposed to the pesticides. (Even if used indoors, pesticides such as rodenticides may result in secondary poisoning through ingestion of sickened animals that leave the premises or ingestion of lethally poisoned animals that are disposed of outside.) Even nonlethal doses of pesticides can negatively affect wildlife; pesticides can compromise immune systems, cause hormone imbalances, affect reproduction, and alter growth rates of many wildlife species (Pimentel 2005, Li and Kawada 2006, Relyea and Diecks 2008, Baldwin et al. 2009).

CDFW recommends minimizing use of synthetic pesticides, and, if they are used, to always use them as directed by the manufacturer, including proper storage and disposal. Toxic pesticides should not be used where they may pass into waters of the state, including ephemeral streams, in violation of Fish and Game Code section 5650(6). Anticoagulant rodenticides and rodenticides that incorporate "flavorizers" that make the pesticides appetizing to a variety of species should not be used at cultivation sites. Alternatives to toxic rodenticides may be used to control pest populations at and around cultivation sites, including sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers), and physical barriers (e.g., sealing holes in roofs and walls). Snap traps should not be used outdoors as they pose a hazard to nontarget wildlife. Sticky or glue traps should be avoided altogether as these pose a hazard to nontarget wildlife and result in a prolonged/inhumane death. In addition, the California Department of Pesticide Regulation (CDPR) stipulates that pesticides must certain criteria to be legal for use on cannabis. For details, visit: <https://www.cdpr.ca.gov/docs/cannabis/questions.htm> and <https://www.cdpr.ca.gov/docs/county/cacfltrs/penfltrs/penf2015/2015atch/attach1502.pdf>. The Draft IS/MND states that pesticides may be used in the cultivation process, therefore CDFW recommends the following mitigation measure:

MM BIO-5: Prior to construction and issuance of any grading permit, Inyo Face, LLC shall develop a plan, to be approved by Inyo County, with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers". (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers), and physical barriers.

Artificial Light

Cannabis cultivation operations often use artificial lighting or "mixed-light" techniques in indoor operations to increase yields. If not disposed of properly, these lighting materials pose significant environmental risks because they contain mercury and other toxins (O'Hare et al. 2013). In addition to containing toxic substances, artificial lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication (e.g., birdsong; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavioral thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon that results in attraction and movement toward light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). The Draft IS/MNDs do not address light usage on the Project, but typical cannabis projects include use of artificial light for nighttime function and security lighting. CDFW recommends the following mitigation measure:

MM BIO-6: Light shall not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk, as these windows of time are when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.

Role of Lake and Streambed Alteration (LSA) Program in Cannabis Licensing

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may adversely impact any river, stream, or lake. An unnamed ephemeral stream has been mapped on the Project site using ArcGIS software and County Waterboard data, and according to the biological survey the soil is primarily made of alluvium which is evidence of water flow across the parcels. The California Department of Food and Agriculture (CDFA) requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from CDFA, cultivators must have an LSA Agreement or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through the Environmental Permit Information Management System (EPIMS; <https://epims.wildlife.ca.gov>). Cannabis cultivators may learn more about cannabis cultivation permitting at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>. CDFW recommends the following mitigation measure:

MM BIO-7: Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

Employee Awareness of Wildlife Resources

CDFW is concerned that large development projects in this area of Inyo County could have lasting impacts on local wildlife and plant species. The area surrounding the Project is primarily open land, thus Project development will bring biological hazards common to urban-wildland interface areas. Waste management must be a priority as accessible waste can encourage opportunistic species such as rats, ravens, and coyotes to become more prevalent, posing a substantial predation hazard to wildlife. Predators like ravens (reported as present in the general biological survey) and coyotes (likely to occur in the area) are both known to prey on desert tortoise. Waste management plans should include waste receptacles with closing, lockable lids and a waste removal schedule that does not allow for excess waste to accrue. Increased traffic may also pose a hazard to species in the form of vehicle-animal collisions which often lead to the death of the animal. For slow moving species like desert tortoise, busy roads in their territory can have a significant impact on populations.

Project activities, including construction and routine work for the life of the Project, will affect local wildlife. Part of the Project Proponent's responsibility is to educate individuals that will be on-site, whether they are employees of Inyo Face, LLC. or contractors, on the wildlife species that may be present and how to limit impacts to wildlife species in the area. CDFW recommends that the following Employee Education Program be added to the Draft IS/MNDs as a mitigation measure:

MM BIO-8: A qualified biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site. The program shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. The qualified biologist shall also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations, and mitigation measures. The Employee Education Program should include, but not be limited to: (1) Best practices for managing waste and reducing activities that can lead to increased occurrences of opportunistic species and the impacts these species can have on wildlife in the area, (2) Protected species that have the potential to occur on the Project site including desert tortoise, burrowing owl, rare and sensitive plants, and nesting birds, and (3) The location of the

ephemeral stream that crosses from the east to the northwest side of the parcels and the importance of ensuring that no refuse or pollution enters the streambed habitat. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing any work on-site.

Hydrology and Water Quality

The Draft IS/MNDs do not fully address impacts to hydrological and water resources during construction and for the life of the Project. Impacts to these resources could directly or indirectly impact local wildlife species and ecosystem function. Regarding impacts to surface or ground water quality (Section X, Hydrology and Water Quality, subsection (a), p 12) Inyo Face, LLC. defers to later coordination to determine NPDES/SWPPP needs. The Draft IS/MNDs should include information on their proposed SWPPP and Best Management Practices. For groundwater management (Section X, Hydrology and Water Quality, subsection (b), p 12) no specific hydrological data on groundwater at the site or a well analysis is provided; this is of particular concern for the cannabis cultivation portion of the Project. Regarding site drainage impacts, the Draft IS/MNDs (Section X, Hydrology and Water Quality, subsection (c), p 13) find that the Project will be constructed on an area that is virtually flat and not in proximity to any streams. As mentioned in the above LSA section of this letter, there is a mapped ephemeral stream that crosses the Project site. Also, increasing the impermeable area of the site poses concerns for increased runoff and decreased drainage. The Draft IS/MNDs (Section X, Hydrology and Water Quality, subsection (c), p 13) state that "In the unlikely event issues are found at pre-construction, they will be addressed during building review." CDFW is concerned about the deference of drainage plans or mitigation measures and recommends that prior to adoption of the MND Inyo Face, LLC should work with the appropriate entities to develop plans to avoid, minimize, and mitigate impacts to hydrological and water resources.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the

Cathreen Richards, Planning Director
Inyo County
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Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND for Inyo Face, LLC. to assist Inyo County in identifying and mitigating Project impacts on biological resources. CDFW has assessed the Draft IS/MNDs and found that they do not adequately identify or mitigate for all of this Project's impacts on biological resources. CDFW recommends that prior to the adoption of this MND, Inyo County revise the document to include a more complete project description and assessment of impacts to biological resources on the Project parcels and adjacent parcels, as well as appropriate avoidance, minimization, and mitigation measures.

Questions regarding this letter or further coordination should be directed to Kevin Francis, Environmental Scientist at (909) 239-0895 or Kevin.Francis@wildlife.ca.gov, or to Marissa Caringella, Senior Environmental Scientist (Specialist) at (909) 544-1177 or Marissa.Caringella@wildlife.ca.gov.

Sincerely,

DocuSigned by:

DF423498814B441...

For
Scott Wilson
Environmental Program Manager I

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec: HCPB CEQA Program
Habitat Conservation Planning Branch
CEQAcommentletters@wildlife.ca.gov

Office of Planning and Research
State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

Kevin Francis, Environmental Scientist
California Department of Fish and Wildlife
kevin.francis@wildlife.ca.gov

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Inyo County
January 04, 2021
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Marissa Caringella, Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
marissa.caringella@wildlife.ca.gov

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measure	Schedule	Responsible Party
<p>MM BIO-1: Burrowing Owl Surveys Suitable burrowing owl habitat has been confirmed on the site, therefore focused burrowing owl surveys shall be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). If the focused burrowing owl surveys detect active burrowing owl burrows outside the breeding season (September 1 through January 31), or within the breeding season (February 1 through August 31) but owls are not nesting or in the process of nesting, active and/or passive relocation may be conducted following consultation with CDFW and U.S. Fish and Wildlife Service (USFWS). A relocation plan will be required by CDFW and USFWS if active and/or passive relocation is necessary. The relocation plan will outline the basic process and provide options for avoidance and mitigation, identify short- and long-term habitat management needs of the receiver site, and identify the entity responsible for all financial costs associated with the relocation plan and long-term management of the receiver site.</p> <p>Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with USFWS and CDFW to conduct an impact assessment to develop avoidance, minimization, and mitigation measures to be approved by CDFW prior to commencing Project activities.</p>	<p>Focused Surveys: Breeding Season Surveys: 1 survey prior to breeding season and 3 surveys during breeding season spaced at least 3 weeks apart. Non-breeding Season Surveys: At least 4 surveys evenly spread throughout the non-breeding season. Pre-construction Surveys: No less than 14 days prior to start of any Project activities and within 24 hours prior to ground disturbance.</p>	<p>Inyo Face, LLC.</p>
<p>MM BIO-2: Desert Tortoise A qualified biologist shall conduct a protocol level presence or absence survey no more than 14 days prior to initiating Project activities in accordance with procedures described in Chapter 6 of the US Fish and Wildlife Service Desert Tortoise (Mojave Population) Field Manual. In addition, the survey shall utilize perpendicular survey routes and 100-percent visual coverage of the Project area and 50-foot buffer zone for desert tortoise and their sign. If the survey confirms absence, a qualified biological monitor shall remain on-site during all Project activities to confirm desert tortoise do not enter the Project site. If the survey confirms presence, the Project Proponent shall obtain an Incidental Take Permit (ITP) for desert tortoise prior to the</p>	<p>No more than 14 days prior to beginning any Project activities. Ongoing throughout Project activities.</p>	<p>Inyo Face, LLC.</p>

<p>start of Project activities. If the biological monitor during the life of the Project encounters a desert tortoise, work shall be suspended, and the Project Proponent shall obtain an ITP for the species prior to the restarting Project activities.</p>		
<p>MM BIO-3: Nesting Birds Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside peak breeding season (February 1 through September 1).</p>	<p>Within 3 days of beginning any vegetation clearing or ground disturbing activities.</p>	<p>Inyo Face, LLC.</p>
<p>MM BIO-4: Special Status Plants A thorough floristic-based assessment of special status plants and natural communities, following CDFW's <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> (CDFW 2018) or most recent version shall be performed by a qualified biologist prior to commencing Project activities. Should any state-listed plant species be present in the Project Area, the Project Proponent shall obtain an ITP for those species prior to the start of Project activities. Should other special status plants or natural communities be present in the Project Area, a qualified restoration specialist shall assess whether perennial species may be successfully transplanted to an appropriate natural site or whether on-site or off-site conservation is warranted to mitigate Project impacts. If successful transplantation of perennial species is determined by a qualified restoration specialist, the receiver site shall be identified, and transplantation shall occur at the appropriate time of year. Additionally, the qualified restoration specialist shall perform seed collection and dispersal from special status annual plant species to a natural site as a conservation strategy to minimize</p>	<p>Prior to construction and issuance of any grading permit. Ongoing throughout Project activities.</p>	<p>Inyo Face, LLC.</p>

<p>and mitigate Project impacts. If these measures are implemented, monitoring of plant populations shall be conducted annually for 5 years to assess the mitigation's effectiveness. The performance standard for mitigation shall be no net reduction in the size or viability of the local population.</p>		
<p>MM BIO-5: Pesticides Prior to construction and issuance of any grading permit, Inyo Face, LLC shall develop a plan, to be approved by Inyo County, with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers". (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers), and physical barriers.</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>Inyo Face, LLC.</p>
<p>MM BIO-6: Artificial Light Light shall not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk, as these windows of time are when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.</p>	<p>Ongoing throughout Project activities.</p>	<p>Inyo Face, LLC.</p>
<p>MM BIO-7: LSA Program Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>Inyo Face, LLC.</p>

<p>MM BIO-8: Employee Education Program A qualified biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site. The program shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. The qualified biologist shall also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations, and mitigation measures. The Employee Education Program should include, but not be limited to: (1) Best practices for managing waste and reducing activities that can lead to increased occurrences of opportunistic species and the impacts these species can have on wildlife in the area (2) Protected species that have the potential to occur on the Project site including desert tortoise, burrowing owl, rare and sensitive plants, and nesting birds, and (3) The location of the ephemeral stream that crosses from the east to the northwest side of the parcels and the importance of ensuring that no refuse or pollution enters the streambed habitat. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing any work on-site.</p>	<p>Prior to any person performing work on-site. Ongoing throughout Project activities.</p>	<p>Inyo Face, LLC.</p>
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Action Item # 9 & Action Item # 10, were pulled at last minute due to lack of information from customer.



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

**Phone: (760) 878-0263
(760) 872-2706
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E-Mail: inyoplanning@inyocounty.us**

AGENDA ITEM NO. 11 (Action Item – Public Hearing)

**PLANNING COMMISSION
MEETING DATE:** January 27, 2021

SUBJECT: Zone Text Amendment (ZTA) No. 2020-02/Inyo County- Amend 18.78.340/Second Units

EXECUTIVE SUMMARY

Staff has drafted a proposed ordinance to Amend the Inyo County Zoning Code's Title 18.78.340 General Regulations, Second Units

PROJECT INFORMATION

Supervisory District:	County-wide
Applicants:	Inyo County
Landowners: Address/	Multiple
Community:	County-wide
A.P.N.:	County-wide
Existing General Plan:	N/A
Existing Zoning:	N/A
Surrounding Land Use:	N/A
Recommended Action:	Adopt the attached Resolution, recommending that the Board of Supervisors:

- 1.) Find the proposed project exempt from the requirements of the California Environmental Quality Act.
- 2.) Make certain Findings with respect to, and approve, Zone Text Amendment ZTA/2020-02

Alternatives:

- 1.) Recommend modifications to the proposal.
- 2.) Recommend denial. This is not recommended as the County is currently out of compliance with State regulations regarding Accessory Dwelling Units.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

Project Planner:

Cathreen Richards

BACKGROUND

In 1997 the Board of Supervisors adopted Ordinance 997 regulating Second Dwelling Units. The Ordinance is implemented by 18.78.340 (Attached) of the Inyo County Code and covers the Open Space (OS), Rural Residential (RR), Rural Residential Starlite Estates (RR-Starlite), One Family Residences (R1) and Single Residence Mobile Home Combined (RMH) zones.

Since 1997 the State has changed its regulations regarding Second Dwelling Units, also referred to over time as Granny Units and presently Accessory Dwelling Units (ADU). The County has not kept up with the State's changes to regulations regarding ADUs and has been out of compliance. For many years, the planning department has simply not followed the non-compliant sections of 18.78.340. As time as gone on, though, more and more of 18.78.340 has become non-compliant. There is also a push by the State to ensure that local jurisdictions have conforming ADU regulations or that they rely on the State's.

Sections of 18.78.340 that do not meet the State's regulations are:

Intro. Second dwelling units are permitted in areas within the OS-40, RR, RR-0.5-Starlite Estates, R-1 and RMH zones in accordance with the following:

State regulations now include that local jurisdictions must allow for ADUs in all Residential and Mixed Use Zones.

A. No second dwelling unit may be constructed or established in any of the above-described zones unless the owner of the property concerned has first obtained a

conditional use permit pursuant to the procedures set forth in Chapter 18.81 and this section.

The State prohibited requiring conditional use permits for ADUs in 2003 by changing Government Code 65852.2 to state ADUs must approved ministerially (building permit), and without discretionary review or hearings.

Planning Department staff has not required CUPs for ADUs for years, but did follow the development guidelines included in 18.78.340. These include:

B (1). The lot upon which the second dwelling unit is to be constructed or established contains an existing single-family dwelling;

This can no longer be applied as lots with existing or proposed primary dwellings qualify for ADUs. Also, this can no longer limited to single-family dwellings as multi-family dwellings qualify, as well.

C(2). In the case of a second unit attached, or to be attached, to an existing single-family residence, the increase in the floor area occasioned by the construction or establishment of the second unit shall not exceed thirty percent of the existing living area of the single-family residence.

This is now 50%.

C(4). The second dwelling unit, and any construction associated with the second dwelling unit, shall conform to the height, setback, lot coverage, architectural review, and site-plan review requirements, and all other zoning requirements, applicable generally to residential construction in the zone in which the property is located and that all fees and charges associated with those reviews and requirements shall be paid by the applicant.

This is not compliant with State regulations. Adjustments to the setback requirements now include 4-foot rear and side yards (the County's is 5-feet) and if an existing garage, carport, shed, etc. is converted into an ADU they can stay within a non-conforming building's footprint.

C(6). At least two on-site, off-street parking spaces shall be designated and provided, in addition to any parking spaces required due to the presence of the existing single-family dwelling.

Parking standards for ADUs can only include requiring one space per dwelling unit or per bedroom, whichever is less (the County requires 2). Also, no parking requirements can be imposed if the ADU is within one-half-mile of a transit stop.

C(7). Any other conditions or requirements determined by the planning commission necessary to ensure that the second dwelling unit will neither adversely affect the health or safety of persons living or working in the vicinity nor be materially detrimental to public welfare.

All ADUs must be approved ministerially, leaving no potential for additional conditions.

ANALYSIS

Staff has analyzed the State's ADU regulations against the current County Code and found that it is in the best interest of the County to Amend the Second Dwelling Unit regulations of the code. A draft ordinance (Attached) has been prepared to amend 18.78.340, so that the County is no longer out of compliance with the State's ADU regulations. This includes:

- changing the title from Second Units to Accessory Dwelling Units to conform with current nomenclature;
- providing that regulations found in the County Code regarding principally permitted dwelling units in the Residential and Mixed Use zones apply to ADUs unless they are in conflict with State Law.

General Plan Consistency

ZTA 2020-02 - Amending 18.78.340 – Second Dwelling Units, from the Inyo County Code causes certain allowed activities related to ADUs to fall directly under State regulations when the County's are in conflict with them and will not change the current allowance of the use, or its relationship to residential or mixed use uses per the General Plan. ADUs must have residential or mixed use zoning and General Plan designations and meet the density requirements as set forth in the General Plan. Due to these factors, amending 18.78.340 is consistent with the General Plan.

Zoning Ordinance Consistency

ZTA 2020-02 is consistent with the Inyo County Zoning code as amending 18.78.340 does not discontinue or expand the use, but instead causes it to fall directly under State regulations when the County's are in conflict with them. The use will remain consistent with the use requirements of Title 18 regarding Residential and Mixed Use Districts.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by the Common Sense Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This project is a proposal to amend a part of the County Code that is currently out of compliance with State regulations. It includes no development proposals or any increases in allowed uses or densities.

RECOMMENDATIONS

Staff recommends adoption of the attached Resolution recommending the Board of Supervisors consider the ZTA 2020-02, make certain findings, and adopt the proposed ordinance amending 18.78.340 of the Inyo County Code.

Recommended Findings

1. The proposed ordinance is covered by the Common Sense Rule 15061(b)(3)

[Evidence: the proposed ordinance is covered by the Common Sense Rule 15061(b)(3) that states CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Amending the language in 18.78.340 to bring the County into compliance with State regulations regarding ADUs will not have a significant effect on the environment as it does not include the approval of any development or affect future development.]

2. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with the Goals and Policies of the Inyo County General Plan.

[Evidence: Amending 18.78.340 – Second Dwelling Units, of the Inyo County Code is consistent with the Goals and Policies of the General Plan as it causes certain allowed activities related to ADUs to fall directly under State regulations when the County's are in conflict with them and will not change the current allowance of the use, or its relationship to residential or mixed use uses per the General Plan. ADUs must still have residential or mixed use zoning and General Plan designations and meet density requirements as set forth in the General Plan.]

3. Based on substantial evidence in the record, the proposed Zoning Ordinance to amend ICC 18.44 is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: Zone Text Amendment 2020-02 is consistent with the Inyo County Zoning code as amending 18.78.340 does not discontinue or expand the use, but instead causes it to fall directly under State regulations when the County's are in conflict with them. The use will remain consistent with the use requirements of Title 18 regarding Residential and Mixed Use Districts.]

ATTACHMENTS

- A. Inyo County Code Section 18.78.340
- B. Draft proposed ordinance
- C. Resolution

18.78.340 Second dwelling units.

Second dwelling units are permitted in areas within the OS-40, RR, RR-0.5-Starlite Estates, R-1 and RMH zones in accordance with the following:

A. No second dwelling unit may be constructed or established in any of the above-described zones unless the owner of the property concerned has first obtained a conditional use permit pursuant to the procedures set forth in Chapter 18.81 and this section.

B. No conditional use permit shall be issued for a second dwelling unit in any of the above-described zones unless the planning commission finds that:

1. The lot upon which the second dwelling unit is to be constructed or established contains an existing single-family dwelling;

2. The second dwelling unit is or will be constructed or established such that it is or will be attached to the existing dwelling and located within the living area of that dwelling or is or will be detached from the existing dwelling, but located entirely on the same lot as the existing dwelling;

3. In the case of a second dwelling unit to be served by a private well and/or sewage system, the applicant has obtained written approval of the construction or establishment of the second dwelling unit from the Inyo County department of environmental health services.

C. Except as provided in subsection D of this section, should the planning commission make all of the findings described in subsection B of this section, it shall grant the application for the second dwelling unit conditional use permit, but shall place the following conditions on that use:

1. The second dwelling unit shall not be offered for sale; rental of the unit shall be permitted.

2. In the case of a second unit attached, or to be attached, to an existing single-family residence, the increase in the floor area occasioned by the construction or establishment of the second unit shall not exceed thirty percent of the existing living area of the single-family residence.

3. In the case of a second dwelling unit detached, or to be detached, from an existing single-family residence, the total area of the floor space of the second dwelling unit shall not exceed twelve hundred square feet.

4. The second dwelling unit, and any construction associated with the second dwelling unit, shall conform to the height, setback, lot coverage, architectural review, and site-plan review requirements, and all other zoning requirements, applicable generally to residential construction in the zone in which the property is located and that all fees and charges associated with those reviews and requirements shall be paid by the applicant.

5. The second dwelling unit, and any construction associated with the second dwelling unit, shall meet all applicable building code requirements.

6. At least two on-site, off-street parking spaces shall be designated and provided, in addition to any parking spaces required due to the presence of the existing single-family dwelling.

7. Any other conditions or requirements determined by the planning commission necessary to ensure that the second dwelling unit will neither adversely affect the health or safety of persons living or working in the vicinity nor be materially detrimental to public welfare.

D. The planning commission shall deny an application for a conditional use permit to construct or establish a second dwelling unit if it determines that construction or establishment of the second dwelling

unit will, even as it may be conditioned, not be properly related to other uses in the area and to transportation and service facilities in the area or that, under all of the attendant circumstances, the second dwelling unit will adversely affect the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare. (Ord. 997 § 13, 1998.)

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, RESCINDING INYO COUNTY CODE SECTION 18.78.340

WHEREAS, in 1998, the Inyo County Board of Supervisors adopted Ordinance 997 regulating Second Dwelling Units under ICC 18.78.340, on property zoned Open Space (OS), Rural Residential (RR), Rural Residential Starlite Estates (RR-Starlite), One Family Residences (R1) and Single Residence Mobile Home Combined (RMH);

WHEREAS, since the adoption of Ordinance 997, the State of California has changed regulations regarding Accessory Dwelling Units on several occasions rendering 18.78.340 non-compliant with State regulations;

WHEREAS, Planning Department staff proposes amending 18.78.340, thereby causing the County to follow the State's Accessory Dwelling Unit regulations, when in conflict with the County's regulations regarding dwelling units;

WHEREAS, the Inyo County Planning Commission met to discuss the proposal to amend 18.78.340 with regard to consistency with Inyo County zoning code, General Plan, and the California Environmental Quality Act and concurred with staff recommendations;

NOW, THEREFORE, the Board of Supervisors, County of Inyo, ordains as follows:

SECTION I. MODIFICATIONS TO TITLE 18

Section 18.78.340 of the Inyo County Code is amended in its entirety to read as follows:
"18.78.340 Accessory Dwelling Units."

Accessory Dwelling Units ("ADUs") are permitted in all residential and mixed use zones. Regulations found in this Title regarding principally permitted dwelling units in the residential and mixed use zones apply to ADUs; provided, however, that if such regulations conflict with state law regarding ADUs, state law shall prevail.

SECTION II. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

SECTION III. EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption thereof, a summary of this Ordinance shall be published once in a newspaper of general circulation printed and published in the County of Inyo, State of California in accordance with Government Code Section 25124(b). The Clerk of the Board is hereby instructed and ordered to so publish a summary of this Ordinance together with the names of the Board voting for and against same.

PASSED AND ADOPTED this 16 day of February, 2021 by the following vote of the Inyo County Board of Supervisors:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jeff Griffiths, Chairperson

ATTEST: Clint Quilter
 Clerk to the Board

By: _____
 Darcy Ellis, Assistant

RESOLUTION NO. 20-

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF INYO, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS FIND THE PROPOSED PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND TO MAKE CERTAIN FINDINGS WITH RESPECT TO AND RECOMMEND THE INYO COUNTY BOARD OF SUPERVISORS APPROVE ZONE TEXT AMENDMENT NO. 2020-02 INYO COUNTY

WHEREAS, the Inyo County Board of Supervisors, through Inyo County Code (ICC) Section 15.12.040, has designated the Planning Commission to serve as the Environmental Review Board pursuant to Section 15022 of the California Environmental Quality Act (CEQA) Guidelines, which is responsible for the environmental review of all County projects;

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance is covered by the Common Sense Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA;

WHEREAS, the Inyo County Planning Commission held a public hearing on January 27, 2021, to review and consider a request for approval of Zone Text Amendment No. 2020-02, and considered the staff report for the project and all oral and written comments regarding the proposal;

WHEREAS, currently the ICC is not in conformance with State Regulations regarding Accessory Dwelling Units. Specifically, section per 18.78.340 – Second Dwelling Units, must be amended to bring the ICC into compliance;

WHEREAS, ICC Section 18.03.020 in part states that it is necessary for the zoning ordinance to be consistent with the General Plan;

WHEREAS, ZTA 2020-02 results in amending 18.78.340 – Second Dwelling Units of the ICC, which causes certain allowed activities related to Accessory Dwelling Units to fall directly under State regulations when County regulations are in conflict with it and will not change the current allowance of this use, or its relationship to residential uses per the General Plan;

WHEREAS, ZTA 2020-02 is consistent with the Inyo County Zoning code. Amending section 18.78.340 does not discontinue the use, but causes it to be in compliance with State regulations. Thus, the use will remain consistent with the requirements of Title 18 regarding Residential and Mixed Use Districts.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that based on all of the written and oral comment and input received at the January 27, 2021, hearing, including the Planning Department Staff Report, the Planning Commission makes the following findings regarding the proposal and hereby recommends that the Board of Supervisors adopt the following findings for the proposed project:

RECOMMENDED FINDINGS

1. The proposed ordinance is covered by the Common Sense Rule (CEQA Guidelines section 15061(b)(3)) that states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Projects subsequent to this ordinance will continue to be directed by both County and State regulations.
2. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with the Goals and Policies of the Inyo County General Plan.
3. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors take the following actions:

RECOMMENDED ACTIONS

1. Approve amending 18.78.340 – Second Dwelling Units based on all of the information in the public record and on the recommendation of the Planning Commission.

PASSED AND ADOPTED this 27th day of January, 2021, by the following vote of the Inyo County Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairperson
Inyo County Planning Commission

ATTEST:

Cathreen Richards, Planning Director

By _____
Paula Riesen,
Secretary of the Commission



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AGENDA ITEM NO.: 12 (Action Item – Public Hearing)

**PLANNING COMMISSION
MEETING DATE:** January 27, 2021

SUBJECT: Amendment to Reclamation Plan 96-12/Keeler –
MS#300 California Department of Transportation
(Caltrans).

EXECUTIVE SUMMARY

The applicant has applied for an amendment to Reclamation Plan 96-12. The project proposes expanding mining operations at Keeler Pit MS #300 for continued maintenance of dirt shoulders in Inyo County. Approximately 300,000 cubic yards of material will be extracted from the site over a 30 to 50-year span in an 8.1 acre-expansion area. Mining will occur in 4 phases, entailing the creation of a dirt access road and a material extraction pit east and southeast of the existing pit. Four to six inches of topsoil will be relocated to soil berms on the north, south and east edges of the pit. The pit will be graded to ensure storm water containment (final slope configuration 3:1 or flatter). All equipment storage and operations will occur within the limits of the existing (lower) pit. A retention basin, to manage and contain all storm water, will be constructed in the lower pit. This aggregate pit is located on BLM land near Owens Lake in Inyo County with Tax Assessor Parcel Number 031-010-19. Caltrans' Current Reclamation plan allows for 4.8 acres with an estimated 120,000 cubic yards of material extraction. It was adopted in July 1997.

PROJECT INFORMATION

Supervisory District: 5

Applicants: California Department of Transportation (Caltrans).

Property Owner: Caltrans Highway Easement Deed allows for the mining and is owned by Bureau of Land Management (BLM)

Address/Community: Highway 136 at post-mile marker 15.5. The pit is approximately 3.5 miles southeast of the town of Keeler. California State Department of Transportation -District 9(CALTRANS) 500 S. Main St. Bishop, Ca 93514

A.P.N.: 031-010-19

General Plan: State and Federal Lands (SFL)

Zoning: Open Space (OS)

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Mine	State And Federal Land (SFL)	Open Space with a 40 Acre minimum (OS-40)
North	Vacant Public Land	State And Federal Land (SFL)	Open Space with a 40 Acre minimum (OS-40)
East	Vacant Public Land	State And Federal Land (SFL)	Open Space with a 40 Acre minimum (OS-40)
South	Vacant Public Land	State And Federal Land (SFL)	Open Space with a 40 Acre minimum (OS-40)
West	Vacant Land	Natural resources (NR)	Open Space with a 40 Acre minimum (OS-40)

Recommended Action:

- 1.) Certify the Mitigated Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act, prepared for Amendment to Reclamation Plan 96-12/Keeler –MS#300 California Department of Transportation (Caltrans).
- 2.) Make certain Findings with respect to, and approve, Amendment to Reclamation Plan 96-12/Keeler – MS#300 California Department of Transportation (Caltrans).

Alternatives:

- 1.) Deny Amendment to Reclamation Plan 96-12/Keeler – MS#300 Caltrans, thereby not allowing the applicant to update its Reclamation Plan, or move forward with the proposed expansion.
- 2.) Continue the public hearing to a future date, providing specific direction to staff regarding what additional information and analysis is needed.

Project Planner:

Ryan Standridge, Associate Planner

STAFF ANALYSIS

Background and Overview

Project Description

Inyo County Planning Commission approved Reclamation Plan 96-12 Keeler – MS#300 California Department of Transportation in July 1997. The material site was developed by Caltrans as a source of sand and gravel for road maintenance that includes 4.8 acres, with an estimated 120,000 cubic yards material extraction. The material is running low on the site and Caltrans is proposing expanding the mining operations. The proposed expansion will increase the amount of material to be extracted from the site to 300,000 cubic yards, over a 30 to 50-year span, in an 8.1 acre-expansion area. Quaternary alluvial deposits will be the source of sand and gravel. Generally, the material being mined will vary in texture from clayey gravel with sand to poorly graded sand with gravel. Mining will begin northeast of the old pit area and will be completed to a depth no greater than 50 feet. Mining will occur in 4 phases, entailing the creation of a dirt access road and a material extraction pit east and southeast of the existing pit. Four to six inches of topsoil will be relocated to soil berms on the north, south and east edges of the pit. The pit will be graded to ensure storm water containment and a retention basin will be constructed, to manage and contain all storm water. The lower pit will be the operations area for the remainder of the mining activities at the site. Material will be stockpiled, screened, and mixed within the operations area indicated on (Attachment 2). Slopes within the pit will be no steeper than 3:1 (H:V), except for minor cuts where access roads will enter the pit. These road cuts will be gravel, mulched immediately following construction, to minimize erosion. The following setbacks will be maintained during all phases of mining: 300 feet from the highway; 30 foot minimum from the bluffs associated with the two large drainage channels; and, a 30 foot minimum from the edge of the BLM easement. The proposed expansion is substantial which makes this update necessary per the County's Surface Mining and Land Reclamation Ordinance and requires approval by the Planning Commission.

Inyo County Code

Surface Mining and Land Reclamation in Inyo County is governed by Chapter 7.70 of the Inyo County Code which incorporates California's Surface Mining and Reclamation Act of 1975("SMARA", Public Resource Code Section [PRC] 271 et seq. and California Code of Regulations Section 3500 et seq.) The County is the "lead agency"(ref. PRC Section 2728) with

State Mining and Geology Board-certified surface mining and reclamation Ordinance (ref. PRC Section 2774.)

Planning Staff received a comment Letter from the California Department of Mine Reclamation, dated July 27, 2020, in response to the County's request for review of the Mine Reclamation Plan (Attachment 3). DMR staff commented on CCR Section 3503(b) by stating it requires that "Test plots be conducted simultaneously with mining...to ensure successful implementation of the revegetation plan". Caltrans conducted flora surveys on 8/18/2020 to gather data on species richness. The surveys were conducted with a sample set of 50-meter belt transects, one performed in each of the three (undisturbed) newly proposed mining phase areas, and one in a revegetated test plot area, for a total of four transects.

DMR staff also commented on the success criteria being 0.16 percent vegetative cover, but given the sparseness of the vegetative area, it is unclear if it is a quantitative measure of density. The Reclamation Plan was modified to address species richness by adding a table(2.6.1), and the reclamation plan as presented meets SMARA and Inyo County code requirements.

General Plan Consistency

The proposed project is consistent with the County General Plan designation of 'State and Federal Land' (SFL) as the SFL designation allows for Mining uses, under the approval of Bureau of Land Management (BLM) and accompanied by a reclamation plan (REC) approved by Inyo County under a Memorandum of Understanding with the BLM. The County approved the original (REC 96-12) in July 1997 with mining and excavation restricted to an excavation area of approximately 4.8- acres within an overall 84.18-acre parcel. Section 08.4.4 of the General Plan Goals and Policies states: 'protect the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts on the public and the environment'. Caltrans mining currently plays a role in the County's maintenance of highway roads with local production of shale, sand and gravel crushed and screened to various sizes depending on product demand.

Zoning Ordinance Consistency

The proposed project is consistent with the County Zoning Ordinance designation of Open Space (OS) as the OS designation allows mining uses, as a conditional use, or when managed by the Bureau of Land Management with an approved plan of operations. These uses include Mining and processing of natural resources, including borrow pits. The proposed amendment consists of expanding the existing pit that is a continued mining use.

ENVIRONMENTAL REVIEW

Staff prepared a Draft Mitigated Negative Declaration and Initial Study for Amendment to Reclamation Plan 96-12/Keeler –MS#300 California Department of Transportation (Caltrans) and circulated it for a 30-day review and comment (Attachment 4). The review period closed on October 1, 2020. The Initial Study identified several potentially significant impacts: aesthetics, air quality, biological. The applicant provided information addressing these potential impacts and mitigation measures were developed to reduce the potential impacts to a level of insignificance and are included as conditions of approval for the project.

