



**LAND USE SERVICES DEPARTMENT**  
**PLANNING DIVISION**  
**PLANNING COMMISSION STAFF REPORT**



**HEARING DATE: July 3, 2014**

**AGENDA ITEM #3**

**Project Description**

**APNs:** 0417-211-05, 07, 09, 10, 11 & 12  
**APPLICANT:** SW Tech Corporation  
**COMMUNITY:** Barstow/3<sup>rd</sup> Supervisorial District  
**LOCATION:** The site is located on both patented and unpatented lands approximately 12 miles south-southeast of Daggett, California. The site is within the Ord Mountains (Figure 1).  
**PROJECT NO:** AP20130004  
**STAFF:** George Kenline  
**REP(S):** Lilburn Corp., Martin Derus  
**PROPOSAL:** SW Tech is submitting a Drilling Exploration and Reclamation Plan to conduct exploratory drilling and disturbance activities on up to 10 acres of private and public lands to determine the extent of marketable mineral resources. Disturbance will consist of access routes and drilling sites to be concurrently reclaimed and upon completion of project activities.



**4 Hearing Notices Sent On:** June 20, 2014  
**P.C. Field Inspection Date:** June 23, 2014

**Report Prepared By:** George Kenline  
**Inspected By:** Paul Smith

**SITE INFORMATION:**

**Parcel Size:** Approximately 295 acres of which 10 acres is proposed to be disturbed from drilling exploration and reclamation activities.  
**Terrain:** Alluvial fan sloping up to rocky desert montane, composed of rock outcrops, boulders, cobbles, gravel, moderate to stark relief  
**Vegetation:** Creosote bush, Black bush, Catclaw acacia/streambed habitat

**SURROUNDING LAND DESCRIPTION:**

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Vacant, Historic Mine Workings	RC - Resource Conservation
North	Vacant Undeveloped	RC – Resource Conservation
South	Vacant Undeveloped	RC - Resource Conservation
East	Vacant Undeveloped	RC – Resource Conservation
West	Vacant Undeveloped	RC – Resource Conservation

	<u>AGENCY</u>	<u>COMMENT</u>
<b>City Sphere of Influence:</b>	N/A	N/A
<b>Water Service:</b>	N/A	Onsite Well
<b>Sewer Service:</b>	Portable Toilets	N/A

**STAFF RECOMMENDATION:** That the Planning Commission **APPROVE** the Mining Conditional Use Permit and Reclamation Plan 2014M-01 subject to the attached Conditions of Approval.

In accordance with Section 86.12.040 of the San Bernardino County Development Code, any final action on this item may be appealed to the Board of Supervisors within 10 days following the Planning Commission action.

## **SUMMARY/BACKGROUND**

The Applicant, SW Tech Corporation (SW Tech), has submitted an application for a Drilling Exploration and Reclamation Plan to conduct drilling and reclamation activities on both privately-held patented lands and unpatented mining claim lands administered by the Bureau of Land Management (BLM). SW Tech was incorporated in 2005 and conducts mineral exploration to locate and develop precious and base metals. Permitting and reclamation activities require compliance with Chapter 88.03 of the County's Development Code, which incorporates the provisions of California's Surface Mining and Reclamation Act of 1975 ("SMARA", Public Resources Code Section [PRC] 2710 et seq. and California Code of Regulations Section 3500 et seq.). The County is the designated "lead agency" (ref. PRC Section 2728) with the principal responsibility for administering SMARA. In addition, SW Tech has submitted a Plan of Operations (POO) to BLM pursuant to Title 43, Code of Regulations Section 3809, to explore the potential for existence of mineral resources on BLM administered lands. Obtaining the necessary County and BLM approvals requires compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act. An Initial Study (IS) has been prepared to satisfy CEQA requirements.