Aesthetics

- The proposed projects location is adjacent to State Scenic Highway-136 and could potentially impact the views from the highway. The mine site is partially visible from very few points along Highway 136. The existing textural contrast of the site is caused by the removal of the course-ground surface layer, and a decrease in the density the vegetation due to vegetation removal. These changes will be moderated by reclamation activities. Revegetation through naturalization and replacement of the course-ground surface rock will integrate the site with the surround area, thereby resulting in a low level of visual change to the characteristic landscape.

Air Quality

- The proposed project anticipates new disturbance of large particle greater than 10 Microns, the applicant will follow best management practices and be subject to Great Basin Unified Air Pollution Control District regulations regarding dust mitigation during operations and shall be required to obtain all necessary permits from Great Basin Unified Air Pollution Control District.

Biological

A Biological Technical Report was prepared by the applicant for the project (Attachment 5). No sensitive species were found during the 1997 or 2019 studies, the applicant proposed conducting focused surveys before disturbance occurs. The focused surveys will be a condition of approval.



Comment, California Department of Fish and Wildlife (CDFW)

CDFW staff commented that the MND does not identify what types of surveys were conducted. CDFW recommends incorporating information from the 2019 surveys into the document to provide a general description of how the surveys were conducted and to summarize survey results. Staff emailed CDFW the biological study that consisted of evaluations through nine-quad focused surveys that utilized the California Department of Fish and Wildlife (CDFW), California Natural Diversity Data Base (CNDDB), California Native Plant Society Online Inventory, U.S. Fish and Wildlife Service (USFWS) Species List, Bureau of Land Management (BLM), Special Status Animal and Plant Species Lists. The Biological technical report(Attachment 5), and MND(Attachment 4) is attached.

CDFW staff commented The MND states that lower elevation desert washes mark the site boundaries to the north and south, but it is unclear if Project activities will impact these washes. Staff emailed CDFW copies of the reclamation plan maps that clearly depict the 30 foot buffer. Caltrans will not be going into the waterways and will be contained with stakes be installed prior to disturbance occurring.

TRIBAL CONSULTATION

Prior to the Environmental review, consultation invitations were sent to the: Twenty Nine Palms Band of Mission Indians; Torres Martinez Desert Cahuilla Indians; Bishop Paiute Tribe; Fort

Independence Indian Community of Paiutes; Big Pine Paiute Tribe of the Owens Valley; Timbisha Shoshone Tribe; and, the Lone Pine Paiute-Shoshone Tribe per Tribal requests.

None of the Tribes requested consultation.

NOTICING

Amendment to Reclamation Plan 96-12/Keeler –MS#300 California Department of Transportation (Caltrans) was noticed in the Inyo Register and sent to all property owners 300-feet of the project, ten days before the Planning Commission Hearing. No public comments have been received to date. □

RECOMMENDATIONS

Planning Department staff recommends the approval of Amendment to Reclamation Plan 96-12/Keeler –MS#300 California Department of Transportation with the following Findings and Conditions of Approval: □

Findings:

Amendment to Reclamation Plan 96-12/Keeler –MS#300 CALTRANS

1. Based upon the Initial Study and all oral and written comments received, adopt the Mitigate Negative Declaration of Environmental Impact and certify that the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: An Initial Study and Draft Mitigated Negative Declaration of Environmental Impact were prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 30-day public comment period ended on October 31, 2020. Staff received 1-comment letter. The issues raised within this letter were addressed in the original Biological studies submitted by Caltrans, Staff emailed California Department of Fish and Wildlife the biological studies and no additional potentially significant environmental impacts from the proposed mining operation were determined in the course of the Initial Study and Draft Mitigated Negative Declaration of Environmental Impact circulation. Based upon the environmental evaluation of the proposed project, the Planning Department finds that the project does not have the potential to create a significant adverse impact on flora or fauna; natural, scenic and historic resources; the local economy; public health, safety, and welfare. This constitutes a Mitigated Negative Finding for the Mandatory Findings required by Section 15065 of the CEQA Guidelines.]
2. The proposed Amendment to Reclamation Plan 96-12/Keeler –MS#300 CALTRANS is consistent with the Inyo County General Plan Land Use designation of State and Federal Land (SFL).
[Evidence: The proposed project is consistent with the County General Plan designation of State and Federal Land (SFL) as the SFL designation allows for Mining uses, under the approval of Bureau of Land Management (BLM) and accompanied by a reclamation plan (REC), approved by Inyo County, under a Memorandum of Understanding with the BLM. The County approved the original (REC 96-12) in July 1997 with mining and excavation restricted to an excavation area of approximately 4.8- acres within an overall 84.18-acre parcel. Section 08.4.4 of the General Plan Goals and Policies states: 'protect

the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts on the public and the environment'. Caltrans mining currently plays a role in the County's maintenance of highway roads with local production of shale, sand and gravel crushed and screened to various sizes depending on product demand. The proposed project expansion offers local production of shale, sand and gravel and is considered a "Mining Use" No conflicts exist with policies and objectives in the other adopted elements of the General Plan.]

3. The proposed Amendment to Reclamation Plan 96-12/Keeler –MS#300 CALTRANS is consistent with the Inyo County Zoning Ordinance, which permits "Mining Uses" as a Conditional Use in the Open Space Zoning District.

[Evidence: The proposed project is consistent with the County Zoning Ordinance designation of Open Space (OS) as the OS designation allows mining uses, as a conditional use, or when managed by the Bureau of Land Management with an approval of a plan of operation. These include Mining and processing of natural resources, including borrow pits. The proposed amendment consists of expanding the existing pit that is a continued mining use.]

4. The proposed Amendment to Reclamation Plan 96-12/Keeler –MS#300 CALTRANS is necessary or desirable.

[Evidence: General Plan Policy ED-4.1-Support the continued operation of existing mining activities within the County as well as new mining in appropriate areas. This project is adding to an existing site and offers an essential public service by providing maintenance of highway roads with local production of shale, sand and gravel; therefore, this is a desirable use.]

5. The proposed Amendment to Reclamation Plan 96-12/Keeler –MS#300 CALTRANS is appropriately related to other uses and transportation and service facilities in the vicinity. □

[Evidence: The proposed expansion is located on an existing site currently used for a Decomposed Granite pit and all of its related uses. The project reduces the vehicle miles traveled by utilizing local resources; therefore, reducing the impact on transportation facilities and having no impact on service facilities.]

6. The proposed Amendment to Reclamation Plan 96-12/Keeler –MS#300 CALTRANS would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.

[Evidence: The proposed expansion is approximately 3.5 miles away from the nearest town. No chemicals will be used on-site or chemical processing, only crushing and screening. There will be no chemical waste or pollution from the mining operation. The applicant shall be subject to the requirements set by the Great Basin Unified Air Pollution Control District during the operation of the site for dust mitigation, and subject to Certified Unified Program Agency requirements specified by the Inyo County Environmental Health Department.]

7. Operating requirements necessitate the Amendment to Reclamation Plan 96-12/Keeler – MS#300 CALTRANS located within the Open Space (OS-40) zoning district.
[Evidence: The proposed amendment is substantial which makes this update necessary per the County's Surface Mining and Land Reclamation Ordinance.]

CONDITIONS OF APPROVAL

Term of Plan and Timing of Reclamation

1. The term of the reclamation plan shall not exceed fifty years from the date of approval, or no later than January 27, 2071. The total amount of usable aggregate and waste material that can be removed from this pit is 300,000 cubic yards. If the 300,000 cubic yards are removed prior to the termination date, reclamation shall proceed within six months of it. The Planning Commission may grant an extension. The applicant must first 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.

Interim Management Plan

2. Throughout the 50-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 cannot occur until an amended reclamation plan is submitted and approved by the Inyo County Planning Commission.

Mapping

3. Caltrans shall provide the County with a contour map with two-foot contours due annually prior to the required yearly SMARA inspection or on the day of the inspection.

Conditions of Mitigated Negative Declaration

4. All conditions outlined in the Mitigated Negative Declaration are hereby considered conditions of this reclamation plan.
5. The 30 foot desert wash buffer stakes must be in place prior to ground disturbance takes place.
6. The focused survey shall be conducted prior to disturbance occurring. Caltrans shall provide a copy of the report to the Lead Agency, BLM, CDFW.

Conditions of Amendment to Reclamation Plan 96-12/Keeler

7. All mining procedures and reclamation outlined in MS#300 Keeler Pit Reclamation plan revised October 27, 2020 shall be recorded by the Planning department upon approval. The recorded copy shall be the official reclamation plan that both the lead agency and operator will follow.

Financial Assurances

8. Financial assurances in the sum of \$43,090.45 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

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

Release of Financial Assurances

10. 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. BLM must be present during final inspection and concur with the Lead Agency that all performance standards have been achieved.

Inyo County Road Department

11. Caltrans shall allow the Inyo County Road Department to remove material from this site. Caltrans shall be responsible for all reclamation requirements, including bonding and reporting. When the 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 taken to Caltrans each calendar quarter.

Compliance with County Code

12. The applicant/Operator shall conform to all applicable provisions of Inyo County Code, County Ordinances, State laws and regulations, and Federal laws and regulations.

Hold Harmless

13. The applicant/operator shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Amendment to Reclamation Plan 96-12/Keeler –MS#300 CALTRANS. The County reserves the right to prepare its own defense.

ATTACHMENTS:

1. Vicinity Map
2. Reclamation Plan Maps
3. DMR Response
4. Mitigated Negative Declaration
5. Biological studies
6. Reclamation Plan

AMENDMENT REC 96-12 CALTRANS KEELER



AMENDMENT REC 96-12 CALTRANS KEELER



Attachment 1

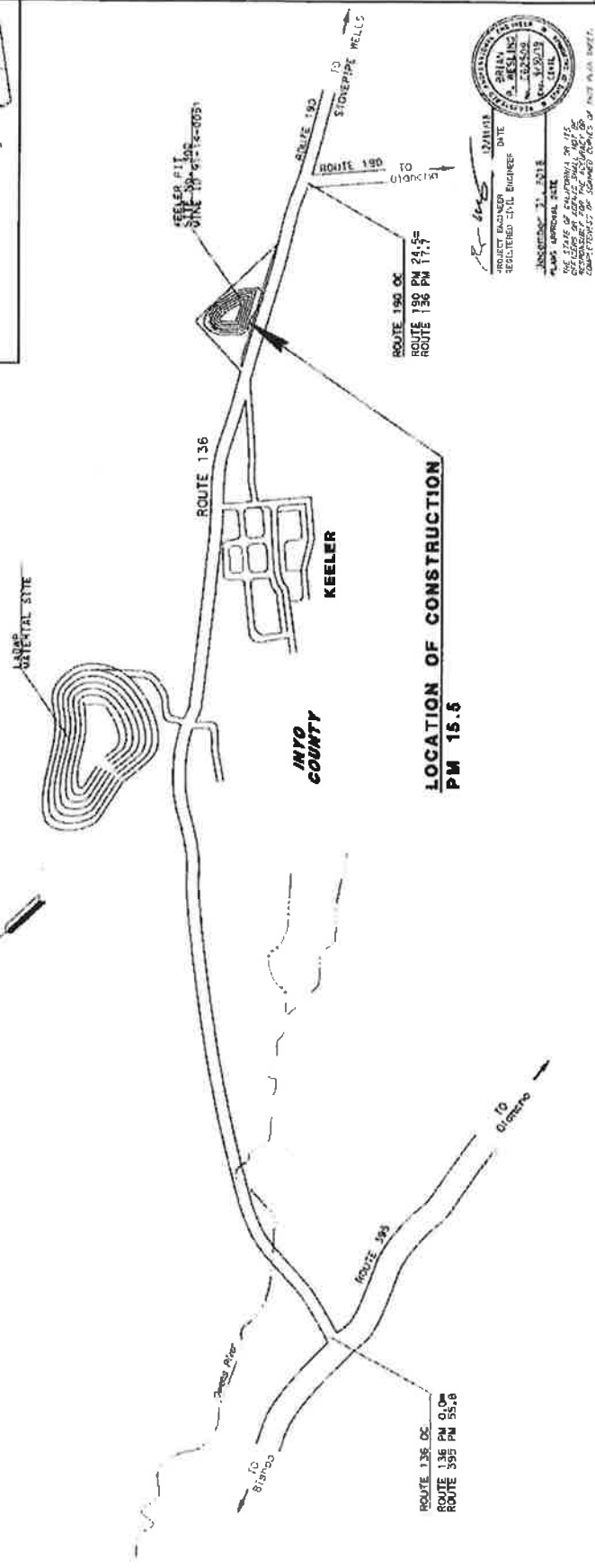
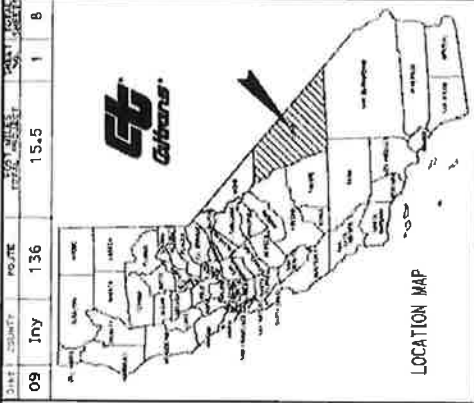
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY

IN INYO COUNTY NEAR OWENS LAKE
 AT 2.6 MILES SOUTHEAST OF THE COMMUNITY OF KEELER
 AT KEELER MATERIAL SITE NO. 300

TO BE SUPPLEMENTED BY STANDARD PLANS DATED 2018

INDEX OF PLANS

SHEET No.	DESCRIPTION
1	TITLE AND LOCATION MAP
2-5	LAYOUT
5-7	CONSTRUCTION DETAILS



DATE PLOTTED = 11/17/2019
 TIME PLOTTED = 10:04:11
 PROJECT ENGINEER
 REGISTERED CIVIL ENGINEER
 PLANS APPROVAL DATE
 11/17/2019
 CONTRACT NO. 08-374004
 PROJECT ID 09180000071

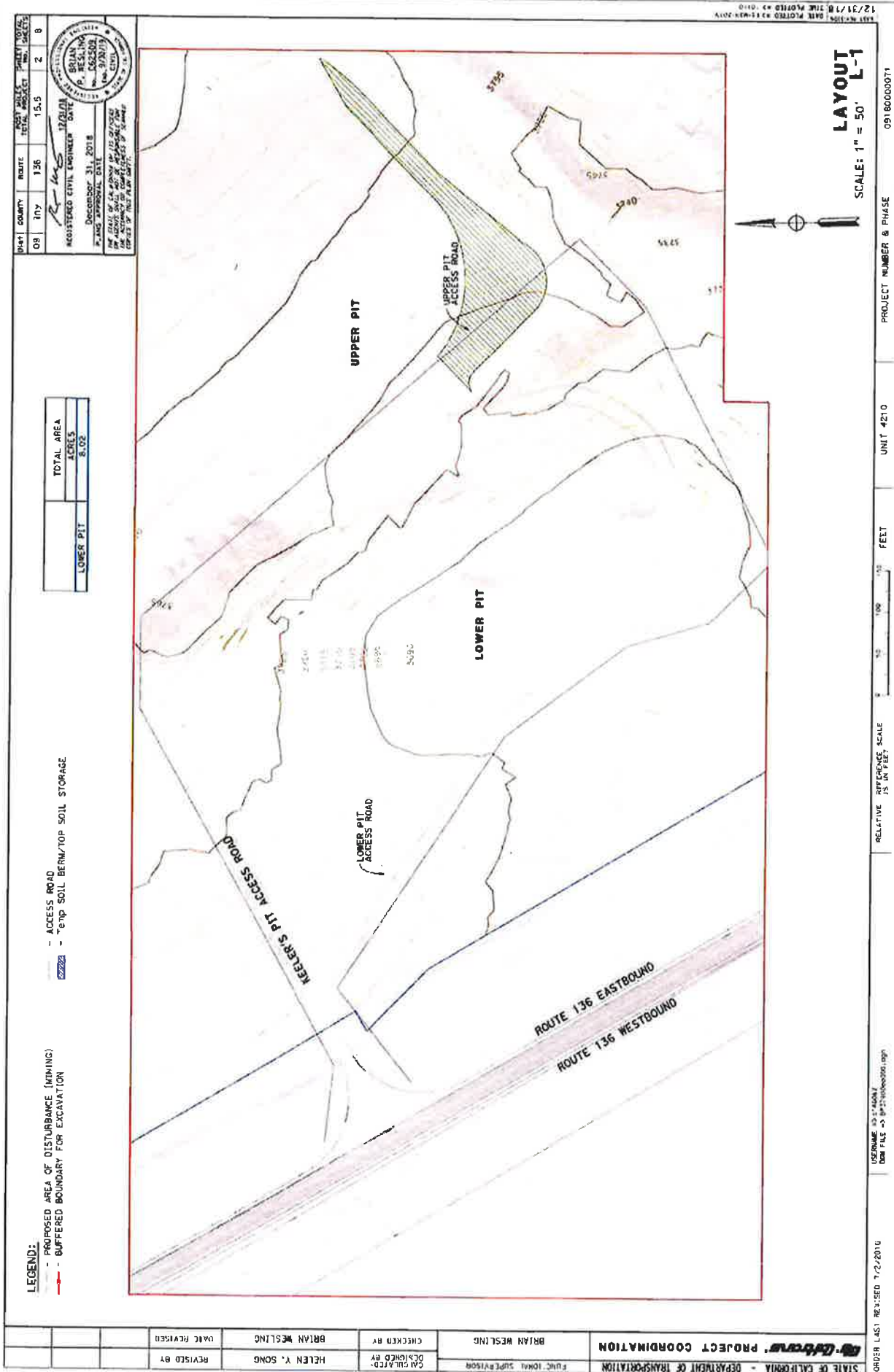
CONTRACT NO.	08-374004
PROJECT ID	09180000071

NO SCALE

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

PROJECT NUMBER	FOREST DECKET
DESIGNER	BRIAN WESTLIM

Attachment 2



Sheet	09	County	Inyo	Route	136	Total Miles	15.5	Sheet No.	2	Total Sheets	8
-------	----	--------	------	-------	-----	-------------	------	-----------	---	--------------	---

REGISTERED CIVIL ENGINEER
 B. WESLEY
 IZODIA
 DATE
 December 31, 2018
 P. HAS APPROVAL DATE
 December 31, 2018
 THE SEAL OF SA. ENGINEER IS VALID FOR THE STATE OF CALIFORNIA FOR THE CATEGORY OF REGISTERED CIVIL ENGINEER. THE SEAL IS VALID FOR THE CATEGORY OF REGISTERED CIVIL ENGINEER. THE SEAL IS VALID FOR THE CATEGORY OF REGISTERED CIVIL ENGINEER.

LOWER PIT	TOTAL AREA
	ACRES
	8.02

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	BRIAN WESLING	CHECKED BY	BRIAN WESLING	DATE RECEIVED
CDOT PROJECT COORDINATION	DESIGNED BY	HELEN Y. SONG	REVISED BY		

Attachment 2

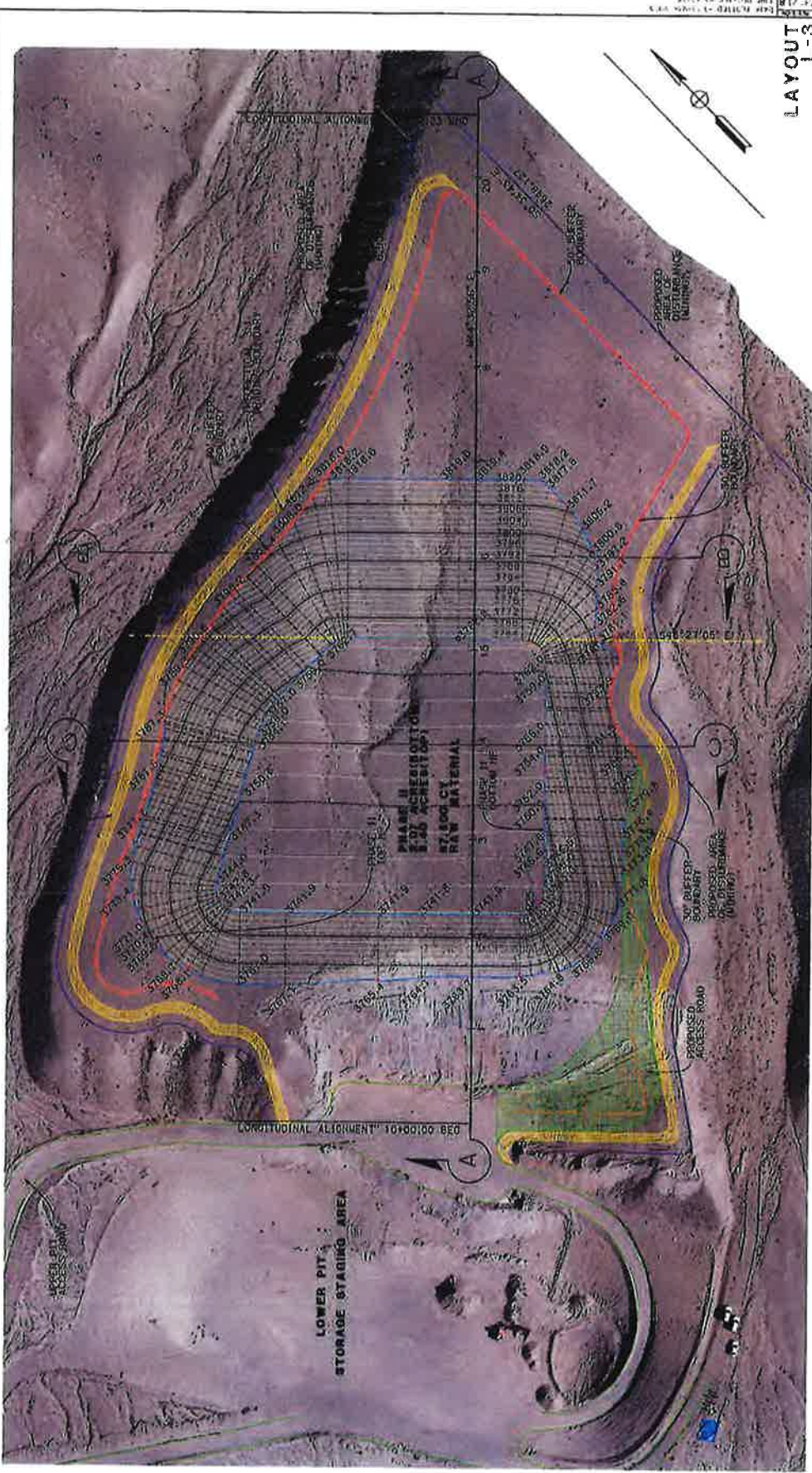
DATE	REVISION	BY	DATE	SHEET NO.	TOTAL SHEETS
12/31/16	1.0	BRUN	12/31/16	4	8

PHASE	AREA (ACRES)	1000 ACRES = 1000000 SQ. FT.	VOLUME (CY)	EXCAVATION DEPTH (FEET)
PHASE I	1.28	1.28	176,100	15
PHASE II	1.33	1.33	67,500	50
PHASE III	2.70	2.70	9,500	40
PHASE IV (FINAL)	4.17	4.17	59,250	27

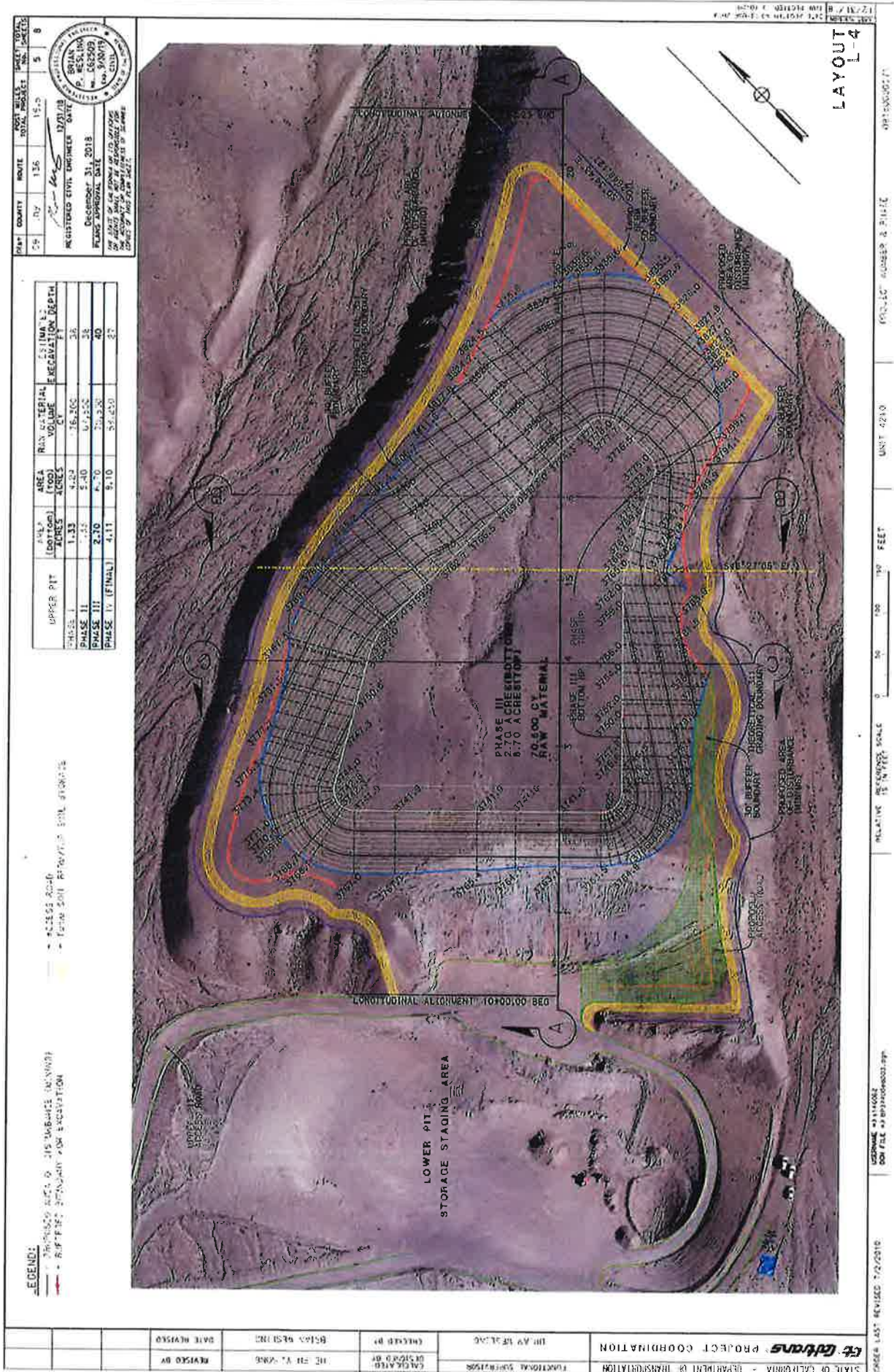
LEGEND:

- PROPOSED AREA OF DISTURBANCE (IMPACT)
- SUBSIDE SCOURING FOR FACULTATION
- 4.000' ROAD AND SOIL BARRIERS ERM. SYSTEMS

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SURVEYS	DATE REVISION	REVISION BY
Et Githans	SHAR WELSH	DATE REVISION	REVISION BY



Attachment 2



UPPER PIT	AREA (TOP)	AREA (BOTTOM)	RAW MATERIAL VOLUME (CY)	ESTIMATED EXCAVATION DEPTH (FEET)
PHASE I	1.33	4.82	16,200	3.6
PHASE II	1.37	5.40	17,200	3.8
PHASE III	2.70	8.70	34,000	4.0
PHASE IV (FINAL)	4.11	9.10	34,400	4.2

COUNTY: BUTTE
 PROJECT: 136
 SHEET TOTAL: 5
 SHEET NO.: 5
 REGISTERED CIVIL ENGINEER: BRIAN P. BISHOP
 LICENSE NO.: 127013
 DATE: DECEMBER 31, 2018
 PLANS APPROVAL DATE: DECEMBER 31, 2018
 THE STATE OF CALIFORNIA
 DIVISION OF INDUSTRIAL RELATIONS
 DIVISION OF INDUSTRIAL RELATIONS
 DIVISION OF INDUSTRIAL RELATIONS

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	PROJECT COORDINATION	DATE REVISION	REVISION BY
DATE REVISION	REVISION BY	DATE REVISION	REVISION BY

LAYOUT L-4

SCALE: 1" = 150' FEET
 UNIT: 4230
 PROJECT NUMBER: 136
 SHEET NO.: 5 OF 5

Attachment 3



California
Department of Conservation
Division of Mine Reclamation

Gavin Newsom, Governor
David Shabazian, Director

July 27, 2020

Ms. Ryan Smith-Standridge
Inyo County Planning Department
168 N Edwards Street
Independence, CA 93526

Sent via email: rstandridge@inyocounty.us

Comments on Proposed Reclamation Plan Amendment Keeler Pit (California Mine ID #91-14-0051)

Dear Ms. Smith-Standridge:

The Department of Conservation's Division of Mine Reclamation (Division) received a Reclamation Plan Amendment (RPA) for the Keeler Pit, submitted by Inyo County (County) on May 26, 2020. The County is the lead agency under the Surface Mining and Reclamation Act of 1975 (SMARA; Public Resources Code (PRC) Section 2710 et seq.). The operator, California State Department of Transportation (Caltrans), is proposing to expand mining activities by an additional 8.1 acres.

The submittal included these documents:

- Revised Keeler Pit Reclamation Plan (July 2019)
- Appendices A-G
- Biological Resource Clearance Memo (Aalbu, May 2019)
- Paleontological Report (Bowers, April 2019)

SMARA statutes (PRC Division 2, Chapter 9, Section 2710 et seq.) and associated regulations (California Code of Regulations [CCR] Title 14, Division 2, Chapter 8, Subchapter 1, Articles 1 and 9) require that specific items be addressed or included in reclamation plans. Prior to approving the amendments to the reclamation plan, please consider the following comments, which were prepared by Division staff pursuant to PRC Section 2772.1(b)(2).

Revegetation Considerations

(Refer to PRC Section 2773 and CCR Sections 3503 and 3705)

Comment 1-

CCR Section 3503(b) requires that "Test plots be conducted simultaneously with mining...to ensure successful implementation of the revegetation plan".

Division staff recommends implementing test plots on site, or provide documentation that similar species, conditions, and/or experienced professional advice waive these requirements.

Attachment 3

Ms. Smith-Standridge
Keeler Pit
July 27, 2020

Comment 2-

CCR Section 3503(m) requires "quantitative measures of vegetative cover, density, and species richness of the reclaimed mined-lands to similar parameters of naturally occurring vegetation in the area. Either baseline data or data from nearby reference areas may be used as the standard for comparison".

The RPA provides success criteria for 0.16 percent vegetative cover (RPA, pg. 32). Given the sparseness of the vegetative area, it is unclear if a quantitative measure of density is appropriate; however, species richness as a measure of success criteria should be included in the revegetation plan to ensure successful revegetation efforts. This information could be included as a plant list or table that specifies which species will be selected for seed collection or depended upon for natural recruitment. Division staff recommends updating the RPA to include this information.

The Division looks forward to the County's response to these comments and 30-day notice of intent to approve the RPA. If you have any questions on these comments, please contact us at (916) 323-9198.

Sincerely,

DocuSigned by:
Carol E. Atkins
73ECCB8738184DA...
Carol E. Atkins,
Manager
Environmental Services Unit

DocuSigned by:
Paul Fry
29D2BE549209418
Paul Fry, PG
Manager
Engineering and Geology Unit

DocuSigned by:
Claire Meehan
7C67E0775504421
Claire Meehan
Restoration Ecologist
Environmental Services Unit

DocuSigned by:
Jacquelynn Moore
29D7BE549209418
Jacquelynn Moore
Engineering Geologist
Engineering and Geology Unit

ec:

Forest Becket, Caltrans; forest.becket@DOT.ca.gov

Attachment 3



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

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning@inyocounty.us

December 22, 2020

California Department of Conservation

Attn: Environmental Services Unit

RE: 30-DAY ADVANCE NOTICE OF INTENT TO APPROVE AMENDMENT TO RECLAMATION PLAN 96-12/KEELER –MS#300 CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS). MINE ID #91-14-0051

Pursuant to Public Resources Code (PRC) Section 2772.1(b)6(A), the County of Inyo is hereby providing advance notice to the Division of Mine Reclamation (DMR) of staff's intent to recommend approval of the Amendment to Reclamation Plan 96-12/Keeler – MS#300 California Department of Transportation (Caltrans). The applicant has applied for an amendment to Reclamation Plan 96-12. The project proposes expanding mining operations at Keeler Pit MS #300 for continued maintenance of dirt shoulders in Inyo County. Approximately 300,000 cubic yards of material will be extracted from the site over a 30 to 50-year span in an 8.1 acre-expansion area. Mining will occur in 4 phases, entailing the creation of a dirt access road and material extraction pit east and southeast of the existing pit. Four to six inches of topsoil will be relocated to soil berms on the north, south and east edges of the pit. The pit will be graded to ensure storm water containment (final slope configuration 3:1 or flatter). All equipment storage and operations will occur within the limits of the existing (lower) pit. A retention basin, to manage and contain all storm water, will be constructed in the lower pit. This aggregate pit is located on BLM land near Owens Lake in Inyo County with a Tax Assessor Parcel Number 031-010-19. County staff is in receipt and concur with DMR's July 27, 2020 letter addressing identified deficiencies to the Reclamation Plan. Caltrans has submitted the requested changes and staff is moving forward with getting the project presented to the Planning Commission for approval. The decision is anticipated to occur on January 27, 2021.

Thank you,

A handwritten signature in blue ink that reads "Ryan Kay Standridge".

Ryan Standridge
Associate Planner/SMARA Coordinator, Inyo County

Attachment 4



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

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning@inyocounty.us

DRAFT MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT **AND INITIAL STUDY**

PROJECT TITLE: Amendment to Reclamation Plan 96-12/Keeler –MS#300 California Department of Transportation (Caltrans).

PROJECT LOCATION: This aggregate pit is located on BLM land near Owens Lake in Inyo County. The pit is adjacent to and east of Highway 136 at post-mile marker 15.5. The pit is approximately 3.5 miles southeast of the town of Keeler. The project site is located on the Keeler, California USGS 7.5' Topographic Map in Township 17 South, Range 38 East, in the eastern 1/2 of Section 15, MDBM (Figure 2). The Tax Assessor Parcel Number (APN) 031-010-19 (please see attached maps).

PROJECT DESCRIPTION: The applicant has applied for an amendment to Reclamation Plan 96-12. The project proposes expanded mining operations at Keeler Pit MS #300 for continued maintenance of dirt shoulders in Inyo County. Approximately 300,000 cubic yards of material will be extracted from the site over a 30 to 50-year span in an 8.1 acre-expansion area. Mining will occur in 4 phases, entailing the creation of a dirt access road and material extraction pit east and southeast of the existing pit. Four to six inches of topsoil will be relocated to soil berms on the north, south and east edges of the pit. The pit will be graded to ensure storm water containment (final slope configuration 3:1 or flatter). All equipment storage and operations will occur within the limits of the existing (lower) pit. A retention basin, to manage and contain all storm water, will be constructed in the lower pit.

FINDINGS:

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

The proposed project is consistent with the County General Plan designation of 'Open Space and State and Federal Land (SFL)' as the SFL designation allows for Mining uses under the approval of Bureau of Land Management accompanied by the reclamation plan(REC) approved by Inyo County under the Memorandum of understanding. The County approved the original (REC 96-12) in July 1997 with mining and excavation restricted to an excavation area of approximately 4.8 acres within an overall 84.18-acre parcel. Section 08.4.4 of the General Plan Goals and Policies states: 'protect the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts on the public and the environment'. Caltrans mining currently plays a role in the County's maintenance of highway roads with local production of shale, sand and gravel crushed and screened to various sizes depending on product demand.

- B. The proposed project is consistent with the provisions of the Inyo County Zoning Ordinance.

The proposed project is consistent with the County Zoning Ordinance designation of 'Open Space (OS)' as the OS designation allows mining uses, as a conditional use or when managed by Bureau of Land Management an approval of a plan of operation. These include Mining and processing of natural resources, including borrow pits. The proposed amendment consists of expanding the existing pit that is a continued mining use.

Attachment 4

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

Based on the proposed amendment to reclamation plan, the project is consistent with the requirements of Chapter 7.70 - Surface Mining and Land Reclamation of the Inyo County Code and will not exceed thresholds of significance individually or cumulatively.

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

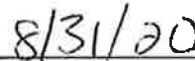
Staff's assessment of the parcel described it as being mostly uniform throughout and comprised of shale, gravel, and sand. The site's vegetation is sparse and no special status species were found during the survey. Most of the site is undisturbed except for the disturbances due to the existing mining operations, which border the southernmost end of the project site and include unpaved roads, and pit.

The 30-day public & State agency review period for this Draft Mitigated Negative Declaration will expire on October 1, 2020. 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 if you have any questions regarding this project.



Cathreen Richards
Director, Inyo County Planning Department



Date

Attachment 4

INYO COUNTY PLANNING DEPARTMENT

CEQA APPENDIX G: INITIAL STUDY & ENVIRONMENTAL CHECKLIST FORM

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

Attachment 4

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

- a) the significance criteria or threshold, if any, used to evaluate each question; and
- b) the mitigation measure identified, if any, to reduce the impact to less than significance issues.

Attachment 4



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

Phone: (760) 878-0263
FAK: (760) 872-2712
E-Mail: inyoPlanning@inyocounty.us

INYO COUNTY PLANNING DEPARTMENT

APPENDIX G: CEQA INITIAL STUDY & ENVIRONMENTAL CHECKLIST FORM

1. **Project title:** Amendment to Reclamation Plan 96-12/Keeler -MS#300 California Department of Transportation (Caltrans).
2. **Lead agency name and address:** Inyo County Planning Department, P.O. Box L Independence, Ca 93526
3. **Contact person and phone number:** Ryan Standridge, Associate Planner, (760) 878-0405
4. **Project location:** This aggregate pit is located on BLM land near Owens Lake in Inyo County. The pit is adjacent to and east of Highway 136 at post-mile marker 15.5. The pit is approximately 3.5 miles southeast of the town of Keeler. The project site is located on the Keeler, California USGS 7.5' Topographic Map in Township 17 South, Range 38 East, in the eastern 1/2 of Section 15, MDBM (Figure 2). The Tax Assessor Parcel Number (APN) 031-010-19 (please see attached maps).
5. **Project sponsor's name and address:** California State Department of Transportation -District 9(CALTRANS) 500 S. Main St. Bishop, Ca 93514
6. **General Plan designation:** State and Federal Lands (SFL)
7. **Zoning:** Open Space (OS)
8. **Description of project:** The applicant has applied for an amendment to Reclamation Plan 96-12. The Project proposes expanded mining operations at Keeler Pit MS #300 for continued maintenance of dirt shoulders in Inyo County. Approximately 300,000 cubic yards of material will be extracted from the site over a 30 to 50-year span, in an 8.1 acre-expansion area. Mining will occur in 4 phases, entailing the creation of a dirt access road and material extraction pit east and southeast of the existing pit. Four to six inches of topsoil will be relocated to soil berms on the north, south and east edges of the pit. The pit will be graded to ensure storm water containment (final slope configuration 3:1 or flatter). All equipment storage and operations will occur within the limits of the existing (lower) pit. A retention basin, to manage and contain all storm water, will be constructed in the lower pit.
9. **Surrounding land uses and setting:** The Property is surrounded by Vacant Public lands.

Location:	Use:	Gen. Plan Designation	Zoning
Site	Mine	State And Federal Land (SFL)	Open Space with a 40 Acre minimum (OS-40)

Attachment 4

North	Vacant Public Land	State And Federal Land (SFL)	Open Space with a 40 Acre minimum (OS-40)
East	Vacant Public Land	State And Federal Land (SFL)	Open Space with a 40 Acre minimum (OS-40)
South	Vacant Public Land	State And Federal Land (SFL)	Open Space with a 40 Acre minimum (OS-40)
West	Vacant Land	Natural resources (NR)	Open Space with a 40 Acre minimum (OS-40)

10. Other public agencies whose approval is required: Department of Conservation, California Department Fish and Wildlife, Bureau of Land Management.

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

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

Inyo County started the 30-day Consultation according to Public Resource code section 21080.31. by sending out a certified written notice that described the project and location. The tribes notified are as follows: Big Pine Tribe of Owens Valley, Bishop Paiute Tribe, Fort Independence Indian Community of Paiutes, Lone Pine Paiutes-Shoshone Tribe, Timbisha Shoshone tribe, Twenty-Nine Palms Band of Mission Indians, Cabazon Band of Indians. As of August 27, 2020, there has been no request formal request for a consultation submitted to the Planning Director.

Attachment 4

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:


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

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

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Ryan Standridge, Assistant Planner
Inyo County Planning Department

_____ Date

Attachment 4

INYO COUNTY PLANNING DEPARTMENT ENVIRONMENTAL CHECKLIST FORM

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

I. AESTHETICS -- Would the project:

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

No, the mine site is partially visible from very few points along Highway 136. The existing textural contrast of the site is caused by the removal of the course ground-surface layer, and a decrease in the density the vegetation due to vegetation removal. These changes will be moderated by reclamation activities. Revegetation through naturalization and replacement of the course ground-surface faction will integrate the site with the surround area, thereby resulting in a low level of visual change to the characteristic landscape.

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

No, the proposed expansion will not damage scenic resources; there are no nearby trees rock outcroppings or historic buildings in the general area.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

No, the mine site will not substantially degrade the visual character as it is partially visible from very few points along Highway 136. The existing textural contrast of the site is caused by removal of the course ground-surface layer, and a decrease in the density of the vegetation due to vegetation removal. Reclamation activities will moderate these changes. Revegetation through naturalization und replacement of the course ground-surface faction will integrate the site with the surrounding area, thereby resulting in a low level of visual change to the characteristic landscape.

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

No, the proposed expansion will not create a new source of substantial light or glare as site operations are conducted during daylight.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including The Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology Provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

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

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

No, the proposed expansion will not be located on farmland.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed expansion will not be located on land zoned for agriculture. There are no Williamson Act contracts in Inyo County.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed expansion will not be located on forested land.

d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed expansion will not be located on forested land.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed location will not cause changes to the surrounding environment that could result in any losses to farmland or agricultural uses.

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

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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No, although there are portions of Inyo County within non-attainment areas for Federal and State PM10 (particulate matter 10 microns or less in diameter) ambient air quality standards, the primary source for this pollution is the Owens dry lake, located approximately 4.7-miles from the project site. The proposed project anticipates new disturbance of large particle greater than 10 Microns. The applicant will be subject to Great Basin Unified Air Pollution Control District regulations regarding dust mitigation during operation and shall be required to obtain all necessary permits from Great Basin Unified Air Pollution Control District.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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No, the proposed expansion area is not located in a National Marine Fisheries Service (NMFS) and does not include any riparian habitat. Also, no impacts to riparian habitat will occur due to the proposed activities.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed expansion area is not located in a National Marine Fisheries Service (NMFS) and does not include any riparian habitat. Also, no impacts to riparian habitat will occur due to the proposed activities

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, a biological study was completed in the project area. It determined that the level of disturbance from the existing mining operations and the general lack of suitable habitat within the immediate project vicinity, results in no interference with any native resident, migratory fish, or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project site will not affect trees or other biological resources. Also, Inyo County does not have a tree preservation policy or ordinance.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project site is not located on or near a conservation area and will not affect an adopted habitat conservation plan, Natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, the original Plan (RP 96-12) was approved by the County in July 1997. An archaeological investigation was conducted in 1992 for approximately 100 Acres of land surrounding the site and again May of 2019 and both reports determined that there are no resources that would be defined per 15064.5. In the unlikely event a historical resource is found during mining activities, a condition is included that work will stop until the resource can be evaluated.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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No, an archaeological investigation was conducted in 1992 for approximately 100 Acres of land surrounding the site and again May of 2019 and both reports determined that there are no significant resources that would be defined per 15064.5. In the unlikely event a historical resource is found during mining activities, a condition is included that work will be stopped until the resource can be evaluated.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, an archaeological investigation was conducted in 1992 for approximately 100 acres of land surrounding the site and again in May 2019 and both reports determined that there are no resources that would be defined per 15064.5. In the unlikely event a historical resource is found during mining activities, a condition is included that work will stop until the resource can be evaluated. In the event that human remains or related cultural materials are encountered, Section 15064.5(e) of CEQA requires work to be stopped, and the County Coroner notified in accordance with California Health and Safety Code 7050.5. In the unlikely event human remains are found during mining activities, work will be stopped until the resource can be evaluated and appropriately handled per Chapter 9.52 of the Inyo County Code - Disturbance of Archaeological, Paleontological and Historical Features.

VI. ENERGY: Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the site does not have buildings or power poles that require consumption of electricity therefore the proposed expansion area does not impact the consumption of energy resources during operations.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, the expansion does not obstruct state or local renewable energy plans but the project site is located in a local renewable energy overlay. The proposed expansion only utilizes approximately twenty five percent of the parcel leaving the remaining seventy five percent on the west side available. However, the parcel is regulated by BLM.

VII. GEOLOGY AND SOILS: Would the project:

a) Directly or indirectly cause substantial adverse effects, including the risk of loss injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				

No, the project area is not located within an Alquist-Priolo Earthquake Fault Zone.

ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Ground shaking may occur anywhere in the region, due to numerous earthquake faults, regardless of whether the project site is within an identified Alquist-Priolo zone or not. However, the Uniform Building Code ensures that future structures shall be constructed to required seismic standards (Level IV) to withstand such shaking, so this potential impact is considered less than significant.

iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<i>No, the project area is not within an area of soils known to be subject to liquefaction.</i>				
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the project area is not subject to landslides.</i>				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>No, the approved RP96-12 project site is required to conform to all drainage, grading, and "Best Management Practice (BMP)" requirements as set forth by the Inyo County Public Works Department, Inyo County of Inyo Environmental Health Services Department, and other associated regulatory agencies will be written into the Conditions of Approval for the Reclamation Plan Amendment. As a result of this regulation, potential impacts are considered less than significant.</i>				
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the project is not located on a geologic unit or soil that is considered unstable.</i>				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the project is not located on a geologic unit or soil that is considered expansive.</i>				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the site does not have water or septic on site. The project will also will not create additional waste.</i>				
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>No, the proposed expansion of mining activities will not be located on or near any unique paleontological resources.</i>				
<u>VIII. GREENHOUSE GAS EMISSIONS:</u> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>No, all equipment used at mining site meet California's CO2 emission requirements. No portable generators are used on-site.</i>				
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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No, all equipment used at mining site meet California's CO2 emission requirements. No portable generators are used on-site.

IX. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, Chemicals are not used on-site; no chemical processing occurs on-site only crushing and screening. There will be no chemical waste or pollution from the mining operation.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, Equipment and vehicle maintenance is conducted in a separate location in a shop building on concrete floors. Maintenance and refueling comply with all rules and regulations implementing proper fueling procedures, fuel, and waste oil storage, and spill control measures and employee training per Cal Trans Emergency Response Plans and Procedures on file with the Inyo County Environmental Health Services (EHS). EHS is the Certified Unified Program Agency (CUPA) that oversees hazardous materials storage, use, generation, and disposal. EHS will continue to permit the project.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project site is not within 1/4-mile of a school.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project location is neither within an airport land use plan nor within 2-miles of a public/public-use airport. The nearest town is 3.5 miles away and will not result in a safety hazard for people residing or working in Keeler.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project will not interfere with the implementation of an adopted emergency plan.

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| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires,? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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No, the proposed project location is not adjacent to any urbanized area and the surrounding area is BLM and DWP managed vacant land composed of shale, gravels, and sands.

X. HYDROLOGY AND WATER QUALITY: Would the project:

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| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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No, water is supplied from the Cal Trans Independence Maintenance shop. Non-potable water is pumped into a water truck that is used for wetting down material and roads during mining activities. It is not anticipated that there will be any excess water from the wetting-down procedure as the sprayed water is absorbed by loose materials, or by the porous surface, or evaporates; therefore, no recycling is required or planned. Bottled water is provided for employees.

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| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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No, water is supplied from the Independence Maintenance shop.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

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| i) result in a substantial erosion or siltation on- or off-site; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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No, the project site is composed of shale, gravels and sands. This material is very porous and there are no drainages or impervious surfaces on-site. Erosion is not a concern on-site. The mining site is required to conform to all drainage, grading, and "Best Management Practice" (BMP) requirements as set forth by the Inyo County Public Works Department, Inyo County of Inyo Environmental Health Services Department, and other associated regulatory agencies. As a result of this regulation, potential impacts are considered less than significant

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| ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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No, the project site is composed of shale, gravels and sands. This material is very porous and there are no drainages or impervious surfaces on-site. Erosion is not a concern on-site. The mining site is required to conform to all drainage, grading, and "Best Management Practice" (BMP) requirements as set forth by the Inyo County Public Works Department, Inyo County of Inyo Environmental Health Services Department, and other associated regulatory agencies. As a result of this regulation, potential impacts are considered less than significant

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| iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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No, the project site is composed of shale, gravels and sands. This material is very porous and there are no drainages or impervious surfaces on-site. Erosion is not an issue on-site.

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iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>No, no drainages or other water features were identified within the project site that would meet the definition of waters of the U.S. per the Clean Water Act. The project site is near an alluvial drainage to the North and Southside of the project area. The parallel unnamed alluvial drainage are entirely outside (to the North and South) of the proposed project site.</i></p>				

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is in a minimal flood hazard area not known to be prone to seiche, tsunami or mudflows.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project site is composed of shale, gravels and sands. This material is very porous and there are no drainages or impervious surfaces on-site that cause the degrading of water quality.

XI. LAND USE AND PLANNING: Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project borders vacant land owned by BLM, and DWP; therefore, will not divide a community.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The proposed project is consistent with the County Zoning Ordinance designation of 'Open Space (OS). The OS designation allows mining use approved by the Bureau of Land Management accompanied by the reclamation plan approved by Inyo County under the Memorandum of understanding. Mining uses (Inyo County Code, Title 18, Section 18.12.040 J). These include mining and processing of natural resources, including borrow pits. The proposed amendment consists of expanding the existing Keeler pit that is a continued mining use. The General Plan includes a policy that protects the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts of this use on the public and the environment.

XII. MINERAL RESOURCES: Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, this project is the mining of a mineral; however, this mineral is in abundance in the area and mining this small deposit will not deplete the mineral resource. The Inyo County General Plan encourages such mining. The impact to this resource is minimal considering the significant quantities of it available within Inyo County.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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No, the project will have no impact on the resource.

XIII. NOISE: Would the project result in the:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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or applicable standards of other agencies?

No, although there may be some noise during operation, it will not increase the level of ambient noise in the project area above its current level, as it will continue to use the pit walls and berm to keep noise from carrying.

b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, although the mining operation requires the use of heavy construction equipment the nearest town is approximately 3.5 miles away.

c) For a project located within the vicinity of a private airstrip or, an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is not located within an airport land use plan and is not within 2-miles of a public or public use airport.

XIV. POPULATION AND HOUSING: Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is to expand mining. It does not include housing and is not an infrastructure improvement that would cause a population increase.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is expansion of mining that will not result in a loss of housing units or result in the displacement of people.

XV. PUBLIC SERVICES: Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is an expansion of mining of shale, sands and gravel. It will not cause a high demand for additional services that could result in an overall loss in service provision.

Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is expansion of mining and is located within the jurisdiction of the Inyo County Sheriff. It will not cause high demand for additional services that could result in an overall loss in service provision.

Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is an expansion of mining and is located within the Lone Pine Unified School District. It will not cause a high demand for additional services that could result in an overall loss in service provision.

Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is an expansion of mining. It will not cause a need for new or improved park facilities.

Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is an expansion of mining. It will not cause a need for new or improved public facilities.

XVI. RECREATION: Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is an expansion of mining. It will not cause an increase of use to park and recreation facilities.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is an expansion of mining. It does not include plans for new or an expansion of recreational facilities.

XVII. TRANSPORTATION:

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is an expansion of a mining site. It will have no impact on adopted transportation plans, policies or programs.

b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is consistent with CEQA Guidelines § 15064.3, subdivision (b). Caltrans's proposed expansion reduces the vehicle miles traveled by utilizing local resources with an average of 30 miles traveled versus a commercial material site with an average of 80 miles.

c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is an expansion of mining activities with a site enclosed by a berm with a gate. It will not cause a need for any changes to the roads in the area.

d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project is an expansion of a mining site. It will not create losses of emergency access.

XVIII. TRIBAL CULTURAL RESOURCES: Would the project:

Attachment 4

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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a) cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project site is not on Tribal lands and the project, an expansion of mining activities, consists of cinder sand and the site is completely devoid of vegetation. There are no known historical resources as defined in Section 15064.5 on the site.

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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No, the proposed expansion of mining activities will not be located on Tribal land nor are there any known historical or cultural resources as defined in Section 15064.5 on the site. If cultural resources are discovered in the project area, work will be stopped and a local Tribal representative will be consulted with to determine the significance of the finding and the proper handling of the resource will be written into the Conditions of Approval for the permit.

XIX UTILITIES AND SERVICE SYSTEMS: Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, all storm water received at this site will be contained on site or diverted into existing drainage channels and will not require new or an expansion of existing storm water drainage facilities.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Yes, the project is an expansion of mining site water use on-site is utilized to minimize dust generation. Water is supplied from the Independence Maintenance shop as needed and kept in a water truck on site.

c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the proposed project will not be serviced by a wastewater treatment facility.

d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Attachment 4

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
the attainment of solid waste reduction goals?				
<i>No, the project is served by a county landfill that has the capacity to accommodate the project's solid waste disposal needs. All refuse is disposed of according to State and County regulation.</i>				

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Yes, the applicant will be required to comply with federal, state and local statutes and regulations related to solid waste.

XX. WILDFIRE:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project will not interfere with the implementation of an adopted emergency plan.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project site is comprised of shale, gravel, sand and the site's vegetation is sparse reduces the risk of wildfire.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project site is comprised of shale, gravel, sand and the site's vegetation is sparse with no structures that exacerbate fire risk.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No, the project site is approximately 3.5 miles from Keeler and does not expose people or structures to significant risks.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Based on the information submitted by the applicant, the project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The applicant had biological, and cultural studies prepared that found no significant impacts. Upon completion of mining activities, the site will be open space/habitat and will be resurfaced to blend in with the surrounding areas except the lower portion of the pit. It will remain available for stockpiling of natural materials, and be utilized as a staging area.

b) Does the project have impacts that are individually	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Attachment 4

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

The proposed expansion is located in a remote location and none of the impacts of this project will be cumulatively considerable.

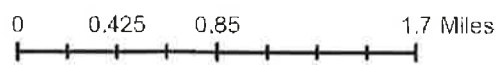
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No, public access to the site will be restricted by a locked access gates to the mine site. The reclaimed 3H:1V slopes will be of sufficient low gradient as not to cause a hazard to public safety if the public illegally trespasses onto the site past the gate and signs

Attachment 4

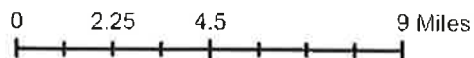
Attachment 4

AMENDMENT REC 96-12 CALTRANS KEELER



Attachment 4

AMENDMENT REC 96-12 CALTRANS KEELER



Attachment 5

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Memorandum

*Making Conservation
a California Way of Life.*

To: Ben Downard
Environmental Coordinator
Local Assistance/Non-Cap Environmental
District 9

Date: May 17, 2019
File: D9/ INYO 136/ PM
15.5/ EA 09-37400
Keeler Pit Expansion/
Material Site #300

From: DEPARTMENT OF TRANSPORTATION- District 9
Dannique Aalbu
Environmental Planner/Biologist
District 9- Environmental

Subject: **BIOLOGICAL RESOURCES CLEARANCE MEMO**

Project Description:

The Keeler Pit Expansion (MS) #300 (Project) is located at Post Mile 15.5, approximately 2.5 miles (mi) southeast of the community of Keeler near the junction of State Route 136 and State Route 190, Inyo County, California. The California Department of Transportation (Caltrans) has an existing highway easement deed on the Bureau of Land Management (BLM) land for shale mining. The Project proposes expanded mining operations at Keeler Pit MS #300 for continued maintenance of dirt shoulders in Inyo County.

Approximately 300,000 cubic yards of material will be extracted from the site over a 30 to 50-year span, in an 8.1 acre-expansion area. Mining will occur in 4 phases, entailing the creation of a dirt access road and material extraction pit east and southeast of the existing pit. Four to six inches of topsoil will be relocated to soil berms on the north, south and east edges of the pit. The pit will be graded to ensure stormwater containment (final slope configuration 3:1 or flatter). All equipment storage and operations will occur within the limits of the existing (lower) pit. A retention basin, to manage and contain all stormwater, will be constructed in the lower pit.

General operations for the Project include:

- Boundary staking
- Access road construction (along southwest border of site)
- Berm construction using 6 inches of topsoil
- Grading
- Material extraction
- Stockpiling of natural materials (i.e. dirt and rock)
- Reclamation (end of Phase 4)

Mobile and/or stationary equipment stored and operated for the Project include:

- Graders
- Dozers
- Loaders
- Sorting grizzlies

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➤ Excavators

Anticipated provisions to maintain environmental compliance include:

- Berm creation and grading for management of stormwater

Project Setting:

The Project is located at the southern end of Owens River Valley on an upland mesa/bluff, at an elevation range of 1100- 1200 meters (m), with lower elevation desert washes marking the site boundaries to the north and south. A minimum 30-foot offset boundary will be demarcated with metal stakes to buffer the edge of the bluff and provide a visual cue for excavation activities. The adjacent washes have cliffside crevasses and Creosote bush (*Larrea tridentate*) and may provide habitat for sensitive species.

Common plant species at the Project site include: Mojave cleomella (*Cleomella obtusifolia*), desert holly saltbush (*Atriplex hymenelytra*), Annual psathyrotes (*Psathyrotes annua*), velvet turtleback (*Psathyrotes ramosissima*), pebble pincushion (*Chaenactis carphoclitia*), devel's spineflower (*Chorizanthe rigida*), broad-leaf gilia (*Aliciella latifolia*), buckwheat species (*Enogonum sp.*), wire lettuce (*Stephanomeria pauciflora*), yellow cups (*Camissonia brevipes*), desert pepperweed (*Lepidium fremontii*), white bursage (*Ambrosia dumosa*), Anderson's desert thorn (*Lycium andersonii*), scale bud (*Anisocoma acaulis*), Fiddleleaf species (*Nama sp.*), and Primrose species (*Camissonia sp.*); prickly Russian thistle (*Salsola tragus*), an invasive species, is also present. Overall vegetation cover at the site is less than 10 percent.

Wildlife species observed in the area include: rock wren (*Salpinctes obsoletus*), common raven (*Corvus corax*), side-blotched lizard (*Uta stansburiana*), zebra-tailed lizard (*Callisaurus draconoides*), painted lady butterfly (*Vanessa cardui*) and cabbage white butterfly (*Pieris rapae*).

Quad (s): Keeler

Methods Used (Species Lists Attached):

California Department of Fish and Wildlife (CDFW), California Natural Diversity Data Base (CNDDDB)

California Native Plant Society Online Inventory

U.S. Fish and Wildlife Service (USFWS) Species List

Bureau of Land Management (BLM), Special Status Animal and Plant Species Lists

Survey Completion Date(s):

- Focused surveys for activities covered under this biological clearance memo:
 - Rare plant survey, May 9, 2019
 - General wildlife survey, May 9, 2019
- Nesting bird survey(s) (NBS) is/are required prior to ground disturbing activities
- Additional focused surveyed are required prior to each phase of the Project

Resources Evaluated: See table below. Special-status species evaluated using a nine-quad search.

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Common Name Scientific Name	Status (rank or other listing status)	Habitat Description	Elevation Range (m)	Habitat Present (Y) or Absent (N)	Rationale
Communities					
Active Desert Dunes	CDFW Ranked Community	Active desert dunes		N	Present in nine-quad search, but no active dune communities present at site
Plants					
Ripley's aliciella <i>Aliciella ripleyi</i>		Limestone Cliffs, Mojave Desert scrub	305 - 1955	Y	No individuals observed during field surveys in May 2019; nearest record (CNPS) 11 mi NE in Nelson Range at 1130 m
Darwin Mesa milk-vetch <i>Astragalus atratus</i> var. <i>mensanus</i>	28.3	volcanic clay, gravelly; Great Basin scrub; Joshua tree woodland; Pinyon and juniper woodland	1320 - 2315	N	No habitat present – out of elevation range
inflated cima milk-vetch <i>Astragalus cimae</i> var. <i>sufflatus</i>	18.1	Carbonate, rocky; Great Basin scrub; Pinyon and Juniper woodland	1500 - 2075	N	No habitat present – out of elevation range
Fish Slough milk-vetch <i>Astragalus lentiginosus</i> var. <i>piscinensis</i>	18.3	Playas (alkaline)	1130 - 1300	N	No habitat present; no documented occurrences (CNPS) near site
curved-pod milk-vetch <i>Astragalus mohavensis</i> var. <i>hemigyvus</i>	FT	Carbonate; Joshua tree woodland; Mojave Desert scrub	1250 - 1620	N	No habitat present – out of elevation range
Shockley's milk-vetch <i>Astragalus serenoi</i> var. <i>shockleyi</i>	18.1	Alkaline, granite alluvium; Chenopod scrub; Great Basin Scrub; Pinyon and Juniper woodland	1500 - 2320	N	No habitat present – out of elevation range
Tidestrom's milk-vetch <i>Astragalus tidestromii</i>	28.2	carbonate, sandy or gravelly; Mojave Desert scrub	600 - 1785	Y	No individuals observed during field surveys in May 2019; nearest record (CNPS) 12 mi SE off Saline Valley Road at 1540 m
King's eyelash grass <i>Blepharidachne kingii</i>	28.2	Great Basin scrub	1065 - 2135	Y	No individuals observed during field surveys in May 2019; nearest record (CNPS) 13.5 mi SE at Talk City Hills at 1620 m
Lincoln rockcress <i>Boechera lincolnensis</i>	28.3	carbonate; Mojave Desert scrub	1100 - 2705	Y	No individuals observed during field surveys in May 2019; nearest record (CNPS) 10 mi NE in San Lucas Canyon at 1750 m
Inyo mariposa <i>Calochortus excavatus</i>	28.3; BLM_S BLM_S	alkaline, mesic. Chenopod scrub. Meadows and seeps	1150-2000	N	No habitat present; wet areas only

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Panamint rock-goldenrod <i>Cunulotinus gramineus</i>	2B.3	Carbonate, rocky; Pinyon and Juniper woodland; subalpine coniferous forest	2040 – 2900	N	No habitat present – out of elevation range
Sanidle cymopterus <i>Cymopterus ripleyi</i> var. <i>saniculoides</i>	1B.2	Gravelly, sandy, carbonate; Mojave Desert scrub	1000 - 1600	Y	No individuals observed during field surveys in May 2019; nearest record (CNPS) 11.5 mi SW in wash at 1150m
Parry's monkeyflower <i>Diplacus parryi</i>	2B.3	Great Basin scrub	1200 - 2600	N	No habitat present – out of elevation range
bald daisy <i>Erigeron calvus</i>	1B.1	Great Basin scrub	unknown	Y	No individuals observed during field surveys in May 2019; nearest record (CNPS) 9 mi NW near Dolomite at 1170 m
limestone daisy <i>Erigeron uncialis</i> var. <i>uncialis</i>	1B.2	Carbonate; Great Basin scrub; Pinyon and juniper woodland; subalpine coniferous forest	1900 – 2900	N	No habitat present – out of elevation range
Alexander's buckwheat <i>Eriogonum alexanderiae</i>	BLM_S	shale or gravelly; Great Basin scrub; pinyon and juniper woodland	unknown	N	Presumably out of elevation range (only 2 instances record are at high elevation); no occurrences (CNPS) near site
Wildrose Canyon buckwheat <i>Eriogonum eremicola</i>	1B.3	sandy or gravelly; Pinyon and Juniper woodland; upper montane coniferous forest	2200 – 3100	N	No habitat present – out of elevation range
Pinyon Mesa buckwheat <i>Eriogonum mensicola</i>	1B.3	Rocky or gravelly; Great Basin scrub; Pinyon and Juniper woodland; upper montane coniferous forest	1800 – 2805	N	No habitat present – out of elevation range
Panamint Mountains buckwheat <i>Eriogonum microthecum</i> var. <i>panamintense</i>	1B.3	Rocky; Pinyon and Juniper woodland; subalpine coniferous forest	1890 - 3250	N	No habitat present – out of elevation range
Limestone monkeyflower <i>Erythranthe calicicola</i>	1B.3	carbonate; talus slope; Mojave Desert scrub; woodland	915 - 2165	Y	No individuals observed during field surveys in May 2019; nearest record (CNPS) 7 mi NE near Cerro Gordo Peak at 2670 m
Jaeger's hesperidanthus <i>Hesperidanthus jaegeri</i>	1B.2	carbonate, rocky; Great Basin scrub; Pinyon and juniper woodland; Subalpine coniferous forest	2135 - 2800	N	No habitat present – out of elevation range
Alkali ivesia <i>Ivesia kingii</i> var. <i>kingii</i>	BLM_S	mesic, alkaline, clay. Great Basin scrub. Meadows and seeps. Playas	1200 – 2130	N	No habitat present – out of elevation range
Sagebrush loeflingia <i>Loeflingia squarrosa</i> var. <i>artemisiarum</i>	BLM_S	Sandy; desert dunes. Great Basin scrub. Sonoran Desert scrub	700 - 1615	N	No individuals observed during field surveys in May 2019; nearest record (CNPS) approximately 50 mi N at 1470 m
Panamint Mountains lupine <i>Lupinus magnificus</i> var. <i>magnificus</i>	1B.2	Great Basin scrub; upper montane coniferous forest	1260 – 1830	N	No habitat present – out of elevation range

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Species	BLM/USFWS Code	Habitat	Elevation Range	Recorded	Notes
intermontane lupine <i>Lupinus pusillus</i> var. <i>intermontanus</i>	2B.3	Great basin scrub (sandy)	1220 - 2060	N	No habitat present – out of elevation range
Inyo blazing star <i>Menziesia inyoensis</i>	BLM_S	rocky, sometimes carbonate. Great Basin scrub. Pinyon and juniper woodland	1858 - 1980	N	No habitat present – out of elevation range
Watson's oxeye <i>Oxytheca watsonii</i>	2B.2	Sandy; Joshua tree woodland; Mojave Desert scrub	1200 - 2000	N	No habitat present – out of elevation range
Amargosa bearclaw <i>Penstemon fruticiformis</i> var. <i>amargosae</i>	1B.3	Mojave Desert scrub	850 - 1400	Y	No individuals observed during field surveys in May 2019; nearest record (CNPS) in Nelson range at 1920 m
Inyo rock daisy <i>Perilyth inyoensis</i>	1B.2	Great Basin scrub; pinyon and juniper woodland; rocky carbonate cliffs	1795 – 2715	N	No habitat present – out of elevation range
Inyo phacelia <i>Phacelia inyoensis</i>	BLM_S	Meadows and seeps (alkaline)	915 - 3200	N	No habitat present; wet areas only
Bailey's greasewood <i>Sarcobatus baileyi</i>	2B.3	Alkaline, dry lakes, washes, roadsides; Chenopod scrub	1500 – 1600	N	No habitat present – out of elevation range
Owens Valley checkerbloom <i>Sidalcea covillei</i>	1B.1	alkaline, mesic; chenopod scrub; meadows and seeps	1095 - 1415	Y	No individuals observed during field surveys in May 2019; nearest record (CNPS) at meadow complex near roadside in Owens Valley at 1200 m
Animals					
pallid bat <i>Antrozous pallidus</i>	BLM_S; CDFW_SSC	Deserts; rocky outcrops; oak and pine forests; open farmland. Roost in caves, rock crevices, mines, hollow trees, buildings		N	No individuals or sign observed during field surveys in May 2019; potential habitat in rock crevices/cliffs lining wash adjacent to site; nearest record (CNDDDB) at Dirty socks springs, on SE side of Owens Dry Lake
golden eagle <i>Aquila chrysaetos</i>	BLM_S; CDFW_fully protected; USFWS_BCC	Great basin scrub; rolling foothills, mountain areas, sage-juniper flats, and desert		N	No habitat present; nearest record (CNDDDB) in upper Vermillion canyon, SE of Owens Dry Lake
Inyo Mountains slender salamander <i>Batrachoseps campi</i>	BLM_S; CDFW_SSC	Riparian scrub and woodland; talus slope; wetland; moist canyons, where surface water is present		N	No habitat present; aquatic areas only
Crotch bumble bee <i>Bombus crotchii</i>	CDFW ranked species	Coastal California east to Sierra-Cascade crest and south into Mexico; food plant genera include <i>Antirrhinum</i> , <i>Phacelia</i> , <i>Clarkia</i> , <i>Dendromecon</i> , <i>Eschscholzia</i> , and <i>Eriogonum</i> .		Y	A small number of <i>Eriogonum</i> (buckwheat) species were observed during May 2019 field survey, but no individuals (Crotch bumble bee) observed
Swainson's hawk <i>Buteo swainsoni</i>	BLM_S; USFWS_BCC	typical habitat is open desert, grassland, or cropland containing scattered, large		N	No habitat present

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			trees or small groves; roost in large trees, but will roost on ground if no trees are available			
Costa's Hummingbird <i>Calypte costae</i>	USFWS_BCC		Desert washes; sage scrub; dry and open habitats with variety of perennial vegetation		N	No habitat present – requires variety in perennial vegetation
western snowy plover <i>Charadrius alexandrinus nivosus</i>	FT; CDFW_SSC		Great Basin standing waters; sand shore; wetland		N	No habitat present - needs sandy, gravelly or friable soils for nesting
mountain plover <i>Charadrius montanus</i>	BLM_S; CDFW_SSC; USFWS_BCC		Chenopod scrub and valley and foothill grassland; short grasslands, freshly plowed fields, newly sprouting grain fields, and sod farms		N	No habitat present
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	BLM_S; CDFW_SSC		Mesic sites; Great Basin scrub; roosts in the open, hanging from walls and ceilings		N	No habitat present; nearest record (CNDDDB) at large Dolomite mine, used for roosting
Panamint kangaroo rat <i>Dipodomys panamintinus panamintinus</i>	CDFW ranked species	1400 – 2140	Great Basin scrub; Panamint Range		N	No habitat present – out of elevation range and found only in the Panamint Range
spotted bat <i>Euderma maculatum</i>	BLM_S; CDFW_SSC		Arid deserts; grasslands; mixed conifer forests; needs rock crevices in cliff or caves for roosting		N	No individuals or sign observed during field surveys in May 2019; potential habitat in rock crevices/cliffs lining wash adjacent to site; nearest record (CNDDDB) on eastern end of Owens Dry Lake, south of Keeler
desert tortoise <i>Gopherus agassizii</i>	FT; ST		Mojave Desert scrub; Sonora Desert scrub; Joshua tree woodland; occurs in almost every desert environment		N	No habitat present – requires friable soil for burrow construction; creosote bush habitat with large annual wildflower blooms preferred
yellow-breasted chat <i>Icteria virens</i>	CDFW_SSC		Riparian scrub; inhabits riparian thickets of willow near watercourses		N	No habitat present – requires riparian vegetation and water
loggerhead shrike <i>Lanius ludovicianus</i>	CDFW_SSC; USFWS_BCC		Desert wash; Mojave Desert scrub; Joshua tree woodland		N	No individuals or sign observed during field surveys in May 2019; potential habitat in desert wash adjacent to site; nearest record (CNDDDB) 3 mi SE of Olancho at HWY 395/190 Junction
Owens Valley vole <i>Microtus californicus vallicola</i>	BLM_S; CDFW_SSC		Meadow and seep; wetland; lush grassy ground in Owens valley		N	No habitat present
western small-footed myotis <i>Myotis ciliolabrum</i>	BLM_S		Arid wooded and bushy uplands near water; seeks cover in caves, buildings, mines and crevices		N	No individuals or sign observed during field surveys in May 2019; potential habitat in rock crevices/cliffs lining wash adjacent to site; nearest record (CNDDDB)

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Yuma myotis <i>Myotis yumanensis</i>	BLM_S	Lower and upper montane coniferous forest; riparian forest and woodland; near water		N	at springs on eastern shore of Owens Dry Lake, approx. 1.5 miles SSW of Keeler No habitat present
northern sagebrush lizard <i>Sceloporus graciosus graciosus</i>	BLM_S	mountainous sagebrush and shrublands; prefers exposed areas with scattered low-growing shrubs	150 – 3200	Y	Potential habitat present - no individuals or sign observed during field surveys in May 2019; nearest record (CNDDDB) 3 mi SE of Olancha at HWY 395/190 junction; preconstruction surveys will be conducted prior to implementation of each phase of work No habitat present
Owens tui chub <i>Siphateles bicolor snyderi</i>	FE; SE	Aquatic; endemic to Owens River basin		N	No habitat present
Le Conte's thrasher <i>Toxostoma lecontei</i>	CDFW_SSC; USFWS_BCC	Open desert wash, desert scrub, alkali desert scrub, and desert succulent scrub habitats; nests in dense shrub or branched cactus in desert wash		N	No individuals or sign observed during field surveys in May 2019; potential habitat in rock crevices/cliffs lining wash adjacent to site; nearest record (CNDDDB) in town of Keeler approx. 2.5 mi. NW of site
least Bell's vireo <i>Vireo bellii pusillus</i>	FE; SE	Riparian forest, scrub, and woodland		N	No habitat present
Mohave ground squirrel <i>Xerospermophilus mohavensis</i>	ST; BLM_S	Endemic to Mojave Desert - open desert scrub, alkali scrub, and Joshua tree woodland; also feeds in annual grasslands		N	No habitat present— species prefers sandy to gravelly soils and avoids rocky areas

Species Status Key

FE = Federally Endangered	SE = State Endangered	CDFW_SSC = State Species of Special Concern
FT = Federally Threatened	ST = State Threatened	1.B.1-3 = CA Native Plant Society Rank. 1B plants are rare, threatened or endangered in CA and elsewhere.
USFWS_BCC = USFWS Bird of Conservation Concern	BLM_S = BLM Sensitive Species	2.B.1-1 = CA Native Plant Society Rank. 2B plants are rare, threatened or endangered in CA but more common elsewhere.