On May 1, 2013, Lilburn Corporation, on behalf of SW Tech Corporation, filed an application to request Planning approval for a Mining Conditional Use Permit (CUP) and Reclamation Plan (collectively "the Project") to permit drilling and exploration for gold and copper resources on the patented and unpatented lands. The proposed disturbance activities are defined within the scope of "surface mining operations" in SMARA (ref. PRC Section 2735), thus when reclamation is conducted in accordance to SMARA, the proposed mining activities may be permissible. The proposed Project will help SW Tech make the determination whether the ore deposit can be economically developed. The drilling locations and typical reclamation measures are shown in plot plans and included with the Project application, and indicated on Figure 2. A set of plans are attached with the Ord Mountain Plan of Operations & Exploration and Reclamation Plan, referenced as Exhibit A.

The Project is located within the Ord Mountains, and specifically located approximately 12 miles south-southeast of Daggett and approximately 19 miles northeast of Lucerne Valley in San Bernardino County, California (see Figure 1). The Project site is within the southeast quarter of Section 12, south half of Section 13, and the northeast quarter of Section 24, Township 7 North, Range 1 East, San Bernardino Base and Meridian (SBBM). The site is accessed from Interstate 40 at Daggett, south on Camp Rock Road for approximately 9 miles, then south on BLM routes designated as OM 7525 and OM 6640 for 2.5 miles, and an undesignated road with a locked gate for one mile east to the site (see Figure 2). Elevations range from 4,200 to 5,200 feet above mean sea level (amsl).

SW Tech's mineral holdings consists of 26 mining claims and eight (8) patented parcels (see Appendix G). Exploratory activities consisting of drill pads and roads, will be located on ten (10) of these claims including JSOM-8, 9, 24, 25, 35, 35B, 149, 503, 504, and 507 (see Sheet 1) and six of the eight parcels of patented land listed below with their Assessor Parcel Numbers (APNs) and historic names (see Sheet 1). The total area of the claims and parcels for the exploration plan is approximately 295 acres.

---

The mineral resources in the Ord Mountains area are classified within California's Mineral Land Classification System (Southwestern San Bernardino County; The Barstow-Newberry Springs Area, California, Division of Mines and Geology Open-File Report 97-16, 1997). The DMG report indicates that the Ord Mountains area has considerable potential for economic gold and silver mineralization, and potential for copper/ molybdenum porphyry deposits. Special Report 77 from the California Division of Mines and Geology (1964) indicates that the first mining claims in the Ord District area were located in 1876. In 1908 and 1909 about 500 tons of gold-silver ore was shipped and in 1917, several hundred tons of copper-gold-silver ore was produced. During 1942, about a 1,000 tons of copper-gold-silver ore were produced.

SW Tech's application and Project has been reviewed by County staff as well as the California Department of Conservation, Office of Mining Reclamation (OMR). With certain items addressed to the satisfaction by OMR, The proposed Project will be in compliance with the SMARA (PRC Section 2770.).