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Waters of the U.S. Evaluation:

Waters of the U.S. (WOUS) do not occur within the Project limits; therefore, no WOUS will be impacted by the proposed project.

Determination:

The Project is not within the jurisdiction of NMFS (National Marine Fisheries Service) and so no NMFS species list was included.

This Project will have **No Effect** on any of the special-status species in the resources evaluated below (see attached species lists).

Avoidance Measures:

- Notify Biologist 30 days prior to ground-disturbing activities
- Focused surveys for plant and animal species that do have potential habitat at the site are required prior to each phase of the Project

Rationale:

The Project site is bordered on the west by an existing Caltrans-operated scale mining pit; the existing pit site is disturbed, intermittently noisy, and does not provide suitable habitat for special-status species. Furthermore, the presence of ground-disturbing activity may deter some special-status species from entering/using the Project site.

The Project site is bordered on the north and south by lower elevation desert washes; these washes contain cliff crevasses and substantial Mojave Desert scrub vegetation, dominated by Creosote bush (*Larrea tridentate*). They are important in desert environments – as they intermittently hold and transport water – and, therefore, may provide suitable habitat for special-status species. A staked 30-foot offset boundary (see *Project Setting*) is planned to buffer the edge of the bluff and ensure the washes are not impacted by Project activities.

The Project site (bluff) is dominated by scale rock and contains sparse vegetation (< 10 percent). It does not provide suitable habitat for most of the special-status species that were analyzed from the nine-quad search (see table above of *Resources Evaluated*). Of the few species that do have potential to occur at the site, none were observed during the May 2019 focused survey. With the implementation of focused surveys for special-status plant and animal species prior to ground disturbance, no impacts to special-status species are expected.

If you have any questions regarding this memo, please contact Dannique Aalbu, District Biologist, at (760)872-0763 or Dannique.aalbu@dot.ca.gov.

Dannique Aalbu
Environmental Planner/Biologist
District 9- Environmental

Attachment 5

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Attachments:

USFWS – Species List_Carlsbad Fish And Wildlife Office

CDFW – CNDDDB Summary Table Report (nine-quad search)

CNPS – California Native Plant Society Online Inventory (nine-quad search)

BLM – Special Status Species List

Attachment 6

MATERIAL SITE #300

(KEELER PIT)

RECLAMATION PLAN

Mine Identification # 91-14-0051

JANUARY 27, 1997

(AMENDED – October 2020)

**California State Department of Transportation
(Caltrans) District 9
500 S. Main St.
Bishop, California 93514**

Attachment 6

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Attachment 6

MATERIAL SITE #300 RECLAMATION PLAN

1.0.0 INTRODUCTION

Caltrans, under a permit with the Bureau of Land Management (BLM), will mine sand and gravel on federal lands near Keeler, California. The triangular site encompasses 84.18 acres, of which 8.1 acres will be mined in four phases. Mining operations are planned to occur over 50 to 70 years, to a depth no greater than 50 feet below natural grade. This document presents a plan for reclamation of these lands.

This reclamation plan describes a process that will minimize environmental impacts during and resulting from mining, implement reclamation activities as soon as possible, and return the mined-lands to a condition suitable of supporting open space, wildlife habitat and designated end uses.

1.1.0 APPLICANT

California State Department of Transportation (Caltrans) District 09
500 S. Main Street
Bishop, California 93514
(760) 872-0601

1.1.1 Representative

Forest Becket, Senior Transportation Planner
California State Department of Transportation (Caltrans) District 9
500 S. Main Street
Bishop, California 93514
(760) 872-0681

1.2.0 LANDOWNER

U.S. Department of the Interior
Bureau of Land Management (BLM)
300 S. Richmond Road
Ridgecrest, California 93555
(760) 384-5400

1.3.0 OPERATOR

California State Department of Transportation (Caltrans) District 09
500 S. Main Street
Bishop, California 93514
(760) 872-0601

1.4.0 LESSEE

California State Department of Transportation (Caltrans) District 09
500 S. Main Street
Bishop, California 93514
(760) 872-0601

1.5.0 LOCATION

This aggregate pit is located on BLM land near Owens Lake in Inyo County. The pit is adjacent to and east of State Route 136 at post-mile marker 15.5. The pit is approximately 2.6 miles southeast of the town of Keeler. (Figure 1)

1.5.1 BLM Map Application and Highway Easement Deed

Caltrans submitted a BLM Map Application in 1998 and finalized a Highway Easement Deed in 2008 (Figure 2 and Attachment B). This property is also known as Assessor's Parcel Number 31-010-19.

Attachment 6

1.5.2 Township, Range, Section, Quadrangle

The project site is located on Keeler, California USGS 7.5' Topographic Map in Township 17 South, Range 38 East, in the eastern ½ of Section 15, MDBM. (Figure 2).

1.5.3 Latitude, Longitude

The center of the highway easement is located at latitude 36°27'30" North, longitude 117°50'30" West.

1.5.4 Claim Descriptions

This project site is known by BLM and the County of Inyo as: Keeler Pit; State Material Site (MS) #300; Mine ID 91-14-0051. The project name used for the purposes of this document will be MS #300.

2.0.0 DESCRIPTION OF ENVIRONMENTAL SETTING

2.1.0 SITE ACCESS

Access to the site is via an unmarked dirt road leading northeast from Highway 136 at post-mile marker 15.5, approximately 2.6 miles southeast of the town of Keeler (Attachment C). The access to the pit from the highway is gated to control illegal dumping.

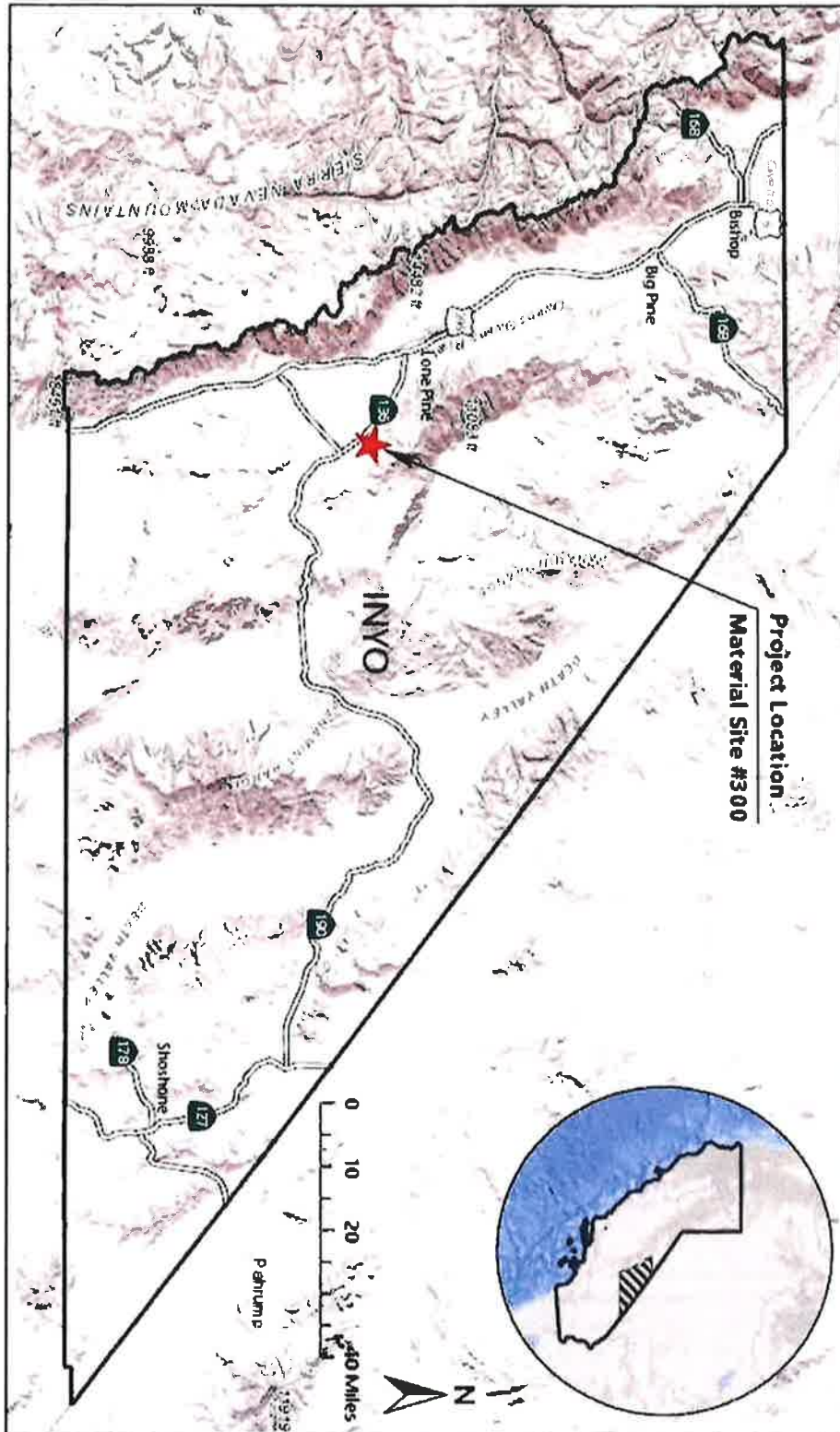
2.2.0 TOPOGRAPHIC MAP

Figure 3 depicts the site's location in the northeast portion of USGS 7.5-minute Keeler quadrangle. The proposed area to be excavated is represented on the map with a red outline.

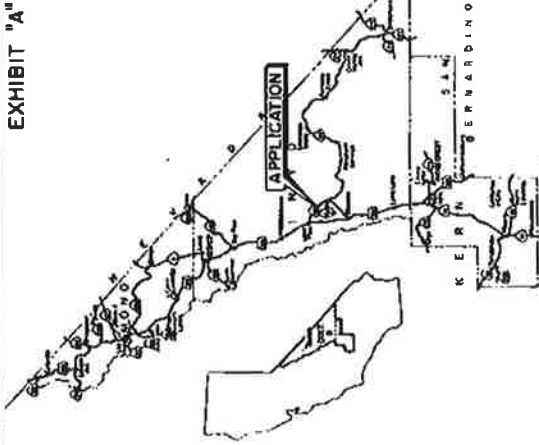
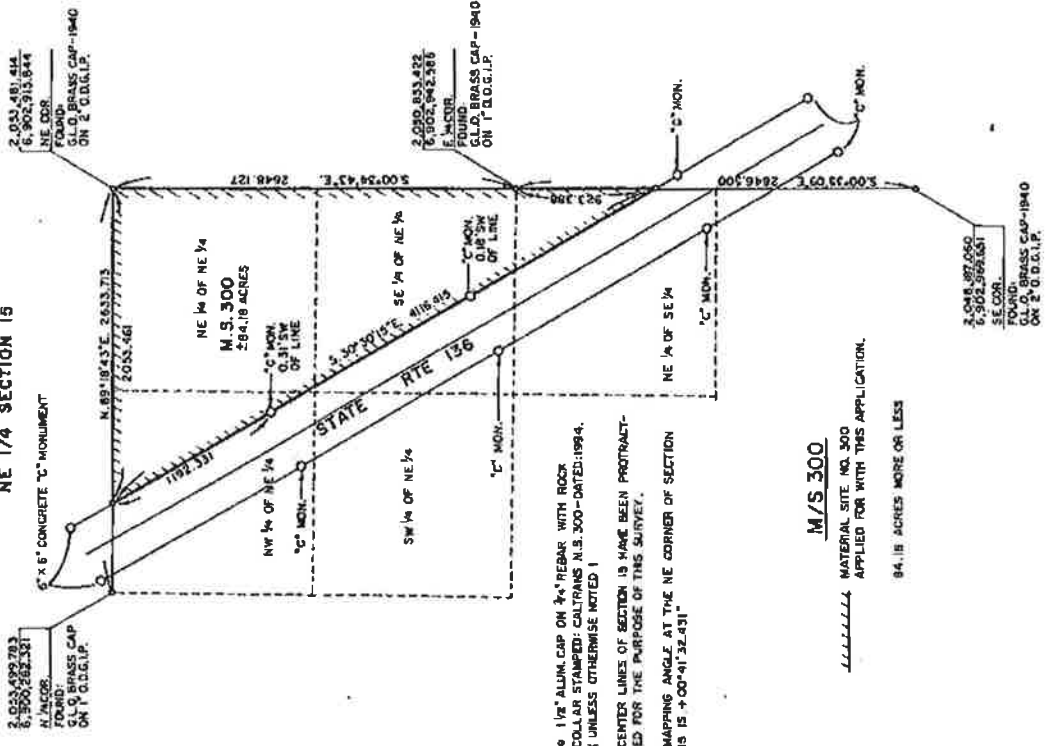
As shown on Figure 3, MS #300 is on an alluvial fan and has a slope of about 5° to the west-southwest. Elevations at the site range from approximately 3850 feet in the northeast to about 3700 feet in the southwest producing approximately 150 feet of relief. A break in the overall slope of the site occurs along an elevated topographic bench, or terrace, which trends northwest-southeast through the southwest portion of the material site. The terraced area is entrenched by several large drainages which enter the site from the northeast.

Attachment 6

FIGURE 1 – REGIONAL LOCATION MAP OF CALTRANS MATERIAL SITE #300



T. 17 S., R. 36 E., M.D.M.
NE 1/4 SECTION 15



LOCATION MAP

SCALE: 1" = 400'
SCALE: 1" = 1000'

CALIFORNIA COORDINATE SYSTEM (83) NAD 83 ZONE 4
GRID BEARINGS - GRID DISTANCES IN FEET.
GRID FACTOR +0.99377085
TO OBTAIN A GROUND DISTANCE, DIVIDE THE GRID DISTANCE BY THE
GRID FACTOR.

BEARINGS AND DISTANCES SHOWN ON THIS MAP WERE DERIVED USING
GLOBAL POSITIONING SYSTEM SURVEYING TECHNOLOGY AND ADJUSTED,
USING LEICA'S SURVEY SOFTWARE. NO ERROR ELLIPSE (MAJOR AXIS)
IS GREATER THAN 0.05 FEET.

MONUMENTS 0180 (1 PIN ON 0181) AND INDEPENDENCE NW BASE 2
(1 PIN ON 0180) WITH NATIONAL GEODETIC SURVEYS PUBLISHED VALUES,
WERE HELD AS THE BASIS FOR THIS SURVEY.

BASES OF BEARINGS FOR THIS MAP IS A GRID BEARING OF 8.00° 34' 45" E,
BEFORE CORRECTING FOR MAGNETIC VARIATION AT THE NE CORNER OF SECTION 15 AND
E-W CORNER OF SECTION 15. SHOWN ON REFERENCE U.S. GOVERNMENT
PLAN APPROVED AUGUST 20, 1968.

SURVEYOR'S STATEMENT

CHARLES ANDRUS STATES THAT HE IS BY OCCUPATION A LAND SURVEYOR
EMPLOYED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THAT
HE HAS BEEN EMPLOYED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION
IN THE SURVEY OF THE STATE HIGHWAY MATERIAL SITE SHOWN ON THIS MAP
AND THAT HE IS AN EMPLOYEE OF SAID DEPARTMENT UNDER AUTHORITY AND
THAT SUCH SURVEY IS ACCURATELY REPRESENTED ON THIS MAP.



Charles Andrus 1-6-98
DISTRICT R/W ENGINEER DATE

APPLICANT'S CERTIFICATE

THIS IS TO CERTIFY CHARLES ANDRUS WHO SUBSCRIBED THE STATEMENT
HEREON IS THE PERSON EMPLOYED BY THE UNDERSIGNED FOR THE PURPOSE
OF PREPARING THIS MAP WHICH HAS BEEN ADOPTED BY THE APPLICANT AS
THE FINAL LOCATION OF THE MATERIAL SITE THEREON SHOWN AND THAT
THIS MAP IS FILED AS PART OF THE COUNTY RECORDS AND IN
ORDER THAT THE APPLICANT MAY WITH THE BENEFIT OF SECTION 317
OF THE CALIFORNIA HIGHWAY ACT APPROVED AUGUST 27, 1958 (172 STA. 916)
AND FURTHER CERTIFY THAT THE MATERIAL SITE HEREON DESCRIBED
IS DESIRED FOR STATE HIGHWAY PURPOSES.

T. M. ... 1/23/98
DISTRICT DIRECTOR OF TRANSPORTATION DATE

0 1 1/2" ALUM. CAP ON 3/4" REBAR WITH ROCK
COLLAR STAMPED: CALTRANS M.S. 300-DATED: 1994.
(UNLESS OTHERWISE NOTED)

CENTER LINES OF SECTION IS HAVE BEEN PROTRACTED
FOR THE PURPOSE OF THIS SURVEY.

MAPPING ANGLE AT THE NE CORNER OF SECTION
IS 15 + 00° 41' 35.431"

M/S 300
MATERIAL SITE NO. 300
APPLIED FOR WITH THIS APPLICATION.

94.18 ACRES MORE OR LESS

2,048,882,060
6,502,599,561
SE COR.
FOUND.
G.L.O. BRASS CAP-1940
ON E 1/4 D.G.G.I.P.

MATERIAL SITE APPLIED FOR OVER AND ACROSS THE FOLLOWING UNPAT-
ENTED PUBLIC LANDS IN T. 17 S., R. 36 E., M.D.M.

- NE 1/4 OF NE 1/4 OF SECTION 15 (WITHIN)
- NW 1/4 OF NE 1/4 OF SECTION 15 (WITHIN)
- SE 1/4 OF NE 1/4 OF SECTION 15 (WITHIN)
- NE 1/4 OF SE 1/4 OF SECTION 15 (WITHIN)

FILED 5-10-1998 IN STATE HIGHWAY MAP BOOK NO. 4 AT
PAGE 17 OF THE INFO COUNTY RECORDS AT THE REQUEST OF THE
CALIFORNIA DEPARTMENT OF TRANSPORTATION IN COMPLIANCE WITH
SECTIONS 129 AND 125 OF THE STREETS AND HIGHWAYS CODE.

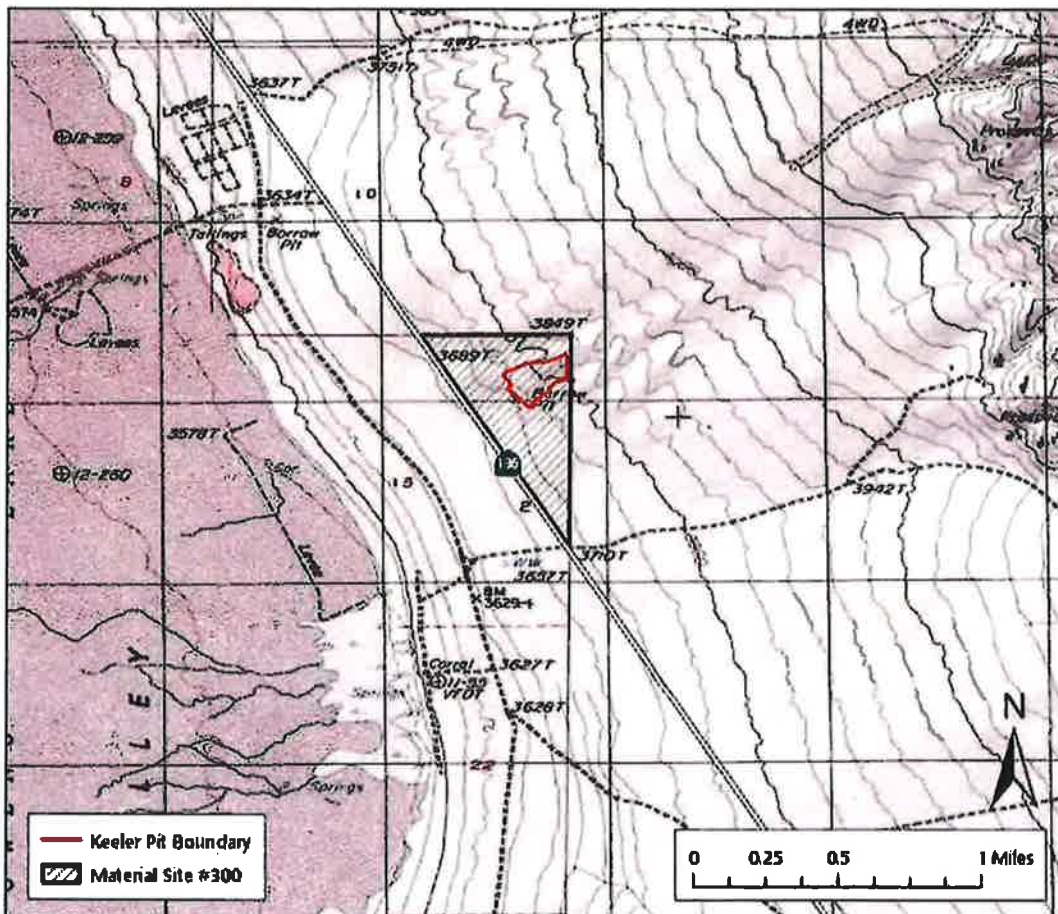
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

B. L. M. MAP APPLICATION

ONE OF ONE MAP SHEET SHOWING UNPATENTED LANDS IN T. 17 S. R. 36 E.,
M.D.M. EAST OF P.A.P. 135, STATE HIGHWAY 136, INTO COUNTY P.M. 03-A
ON THE FEDERAL AID SYSTEM THROUGH WHICH A STATE HIGHWAY MATERIAL
SITE AS DELINEATED IS REQUESTED IN ACCORDANCE WITH PROVISIONS OF
TITLE 23 U.S.C. 317.

Attachment 6

FIGURE 3 - TOPOGRAPHIC MAP OF PROJECT SITE



Attachment 6

2.3.0 GENERAL GEOLOGY

The Owens Valley is a structural low, or graben, that separates the Sierra Nevada, to the west, from the Inyo Mountains, to the east (Figure 1). The edge of the dry Owens Lake bed, which is within this graben, is approximately $\frac{3}{4}$ of a mile west of the site.

2.3.1 Site Specific Geology and Geologic Cross Section

A reconnaissance geologic assessment of the site was performed on August 25, 1992. MS #300 is located on Quaternary alluvial fan deposits formed by drainages feeding from the Inyo Mountains into the Owens Valley (Figure 4, Stone 2009.). The eastern portion of the site contains older Quaternary gravel deposits that have been dissected and eroded by the younger drainages. As evidenced by the nearly straight cut slope along the west side of the terraces, these older deposits have also been eroded by wave action from high water stands of the ancient Owens Lake (Figure 4). It can be deduced from geologic map that the primary source rocks for the younger alluvium are the reworked sediment from the older alluvial and gravel deposits, basalt from the Triassic volcanic rocks, and limestone and shale from the Paleozoic-age Owens Valley and Keeler Canyon formation exposed in the Inyo Mountains (Figures 4 and 5).

2.3.2 Ore Body/Deposit Being Mined

This material site was developed by Caltrans as a source of sand and gravel for road maintenance. The Quaternary alluvial deposits will be the source for this sand and gravel. Generally, the material being mined varies in texture from a clayey gravel with sand [Unified Soils Classification System (USCS) designation of GC] to a poorly graded sand with gravel (USCS designation of SP).

2.3.3 Slope Stability

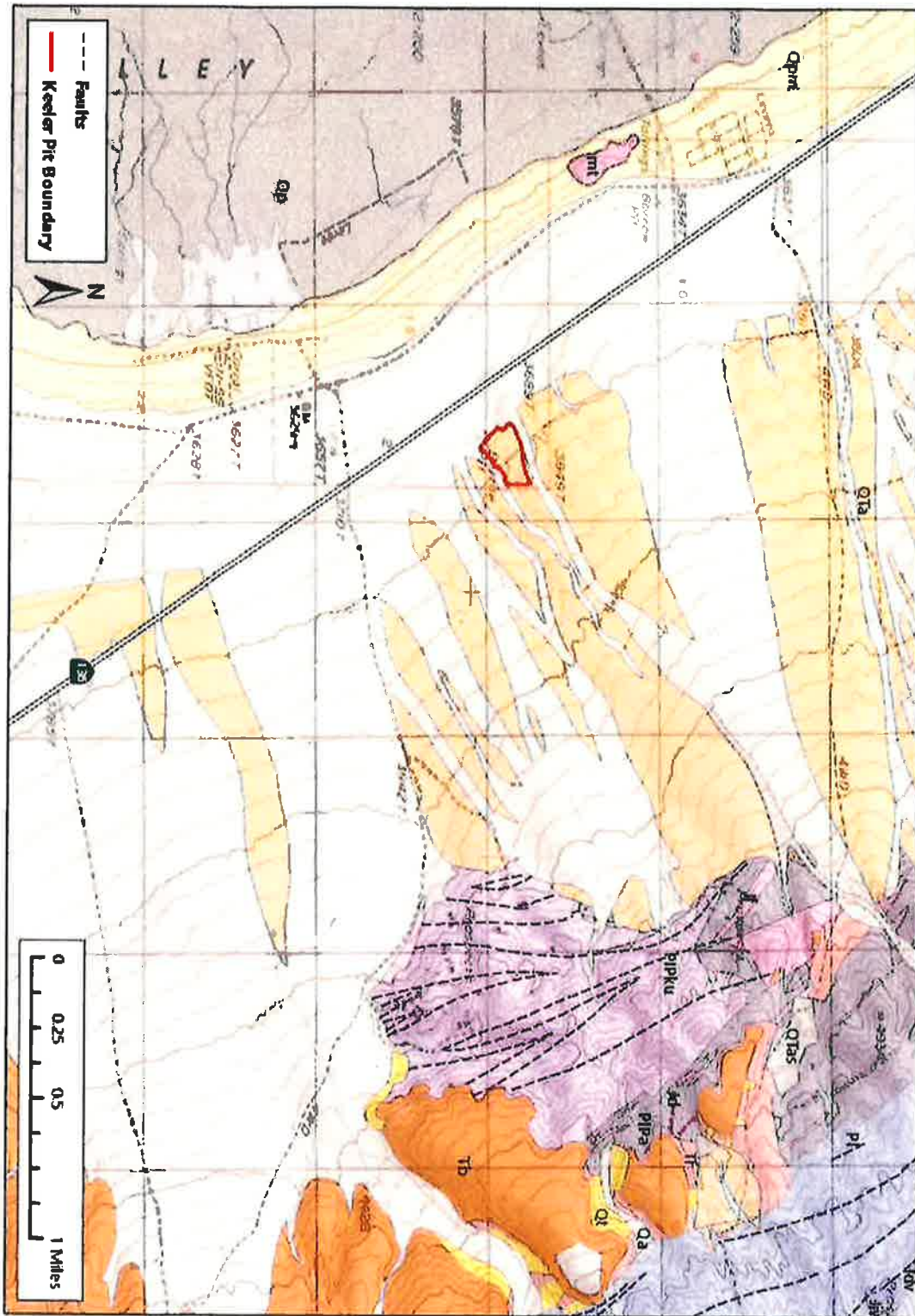
Existing slopes at the site are generally shallow to moderate, ranging from 5° to 35° angles. The steeper slopes on the site exist along the edge of a natural wave-cut terrace in the southwest portion of the site. The terraced material is composed of partially cemented sands and gravels representative of the older alluvial deposits. A minimum 30-foot offset boundary will be clearly demarcated with metal stakes to ensure a buffer from the edge of the bluffs and to provide a visual cue for excavation activities.

2.3.4 Seismicity

The site is within an area of active seismicity. There are several northwest and northeast trending faults to the east of the site. Because they displace the Quaternary agc, basalt flow unit, they are at least Quaternary in age (Jennings 1992).

Attachment 6

FIGURE 4 - GEOLOGIC MAP OF PROJECT SITE



Attachment 6

FIGURE 5 - KEY FOR GEOLOGIC MAP

SURFICIAL DEPOSITS AND BASALT	
mt	Mine tailings
Qa	Alluvium (Quaternary)
Qt	Talus (Quaternary)
Qp	Playa deposits of Owens Lake (Quaternary)
Qpm	Playa-margin deposits of Owens Lake (Quaternary)
QTa	Old alluvium and fanglomerate (Quaternary and Tertiary)
QTas	Silt beds (Quaternary and Tertiary)
Tb	Basalt (Tertiary)
Tf	Fanglomerate (Tertiary)
INTRUSIVE ROCKS AND VEINS	
Jdv	Deformed intrusions of variable composition (Late to Middle Jurassic?)
Jf	Older felsite intrusions (Jurassic?)
SEDIMENTARY AND VOLCANIC ROCKS	
PI	Lone Pine Formation (Cisuralian)
PPa	Argillite and hornfels (Cisuralian and Pennsylvanian?)

Attachment 6

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 mountains to the northeast, across the alluvial fans where the site is located, and flow towards Owens Lake. Only prolonged periods of moderate or heavy precipitation events produce enough runoff to offset soil infiltration rates. This site is located on the northeastern edge of Owens Lake, at the southern extreme of Owens Valley. As such it receives among the lowest precipitation in the Valley. The historic mean annual precipitation at Keeler is 5.0 inches per year (Hollett 1991). Precipitation and runoff from large storm events in the region occur predominantly in the winter months.

Ground water generally follows the flow direction of the surface waters. In alluvial fan deposits, the water-table gradient is 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 along the mountain front. Ground-water sources of less significance occur from recharge along influent, or "losing", stream drainages and from direct infiltration of precipitation.

2.4.1 Site Specific Hydrology

Figure 6 shows the three large watersheds that feed the drainages that cross the material site. All three watersheds drain from the bed rock area in the mountains approximately six miles northeast of the site. The watershed for the drainage (Figure 6) that enters the northern half of the site, designated as Drainage 1, has an area of approximately 4,450 acres. The other watershed that enters the southeastern half of the site, Drainage 2, has an area of approximately 355 acres. The watershed for the drainage that enters the site to the south, Drainage 3, has an area of approximately 1,115 acres. All three drainages typically flow only during times of intermittent, intense precipitation.