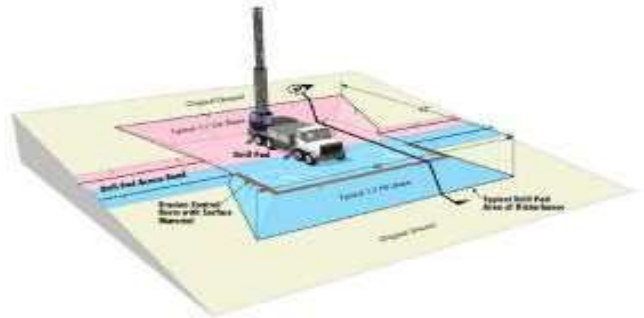
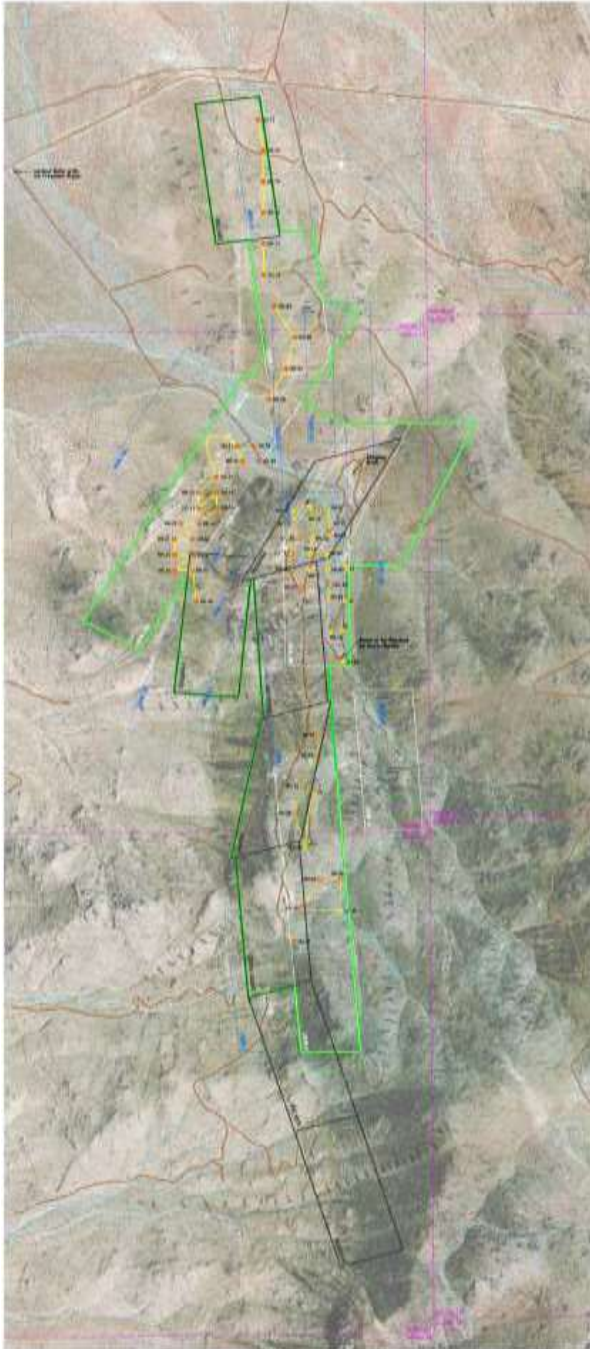
SW Tech's Project details, methods and procedures, specifically the phasing sequences to be employed during reclamation of existing and proposed disturbance areas, posting financial assurances and County inspections, will ensure that reclamation will be completed in accordance with SMARA reclamation requirements.

**Figure 1**  
Regional Location Map  
Ord Mountain Project

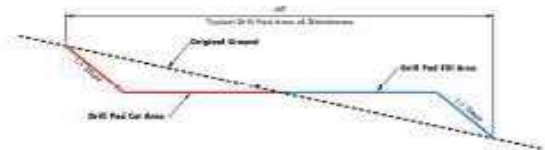




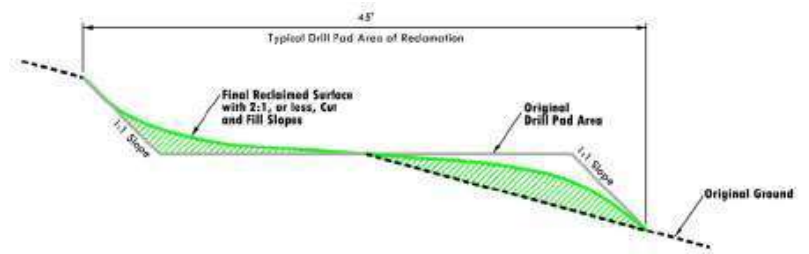
**Figure 2**  
Site Map and Typical Drilling and Reclamation Activities



**TYPICAL DRILL PAD and ACCESS ROAD**  
Not To Scale



**TYPICAL CROSS SECTION A**  
Not To Scale



**TYPICAL CROSS SECTION A**  
Not To Scale

## **PROJECT PROPOSAL**

### Mining Disturbance

SW Tech is submitting a Drilling Exploration and Reclamation Plan to conduct exploratory activities that may disturb up to 10 acres on private and public lands to determine the extent of marketable mineral resources. The disturbance will consist of drilling sites and access routes to be reclaimed concurrently and upon completion of Project activities.

The applicant proposes a drilling exploration and reclamation program which will exceed the one-acre disturbance-exemption threshold allowed by SMARA (ref. PRC Section 2714(d)). The Project will reclaim approximately 3.1 acres of proposed new drilling disturbance area over the next three years and reclaim approximately 3.8 acres of previously disturbed areas during reclamation activities. The Project proposal is requesting a total allowable disturbance area of 10 acres for potential total disturbance to cover unforeseen construction needs or the need to construct additional pads and access routes.