2.4.2 Area Hydrogeology

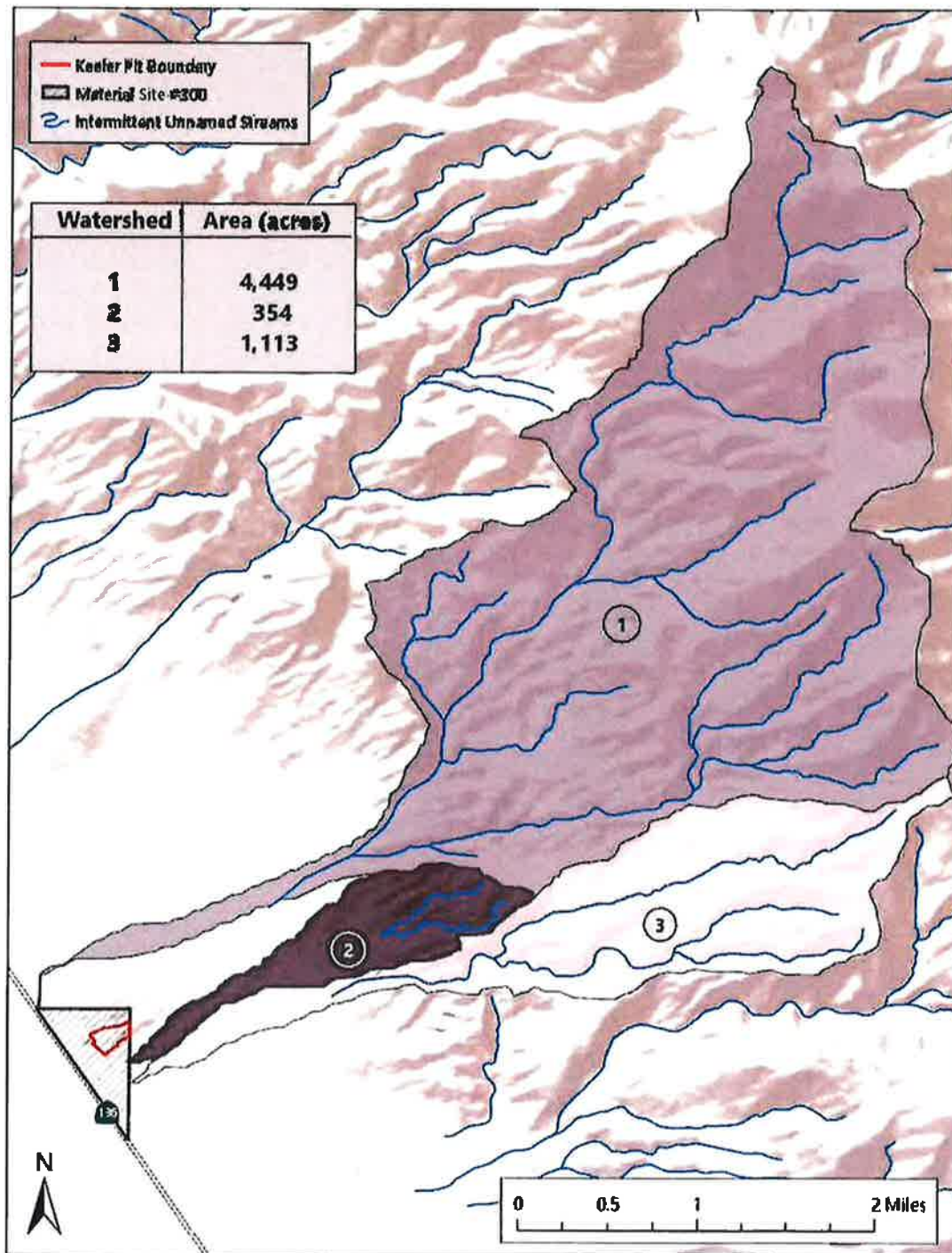
The dominant ground-water source in the area of the material site is the valley fill/alluvial deposits underlying the site. Ground-water data from Keeler, which is approximately 3 miles to the north and at a slightly lower position on the alluvial fan as the material site, is used to characterize the ground-water regime beneath the site.

2.4.3 Water and Land Uses

The land at the material site is controlled by Bureau of Land Management (BLM) for the U.S. Department of the Interior (USDI). Along the edge of Owens Lake evaporate minerals and sand/gravel are mined by private companies and the Los Angeles Department of Water and Power (LADWP). Ground-water in the area is presently being used by the private mining companies, the community of Keeler, and LADWP.

Attachment 6

FIGURE 6 - WATERSHED MAP OF PROJECT SITE



Attachment 6

2.5.0 SOIL RESOURCES

As discussed previously, the site is located on alluvial fan deposits. Alluvial soils are controlled by the parent material in the surrounding mountains, by the age of the various depositional units of each fan, and by the grain-size distribution of the parent material deposited on the fan.

2.5.1 Soil Map

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 originates from basaltic and carbonate rock sources. A USDI-BLM Soil Survey (1983) mapped the area west of Highway 136, directly adjacent to the material site (Figure 7).

2.5.2 Grain-Size Analysis of Soil Samples

Soil samples were taken during the reconnaissance geotechnical survey of the site. Figure 8 shows grain-size distribution curves from sieve analyses performed on two native soil samples, from the top of the terrace (Sample #1) and from within the wash (Sample #4), and two samples from disturbed areas, from a stockpile (Sample #2) and from within the lower pit (Sample #3). The samples from the wash and the stockpile are texturally similar, with gradations ranging from poorly graded sand with gravel (SP) to a well-graded sand with gravel and silt binder (SW-SM), suggesting that the stockpile material was probably mined from the wash deposits. The soil sample from the base of the existing pit is a poorly graded sand with gravel and silt binder (SP-SM). The soil sample from the terraced area to the east of the existing pit is a clayey gravel with sand (GC). Because of a textural gap between the clay and gravels in the terraced area, it is probable that the soil has been subjected to intense winnowing by wind and rain and that the sandy portion of the soil has been eroded away leaving a lag layer of compacted surface gravel. A contributing factor for this excess erosion in the terraced soil is the fact that it is older than other soils in the area, which increases its time of exposure to weathering. The matrix portion of the site soils (sand to clay) was generally light yellowish gray in color and relatively loose. The gravel clasts ranged in color from gray to black, were predominantly angular in shape, and generally ranged in size from two to six inches.

2.5.3 Existing and Potential Erosion

Alluvial soils in the desert region of California are generally susceptible to wind erosion due to sparse vegetative cover and lack of soil structure. The published soil survey states that the potential for soil erosion caused by wind is low.

2.5.4 Reclamation Potential

Well-developed soil horizons are not present at the site. The site consists of alluvial deposits, with coarse textured soils that have a low water-holding capacity and are high in alkali. The native soil surface contains a large amount of gravel and cobble size fragments, which will aid with erosion control. Revegetation of these soils will need to be limited to native species which are adapted to these alkaline and droughty conditions. Evidence of native species re-establishment in disturbed areas exists on site. It is assumed that wind dispersal of seeds from the surrounding vegetation will aid in revegetation efforts.

Attachment 6

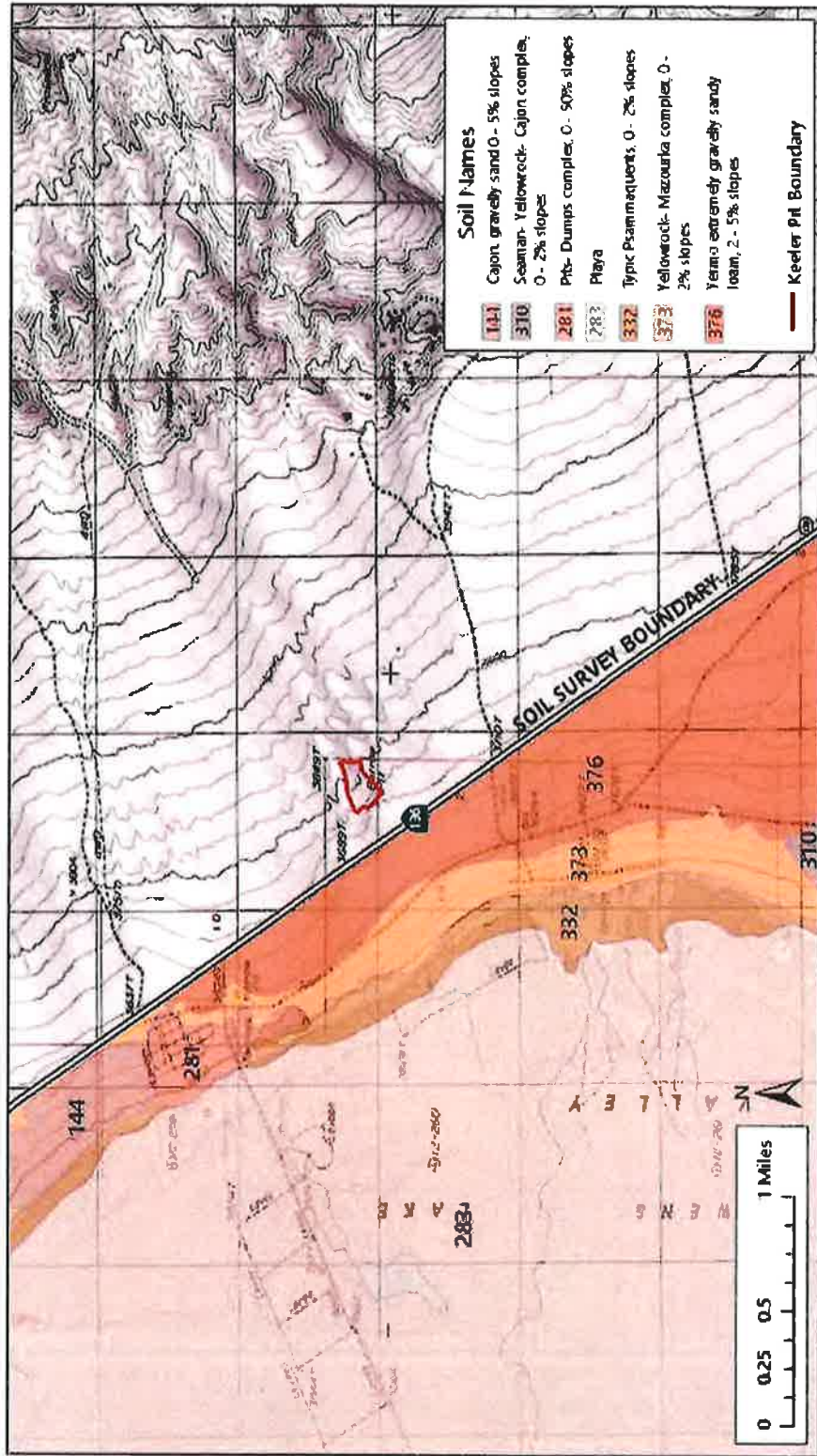


FIGURE 7 - SOIL MAP OF PROJECT SITE

Attachment 6

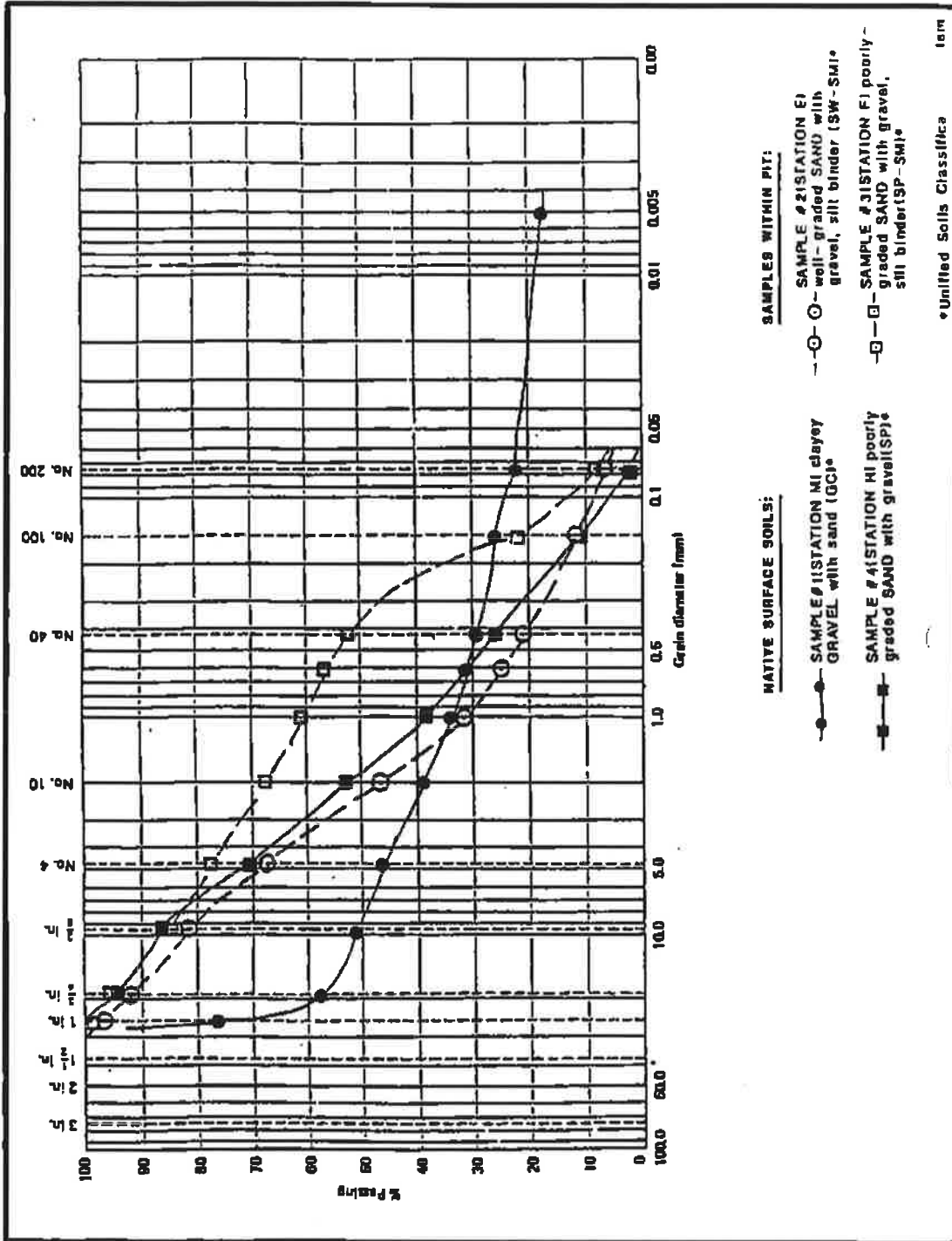


FIGURE 8 - GRAIN SIZE DISTRIBUTION CURVES

Attachment 6

2.6.0 VEGETATION

The site was surveyed on May 9, 2019. Standard methodologies were used to survey the site for special plant species, to document existing vegetation, and to determine appropriate revegetation strategies. The site is located in the northern portion of the Hot Desert Floristic Province, very near to the Great Basin Floristic Province (Barbour and Major 1988).

2.6.1 Description of Affected Area

The extraction area occurs within a xerophytic phase of the Desert Saltbush Scrub. This xerophytic phase occurs on dry, coarse soils, and is low in stature (1-2 feet tall). Previously mined areas are devoid of vegetation, while the undisturbed portions of the site support a vegetation assemblage that is low in total cover.

The dominant feature of this site is exposed soil and coarse fragments. The undisturbed portion of the mine site is sparsely vegetated with a depauperated mixture of species, largely from the chenopod family. These species are tolerant of saline and alkaline soils.

Baseline vegetation coverage analysis was performed via aerial surveillance drone photogrammetry digital analysis in 2017 (Appendix F, Towill). Data clearly showed a very sparse vegetation coverage of 0.32% for the newly proposed mining area, with a confidence rating of 80%. Pedestrian site surveys also supported these findings.

Additional flora surveys were conducted on 8/18/2020 to gather data on species richness to address the Department of Conservation Division of Mine Reclamation comments dated 7/27/2020. Site surveys were conducted with a sample set of 50-meter belt transects, one performed in each of the three (undisturbed) newly proposed mining phase areas, and one in a revegetated test plot area, for a total of four transects. Species richness was concluded to be three species per 50 square meters in sparsely vegetated sample areas. It should be noted that sample data was taken from areas that did show vegetation, while large undisturbed areas were completely void of vegetation. See table 2.6.1 for details.

2.6.2 Unique/Critical Communities

The California Natural Diversity Data Base (CNDDB 2019) and California Native Plant Society (CNPS 2019) were referenced for unique/critical plant communities for the Keeler, 7.5' Quadrangle, as well as the surround eight quadrangles. No unique or critical plant communities were observed on the mine site during the survey (Aalbu 2019).

2.6.3 Special Plant Species

According to the CNDDB (2019) and CNPS (2019), several sensitive plant species are known to occur near the mine site. Habitat for nine of these species exist on the site. The absence of rare, endangered, threatened, and sensitive plant species on this site was confirmed during the site visit (Aalbu 2019).

2.6.4 Invasive Exotics

A limited population of Russian thistle (*Salsola tragus*) exists on the mine site in disturbed locations.

2.6.5 Revegetation Potential

The Mojave Desert environment imposes severe constraints on successful revegetation with rain fall as the primary limiting factor. It has been suggested that conditions favorable to vegetation re-establishment are infrequent, occurring during a series of wetter than normal years or during cycle of cooler and more humid climatic conditions (Zedler and Ebert 1977).

Attachment 6

Re-establishment of vegetation on this site will be very limited due to the alkaline and droughty nature of the soil. The coarse fragments (cobbles and gravel) present on the surface of this alluvial fan provides protection from wind and water erosion, with a negligible contribution by vegetation. Erosion control can be accomplished using the native coarse-grained soils and salvaged vegetative debris (the combination of which is termed "duff").

TABLE 2.6.1 – Plant Species Richness Survey

Keeler Pit Expansion					
Flora Survey					
Participants: Dannique Aalbu, Forest Becket					
8.18.20 *note: some species of perennials were not identified because of lack of flowers and features. Not optimum survey timing					
Test Plot: On Slope between current pit and antipated expansion area (Post-excavation test plot)					
<i>Species Observed</i>					
common name	scientific name				
desert holly	Atriplex hymenelytra				
Mojave cleomella	Cleomella obtusifolia				
black greasewood	Sarcobatus vermiculatus				
Plot 1: Pit Expansion Area, Phase 1		Plot 2: Pit Expansion Area, Phase 2		Plot 3: Pit Expansion Area, Phase 3	
common name	scientific name	common name	scientific name	common name	scientific name
desert holly	Atriplex hymenelytra	desert holly	Atriplex hymenelytra	desert holly	Atriplex hymenelytra
Mojave cleomella	Cleomella obtusifolia	spiny saltbush	Atriplex confertifolia	Mojave cleomella	Cleomella obtusifolia
rigid spiny herb	Chorizanthe rigida	rigid spiny herb	Chorizanthe rigida	rigid spiny herb	Chorizanthe rigida
Richness(N) = 3 for all plots					

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2.7.0 WILDLIFE

The site was surveyed on May 9, 2019. Wildlife species observed in the site area include: rock wren (*Salpinctes obsoletus*), common raven (*Corvus corax*), side-blotched lizard (*Uta stansburiana*), zebra-tailed lizard (*Callisaurus draconoides*), painted lady butterfly (*Vanessa cardui*) and cabbage white butterfly (*Pieris rapae*).

2.7.1 Description of Habitats

This site contains a native Desert Saltbush Scrub plant community (Holland 1986). The site supports an assemblage of arthropods, reptiles, birds, and mammals typical of alluvial fans in the southern portions of Owens Valley. Many of the animals of the region are found both in the Great Basin and the Mojave Deserts.

2.7.2 Unique/Critical Habitats

The CNRDB (2019) lists 'Active Desert Dunes' as a CDFW Ranked Community found within the nine quadrangle search. No active dune communities were present at the site (Aalbu 2019). No other unique or critical habitats were identified on the site during the site survey.

2.8.0 AIR RESOURCES/CLIMATOLOGY

The closest established weather station is located in the town of Keeler, approximately 2.6 miles northwest of the material site at an elevation of 3620 feet.

2.8.1 Precipitation

The Owens Valley is located in a transition zone between the climates of the Mojave Desert, the Great Basin, and the Sierra Nevada, with a significant influence of the Mediterranean climate of the Pacific Coast. Approximately 80-95 percent of the total precipitation in the region falls between late October and April. Snow contributes very little, if at all, to the total at the mine site (Vaughn 1980). The site is located on the northeastern edge of Owens Lake, at the southern extreme of Owens Valley. As such it receives among the lowest precipitation in the Valley. The historic mean annual precipitation at Keeler is 5 inches per year (Hollett 1991).

2.8.2 Temperature

The monthly mean temperatures at Keeler for the months of January and July are 40 and 80 degrees Fahrenheit, respectively. The mean highest temperature is 109 degrees Fahrenheit, and the mean lowest temperature is 13 degrees Fahrenheit. The latest date of the last spring frost is April 20, and the earliest date of the first fall frost is October 15. The growing season at Keeler is 270 days. The length of the frost-free season is 225 days (Vaughn 1980).

2.8.3 Air Quality

Air quality in the area is typically excellent, with visibility exceeding 70 miles most of the time. However, strong dust storms occur in the region due to the exposure of erodible sediments on the valley floor. Air quality can be greatly reduced in the area of the mine site during periods of high winds.

2.8.4 Prevailing Winds

Prevailing winds are from the north or south with average speeds of 5-10 mph. March and April are the windiest months. Strong gusts are common during this time (Vaughn 1980).

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2.9.0 LAND USES AND AESTHETICS

MS#300 falls under BLM guidelines presented in the BLM Desert Renewable Energy Conservation Plan (DRECP), Land Use Plan Amendment (2016). This plan provides for the protection and enhancement of sensitive environmental elements in the region while allowing for resources use and development. This plan defines Conservation Management Actions (CMAs) for species and plant communities. In addition to the BLM guidelines, Inyo County classifies lands according to land-use designations.

2.9.1 Existing and Surrounding Land Uses

The site is classified as open space by Inyo County. Caltrans and BLM finalized a Highway Easement Deed in 2008 for sand and gravel material extraction (Attachment B) at MS #300. Using the website mapping tools under BLM's DRECP Site Survey Analyst (<<https://drecp.databasin.org/>>, June 2019) the following CMAs were identified:

TABLE 2.9.1 – BLM SPECIES / COMMUNITIES

Species / Community	CMAs	Field Survey Results
Burrowing owl (<i>Athene cunicularia</i>)	AM-RES-BLM-1	Absent
Golden eagle (<i>Aquila chrysaetos</i>)	AM-RES-BLM-1, AM-RES-BLM-ICS-9	Absent
Mohave ground squirrel (<i>Xerospermophilus mohavensis</i>)	AM-RES-BLM-1 AM-RES-BLM-ICS-14 AM-RES-BLM-ICS-15 AM-RES-BLM-ICS-16 AM-RES-BLM-ICS-17	Absent
Owens Valley checkerbloom (<i>Sidalcea cavellei</i>)	AM-RES-BLM-1 AM-RES-BLM-PLANT-1	Absent
Pallid bat (<i>Antrozous pallidus</i>)	AM-RES-BLM-1	Absent
Swainson's hawk (<i>Buteo swainsoni</i>)	AM-RES-BLM-1	Absent
Townsend's big-eared bat (<i>Corvinorhinus townsendii</i>)	AM-RES-BLM-1	Absent
Willow flycatcher (<i>Empidonax traillii extimus</i>)	AM-RES-BLM-1	Absent
Yellow-billed cuckoo (<i>Coccyzus americanus occidentalis</i>)	AM-RES-BLM-1	Absent
Lower Bajada and Fan Mojavean – Sonoran Desert Scrub	AM-RES-BLM-1	Absent
Shadscale – Saltbush Cool Semi- Desert Scrub	AM-RES-BLM-1	Marginal
Southwestern North American Salt Basin and High Marsh	AM-RES-BLM-1	Absent

2.9.2 Visually Sensitive Areas

Under BLM guidelines the mining site is designated VRM Class III (C, L, Fg). BLM describes the objective of the VRM Class III designation as follows:

“The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention from key observation points but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape (BLM 2016).”

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State Route 136 has low vehicle traffic volumes with an average of 600 vehicles a day passing the site. 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 low (L). The scenic quality of the area is rated fair (C). The scenic and sensitive qualities of the region are concentrated in the foreground (Fg).

2.9.3 Visual Impact of Mining and Reclamation to These Uses

The mine site is partially visible from very few points along Highway 136. The existing textural contrast of the site is caused by removal of the coarse ground-surface layer, and a decrease in the density of the vegetation due to vegetation removal. These changes will be moderated by reclamation activities. Revegetation through naturalization and replacement of the coarse ground-surface fraction will integrate the site with the surround area, thereby resulting in a low level of visual change to the characteristic landscape. Reclamation will achieve visual management objectives.

The pit is only visible from State Route 136 for approximately 2,000 feet of the highway. Most motorists would only be able to see the pit and access roads for less than 25 seconds if traveling at the posted speed limit of 65 mph. There are no highway pullouts, parking areas or identified recreational staging areas within the viewshed of the pit.

3.0.0 DESCRIPTION OF PROPOSED MINING OPERATION

3.1.0 DIMENSIONS / ACREAGE

Material Site #300 occupies 84.18 acres on BLM land (Figure 2 and Appendix B). The triangular site is approximately 3800 feet, north to south, by 2300 feet, east to west, with the southeastern diagonal boundary along the highway. Approximately nine acres in the west-central portion of the site have been used for previous mining operations and access roads.

The site will be mined in four phases over a duration of 50 to 70 years. As shown on MS #300 Plan Sheets (Appendix C), the mining area will encompass approximately 8.1 acres and be 850-foot northeast to southwest and 500-foot northwest to southeast. A minimum 30-foot setback from the two large drainage channels (north and south) and BLM easement boundary will be maintained throughout all phases of mining. All mining excavation will not exceed a depth of 50-feet below the natural grade.

3.2.0 INITIATION AND TERMINATION DATES

Mining at this site will take place on an intermittent basis with mining beginning upon approval of the reclamation plan and finalization of the environmental document. The termination of mining activities at the new pit will occur after Phase IV is complete. Based on current Caltrans Maintenance material needs it would take approximately 50 to 70 years to reach the end of Phase IV.

3.3.0 PRODUCTION SCHEDULE

Caltrans Maintenance requires sand and gravel mined from this site throughout the year. Mining activities will occur in four phases, with a total estimated production volume of 373,00 cubic yards (CY). Historic mining production logs show an average use of 5,000 CY annually. Emergency road repairs due to flood and/or landslide damage can significantly increase production. Based on the last 20 years of mining this site, little to no waste is anticipated during production.

After the completion of the mining phases, final site reclamation will commence.

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3.4.0 MINING PLAN

A new 8.1 acre mining pit will be established northeast of the old pit. This new site will be mined in four phases; see Appendix C and D for greater detail. The old pit will be used for material processing, stockpiling, and equipment storage. A complete description of the management of the site during idlc phases, if these occur, can be found in Appendix D – Operations Plan.

3.4.1 Initial site Reclamation Activities

Initial site reclamation will commence after plan approval. These activities will initiate reclamation at the earliest possible time and minimized erosion and off-site sediment discharge during the mining phase. The following reclamation activities will be implemented:

Drainage Control: The old pit will continue to be self-draining. Current material berms established during operations of the old pit will be maintained. The old pit berms prevent offsite natural drainage from entering the pit, reducing slope erosion. Waste material may be used to maintain these berms. The new pit will be self-draining until completion of Phase IV, where the old pit will be the drainage catch basin for the new pit.

Topsoil Berms

At the new pit, approximately six inches of topsoil will be collected and stored in berms along the edges of the new pit. This topsoil storage will occur during phases I, II and III (Appendix C and D).

Area of Immediate Reclamation: At the end of Phase IV mining activities topsoil berms established during previous phases will be spread over the new pit slopes. The access road to the new pit will be de-compacted with the remainder of topsoil berms being spread.

3.4.2 Mining Phase

Refer to Plan Sheets (Appendix C) for the location of new pit, access roads and storage areas.

3.4.2.1 Description of Operations

Material from this site will be used for road maintenance and construction on an as needed basis. Mining will begin northeast of the old pit area and will be completed to a depth no greater than 50 feet. The old pit will be the operations area for the remainder of the mining activities at the site. Material will be stockpiled, screened, and mixed within the operations area indicated on Plan Sheets. Slopes within the pit will be no steeper than 3:1 (H:V), except for minor cuts where access roads enter the pit; these road cuts will be gravel mulched immediately following construction to minimize erosion. The following setbacks will be maintained during all phases of mining: 300 foot from the highway; 30 foot minimum from the bluffs associated with the two large drainage channels; 30 foot minimum from the edge of the BLM easement.

3.4.2.2 Access Road

As shown on plan sheets, access to the material site will be from State Route 136 along the existing dirt access road entering the site, which is gated. An access road to the new pit will be established from the upper terrace prior mining activities.

3.4.2.3 Topsoil Handling

Topsoil shall be defined as the top six inches of the native soil. Topsoil shall be salvaged from all areas not previously disturbed (8.1 acres). Topsoil will be stored in soil berms at the top of excavation slopes (Appendix D). Topsoil may

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be mixed with existing vegetation. Topsoil and vegetation removal will not precede mining by more than one year.

3.4.2.4 Minerals, Overburden and Waste

Stockpiles usable material, overburden and waste material will be stored within the operation area. Waste fines may be used in the construction of the material berms that protect the old pit. Stockpile heights will not exceed 15 feet, with slopes no greater than 2:1 (H:V).

3.4.2.5 Processing

Usable and non-usable material will be separated at the screening plant and stored in the stockpile area. Usable material will be mixed on site and then transported offsite to areas of use. Fine-grained, non-usable material will be used for berm construction and re-soiling of the site during reclamation.

3.4.2.6 Water Impoundments and Diversions

The existing material berms at the old pit will be maintained during the mining and final reclamation phases. These berms are to prevent off-site drainage, from the two large drainage channels, into the old pit.

During phases I through III the base of the new pit will become an area of surface-water runoff accumulation for the pit area. Phase IV will re-slope the new pit to drain into the old pit.

The upgradient of the pit, a watershed totaling an area of approximately 20 acres. The capacity of this accumulation area is approximately 15 acre-feet which is greater than the expected volume of discharge from a 24-hour storm with 20- and 100-year return periods.

3.4.2.7 Test Plots for Revegetation

Final slopes in the lower (original) pit will be used as test plots during mining operations in the new phases, to inform future soil treatments and revegetation efforts. Different slope/soil preparations will be used to identify which methods best capture and propagate naturally dispersed native seed. Options for ripping, contouring, rock mulching, and topographic undulating will be experimented with to identify best practices for site specific applications.

3.5.0 PROCESSING EQUIPMENT

A portable screening operation will be moved onto the site during periods of operation, which primarily constitutes screening grizzlies, a bulldozer, and a loader. 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 processing and for dust control. A water truck with pump and sprayer is used on the site during screening operations. The water truck transports water supplied from the Caltrans Independence Maintenance Yard.

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.

3.6.2 Drinking Water

Drinking water will only be available on the site by employees that bring their own water jugs filled from offsite sources.

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3.6.3 Sewage Disposal

If needed during operations, commercial portable toilets will be brought to the site from Bishop or Ridgecrest. The commercial vendor will properly dispose of the waste.

3.7.0 NOISE & EMISSIONS

Mining operations may include the use of a D8, loaders, belly dumps, bobtail trucks, maintenance trucks, and haul trucks. This aspect of the mining operation will affect noise and emissions.

3.7.1 Noise

Mineral resource extraction, hauling, screening, loading and other site activities will create 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 and topsoil berms. 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 50 feet with noise control devices for dozers and scrapers. In combination, the noise exposure at 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.

3.7.2 Dust, Odors, Vehicular Emissions

Air quality parameters that are potentially affected by aggregate mining operations are vehicular emissions and suspended particulate (dust). Mining operations would not significantly increase vehicular traffic on SR 136. Increased emissions would however emanate from the pit during the active extraction phase. 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 processing, extraction, and hauling is a "fresh" disturbance, the major component of the produced dust will be of large particle size (greater than 10 microns), which settles out rapidly. Best available control technology, such as maintaining a moist aggregate surface, will be used to suppress processing, extraction, and hauling dust sources. Reclamation activities, such as re-soiling with stockpiled topsoil mixed with native vegetative debris, will also help to control dust.

A water truck will be on site during operations when high wind conditions dictate the need. Thus, the dust from the site will not add to that produced by Owens Lake and further degrade the air quality of the area.

3.8.0 HOURS OF OPERATION/NUMBER OF EMPLOYEES

The hours of operation may be up to 12 hours per day during the hours of 7:00 am to 7:00 pm. On average it is estimated that this operation will employ 2-3 people during mining activities.

3.9.0 TRANSPORTATION

During operational phases, transportation by employees to the mine site will not increase traffic on Highway 136 significantly. The low frequency of transportation of aggregate resources to road construction locations will not significantly increase traffic on SR 136. It is estimated that during mining operations, haul trucks will make approximately 1-5 round-trips/day.

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4.0.0 DESCRIPTION OF PROPOSED RECLAMATION

4.1.0 SUBSEQUENT USES

The land is zoned by Inyo County as open space, with no special land use restrictions. According to various resource maps, the site does not support any designated, critical wildlife habitat; however, the site provides general habitat values to various wildlife species. The new pit area will be reclaimed to open space natural resources, which will leave the site in a productive end use that is readily adaptable to alternative end uses. The old pit area will permanently be used to store natural materials for road construction and stage maintenance equipment.

4.2.0 IMPACT ON FUTURE MINING

Reclamation of this site will not preclude mining at a future date. The aggregate resource extends beyond the site boundaries and is at least 100 feet deep. The current mining plan will not have exhausted on-site mineral resources.

4.3.0 RECLAMATION SCHEDULE

Reclamation treatments, such as topsoil berms, will be installed during the initial site reclamation phase. Reclamation treatments such as de-compaction and re-soiling will be implemented when final slopes are present. Once the reclamation treatments have been implemented, those treatments will be monitored until performance standards have been met. The monitoring plan is designed to evaluate site-specific criteria for slope stability, erosion/sediment control, re-soiling and revegetation.

4.4.0 POST-MINING TOPOGRAPHY

Plan Sheet L-5 depicts the post-mining and reclaimed topography for the mined area. The final site configuration will, in general, be a triangular-shaped excavated pit into the alluvial fan to the northeast of the wave-cut terraces, no greater than 50-feet deep, with side slopes no steeper than 3:1 (H:V). The entry to the new pit will be blocked and the road will be reshaped, reclaimed, and revegetated to blend with the surrounding topography. Topsoil and vegetative debris (termed "duff"), and fines will be applied to the new pit slopes. Wind dispersed seeds from the surrounding undisturbed vegetation will aid in re-vegetation efforts.

4.4.1 Slope Stability

Pit slopes for the mining phases and the final reclaimed site will not be steeper than 3:1 (H:V), or 18°, except for the minor road cuts which will be 1.75:1 (H:V), or 30°, and a maximum of 17 feet high. The angle of repose of the loose stockpile material on the site is approximately 32°. For the final 3:1 (H:V) pit slopes, a static factor of safety of 1.9 is calculated. Thus, pit slopes will be stable at the proposed angle under static conditions. However, depending on the conditions of the sediment exposed on the slope (moisture content, vegetation cover, compaction, etc.), portions of the pit slope could experience surficial failure due to seismic loading from a maximum credible earthquake on one of the active faults in the area. Any slope failures will be retained within the pit.

4.4.2 Final Drainage Plan and Impoundments

Plan Sheet L-5 details the final drainage plan of the reclaimed site. Material berms around the lower pit will remain in place and will be maintained throughout the life of the BLM easement.