These proposed Reclamation Plan was prepared with the following objectives:

- To determine, through an extensive drilling program, if the mineral resources onsite are of a marketable quality and quantity to mine;
- To avoid sensitive biological and cultural resources during exploration activities; and
- To provide reclamation and revegetation to impacted drillings sites and roads to reduce visual, biological, and safety impacts.

The Project consists of a planned 42 new drill holes on 29 new pads and 13 existing pads. Each drill pad will average 2,000 square feet (sq. ft.) for a total of approximately 1.35 acres. On private lands, approximately 18 drill holes on 8 new pads and 10 existing pads and 0.3 miles of access roads will be developed on a total of approximately 0.9 acres. On unpatented BLM land, approximately 21 drill holes and pads and 0.85 miles of access roads will be developed on a total of approximately 2.2 acres. New disturbance is expected to total approximately 3.1 acres.

### Reclamation

The objective of the Applicant's proposed reclamation plan is to return the site to privately-owned vacant open space consistent with the County's Resource Conservation Land Use District. Per the Applicant's reclamation plan, reclamation of the site will take place where approximately 3.2 acres of proposed drilling activities and approximately 3.8 acres from the 2010 through 2012 drilling activities has or will cause disturbance. This proposal is requesting up to a total of 10 acres of total disturbance. All areas disturbed from 2010 through 2012 and by this proposed Project will be reclaimed as described in this reclamation plan.

---

The existing vegetative conditions of the site were documented by a biological survey conducted in March 2013 by Lilburn Corporation. The three vegetation communities recorded at the site include creosote bush, black bush, and catclaw acacia series. Proposed Project activities on approximately 3.1 acres would result in impacts to the plant communities: creosote bush – 0.6 acres; black bush – 1.4 acres; catclaw acacia – 0.65 acres, and 0.45 acres to be disturbed.

The proposed activities would grade small pad areas of roughly 2,000 feet and construct access roads to the pads where existing roads do not occur. Prior to access and drilling pad construction, a qualified biologist will conduct a pre-construction survey to mark sensitive plants including Joshua trees, yuccas, and cacti for avoidance and/or for salvage if impacts will be unavoidable. The construction of access routes and drilling pads will avoid protected plant species.

The reclamation plan includes a typical seed mix, typical drilling pad configuration and cross section. If unable to avoid sensitive plant species, those specimens favorable for transplanting will be documented, salvaged and stored alongside the pads in containers, watered as needed, and subsequently replanted during reclamation. Top soil or growth medium at each drill site will be stockpiled alongside the perimeter of the pads for re-application during reclamation. Much of the Project area is very rocky and topsoil salvage will likely be minimal. If needed to control for wind erosion, retained soils will be sprayed with water to create a protective crust.

**Figure 3**  
Project Site  
View towards Northwest



In compliance with PRC Sections 2770 and 2773.1, SW Tech will be required to maintain approved financial assurances benefiting the County, OMR and BLM to assure successful reclamation in the unlikely event SW Tech cannot fulfill its reclamation responsibilities in accordance with the existing approved Reclamation Plan. SMARA requires an annual inspection and review of the financial assurances adjustment commensurate to current and proposed disturbances.

**ANALYSIS:**

Land Use Compatibility. The site is located in the Mojave Desert approximately 12 miles south southeast of Daggett and is within the Resource Conservation (RC) zoning district. The RC Zone allows a limited number of uses, including mining operations subject to County approval of a CUP. The properties surrounding the site are similarly zoned Resource Conservation and administered by BLM. The proposed Project would not physically divide an established community, and is consistent with all applicable land use policies and regulations of the County's General Plan and Development Code.

---



The Project area is located in the California Desert Conservation Area. Compliance with the Mitigation Measures for biological resources contained within the IS ensures that the Project would not conflict with an adopted Habitat, Conservation Plan, Natural Community Conservation Plan or any other approved local, regional or state habitat conservation plan.

Initial Study. In compliance with CEQA, an IS, attached as Exhibit D, was completed and routed to the State Clearinghouse for circulation (SCH# 2014031040). The 30-day comment period ended on April 10, 2014. Comments were received from the State of California Department of Fish and Wildlife (CDFW) which raised concerns about the possible presence of desert tortoise and potential of impacts to the streambed by creating new crossings. Staff has reviewed the comments and determined that concerns raised in the comment letter can be adequately addressed through mitigation measures included in the IS (Ref. Section V Cultural Resources and Section VI, Biological Resources) and as incorporated in the Conditions of Approval. Please refer to Exhibit E to review the comment letter received from CDFW and the County's response.

On April 11, 2014, the County was informed by the State Department of Conservation, Office of Mine Reclamation (OMR) of its review of the IS, Mitigated Negative Declaration and Reclamation Plan for the Project. The IS was circulated for review for comment on March 12, 2014. OMR raised questions about the completeness of the listed site-specific "sensitive plants." The approved Reclamation Plan as conditioned will require the Applicant to verify that the baseline study for plant species is correct.

The comments did not trigger the need for substantial revisions or re-circulation of the IS given the mitigation incorporated in the Project as indicated below. Consequently, in accordance with Public Resources Code Section 2774(d)(2), on June 4, 2014, the County issued the 30-day advance notice of public hearing, attached as Exhibit F to the Office of Mining and Reclamation of the County's intent to recommend approval of the Project to the Planning Commission at the July 3, 2014 hearing.

The exploration and reclamation activities are not anticipated to impact CDFW regulated streambed and banks. However, should a potential impact to the streambed or stream banks be identified in the future, a Streambed Alteration Agreement will be required. In addition, a report of waste discharge must be filed with the Regional Water Quality Control Board if the Project anticipates surface or groundwater impacts from waste discharges to land.

In conclusion, the IS and corresponding studies determined that the proposed use, with the implementation of mitigation measures, will not have a significant effect on the environment, and a Mitigated Negative Declaration is recommended. This proposed determination represents the independent judgment of the County. All mitigation measures are included in the Conditions of Approval and are implemented through the post approval condition compliance review.

---

**RECOMMENDATION:** That the Planning Commission:

- 1) **ADOPT** the Mitigated Negative Declaration based on a finding that the Initial Study was completed in compliance with CEQA, that it has been reviewed and considered prior to approval of the Project, and that the Initial Study/Mitigated Negative Declaration and supporting documents reflects the independent judgment of the County of San Bernardino;
- 2) **APPROVE** the Mining Conditional Use Permit and Reclamation Plan 2014M-01, subject to the Conditions of Approval;
- 3) **ADOPT** the Findings for approval of the Mining Conditional Use Permit and Reclamation Plan 2014M-01 per Development Code Section 88.03.060(k); and
- 4) **FILE** a Notice of Determination.