4.4.3 Disposition of Equipment

Any equipment brought onto the new pit site will be removed following termination of mining activity. No equipment will be stored on the new pit following the end of Phase IV. Equipment may be stored in the old pit, which is consistent with the proposed end use of this portion of MS #300.

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4.5.0 RESOILING

The native soil of this site is very sandy with a large amount of coarse fraction (gravel and larger) material on the surface. The topsoil also contains native seeds and soil microorganisms. While a portion of the topsoil (the large fraction) is part of the minerals being extracted from this site, the upper six inches will be treated as an invaluable resource and salvaged, rather than as a commodity and removed from the site.

The topsoil is therefore defined as the upper six inches of the native surface. Duff is defined as the topsoil and vegetative material. Prior to mining any area that has not been previously mined (majority of the site), the top six inches of the native surface and all existing vegetative material will be scraped off the mining area and stored in topsoil berms at the top of the excavation slopes (Appendix C). The vegetation can be either harvested and stockpiled separately, scraped at the same time as the surface material and stockpiled together, or hydroxide, chopped, broken, or chipped and mixed into the topsoil.

Native surface materials will be stored in the material berms at the top of the excavation area and will be kept separate from processing and sedimentation pond fines. Native topsoil will be spread on the slopes first, with the remaining, if any, spread on the pit bottom. All other areas will receive processing and sedimentation fines. These fines will be stockpiled separately from topsoil and will be placed in the old pit as shown on the site plans.

Prior to spreading the stored topsoil and fines, all compacted areas will be de-compacted (ripped or disked) to facilitate root growth. The topsoil that was stockpiled or windrowed on the sides of the pit will then be re-spread over the disturbed slopes and roughened to form a variety of microsites. This can be accomplished by rough grading, imprinting, or other suitable method.

4.6.0 REVEGETATION

Revegetation treatments of the site will strive to achieve visual integration with the surrounding vegetation and provide wildlife habitat values. Decompaction, topsoil spreading, surface roughing and seeding of the site will take place during the fall, late October to December.

4.6.1 Seedbed Preparation

After re-sprcading the topsoil, duff, or fines, the area will be roughened to form a variety of microsites; this can be accomplished by heavy ripping the site, track walking, or by imprinting. The growth media will be prepared to provide a firm, but not overly compacted seedbed. Test plot information (see section 3.4.2.7) gathered during mining operations will be used to develop best practices for site specific preparation treatments.

4.6.2 Seed Sources

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 on a site are those ecotypes that are growing on (or near) that site. Besides the problem of purchasing a less adaptive ecotype, one could also cause genetic contamination of the local ecotype through interbreeding with an introduced ecotype. Commercially available seeds often contain small amounts of invasive and/or exotic species. This site has only one sparsely dispersed invasive, Russian thistle (*Salsola tragus*). The introduction of other invasive/exotic species would reduce the quality of revegetation efforts. The best policy is to use seeds from on or near the site.

The first method of gathering seed would be the storing of topsoil in berms adjacent to the site. Once the berms are in place they will be left undisturbed until final reclamation activities. It is estimated that the topsoil berms will be in place for several years to decades. Native plants will continue to grow and add to the seed bank at these berms.

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The second method will rely on the various wind dispersed seeds from the surrounding undisturbed landscape. Most plant species observed at the site rely on wind dispersal to propagate seeds (Aalbu 2019). The heavy roughing of slopes, similar to linear crevices at the site, would be the primary method in capturing wind dispersed seeds.

The third method of gathering seed would be harvesting by hand from the surrounding undisturbed landscape. Permission from the land owner (BLM) would be required prior to this activity. Difficulties in gathering multiple species, over several blooming season, with extremely low plant cover makes this method the least practical of the three options.

4.6.3 Seeding & Methods

Topsoil berms will be spread on slopes up to six inches deep. Slopes will be heavily roughened to mimic the linear crevices of the surrounding undisturbed landscape. If vegetation success criteria are not met, then hand gathered seeds will be broadcast and then mixed into the top 1/2-inch of the substrate, by either raking or dragging a chain across the seedbed or other suitable method.

4.6.4 Mulches

Topsoil berms and existing plants growing on the berms will be the primary source of vegetative debris. The linear crevices created by roughing of the slopes will also capture wind-blown fines.

This would provide linear crevices for capture of fines, wind dispersed seeds, precipitation and minor surface runoff; mirroring existing crevices where most plant species exist at the site.

No imported mulching material will be used at this site, since it would not be compatible with the native alkaline soil types.

4.6.5 Irrigation

The use of irrigation on this site would probably aid germination; however, it would also serve to increase growth of weedy species, thereby increasing the competitive advantage of the weedy, exotic species, such as Russian thistle. Therefore, irrigation is not currently recommended for this site.

Roughing of slopes in a linear pattern that slows and gathers precipitation runoff would aid in plant establishment. Existing conditions show that the vast majority of plant cover at the site is along linear drainage crevices and at the base of slopes (Towill 2017, Appendix F).

4.6.6 Plant Protection Measures

No protection will be provided for the seeded areas, except as a remedial measure.

4.6.7 Plant Eradication Measures

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.

4.7.0 EROSION AND SEDIMENT CONTROL

Erosion and sediment control will be achieved by implementation of the previously described plan sheets and revegetation plans. Material berms will be maintained at the old pit to prevent intrusive runoff and erosion from the two adjacent drainage channels. Both the new and old pit will be self-draining. Re-soiling and reseeded will be performed according to the revegetation plan.

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4.8.0 PUBLIC SAFETY

The configuration of the mined lands will not pose a hazard to the public. Hazardous materials associated with mining and processing will be stored properly on site; and prior to reclamation, will be disposed of properly off-site. The steep slopes of the wave-cut terraces, as well as other steep slopes both on- and off-site, are natural features.

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 conducted by a qualified individual or group of individuals, 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 vegetation monitoring is done. The results will be used to aid in identifying areas of potential failures and to require the use of remedial measure before problem areas cause widespread failures.

Sedimentation basins will be inspected following the season's first major storm event or at a minimum of annually. Basins will be cleaned out as needed to maintain a minimum storage capacity.

4.9.2 Slope Stability

Except for minor road cuts, no large man-made slope 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

Undisturbed site-indigenous shrub cover was surveyed and concluded to be 0.32 % (Towill 2017, Appendix F). Reclamation will strive to achieve 0.16% (50% of baseline conditions) indigenous shrub cover. Aerial site surveys will be used to verify plant cover for the site annually during the reclamation phase. Species richness surveys conducted on the undisturbed area planned for mining showed a richness of three species per 50 square meters (see Table 2.6.1). Reclamation will also strive to achieve a species richness of three per 50 square meters.

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 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 will be cleaned out.

4.10.2 Slope Stability

All slopes will be assessed, during annual monitoring to ensure that they are stable. If excess slope erosion is observed, or failures noted, the appropriate remedial measures will be implemented. All pit slopes will be no greater than 3:1 (H: V), except where minor road cuts occur.

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4.10.3 Revegetation

Revegetation of the site will be monitored following implementation of each phase. Monitoring activities will take place during the peak flowering season, approximately April to May. Once the monitoring date is set, 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. Overall vegetative coverage will be calculated by use of high-quality aerial photography analysis with an 80% or greater confidence level. Species richness data will be gathered by way of 50 meter belt transects. If it appears that the site will not meet the performance standards, then the investigator shall suggest remedial measures. Appropriate remedial measures are listed in Table 4.10.3 – Remedial Measures.

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. Data from reclamation progress will be available 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, 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 on Page 7 of Appendix A.

6.0.0 APPLICANT STATEMENT OF RESPONSIBILITY

An Applicant Statement of responsibility can be found on Page 10 of Appendix A.

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TABLE 4.10.3 - REMEDIAL MEASURES

FEATURE	OBJECTIVES	MONITORING FREQUENCY	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)
Water Erosion	Soil stabilized, no evidence of rilling or gullying equal to or greater than a Class 3	After first major storm event (>0.5-inch rain in a 24-hour period) following construction; annual monitoring of reclamation	Rilling or gullying or erosion judged to be excessive	Repair area; consider additional stabilization (water bars, berms, diversion channels, or rock lining)
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
Sedimentation	Little accumulation of sediment in basins (pit); basins maintain adequate capacity	After first major storm event (>0.5-inch rain in a 24-hour period) following construction; annually during reclamation	Sedimentation basins filling up; diminished capacity	Clean out basin; analyze watershed for source of sediment; implement erosion control measures to correct problem
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 by hand-pulling and hand-culling
Revegetation	Perennial density averages 0.16%	Annually following implementation	Significantly below objectives	Consider reseeding; analyze soil for problems
Re-soiling	De-compacted native soils or fines re-spread to a depth of 6 inches	Monitor during implementation	Fines absent from substrate surface or a compacted substrate	Re-spread additional fines; rip or disc site to alleviate compaction

Attachment 6

7.0.0 REFERENCES

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Attachment 6

APPENDICIES

- A. COUNTY MINING/RECLAMATION PLAN APPLICATION**
- B. HIGHWAY EASEMENT DEED**
- C. MS #300 PLAN SHEETS**
- D. MS #300 OPERATIONS PLAN**
- E. DRECP - SITE SURVEY ANALYST**
- F. VEGETATION COVER MAP AND CHART**
- G. RECLAMATION PLAN CONTENT - CHECKLIST**

Attachment 6

APPENDIX A

COUNTY MINING/RECLAMATION PLAN APPLICATION

Attachment 6



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

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning@inyocounty.us

Planning Department Permit Application

Date: 7/25/2019	(Staff Use) Project #:
-----------------	------------------------

Applicant Name: Caltrans District 9 (Forest Becket)		
Street Address: 500 South Main St		
City: Bishop	State: CA	Zip: 93514
Phone: 760-872-0681	Alternate Phone: 760-872-0601	
e-mail: forest.becket@dot.ca.gov		

Property Owner Name: Bureau of Land Management (BLM)		
Street Address: 300 S. Richmand Rd		
City: Ridgecrest	State: CA	Zip: 93555
Phone: 760-384-5400	Alternate Phone:	
e-mail:		

Property Information	Assessor's Parcel Number(s): 031-010-19-00	
Address: N/A		
Latitude: 36, 27' 30" North	Longitude: 117, 50' 30" West	
Section(s): 15	Township(s): 17	Range(s): 38 East, M.D.M
Zoning: Open Space	General Plan Designation: SFL - Federal Lands	

Project Type (Check all that apply)		
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Tentative Tract Map	<input checked="" type="checkbox"/> Mining Reclamation Plan
<input type="checkbox"/> Variance	<input type="checkbox"/> Tentative Parcel Map	<input type="checkbox"/> Road Abandonment
<input type="checkbox"/> Zone Reclassification	<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Mobilehome Waiver
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Parcel Merger	<input type="checkbox"/> Design Review Committee
<input type="checkbox"/> Specific Plan	<input type="checkbox"/> Certificate of Compliance	<input type="checkbox"/> Time Extension
<input type="checkbox"/> Development Agreement	<input type="checkbox"/> Hosted Short-Term Rental	<input type="checkbox"/> Non-Hosted Short-Term Rental
<input type="checkbox"/> Renewable Energy Permit	<input type="checkbox"/> Telecom Plan or Amendment	
<input type="checkbox"/> Renewable Energy Determination	<input type="checkbox"/> Other	

Attachment 6

Applicant Name: Caltrans District 9 (Forest Becket)

Project Description Describe in detail Project Proposal(s). Be as specific as possible. Attach additional sheets as necessary.

This application is submitted to the County as SMARA lead agency to consider the approval of and expansion to an existing surface mine (Mine ID 91-14-0051) operated by the California Department of Transportation.

The site provides Maintenance forces with a continuous and centrally located source of shoulder backing material. Material Site #300 occupies 84.18 acres on BLM land (Figure 2 and Appendix B). The triangular site is approximately 3800 feet, north to south, by 2300 feet, east to west, with the southeastern diagonal boundary along the highway. Approximately nine acres in the west-central portion of the site have been used for previous mining operations and access roads.

The site will be mined in four phases over a duration of 50 to 70 years. As shown on MS #300 Plan Sheets (Appendix C), the expanded mining area will encompass approximately 8.1 acres and be 850-feet northeast to southwest and 500-feet northwest to southeast. A minimum 30-foot setback from the two large drainage channels (north and south) and BLM easement boundary will be maintained throughout all phases of mining. All mining excavation will not exceed a depth of 50-feet below the natural grade.

Project Goals Describe the goals and project benefits (i.e. jobs, housing, services created and revenues generated for the community, etc. Attach additional sheets as necessary.

Natural erosion and vehicular use of dirt shoulders on state highways requires continued maintenance through the replacement of dirt shoulder material. If dirt shoulders are not maintained damages to the roadway can occur during storm events and the traveling public would have difficulty using the dirt shoulder. Major storm events can also destroy whole roadway segments, requiring immediate access to aggregate materials to restore access to essential services. Inyo County's commercial sources of shoulder backing materials are limited, expensive and not ideally placed in central Inyo County. To provide Maintenance forces with a continuous and centrally located source of shoulder material, Caltrans proposes to expand mining operations at Keeler Pit (Material Site #300).

Caltrans Maintenance requires shale mined from this site throughout the year. This material is used for highway maintenance. Mining activities will occur in four phases, with a total estimated production volume of 373,00 cubic yards (CY). Historic mining production logs show an average use of 5,000 CY annually. Emergency road repairs due to flood and/or landslide damage can significantly increase production beyond average volumes. Based on the last 20 years of mining this site, little to no waste is anticipated during production.

Attachment 6

General Information

Applicant Name: Caltrans District 9 (Forest Becket)

Property Owner Name: Bureau of Land Management (BLM)

Address: N/A

APN: 031-010-19-00

Project Description

Property Size: 84.18 acres

Existing Buildings & Structures: None
(including Square Footage & number of Floors)

Proposed Buildings & Structures: None
(including Square Footage & number of Floors)

Project Schedule: Estimated 50 to 70 years to exhaust material at proposed 8.1 acre pit

Project Phasing: Four phases of mining with final phase including re-vegetation efforts

Provide a detailed description of the project (attach additional sheets as necessary):

- For Residential Projects, Describe, including number of units, size of units, anticipated sale prices or rental rates and type of household size anticipated
- For Commercial Projects, Describe, including type of operation, square footage of sales area and loading facilities
- For Industrial Projects, Describe, including type of operation, estimated employment per shift and number of shifts, loading facilities, truck traffic, and hazardous materials used onsite.
- For Institutional Projects, Describe, including services provided, estimated employment per shift, estimated occupancy and community benefits of project.

See attached Revised Reclamation Plan (2019), Plan Sheets (Appx. C) and Operations Plan (Appx. D).

Attachment 6

Applicant Name: Caltrans District 9 (Forest Becket)

Project Checklist

	Yes	No
1. Change in existing features of any bays, tidelands, beaches, or hills or substantial alteration of ground contours.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Change in scenic views, or vistas from existing residential areas, public lands or roads.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Change in pattern, scale or character of general area of project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Significant amounts of solid waste or litter.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Change in dust, ash, smoke, fumes or odors in vicinity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Of existing drainage patterns	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Substantial change in existing noise or vibration levels in the vicinity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Site on filled land or on slope of 10 percent or more	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Use of disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Substantial change in demand for municipal services (police, fire, water, sewage, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Known threatened or endangered species (animal or plant) on or near site.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Known historical, archaeological, or cultural resource on or near site.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Project is related to a larger project or a series of projects.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For all items checked Yes, please include a written discussion/explanation below (attach additional sheets as necessary).

#1 - Ground contours will change as a result of mining.

#2 - Mining pit is on public land and will have minor changes to visual character viewed from State Highway 136. Several other mining operations are scattered along shoreline of Owens Lake.

#9 - An existing bluff will be mined and graded during Phase IV of the project.

#15 - Previous sand and gravel mining has occurred at the site. Reclamation of this site will not preclude mining at a future date. The aggregate resource extends beyond the site boundaries and is at least 100 feet deep. The current mining plan will not have exhausted on-site mineral resources.

Attachment 6

Applicant Name: Caltrans District 9 (Forest Becket)

Environmental Setting

Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals and any cultural, historical, or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site, as needed. Attach additional sheets as necessary.

See attached Revised Reclamation Plan

Describe the surrounding properties, including information on plant and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback rear yard, etc.). Attach photographs of the vicinity, as needed. Attach additional sheets as necessary.

See attached Revised Reclamation Plan

Certification

I hereby attest that the information contained in this Environmental Information Worksheet and any attachments is correct to the best of my knowledge.

Note that if the signatory of this worksheet is other than the property owner, the signatory must be named as an Authorized Agent on the Consent of Property Owner and Designation of Authorized Agent form that is included with the Inyo County Planning Department Permit Application.

Name: Forest Becket

License #

Company: Caltrans

Date: 07/25/2019

Title: Senior Environmental Planner

Signature: *Forest Becket*

Attachment 6



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

Phone: (760) 878-0283
FAX: (760) 872-2712
E-Mail: inyoPlanning@inyocounty.us

Consent of Property Owner and Designation of Authorized Agent

Date: 7/25/2019 (Staff Use) Project #:

General Information
Property Owner Name: Bureau of Land Management (BLM)
Applicant/Authorized Agent Name: Caltrans District 9 (Forest Becket)
Project Address: N/A
APN: 031-010-19-00 Permit Type: Reclamation Plan

Consent I (we) the undersigned owner of record of the fee interest in the parcel of land identified by the address and Assessor Parcel Number(s) noted above, for which a land use permit, land division, general plan or ordinance amendment, or LAFCO application referral is being filed with the Inyo County Planning Department requesting an approval for the permit type listed above, do hereby certify that:
1. Such Application may be filed and processed with my (our) full consent.
2. I (we) hereby grant consent to Inyo County, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the County, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their agents or employees if the other governmental entities are providing review, inspections and surveys to assist the County in processing this application. This consent will expire upon completion of the project.
3. If prior notice is required for entry to survey or inspect the property, please contact:
Name: ** See attached Highway Easement Deed (Appx. B)
Address:
Telephone #: e-mail:
4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property:

Authorization I (we) the undersigned owner of record of the fee interest in the parcel of land located at the address noted above and identified by the Assessor Parcel Number(s) noted above have authorized the person noted above as "Applicant/Authorized Agent" to act as my (our) agent in all contacts with Inyo County and to sign for all necessary permits in connection with this matter. If the Applicant/Authorized Agent field above and the signature below are left blank it is assumed that the Property Owner will be acting as his own Agent, and no one will be acting on his behalf.

Signatures
N/A Forest Becket 07/25/2019
Signature of Property Owner Date Signature of Authorized Agent Date

Attachment 6



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

Phone: (760) 878-0263
 FAX: (760) 872-2712
 E-Mail: Inyoplanning@inyocounty.us

Notification of Proximate Property Owners

Applicant Name: Caltrans District 9 (Forest Becket)

Date: 7/25/2019 **(Staff Use) Project #:**

The following applications require the provision of public hearing notices to surrounding property owners within 300 feet of the boundary of the project property. Please check all that apply to this project.

<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Tentative Tract Map	<input checked="" type="checkbox"/> Mining Reclamation Plan
<input type="checkbox"/> Variance	<input type="checkbox"/> Tentative Parcel Map	<input type="checkbox"/> Road Abandonment
<input type="checkbox"/> Zone Reclassification	<input type="checkbox"/> Certificate of Compliance	<input type="checkbox"/> Mobilehome Waiver
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Specific Plan	<input type="checkbox"/> Telccom Plan or Amendment
<input type="checkbox"/> Development Agreement	<input type="checkbox"/> Renewable Energy Determination	<input type="checkbox"/> Renewable Energy Permit
<input type="checkbox"/> Non-Hosted Short-Term Rental	<input type="checkbox"/> Hosted Short-Term Rental (on form provided by Planning Staff)	

The following applications require the provision of public hearing notices to surrounding property owners within 1,500 feet of the boundary of the project property. Please check if this applies to this project.

Commercial Cannabis Conditional Use Permit (CUP for cultivation, retail, manufacturing or microbusiness)

If you would like the Planning Department staff to act on your behalf to obtain the addresses of all property owners within 300' or 1,500' as applicable, and to mail the hearing notices, please select this box. Do note that staff time and expenses (stamps, etc.) will be billed against your account.

If you would like to obtain addresses of all property owners within 300' or 1,500', as applicable, and provide the Planning Department addressed and stamped envelopes, select this box. Note that you must also provide the following to demonstrate that you have properly obtained the addresses that are in the notification radius:

- The County assessor map(s) or GIS maps covering your project site with the 300' or 1,500' surrounding area shown outlined. This information must be obtained from the latest Assessor's roll.
- The list of Assessor Parcel Numbers, property owners, and addresses for all properties within 300' or 1,500', as applicable, of the project site.
- Number 10 envelopes (letter-sized) with first class postage affixed and addressed to each owner.
- This form signed and dated at the bottom.

I hereby certify that the attached information contains all of the assessor parcel numbers from the latest Assessor's Roll under preparation of all the properties with the area described on the attached maps and within a distance of three hundred (300) feet or one thousand five hundred (1,500) feet, as applicable, from all exterior boundaries of the project property.

I certify under penalty of perjury that the foregoing is true and correct.

Forest Becket 07/25/2019

Signature of Applicant Date

Attachment 6



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

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoPlanning@
inyocounty.us

Processing Fee Agreement

Date: 7/25/2019 (Staff Use) Project #:

General Information
Applicant Name: Caltrans District 9 (Forest Becket)
Property Owner Name: Bureau of Land Management (BLM)
Project Address: N/A
APN: 031-010-19-00 Permit Type: Reclamation Plan
Party Responsible for Payment of Fees (check): [X] Applicant [] Property Owner

Basis of Fees
By County ordinance, Planning Department Processing Fees recover the costs of processing applications.
Your initial deposit amount of \$ 3,030 (see attached) will be applied toward processing your application(s).
In order to implement the cost recovery provisions, please sign this statement indicating your agreement to the cost recovery procedure.

Agreement
I, the undersigned, agree to pay the Inyo County Planning Department Processing Fee, which consists of the costs, as described above, incurred by Inyo County in processing this application.

Signature
Forest Becket
Name of Responsible Party
Signature of Responsible Party
Date
07/25/2019

Attachment 6



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

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning@inyocounty.us

Application Fee Deposits

Pre-application fees (<i>fee to be credited to formal application if submitted within 6 months</i>)	\$500
Conditional Use Permit (<i>new or major amendment</i>)	\$1,490
Minor Amendment to a Conditional Use Permit	\$745
Variance	\$1,500
Zone Reclassification	\$1,450
General Plan Amendment	\$1,525
Specific Plan	\$3,080
Hosted Short Term Rental	\$350
Non-Hosted Short Term Rental	\$1,250
Telecommunications Plan	\$2,460
Road Abandonment	\$1,450
Certificate of Compliance	\$1,000
Lot Line Adjustment	\$900
Parcel Merger	\$600
Parcel Map	\$1,800
Parcel Map with Rezoning	\$2,525
Tract Map	\$2,325
Tract Map with a rezoning	\$3,050
Reclamation Plan	\$3,030
Reclamation Plan Amendment with Expansion	\$3,030
Reclamation Plan Amendment without Expansion	\$1,515
Interim Management Plan for Mine	\$370
Mine Inspection Fee	\$450

Attachment 6

Application Fee Deposits

Page 2

Categorical Exemption.....	\$120
Initial Study.....	\$500
Negative Declaration (<i>Includes Initial Study Fee</i>).....	\$600
Review of Special Environmental Studies.....	\$970
Mitigation Monitoring and Report Program.....	\$920
Environmental Impact Report.....	Estimated Cost
Special Meeting of the Planning Commission.....	\$750 + Mileage
Time Extension.....	\$480
Appeal of Planning Commission Action.....	\$300
Planning Director's Interpretation.....	\$100
Appeal of Planning Director's Interpretation to Planning Commission.....	\$300
Mobile Home Waiver.....	\$870
Building Permit Plan Check Fee.....	\$50
Zoning Confirmation Letter.....	\$50
Sign Permit.....	\$30
Mobile Home Waiver.....	\$870
<u>Projects Installed without Authorization or Permits</u>	Double the Standard Fees
Research Fee.....	Burdened Hourly Rate
Lone Pine Architectural Review Board.....	\$200

NOTE: The above fees are a deposit only. If the cost for processing the application exceeds the amount of the deposit, the applicant will be responsible for payment of additional monies to cover the cost of processing. Upon payment of fees, all applicants must also complete and submit the Processing Fee Agreement form.

Attachment 6

APPENDIX B

HIGHWAY EASEMENT DEED

Attachment 6

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

California Department of Transportation
500 South Main Street
Bishop, California 93514

STATE BUSINESS - NO RECORDING FEE
(Gov. Code 27383)

BY: NANCY ESCALLIER
Field Office Chief, R/W, Central Reg.- Bishop



INYO, County Recorder
MARY A. ROPER Co Recorder Office
DOC- 2008-0001677-00
Tuesday, MAY 27, 2008 08:46:18
NFE \$0.00!!
Ttl Pd \$0.00 Nbr-0000065595
DMO/R1/1-6

Space above this line for Recorder's Use

HIGHWAY EASEMENT DEED

THIS DEED, made this 21 day of May, 2008, by and between the UNITED STATES OF AMERICA, acting by and through the DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, hereinafter referred to as the Department, and the STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the Grantee:

WITNESSETH:

WHEREAS, the Grantee has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. Section 317 and/or Section 107), for the right-of-way of a highway over certain federal land in the State of California under the jurisdiction of the United States Department of the Interior, Bureau of Land Management, which land has been appropriated by the Department, and

WHEREAS, the Federal Highway Administrator, pursuant to delegation of authority from the Secretary of Transportation, has determined that an easement over the land covered by the application is reasonably necessary for a Material Site in Inyo County, and

WHEREAS, the United States Department of the Interior, acting by and through the Bureau of Land Management, in its consent to the appropriation of the federal land, has agreed to the transfer by the Department of an easement over the land to the Grantee, and

WHEREAS, the Grantee with respect to activities related to the Property, agrees that (a) no person shall, on the grounds of race, color, national origin, sex, age, disability, or religion be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to the Grantee's operations, programs, or activities conducted on the Property, (b) that the Grantee shall use said land so conveyed in compliance with all requirements imposed by or pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. section 2000d to 2000d-4) and all applicable civil rights provisions of other Federal statutes.

Attachment 6

20080001677

NOW THEREFORE, the Department does hereby grant to the Grantee an easement for Material Site No. 300, on, over, across, in, and upon the following described federal land in the County of Inyo, State of California:

Township 17 South, Range 38 East, M.D.M.

<u>Section</u>	<u>Subdivision</u>
15	NE1/4NE1/4 (within) NW1/4NE1/4 (within) SE1/4NE1/4 (within) NE1/4SE1/4 (within)

Containing 84.18 acres

as the land is more particularly described and shown on that one map sheet labeled Exhibit "A" which was filed in the office of the Inyo County Recorder in State Highway Map Book 4, page 98 on August 10, 1998.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature


Licensed Land Surveyor

Date APRIL 4, 2008



Attachment 6

20080001677

This transfer being subject to the following terms and conditions:

- (1) Outstanding valid claims, if any, existing on the date of this grant, the Grantee shall obtain such permission as may be necessary on account of any such claims.
- (2) Consistent with highway safety standards, the Grantee shall:
 - a. Protect and preserve soil and vegetative cover and scenic and esthetic values on the right-of-way outside of construction limits.
 - b. Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction, operation, or maintenance of the existing material site, and shall vegetate and keep vegetated with suitable species, all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed. The Grantee shall maintain all terracing, water bars, leadoff ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction.
- (3) The Grantee shall establish no borrow, sand, or material sites; stone quarries, permanent storage areas; sites for highway operation and maintenance facilities, camps, supply depots, or disposal areas within the right-of-way; unless shown on approved construction plans, without first obtaining approval.
- (4) The Grantee shall maintain the right-of-way and material site facilities to acceptable standards of repair, orderliness, neatness, sanitation, and safety.
- (5) When need for the easement herein granted shall no longer exist and the area has been reasonably rehabilitated to protect the public and environment, the Grantee shall give notice of that fact to the Federal Highway Administration and the rights herein agreed shall terminate and land shall immediately revert to the full control of the United States Department of the Interior. The Grantee shall update and follow the Reclamation Plan including the necessary Bonding requirements within Inyo County for Material Pits under the Surface Mining Reclamation Act of 1975 and Associated Regulations.
- (6) Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
- (7) The provisions of Title VI of the Civil rights Act of 1964 (78 Stat. 242) shall be complied with.

Attachment 6

20080001677

APPROVED AS TO FORM:

This 14 day of April, 2008.

State of California
Department of Transportation

By: Clare P. LeFlore
Title of Attorney: Deputy Attorney, Caltrans
(Licensed to practice law in the State of California)

Attachment 6

20080001677

IN WITNESS WHEREOF, I, Gene K. Fong, California Division Administrator, pursuant to delegations of authority from the Secretary of Transportation, the Federal Highway Administrator, by virtue of authority in me vested by law, have hereunto subscribed my name as of the day and year first above written.

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

By [Signature]
for GENE K. FONG
California Division Administrator

ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of SACRAMENTO

On MAY 16, 2008, before me, Lynn Whitford Notary Public
(Here insert Name and Title of the Officer)

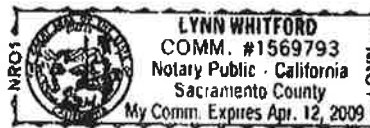
personally appeared VINCENT MAMMANO

who 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 that 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] Notary Public



(Seal)

Attachment 6

20080001577

In compliance with the conditions set forth in the foregoing deed, the State California, Department of Transportation, certifies, and by the acceptance of this deed, accepts the right-of-way over certain land herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said deed.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By Nancy Escallier
NANCY ESCALLIER
Field Office Chief
Right of Way
Central Region - Bishop

ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of Inyo

On May 21, 2008, before me, Maureena Duran-Rojas, Notary Public
(Here insert Name and Title of the Officer)

personally appeared Nancy Escallier

who 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 that 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Maureena Duran-Rojas



(Seal)

Attachment 6

APPENDIX C

MS #300 PLAN SHEETS

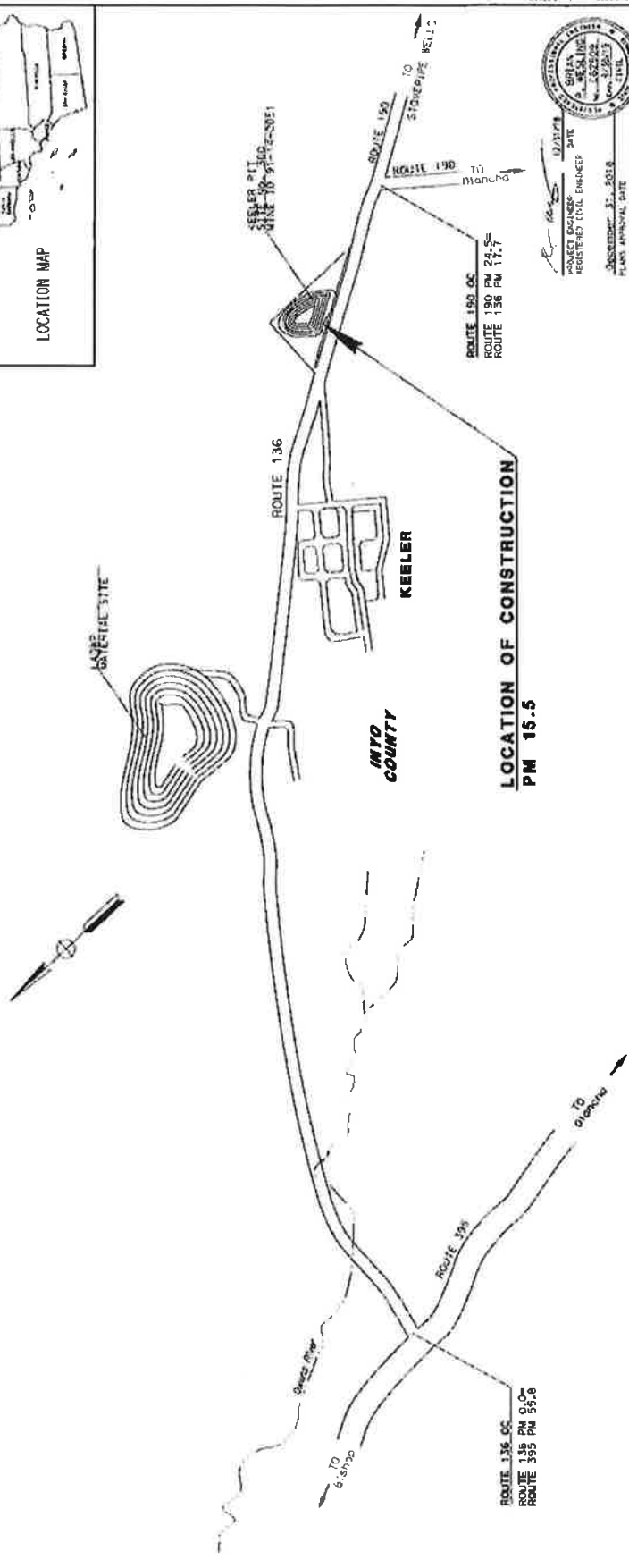
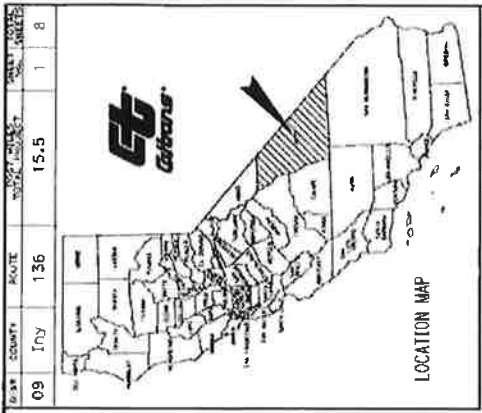
Attachment 6

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
 IN INYO COUNTY NEAR OWENS LAKE
 AT 2.8 MILES SOUTHEAST OF THE COMMUNITY OF KEELER
 AT KEELER MATERIAL SITE No. 300

TO BE SUPPLEMENTED BY STANDARD PLANS DATED 2018

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	TITLE AND LOCATION MAP
2-5	LAYOUT
6-7	CONSTRUCTION DETAILS



NO SCALE

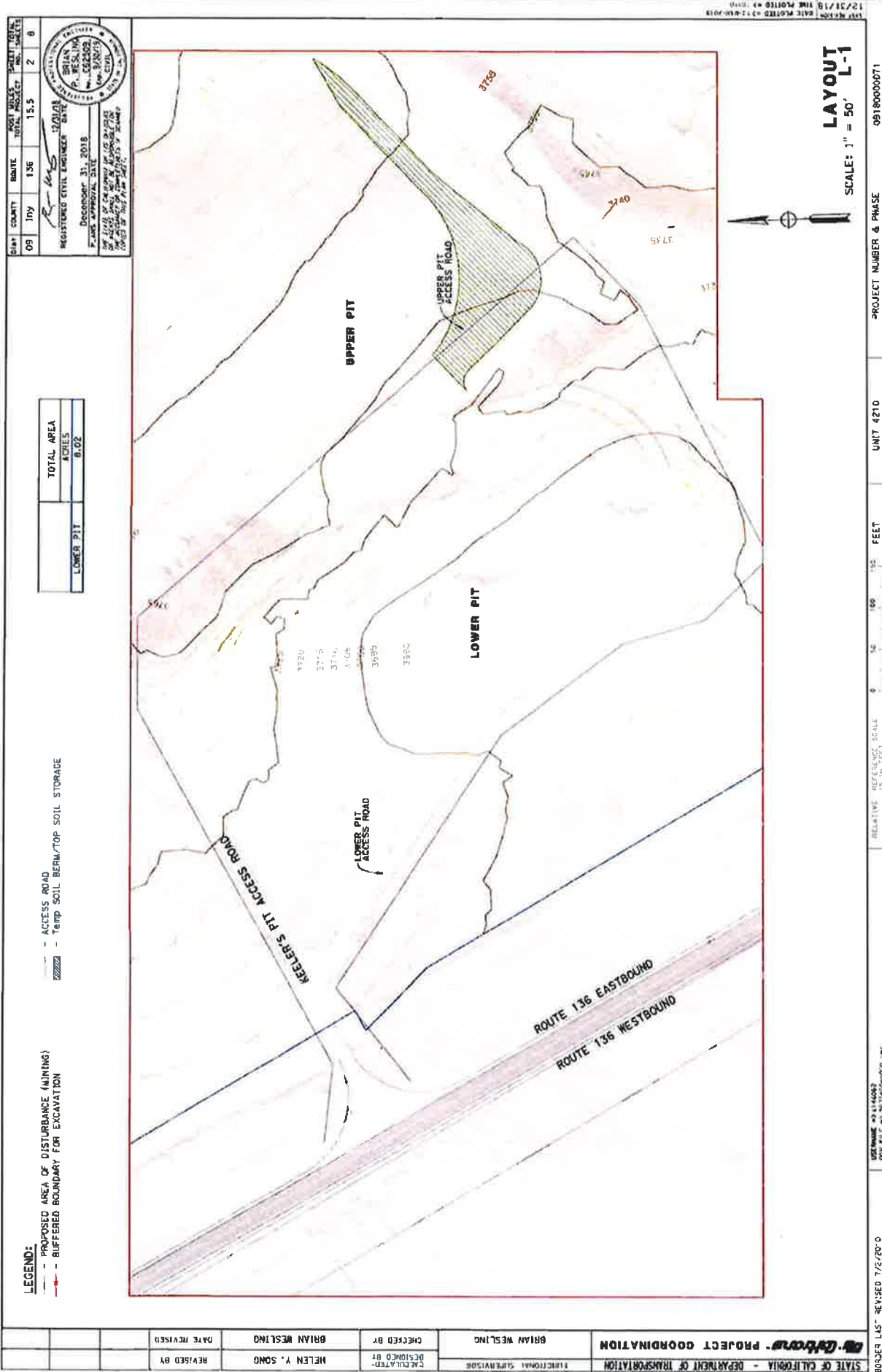
PROJECT ENGINEER
 REGISTERED CIVIL ENGINEER
 DATE
 PROJECT NO. 09-374004
 SHEET NO. 15.5
 CONTRACT NO. 09180000071
 PROJECT NUMBER & PHASE 09180000071

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

BRIAN WELSH PROJECT MANAGER	PROJECT NUMBER
FORREST RECKETT	PROJECT NUMBER

BOMBER LAST REV 5/27/20 0 | CALTRANS WEB SITE IS: JT-P7/WWW.DOT.CA.GOV/ | SCALE 1"=100' | SHEET NO. 15.5 | PROJECT NO. 09-374004 | CONTRACT NO. 09180000071

Attachment 6

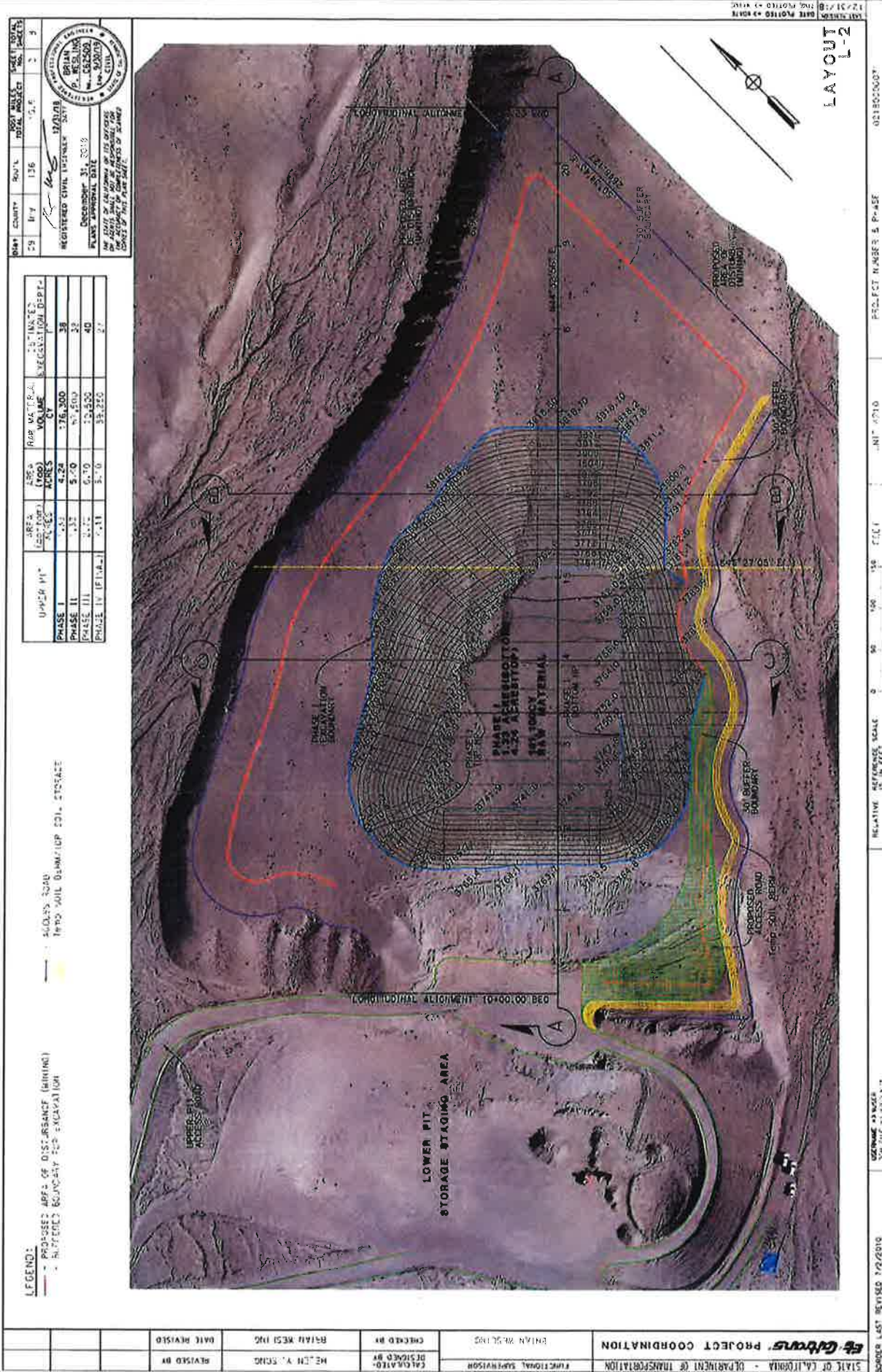


DATE	COUNTY	ROUTE	TOTAL PROJECT	PERMIT NUMBER
09	JUN	136	15.5	2
REGISTERED CIVIL ENGINEER DATE December 31, 2018 P-105 APPROVAL DATE 05/20/19 05/20/19 05/20/19				

LOWER PIT	TOTAL AREA ACRES
	0.22

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	BRIAN WELING	CHECKED BY	BRIAN WESTING	DATE REVISION
BOSCHER LAS - REVISED 7/2/20-0	DESIGNED BY	HELEN Y. SONG	REVISION		

Attachment 6



DATE	COUNTY	ROLL	BOOK	SHEET	TOTAL SHEETS
09/21/17	018	136	100	2	2

REGISTERED CIVIL ENGINEER
 BRADLEY W. KING
 No. 682500
 Exp. 02/01/23

REGISTERED CIVIL ENGINEER
 BRADLEY W. KING
 No. 682500
 Exp. 02/01/23

PLANS APPROVAL DATE: December 31, 2019

FOR CIVIL ENGINEER'S USE ONLY:
 I hereby certify that the above is a true and correct copy of the plans as submitted to me.

UPPER PIT	AREA (ACRES)	AREA (1000 ACRES)	ROCK MATERIAL VOLUME (CY)	VEGETATIONAL DEPT. (INCHES)
PHASE I	1.33	4.24	176,200	38
PHASE II	4.34	13.60	574,600	32
PHASE III	1.33	4.10	174,500	40
PHASE IV	1.33	4.10	174,500	27

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	BRADLEY W. KING	DATE REVISION
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	BRADLEY W. KING	DATE REVISION
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	BRADLEY W. KING	DATE REVISION

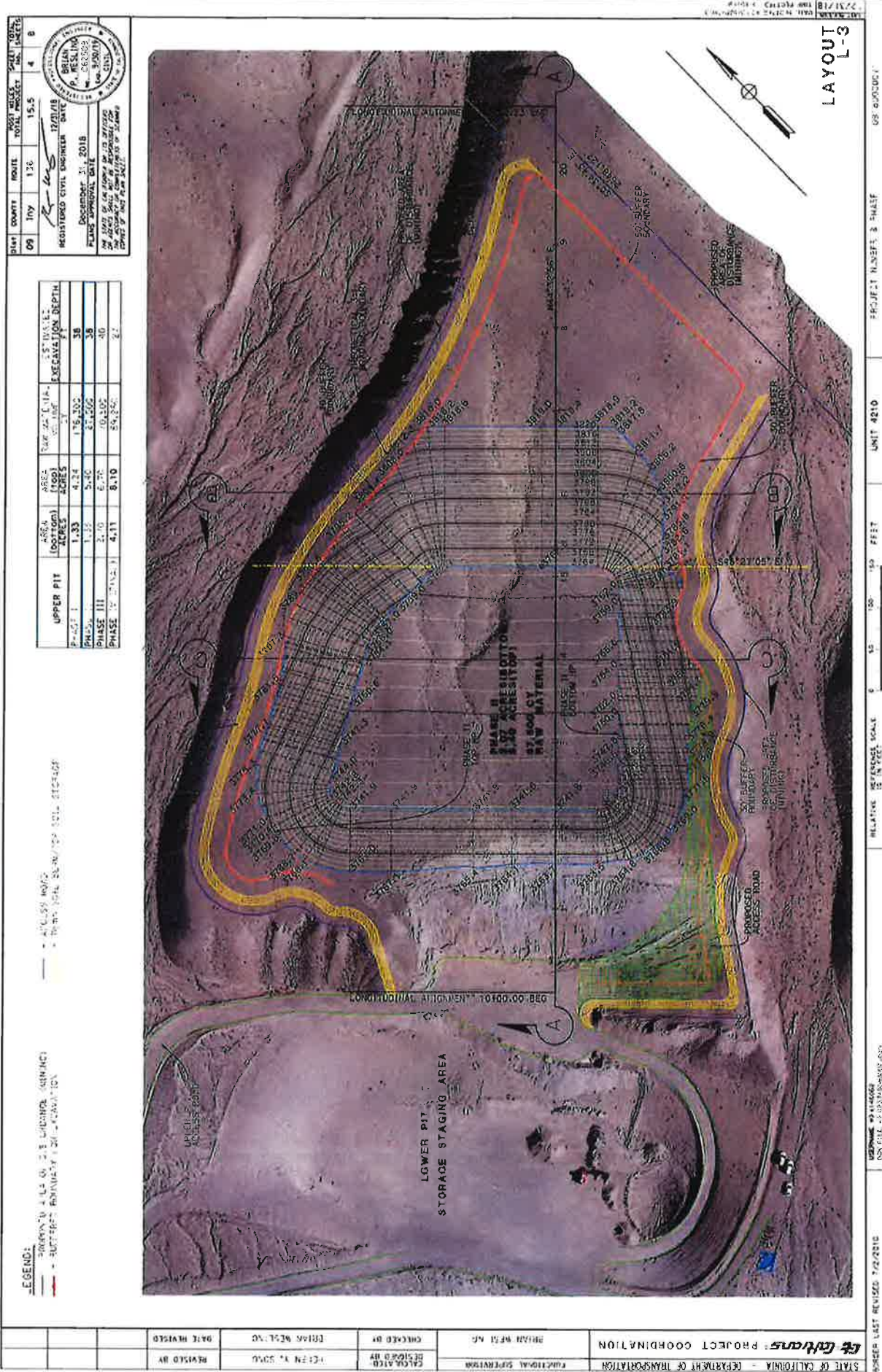
DATE REVISION: _____

DATE REVISION: _____

DATE REVISION: _____

LAYOUT L-2

Attachment 6



PLAT COUNTY	ROUTE	TOTAL PROJECT ACRES	SHEET NO.
09	176	15.5	4

REGISTERED CIVIL ENGINEER DATE
 BRIAN W. WELLS
 December 31, 2018
 PLS APPROVAL DATE
 December 31, 2018
 2018 STATE SEAL NO. 123456789
 2018 STATE SEAL NO. 123456789
 2018 STATE SEAL NO. 123456789

UPPER PIT	AREA (ACRES)	AREA (SQ. FT.)	DEPTH (FEET)	EXCESS DEPTH
PHASE I	1.33	4,240	176.202	38
PHASE II	1.32	4,240	176.202	38
PHASE III	2.70	8,720	363.002	40
PHASE IV	4.11	13,120	542.002	27

LEGEND:
 - - - - - EXISTING ROAD
 - - - - - PROPOSED ROAD
 - - - - - EXISTING UTILITY
 - - - - - PROPOSED UTILITY
 - - - - - EXISTING EASEMENT
 - - - - - PROPOSED EASEMENT
 - - - - - EXISTING PROPERTY LINE
 - - - - - PROPOSED PROPERTY LINE
 - - - - - EXISTING DISTURBANCE PERIMETER
 - - - - - PROPOSED DISTURBANCE PERIMETER

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	REVISION	DATE REVISION
Et Collins	PROJECT COORDINATION	REVISION	DATE REVISION
BRIAN WELLS	CHECKED BY	REVISION	DATE REVISION
BRIAN WELLS	DESIGNED BY	REVISION	DATE REVISION
BRIAN WELLS	CHECKED BY	REVISION	DATE REVISION
BRIAN WELLS	DESIGNED BY	REVISION	DATE REVISION

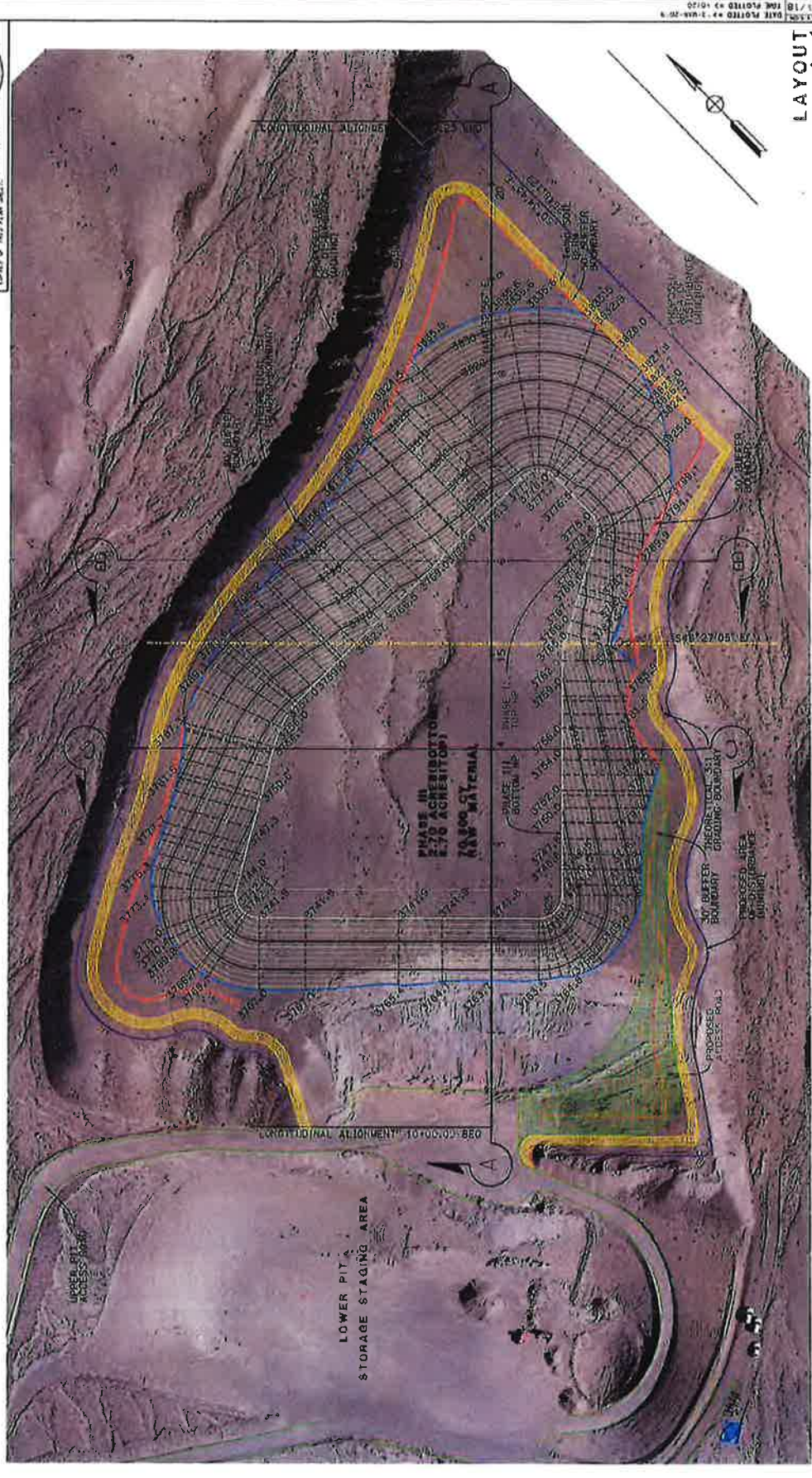
Attachment 6

DIST. DATE REVISION NO. PROJECT NO. SHEET NO. TOTAL SHEETS
 02 1/18 1/18 15-5 5 6

REGISTERED CIVIL ENGINEER DATE
 DECEMBER 27, 2018
 PLUS APPROVAL DATE
 DECEMBER 27, 2018
 NO. 682509
 EXP. 9/29/25

UPPER PIT	AREA (SQ. FT.)	AREA (ACRES)	AP. VOLUME (CU YD)	SETBACK FT.	EXCAVATION DEPTH (FT)
PHASE I	1,223	2.74	178,300	38	38
PHASE II	1,333	3.05	67,500	38	38
PHASE III	2,170	6.70	70,500	40	40
PHASE IV (FINAL)	9,111	8.10	93,750	27	27

LEGEND:
 - PROPOSED AREA OF THIS (ORANGE, BROWN)
 - 6.5% SLOPE RECOMMENDED FOR EXCAVATION
 - ACCESS ROAD
 - 10% SLOPE RECOMMENDED FOR SOIL STABILIZATION



LAYOUT L-4

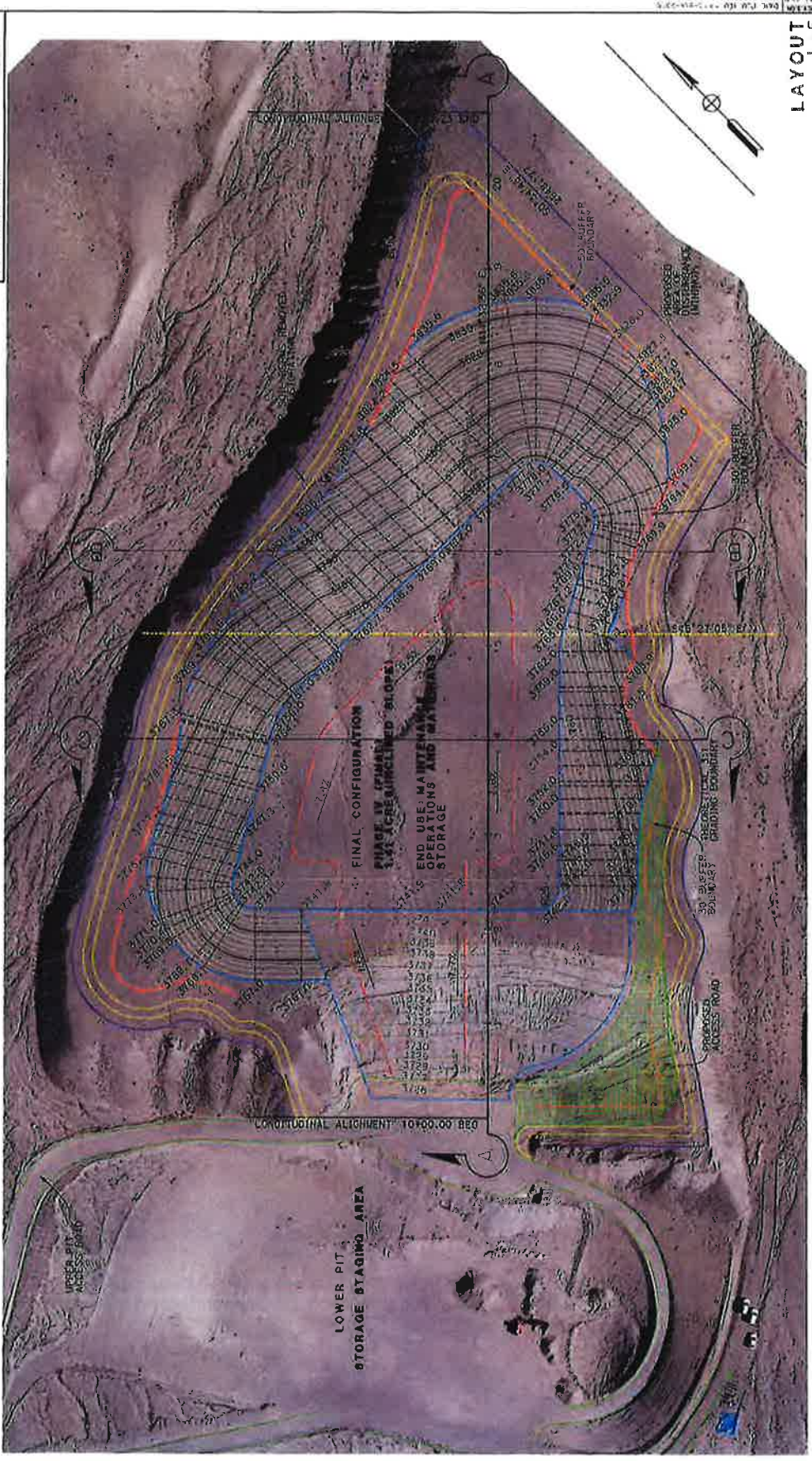
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
 FUNCTIONAL SURVEY
 CHECKED BY: [Name] DATE REVISION: [Date]
 BRIDGE DESIGN: [Name] DATE REVISION: [Date]
 FILE NO. 15-500000-0001
 PROJECT NUMBER 15-500000-0001
 UNIT 4210
 SHEET 5 OF 6
 DATE PLOTTED 03/18/18

Attachment 6

COUNTY: 05 ROUTE: 138 TOTAL PROJECT ACRES: 15.5 SHEET NO.: 6 OF 6
 REGISTERED CIVIL ENGINEER DATE: 12/21/18
 BRIAN W. WESTING
 P. REG. NO. 556309
 EXPIRES: 12/31/2025
 THE STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS

PHASE	AREA (ACRES)	RAW MATERIAL VOLUME (CY)	ESTIMATED EXCAVATION DEPTH (FEET)
PHASE I	1.37	176,300	38
PHASE II	1.53	67,500	3.8
PHASE III	2.71	70,500	9.1
PHASE IV (TOTAL)	5.61	58,255	23

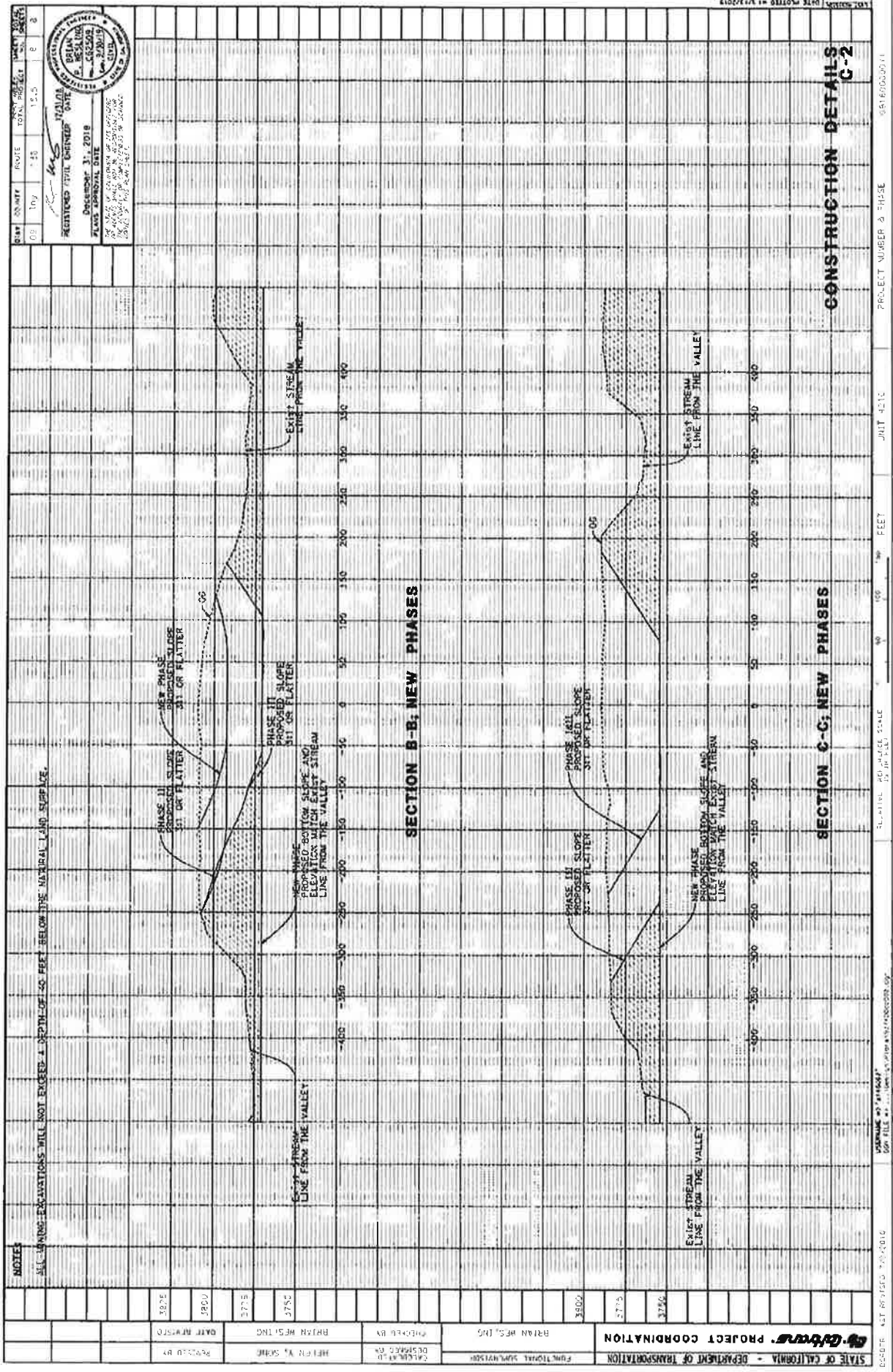
- LEGEND:**
- PROPOSED SIDEWALKS, BARRIERS, ETC.
 - PROPOSED SIDEWALKS, BARRIERS, ETC.
 - PROPOSED SIDEWALKS, BARRIERS, ETC.



LAYOUT L-5

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	BRIAN WESTING	CHECKED BY	HELEN V. SOKAL	DATE REVISION
PROJECT COORDINATION	DESIGNED BY	HELEN V. SOKAL	DATE REVISION		

Attachment 6



Attachment 6

APPENDIX D

MS #300 OPERATIONS PLAN

Attachment 6



MATERIAL SITE 300 (MINE ID 91-14-0051)



6/3/2019

Operations Plan / Project Description

Caltrans District 9 has an active shale mining pit at MS 300. Caltrans is proposing to expand mining operations by 8.1 acres with the approval of a new SMARA reclamation plan and associated operations plan.

Attachment 6

Material Site 300 (Mine ID 91-14-0051)

Material Site 300 (Mine ID 91-14-0051)

OPERATIONS PLAN / PROJECT DESCRIPTION

Background

With limited available aggregate sources statewide, including from within the Caltrans District 9 area, there is a need to thoughtfully utilize the few remaining available quality material sites. This pit is adjacent to State Route (SR) 136 and is strategically located in central Inyo County.

Maintenance has identified a need for the shale material at this location for use in highway maintenance work and utilization of the site for material storage (sand, rock, gravel, soil debris from flooding, etc.). Caltrans historic mining production logs show an average use of 5,000 cubic yards (CY) annually, which can greatly increase during big desert storm years.

There is no commercially available equivalent material in central Inyo County, which makes hauling in commercially purchased material cost prohibitive. Continued availability of this site would also avoid dependency on the uncertain supply of private commercial sources and long hauling distances.

Caltrans filed a Map Application with the Federal Highway Administration in 1998 and recorded a Highway Easement Deed with the Inyo County Recorder's office in 2008 for a material site. The site is on Bureau of Land Management (BLM) land, near Keeler California. The triangular site encompasses 84.18 acres, of which 8.1 acres will be mined in four phases, to a depth no greater than 50 feet below natural grade. The current boundary also includes a storage and operations area, to the southwest, that was the location of previous mining operations. The new site boundary has been clearly delineated with metal posts, survey markers, and material site boundary signs. Unnamed alluvial drainages to the north and south are now substantially buffered from the current mine site footprint.

The reclamation plan approved by Inyo County in 1997 approved an area of disturbance for mining of 4.8 acres, which is nearing the end of its use. This project will expand the material site for an additional 8.1 acres of minable area on top of the mesa above the existing pit. The project will update the reclamation plan to reflect this major amendment and provide all the necessary environmental analysis, engineering plans, and associated SMARA requirements. The reclamation plan amendment will also identify a new end-use of the already mined old pit as a permanent storage and staging area for Caltrans (8.02 acres).

Day One Operations (post reclamation plan and operations plan approval)

A minimum 30-foot offset boundary will be clearly demarcated with metal stakes to ensure a buffer from the edge of the bluffs and to provide a visual cue for excavation activities. A dirt access road, along the southwest border, will be established to connect the storage and operations area (lower pit) to the Phase I

Attachment 6

Material Site 300 (Mine ID 91-14-0051)

mining area. Phase I area duff/topsoil, approximately six inches in depth, will be relocated to a soil berm on the southern edge of the pit and access road. The Phase I pit will be graded to ensure internal drainage.

Maintenance personnel will be trained on operations plan and methods from which to operate on the site to ensure SMARA compliance and final configurations.

General Operational Strategies

- All phases of operation will ensure that the site remains internally draining, with final slope configurations of 3 (horizontal): 1 (vertical) or flatter.
- The proposed extraction plan is not expected to encounter groundwater. The elevation of the lower pit is below the max depth elevation of the upper pit area, so groundwater should not be an issue.
- During material extraction operations, duff/topsoil (the top 4 inches) will be stockpiled for reclamation activities in soil berms at mine boundaries. Slopes will be contoured to final grade (3:1) and slope re-vegetation will commence at the end of Phase IV.
- During all mining phases the pit floor grade will generally match the natural grade to ensure maximum depth is not exceeded.
- The primary use of the site will be for Caltrans standard maintenance and operations, including:
 - Material mining, sorting, and stockpiling for use in routine and emergency maintenance activities on the State Highway System.
 - Caltrans Maintenance Forces will perform mining activities mostly with graders, loaders, dozers, and sorting grizzlies.
 - Only reusable imported natural materials, such as dirt and rock, collected from highway clean-up or Caltrans Construction activities, will be stored at the site. All other non-reusable natural materials will be disposed of elsewhere, likely a county landfill.
- A secondary use of the site will be to provide Caltrans Construction Contractors with a staging area for nearby projects. Contractors sometimes need an area off the highway to temporarily store construction equipment and materials. This will only occur in the lower pit area that has already been mined.
- After completion of Phase IV mining operations, topsoil berms will be spread on final slopes, pit floor and the dirt access road (west of lower pit) to enhance slope naturalization/re-vegetation.
- It is Caltrans intent to keep the lower pit area at this site in perpetuity as a maintenance, storage, and operations area, even after all mining material is exhausted and slopes are reclaimed. The proposed "end use" will be a designation conducive for this purpose.

Four phases of mining / operations and reclamation are proposed:

Phase I

Phase I of mining will entail excavation of a dirt access road cut into the southeast corner of the new mining area to establish access from the lower pit onto the upper mesa table where phase I starts, as identified in the plan sheets. Topsoil, approximately six inches in depth, will be relocated to a soil berm on the southern edge of the pit and access road. The Phase I pit will be graded to ensure internal drainage and catchment in a detention basin.

Attachment 6

Material Site 300 (Mine ID 91-14-0051)

The pit floor elevation in this area will be lowered approximately 40 feet from current the natural grade elevation. There is an estimated 176,000 cubic yards (CY) of raw material in Phase I. With an estimated 5,000 CY/year average demand, this phase will last approximately 35 years.

Equipment such as loaders, excavators, and screening grizzlies, as well as production material stockpiles will continued to be stored in the lower pit.

Phase 2

Phase II mining will consist of expanding the slopes and pit floor of Phase I to the northwest, north and northeast. This phase contains approximately 67,000 CY of raw material. Estimating 5,000/year average demand, this phase will provide about 13 year's supply of aggregate.

Topsoil, approximately six inches in depth, will be relocated to a soil berm on the northwest and north edge of the pit. The topsoil berm created in Phase I will remain in place for reclamation activities at the end of Phase IV. The Phase II pit will be graded to ensure internal drainage.

Phase III

Phase III mining will consist of expanding the slopes and pit floor of Phase II to the east. This phase contains approximately 70,000 CY of raw material. Estimating 5,000 CY/year average demand, this phase will provide about 14 year's supply of aggregate.

Topsoil, approximately six inches in depth, will be relocated to a soil berm on the eastern edge of the pit. The topsoil berms created in Phases I and II will remain in place for reclamation activities at the end of Phase IV. The Phase III pit will be graded to ensure internal drainage.

Phase IV

Phase IV mining will consist of expanding the slopes and pit floor of Phase III to the southwest. This phase contains approximately 59,000 CY of raw material. Estimating 5,000 CY/year average demand, this phase will provide about 12 year's supply of aggregate.

Topsoil, approximately six inches in depth, will be relocated to existing soil berms created in Phases I and II. The Phase IV pit will be graded to ensure internal drainage of the mine site to the lower pit (southwest).

Upon completion of the extraction of all material to the grade lines as shown on Phase IV plan sheet, the final slopes will be reclaimed as depicted in Layout Sheet L-5 in accordance with SMARA regulations. Topsoil berms from Phases I, II and III will be removed and spread evenly on all slopes and pit floor.

Final Configuration

As mentioned in the General Operations Strategies, it is Caltrans intent to keep part of this site in perpetuity even after mining resources are exhausted and slopes are reclaimed. Once the upper pit has met the reclamation success criteria conditions per the reclamation plan and returned to a land use designation of natural resources, a final site inspection will be performed with Inyo County. The lower pit will also be part of the final inspection, but with an end-use designation conducive with continued Caltrans Maintenance storage and staging for the 8.0 acres. Upon final site configuration, as described in plan sheet L-5, and after the final inspection with Inyo County, the associated mine ID will be retired. At this point, no further mining activities will occur at the site, and only Caltrans standard maintenance activities will occur on the site. Post reclamation site end uses will include:

Attachment 6

Material Site 300 (Mine ID 91-14-0051)

- Caltrans Maintenance Forces equipment operation training.
- Stackpiling and storing natural materials such as rock, excess base material, reusable plant materials for erosion control, etc.
- Temporary utilization as a Construction Contractor staging area for equipment and natural materials.
- Only reusable imported natural materials, such as dirt and rock, collected from highway clean-up or Caltrans Construction activities, will be stored at the site. All other non-reusable natural materials will be disposed of elsewhere, likely a county landfill.

The usable areas of the final site configuration will be limited to the lower pit (southeast), excluding the stormwater/sediment settling basin, as all slopes will be set to 3:1 and re-vegetated. This usable area will include the 4.8 acres of the lower pit (which includes the settling basin).

Since the operations plan for mining is based on estimates for extraction, it is also estimated that the final site configuration will likely not be realized for 70-80 years depending on several potential conditions.

Please refer to the associated plan sheets for further details as described in this document, as well as the actual reclamation plan.

Attachment 6

APPENDIX E

DRECP – SITE SURVEY ANALYST

Attachment 6

DRECP SITE SURVEY ANALYST

Select a Location

Selection Tools

5 polygons selected
Designations: Alternative Specific Reserve Design
Ownership: BLM

1 km
5000 ft

Model Results

Click a column below to view the map on

High (1-1)	Very High	High
Moderate (0)	Low	Very Low
Lowest (1)		
Territorial Intensity	Conservation Value	Soil Sensitivity

Click a node in the diagram above to map it

Covered Species

Click an image below to map the modeled distribution

Burrowing owl
Golden eagle
Mohave ground squirrel
Owens Valley checkerbloom
Pallid bat
Townsend's big-eared bat
Willow flycatcher (ssp. Southwestern willow flycatcher)
Yellow-billed cuckoo (ssp. Western yellow-billed cuckoo)

Covered Communities

Conservation Management Actions (CMAs)

Attachment 6



Species: Burrowing owl (*Athene cunicularia*)

In the Reserve Design

BLM LUPA Lands:

AM-RES-BLM-1: The following CMA will be implemented on BLM LUPA conservation designations for all natural communities and Cov values, goals, objectives, and management actions established in the BLM special land allocation management plans (i.e., NLCS, ACEC and allocation) apply to land with BLM LUPA conservation designations, as described in [Appendix L](#). Natural communities and Covered Species LUPA conservation designations will be managed according to the unit-specific management actions to maintain the vegetation, fish and wildlife resource values within the NLCS/ACEC/Wildlife Allocation unit as described in the BLM special land allocation management plans ([Appendix](#)



Species: Golden eagle (*Aquila chrysaetos*)

In the Reserve Design

BLM LUPA Lands:

AM-RES-BLM-1: The following CMA will be implemented on BLM LUPA conservation designations for all natural communities and Cov values, goals, objectives, and management actions established in the BLM special land allocation management plans (i.e., NLCS, ACEC and allocation) apply to land with BLM LUPA conservation designations, as described in [Appendix L](#). Natural communities and Covered Species LUPA conservation designations will be managed according to the unit-specific management actions to maintain the vegetation, fish and wildlife resource values within the NLCS/ACEC/Wildlife Allocation unit as described in the BLM special land allocation management plans ([Appendix](#)

AM-RES-BLM-ICS-9: The cumulative loss of foraging habitat within a 4 mile radius around active or alternative golden eagle nests (see [Appendix](#) reserve will be limited to less than 10%.



Species: Mohave ground squirrel (*Spermophilus [Xerospermophilus] mohavensis*)

In the Reserve Design

BLM LUPA Lands:

AM-RES-BLM-1: The following CMA will be implemented on BLM LUPA conservation designations for all natural communities and Cov values, goals, objectives, and management actions established in the BLM special land allocation management plans (i.e., NLCS, ACEC and allocation) apply to land with BLM LUPA conservation designations, as described in [Appendix L](#). Natural communities and Covered Species LUPA conservation designations will be managed according to the unit-specific management actions to maintain the vegetation, fish and wildlife resource values within the NLCS/ACEC/Wildlife Allocation unit as described in the BLM special land allocation management plans ([Appendix](#)

AM-RES-BLM-ICS-14: Long-term vegetation removal within Important Areas will be prohibited, unless the land use is compatible with M squirrel protection and management. Compatible land uses are those described in the BLM LUPA for ACECs where Mohave ground squirrel

AM-RES-BLM-ICS-15: Any disturbance within suitable habitat will require the same protocol survey (AM-DEA-ICS-37), clearance survey 36), and construction monitoring (AM-DFA-ICS-41) measures for DFAs.

AM-RES-BLM-ICS-16: BLM will not authorize the use of rodenticides on BLM-administered land in areas where Mohave ground squirrel managed. Use of rodenticide inside of buildings is prohibited.

AM-RES-BLM-ICS-17: On BLM conservation lands, to the maximum extent practicable and/or as allowed under existing permits establish fencing to exclude cattle, horses, sheep, and other potential grazers from areas that are protected and managed for Mohave ground squirrel ar stands that are important foraging habitat, including winterfat and spiny hopsage.



Species: Owens Valley checkerbloom (*Sidalcea covillei*)

Attachment 6

In the Reserve Design

BLM LUPA Lands:

AM-RES-BLM-1: The following CMA will be implemented on BLM LUPA conservation designations for all natural communities and Cov values, goals, objectives, and management actions established in the BLM special land allocation management plans (i.e., NLCS, ACEC and allocation) apply to land with BLM LUPA conservation designations, as described in [Appendix L](#). Natural communities and Covered Species LUPA conservation designations will be managed according to the unit-specific management actions to maintain the vegetation, fish and wildlife resource values within the NLCS/ACEC/Wildlife Allocation unit as described in the BLM special land allocation management plans ([Appendix](#)

AM-RES-BLM-PLANT 1: For all land allocations, substations will be sited in such a way as to avoid suitable habitat for all plant Covered



Species: Pallid bat (*Antrozous pallidus*)

In the Reserve Design

BLM LUPA Lands:

AM-RES-BLM-1: The following CMA will be implemented on BLM LUPA conservation designations for all natural communities and Cov values, goals, objectives, and management actions established in the BLM special land allocation management plans (i.e., NLCS, ACEC and allocation) apply to land with BLM LUPA conservation designations, as described in [Appendix L](#). Natural communities and Covered Species LUPA conservation designations will be managed according to the unit-specific management actions to maintain the vegetation, fish and wildlife resource values within the NLCS/ACEC/Wildlife Allocation unit as described in the BLM special land allocation management plans ([Appendix](#)



Species: Swainson's hawk (*Buteo swainsoni*)

In the Reserve Design

BLM LUPA Lands:

AM-RES-BLM-1: The following CMA will be implemented on BLM LUPA conservation designations for all natural communities and Cov values, goals, objectives, and management actions established in the BLM special land allocation management plans (i.e., NLCS, ACEC and allocation) apply to land with BLM LUPA conservation designations, as described in [Appendix L](#). Natural communities and Covered Species LUPA conservation designations will be managed according to the unit-specific management actions to maintain the vegetation, fish and wildlife resource values within the NLCS/ACEC/Wildlife Allocation unit as described in the BLM special land allocation management plans ([Appendix](#)



Species: Townsend's big-eared bat (*Corynorhinus townsendii*)

In the Reserve Design

BLM LUPA Lands:

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Species: Willow flycatcher (ssp. Southwestern willow flycatcher) (*Empidonax traillii eximius*)

In the Reserve Design

Attachment 6

BLM LUPA Lands:

AM-RES-BLM-1: The following CMA will be implemented on BLM LUPA conservation designations for all natural communities and Cov values, goals, objectives, and management actions established in the BLM special land allocation management plans (i.e., NLCS, ACEC and allocation) apply to land with BLM LUPA conservation designations, as described in [Appendix L](#). Natural communities and Covered Species LUPA conservation designations will be managed according to the unit-specific management actions to maintain the vegetation, fish and wildlife resource values within the NLCS/ACEC/Wildlife Allocation unit as described in the BLM special land allocation management plans ([Appen](#)



Species: Yellow-billed cuckoo (ssp. Western yellow-billed cuckoo) (*Coccyzus americanus occide*

In the Reserve Design

BLM LUPA Lands:

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Desert Renewable Energy Conservation Plan (DRECP)
Site Survey Report
Report generated on July 5th 2019 10:08

DRECP SITE SURVEY ANALYST

Select a Location

Selection Tools

Model Results

Mean

Click a column below to view the map and model diagram

Highest (1-1)				
Very High				
High				
Moderate (0)				
Low				
Very Low				
Lowest (-1)				

Terrestrial Insectness Conservation Value Soil Sensitivity Physical Refugia

Click a node in the diagram above to map the model component

Click an image below to map the modeled distribution

Lower Bajada and Fan Mojavean - Sonoran Desert Scrub

Shadscale - Saltbush Cool Semi-desert Scrub

Southwestern North American Salt Basin And High Marsh

Conservation Management Actions (CMAs)



Community: Lower Bajada and Fan Mojavean - Sonoran Desert Scrub

In the Reserve Design

BLM LUPA Lands:

AM-RES-BLM-1: The following CMA will be implemented on BLM LUPA conservation designations for all natural communities and Covered Species: The values, goals, objectives, and management actions established in the BLM special land allocation management plans (i.e., NLCS, ACEC and wildlife allocation) apply to land with BLM LUPA conservation designations, as described in [Appendix L](#). Natural communities and Covered Species within BLM LUPA conservation designations will be managed according to the unit-specific management actions to maintain the vegetation, fish and wildlife, and other resource values within the NLCS/ACEC/Wildlife Allocation unit as described in the BLM special land allocation management plans (see [Appendix L](#)).



Community: Shadscale – Saltbush Cool Semi-desert Scrub

In the Reserve Design

BLM LUPA Lands:

AM-RES-BLM-1: The following CMA will be implemented on BLM LUPA conservation designations for all natural communities and Covered Species: The values, goals, objectives, and management actions established in the BLM special land allocation management plans (i.e., NLCS, ACEC and wildlife allocation) apply to land with BLM LUPA conservation designations, as described in [Appendix L](#). Natural communities and Covered Species within BLM LUPA conservation designations will be managed according to the unit-specific management actions to maintain the vegetation, fish and wildlife, and other resource values within the NLCS/ACEC/Wildlife Allocation unit as described in the BLM special land allocation management plans (see [Appendix L](#)).



Community: Southwestern North American Salt Basin And High Marsh

In the Reserve Design

BLM LUPA Lands:

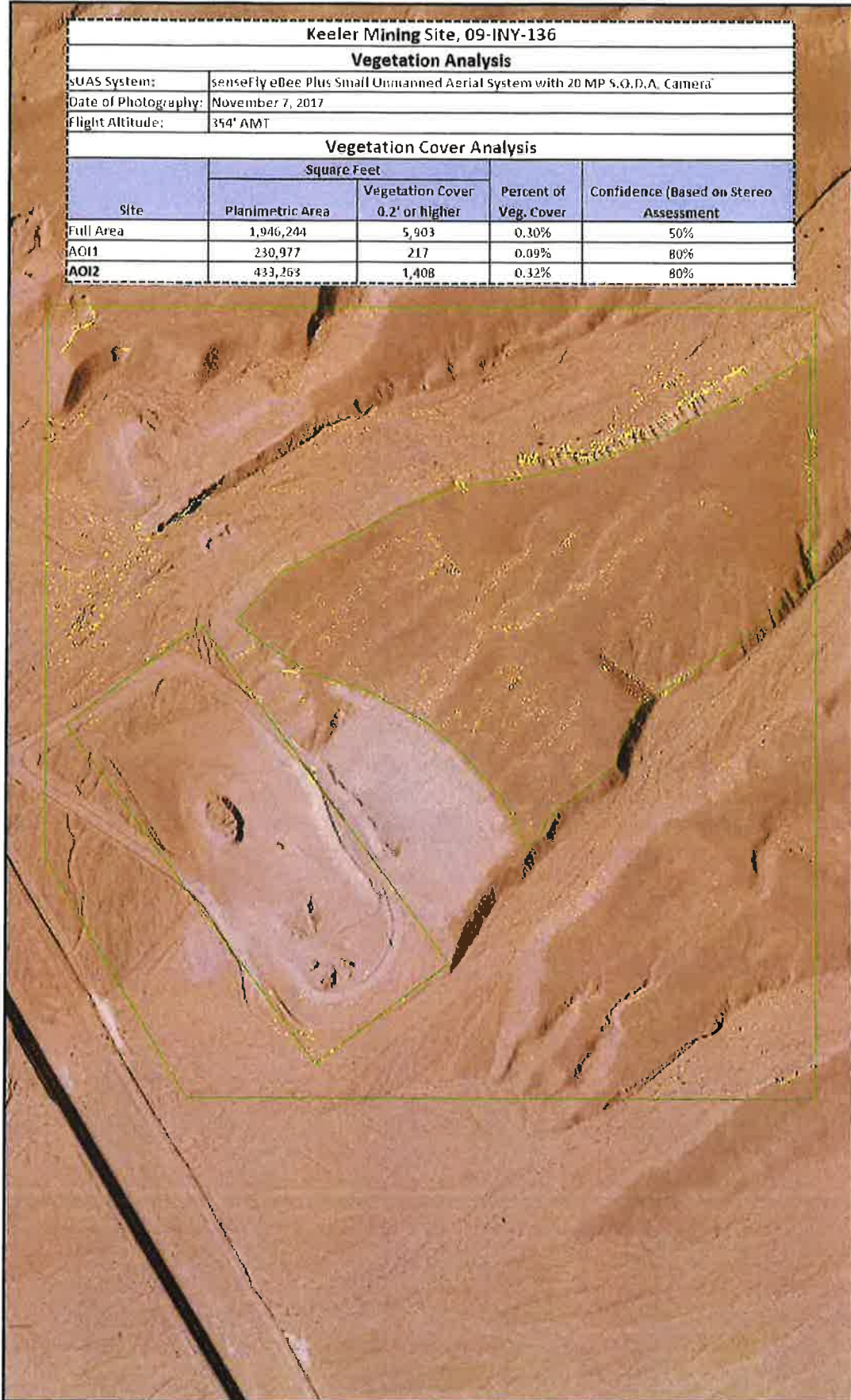
AM-RES-BLM-1: The following CMA will be implemented on BLM LUPA conservation designations for all natural communities and Covered Species: The values, goals, objectives, and management actions established in the BLM special land allocation management plans (i.e., NLCS, ACEC and wildlife allocation) apply to land with BLM LUPA conservation designations, as described in [Appendix L](#). Natural communities and Covered Species within BLM LUPA conservation designations will be managed according to the unit-specific management actions to maintain the vegetation, fish and wildlife, and other resource values within the NLCS/ACEC/Wildlife Allocation unit as described in the BLM special land allocation management plans (see [Appendix L](#)).

Attachment 6

APPENDIX F

VEGETATION COVER MAP AND CHART

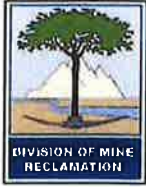
Attachment 6



Attachment 6

APPENDIX G

RECLAMATION PLAN CONTENT - CHECKLIST



Reclamation Plan Content Checklist

The Division of Mine Reclamation (DMR) reviews reclamation plans for compliance and completeness pursuant to Public Resources Code (PRC) Section 2772.1(b)(1). When submitting a reclamation plan to DMR, the lead agency must certify that the reclamation plan is a complete submission and is in compliance with SMARA and associated regulations and the lead agency's mining ordinance pursuant to PRC 2772.1(a)(3) (A-E). Additionally, pursuant to PRC 2772.1(a)(2), information prepared as part of a permit application or environmental document (pursuant to CEQA) shall be incorporated into the reclamation plan if it is used to satisfy the requirements of SMARA and associated regulations. These items shall be properly indexed in a Required Contents Chart and included in an appendix to the reclamation plan.

This checklist may assist operators and lead agencies when preparing and reviewing draft proposed reclamation plans and reclamation plan amendments in determining if they meet the minimum content requirements of the Surface Mining and Reclamation Act of 1975 (SMARA) and associated regulations (see box below for sections relevant to reclamation plans).

<p style="text-align: center;">Surface Mining and Reclamation Act of 1975 Public Resources Code (PRC) Division 2. Geology, Mines and Mining Chapter 9. Surface Mining and Reclamation Act of 1975 Section 2710 et seq.</p> <p style="text-align: center;"><i>This portion includes requirements for reclamation plans.</i></p>
<p style="text-align: center;">Associated Regulations California Code of Regulations (CCR) Title 14. Natural Resources Division 2. Department of Conservation Chapter 8. Mining and Geology Subchapter 1. State Mining and Geology Board</p> <p style="text-align: center;">Article 1. Surface Mining and Reclamation Practice. Commencing with Section 3500</p> <p style="text-align: center;"><i>This portion includes minimum acceptable mining and reclamation practices for surface mining operations.</i></p> <p style="text-align: center;">Article 9. Reclamation Standards. Commencing with Section 3700</p> <p style="text-align: center;"><i>This portion includes performance standards, which may apply to surface mining operations pursuant to CCR Section 3700.</i></p>

The checklist is divided into seven topical areas: General Considerations, Geology and Geotechnical, Hydrology and Water Quality, Sensitive Species and Habitat, Topsoil, Revegetation, and Agriculture. To use the checklist, place a checkmark next to items that have been addressed by the reclamation plan or leave it blank if the reclamation plan is deficient. Alternatively, write N/A if the item is not applicable to the specific surface mining operation being reviewed.

Disclaimer: This checklist, prepared by DMR, paraphrases portions of SMARA and associated regulations that address the content of reclamation plans and plan amendments. DMR staff uses this checklist internally in performing our review of reclamation plans. However, use of this checklist is not required and it is provided only as a helpful tool. DMR always recommends consulting the full text of SMARA and associated regulations, available at the link below. Additionally, completion of this checklist does not guarantee completeness or compliance of the reclamation plan pursuant to PRC Section 2772.1(b)(1). Analysis of completeness and compliance requires thorough review of each specific project.

<http://www.conservation.ca.gov/index/Pages/lawsregs.aspx>

Attachment 6

Mine Name: Keeler Pit (Mine ID 91-14-0051)	Checklist Completed by: Forest Becket
End Use: State DOT Maintenance Area, Open Space	Date: July 15, 2019

GENERAL CONSIDERATIONS

Authority	Requirements/Practices/Standards	✓ or N/A
PRC 2772(b)	Required contents chart: A chart identifying the location (e.g. page number, chapter, appendix, or other location in the reclamation plan) of content that meets the requirements of PRC Sections 2772, 2773, 2773.3 and CCR Articles 1 and 9 (as delineated in this checklist).	Appx G
PRC 2772(c)(1)	Contact information: Name and address of the surface mining operator and any person designated by the operator as an agent for service of process (must reside in CA).	1.1.0 1.3.0 1.4.0
PRC 2772(c)(2)	Material quantity and type: The anticipated total quantity and type of minerals to be mined (see Annual Report Instructions, Exhibit B, for mineral types and units of measure).	2.3.2 2.5.2 3.3.0
PRC 2772(c)(3)	Dates: The initiation and termination dates of mining (be as specific as possible, e.g. December 31, 2030).	3.2.0
PRC 2772(c)(4)	Depth of mining: The maximum anticipated depth of the surface mining operation.	1.0.0 3.4.2.1
PRC 2772(c)(5) (A-F)	Reclamation plan maps shall include: Size and legal description of lands affected by surface mining operations; Names and addresses of owners of all surface interests and mineral interests; Property lines, setbacks, and the reclamation plan boundary; Existing and final topography with contour lines at appropriate intervals; Detailed geologic description of the area of the surface mining operation; Locations of railroads, utility features, and roads (access roads, temporary roads to be reclaimed, and any roads remaining for the end use). All maps, diagrams, or calculations that are required to be prepared by a California-licensed professional shall include the preparer's name, license number, signature & seal.	Appx. B, C Appx C Appx C Appx C Appx C Appx C
PRC 2772(c)(6)	Mining method and schedule: A description of the mining methods and a time schedule that provides for completion of mining on each segment so that reclamation can be concurrent or phased.	1.0.0 Appx D
PRC 2772(c)(7)	Subsequent use(s): A description of the proposed subsequent use(s) after reclamation Evidence that all landowners have been notified of the proposed use.	4.1.0 Appx B
PRC 2772(c)(9)	Impact on future mining: A statement regarding the impact of reclamation on future mining on the site.	4.2.0
PRC 2772(c)(10)	Signed statement: Statement signed by the operator accepting responsibility for reclamation of the mined lands per the reclamation plan.	N/A
PRC 2776(b-c)	Pre-SMARA areas: Reclamation plans shall apply to operations conducted after January 1, 1976 or to be conducted in the future. Mined lands disturbed prior to January 1, 1976 <i>and not disturbed after that date</i> may be excluded from the reclamation plan.	N/A
CCR 3502(b)(2)	Public health and safety: A description of how any potential public health and safety concerns that may arise due to exposure of the public to the site will be addressed.	4.8.0
CCR 3709(a)	Equipment storage and waste disposal: Designate areas for equipment storage and show on maps.	3.4.0
	All waste shall be disposed of in accordance with state and local health and safety ordinances.	3.6.0
CCR 3709(b)	Structures and equipment removed:	4.4.3

Attachment 6

	Structures and equipment should be dismantled and removed at closure, except as demonstrated to be necessary for the proposed end use.	3.5.0 4.4.3
CCR 3713(a)	Well closures: Drill holes, water wells, monitoring wells will be completed or abandoned in accordance with laws, unless demonstrated necessary for the proposed end use.	N/A
CCR 3713(b)	Underground openings: Any portals, shafts, tunnels, or openings will be gated or protected from public entry, and to preserve access for wildlife (e.g. bats).	N/A

GEOLOGY AND GEOTECHNICAL

Authority	Requirements/Practices/Standards	✓ or N/A
PRC 2772(c)(5)	A description of the general geology of the area A detailed description of the geology of the mine site.	2.3.0 2.3.1
PRC 2773.3	If a metallic mine is located on, or within one mile of, any "Native American sacred site" and is located in an "area of special concern," the reclamation plan shall require that all excavations and/or excess materials be backfilled and graded to achieve the approximate original contours of the mined lands prior to mining.	N/A
CCR 3502(b)(4)	The source and disposition of fill materials used for backfilling or grading shall be considered in the reclamation plan.	4.4.0
CCR 3502(b)(3)	The designed steepness and treatment of final slopes must consider the physical properties of slope materials, maximum water content, and landscaping. The reclamation plan shall specify slope angles flatter than the critical gradient for the type of slope materials. When final slopes approach the critical gradient, a Slope Stability Analysis will be required.	4.4.1 4.4.0 4.4.1 4.4.1
CCR 3704.1	Backfilling required for surface mining operations for metallic minerals.	N/A
CCR 3704(a)	For urban use, fill shall be compacted in accordance with Uniform Building Code, local grading ordinance, or other methods approved by the lead agency.	N/A
CCR 3704(b)	For resource conservation, compact to the standards required for that end use.	N/A
CCR 3704(d)	Final reclamation fill slopes shall not exceed 2:1 (H:V), except when allowed by site-specific engineering analysis, and the proposed final slope can be successfully revegetated. See also Section 3502(b)(3).	3.9.2 3.9.3 4.10.2
CCR 3704(e)	At closure, all fill slopes shall conform with the surrounding topography or approved end use.	4.10.2
CCR 3704(f)	Final cut slopes must have a minimum slope stability factor of safety that is suitable for the end use and conforms with the surrounding topography or end use.	4.4.1 4.10.2

HYDROLOGY AND WATER QUALITY

Authority	Requirements/Practices/Standards	✓ or N/A
PRC 2770.5	For operations within the 100-year flood plain (defined by FEMA) and within one mile up- or downstream of a state highway bridge, Caltrans must be notified and provided a 45-day review period by the lead agency.	N/A
PRC 2772(c)(8)(A)	Description of the manner in which contaminants will be controlled and mine waste will be disposed.	3.4.2.4 3.6.0
PRC 2772(c)(8)(B)	The reclamation plan shall include a description of the manner in which stream banks/beds will be rehabilitated to minimize erosion and sedimentation.	3.4.2.6
PRC 2773(a)	The reclamation plan shall establish site-specific sediment and erosion control criteria for monitoring compliance with the reclamation plan.	4.7.0 4.9.1
CCR 3502(b)(6)	Temporary stream and watershed diversions shall be detailed in the reclamation plan.	N/A
CCR 3503(a)(2)	Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.	3.4.2.4 4.10.1

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CCR 3503(b)(2)	Operations shall be conducted to substantially prevent siltation of groundwater recharge areas.	2.4.0 2.4.3
CCR 3503(a)(3)	Erosion control facilities shall be constructed and maintained where necessary to control erosion.	3.4.1
CCR 3503(b)(1)	Settling ponds shall be constructed where they will provide a significant benefit to water quality.	3.4.1 3.4.2.6
CCR 3503(d)	Disposal of mine waste and overburden shall be stable and shall not restrict natural drainage without suitable provisions for diversion.	3.3.0 3.4.2.4
CCR 3503(e)	Grading and revegetation shall be designed to minimize erosion and convey surface runoff to natural drainage courses or interior basins. Spillway protection shall be designed to prevent erosion.	4.5.0 Appx C N/A
CCR 3706(a)	Surface mining and reclamation activities shall be conducted to protect on-site and downstream beneficial uses of water.	3.4.1 4.10.1
CCR 3706(b)	Water quality, recharge potential, and groundwater storage that is accessed by others shall not be diminished.	2.4.0 2.4.3
CCR 3706(c)	Erosion and sedimentation shall be controlled during all phases of construction, operation, reclamation, and closure of surface mining operations to minimize siltation of lakes and water courses as per RWQCB/SWRCB.	3.4.1 4.10.1
CCR 3706(d)	Surface runoff and drainage shall be controlled to protect surrounding land and water resources. Erosion control methods shall be designed for not less than 20 year/1 hour intensity storm event.	3.4.1 3.4.2.8
CCR 3706(e)	Impacted drainages shall not cause increased erosion or sedimentation. Mitigation alternatives shall be proposed in the reclamation plan.	3.4.2.6
CCR 3706(f)(1)	Stream diversions shall be constructed in accordance with the Lake and Streambed Alteration Agreement (LSAA) between the operator and the Department of Fish and Wildlife.	N/A
CCR 3706(f)(2)	Stream diversions shall also be constructed in accordance with Federal Clean Water Act and the Rivers and Harbors Act of 1899.	N/A
CCR 3706(g)	All temporary stream diversions shall eventually be removed and the affected land reclaimed.	N/A
CCR 3710(a)	Surface and groundwater shall be protected from siltation and pollutants in accordance with the Porter-Cologne Act, the Federal Clean Water Act, and RWQCB/SWRCB requirements.	3.4.1 4.10.1
CCR 3710(b)	In-stream mining shall be conducted in accordance with Section 1600 et seq. of the California Fish and Game Code, Section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbors Act of 1899.	N/A
CCR 3710(c)	In-stream mining shall be regulated to prevent impacts to structures, habitats, riparian vegetation, groundwater levels, and banks. In-stream channel elevations and bank erosion shall be evaluated annually using extraction quantities, cross-sections, and aerial photos.	N/A N/A
CCR 3712	Mine waste and tailings and mine waste disposal units are governed by SWRCB waste disposal regulations and shall be reclaimed in accordance with this article: CCR Article 1. Surface Mining and Reclamation Practice. Section 3500 et seq.	3.3.0

SENSITIVE SPECIES AND HABITAT

Authority	Requirements/Practices/Standards	✓ or N/A
CCR 3502(b)(1)	A description of the environmental setting (identify sensitive species, wildlife habitat, sensitive natural communities, e.g. wetlands). Impacts of reclamation on surrounding land uses.	2.6.0 2.7.0 2.9.1
CCR 3503(c)	Fish and wildlife habitat shall be protected by all reasonable measures. Table	4.10.3
CCR 3703(a)	Sensitive species shall be conserved or mitigated as prescribed by the federal and California Endangered Species Acts.	2.6.2 2.7.2
CCR 3703(b)	Wildlife habitat shall be established on disturbed land at least as good as pre-project, unless end use precludes its use as wildlife habitat.	4.9.0 4.10.3
CCR 3703(c)	Wetlands shall be avoided or mitigated at 1:1 minimum for both acreage and habitat value.	N/A
CCR 3704(g)	Piles or dumps shall not be placed in wetlands without mitigation.	N/A
CCR 3710(d)	In-stream mining shall not cause fish to be trapped in pools or off-channel pits, or restrict migratory or spawning activities.	N/A

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TOPSOIL

Authority	Requirements/Practices/Standards	✓ or N/A
CCR 3503(a)(1)	Removal of vegetation and overburden preceding mining shall be kept to a minimum.	3.4.1 3.4.2.3
CCR 3503(f)	When the reclamation plan calls for resoiling, mine waste shall be leveled and covered with a layer of finer material. A soil layer shall then be placed on this prepared surface. The use of soil conditioners, mulches, or imported topsoil shall be considered where such measures appear necessary.	4.4.0 N/A
CCR 3704(c)	Mine waste shall be stockpiled to facilitate phased reclamation and kept separate from topsoil or other growth media.	4.5.0
CCR 3705(e)	If soil is altered or other than native topsoil, soil analysis is required. Add fertilizers or soil amendments if necessary.	N/A
CCR 3711(a)	All salvageable topsoil shall be removed as a separate layer. Topsoil and vegetation removal should not precede mining by more than one year.	3.4.1 3.4.2.3
CCR 3711(b)	Topsoil resources shall be mapped prior to stripping and location of topsoil stockpiles shown on map included in the reclamation plan. Topsoil and other growth media shall be maintained in separate stockpiles. Test plots may be required to determine the suitability of growth media for revegetation purposes.	Appx C 4.5.0 N/A
CCR 3711(c)	Soil salvage operations and phases of reclamation shall be set forth in the reclamation plan to minimize the area disturbed and to achieve maximum revegetation success.	3.1.0 Appx C
CCR 3711(d)	Topsoil and growth media shall be used to phase reclamation as soon as can be accommodated following the mining of an area. Topsoil stockpiles shall not be disturbed until needed for reclamation. Topsoil stockpiles shall be clearly identified. Topsoil shall be planted with vegetation or otherwise protected to prevent erosion and discourage weeds.	4.5.0 3.4.1 Appx C N/A
CCR 3711(e)	Topsoil shall be redistributed in a manner resulting in a stable, uniform thickness consistent with the end use.	4.6.3

REVEGETATION

Authority	Requirements/Practices/Standards	✓ or N/A
PRC 2773(a)	The reclamation plan shall be specific to the property and shall establish site-specific criteria for evaluating compliance with the reclamation plan with respect to revegetation.	2.6.5 4.6.0
CCR 3503(g)	Available research regarding revegetation methods and selection of species given the topography, resoiling characteristics, and climate of the mined areas shall be used.	2.6.0 7.0.0
CCR 3705(a)	Baseline studies shall be conducted prior to mining activities to document vegetative cover, density, and species richness. Vegetative cover shall be similar to surrounding habitats and self-sustaining.	2.6.0 2.6.1 4.6.0
CCR 3705(b)	Test plots shall be conducted simultaneously with mining to ensure successful implementation of the proposed revegetation plan.	N/A
CCR 3705(c)	Decompaction methods, such as ripping and diking, shall be used in areas to be revegetated to establish a suitable root zone for planting.	4.6.0 4.6.4
CCR 3705(d)	Roads shall be stripped of roadbase materials, resoiled, and revegetated, unless exempted.	4.4.0
CCR 3705(f)	Temporary access shall not disrupt the soil surface on arid lands except where necessary for safe access. Barriers shall be installed to keep unauthorized vehicles out.	2.1.0 3.4.2.2
CCR 3705(g)	Use local native plant species (unless non-native species meet the end use). Areas to be developed for industrial, commercial, or residential shall be revegetated for the interim period to control erosion.	4.6.2 N/A
CCR 3705(h)	Planting shall be conducted during the most favorable period of the year for plant establishment.	4.6.0
CCR 3705(i)	Use soil stabilizing practices and irrigation when necessary to establish vegetation.	4.7.0

Attachment 6

CCR 3705(j)	If irrigation is used, demonstrate that revegetation has been self-sustaining without irrigation for two years prior to the release of financial assurance.	N/A
CCR 3705(k)	Noxious weeds shall be monitored and managed.	TABLE 4.10.3
CCR 3705(l)	Plant protection measures such as fencing and caging shall be used where needed for revegetation success. Protection measures shall be maintained until revegetation efforts are successfully completed and the lead agency authorizes removal.	N/A
CCR3705(m)	Quantitative success standards for vegetative cover, density, and species richness shall be included in the reclamation plan.	4.9.3 TABLE 4.10.3
	Monitoring to occur until success standards have been achieved.	4.11.0
	Sampling techniques for measuring success shall be specified. Sample size must be sufficient to provide at least an 80 percent statistical confidence level.	4.9.3 4.10.3

AGRICULTURE

Authority	Requirements/Practices/Standards	✓ or N/A
CCR 3707(a)	Where the end use will be agriculture, prime agricultural land shall be returned to a fertility level specified in the reclamation plan.	N/A
CCR 3707(b)	Segregate and replace topsoil in proper sequence by horizon in prime agricultural soils.	N/A
CCR 3707(c)	Post reclamation productivity rates for prime agricultural land must be equal to pre-project condition or to a similar site for two consecutive years.	N/A
	Productivity rates shall be specified in the reclamation plan.	N/A
CCR 3707(d)	If fertilizers and amendments are applied, they shall not cause contamination of surface or groundwater.	N/A
CCR 3708	For sites where the end use is to be agricultural, non-prime agricultural land must be reclaimed to be capable of sustaining economically viable crops common to the area.	N/A