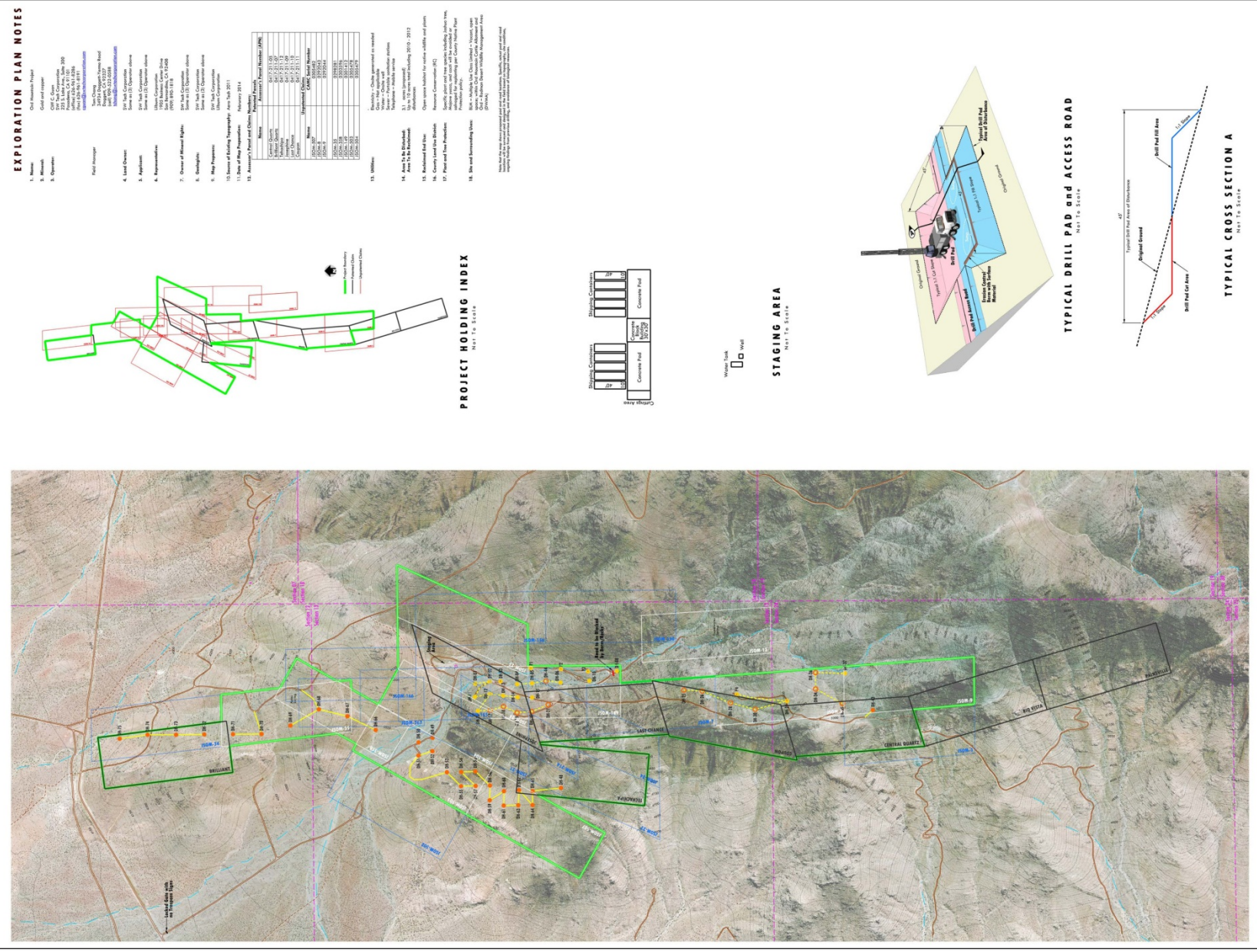
**ATTACHMENTS:**

- Exhibit A: Ord Mt. Exploration and Reclamation Plans
  - Exhibit B: Mining Conditional Use Permit and Reclamation Plan Findings
  - Exhibit C: Conditions of Approval
  - Exhibit D: Initial Study/Mitigated Negative Declaration
  - Exhibit E: Comment Letters from California Dept. of Fish and Wildlife and California Department of Conservation and County's response.
  - Exhibit F: County 30-Day Advance Notice to OMR, dated June 4, 2014
-

# **EXHIBIT A**

## **Ord Mt. Exploration and Reclamation Plans**

File: S:\MT-Ord\Exploration\CDR (TAG) Pages 1 REV 04/26/2013



**EXPLORATION PLAN**  
 Ord Mountain Project - SW Tech Corporation  
 County of San Bernardino, California

FIGURE 3







## **EXHIBIT B**

# **Mining Conditional Use Permit and Reclamation Plan Findings**

**FINDINGS for Ord Mountain Drilling Exploration and Reclamation Plan 2014M-01 on 10 acres (APNs: 0417-211-05, 07, 09, 10, 11 &12)**

Pursuant to Development Code Section 88.03.060(k)(2), the following findings must be made in the affirmative in order to approve the project's mining reclamation plan:

1. The Reclamation Plan No. 2014M-01 as conditioned complies with SMARA (Public Resources Code Sections 2772-2773 and any other applicable provisions).
2. The Reclamation Plan as conditioned complies with applicable requirements of State regulations (California Code of Regulations Sections 3500-3505 and 3700-3713).
3. The Reclamation Plan and potential end use of land reclaimed as conditioned is in compliance with the Reclamation Plan and are consistent with the Development Code and General Plan and any applicable resource plan or element.
4. The Reclamation Plan has been reviewed as required by CEQA and the County's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated below a level of significance or to the maximum extent feasible.
5. The land and/or resources, such as water will be reclaimed to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources.
6. The Reclamation Plan, as conditioned, will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan. With regard to this project, that use is open space.
7. The County has responded to comments and recommendations raised by the State Department of Conservation (DOC) in its review of the project's Reclamation Plan. The Project's conditions of approval incorporate the items provided by DOC in the April 11, 2014 transmittal. The County informed DOC on June 4, 2014, of its intention to recommend approval of the proposed Ord Mountain Drilling Exploration and Reclamation Plan scheduled for the July 4, 2014, Planning Commission hearing.

## **EXHIBIT C**

### **Conditions of Approval**

## CONDITIONS OF APPROVAL

Ord Mountain Drilling Exploration and Reclamation Plan  
SW Tech Corporation

### GENERAL REQUIREMENTS

Conditions of Operation and Procedure

#### LAND USE SERVICES DEPARTMENT - (909) 387-4105

1. This conditional approval is for the **Ord Mountain Drilling Exploration and Reclamation Plan** to allow access and drilling and reclamation activities on 10 acres of a total of 295 acres of patented and unpatented mineral lands owned and operated by SW Tech Corporation. The site is located approximately 12 miles south southeast of Daggett, California. The proposed activities will be permissible when conducted in compliance with the approved **Mining Conditional Use Permit and Reclamation Plan 2014M-01** (Permit) and the **Surface Mining and Reclamation Act of 1975** (SMARA). A copy of the Permit shall be kept on site during operations at all times. Any alteration or expansion of these activities or expected increase in the disturbance area from that shown in the final approved reclamation plan shall require submission of an application for review and approval.
  
2. The Mining Conditional Use Permit and Reclamation Plan No. 2014M-01 shall be effective for a total period of **Seven (7) years - Five (5) years to conduct active drilling and exploration activities and Two (2) years for reclamation activities** from the date of approval to **July 3, 2021**. After the reclamation activities have been completed, the site will be returned to vacant open space managed by the legal property owner.
  
4. The San Bernardino County Land Use Services Department shall be notified in writing, within 30 days, about any:
  - A) Change in operating procedures, or inactive periods of operation for one (1) year or more.
  - B) Changes of Company ownership, address, or telephone during the life of the approved Reclamation Plan.
  - C) Any changes to provisions in lease agreements or real property that will affect the approved Mining/Reclamation Plan.
  
5. The approved Mining Conditional Use Permit and Reclamation Plan 2014M-01 shall incorporate the approved application and plans, biological and cultural resources assessments, baseline vegetation analyses and revegetation plan,

and Conditions of Approval. The Reclamation Plan shall be kept at the site at all times during operations and be presented to the inspector upon request.

6. The applicant/operator shall ascertain and comply with requirements of all Federal, State, County, and Local agencies as are applicable to the project areas. They include, but are not limited to: the San Bernardino County Departments of Land Use Services, , Public Health - Environmental Health Services, Public Works, Fire Department, , , Bureau of Land Management, Mojave Desert Air Quality Management District, State Fire Marshall, Lahontan Regional Water Quality Control Board, Caltrans District 8, California Department of Fish and Wildlife, State Mining and Geology Board, U.S. Fish and Wildlife Service, Mine Safety and Health Administration (MSHA), the California Occupational Safety and Health Administration (Cal-OSHA), and California Highway Patrol.
  
7. In compliance with the County Development Code, Section 81.01.070, the applicant shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the applicant may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the applicant of any claim, action, or proceeding and that the County cooperates fully in the defense. The applicant shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.



This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The applicant's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

8. The applicant/operator shall maintain an acceptable form of financial assurance for the reclamation plan and conditions of approval. The financial assurance shall identify the County of San Bernardino and the Department of Conservation, Office of Mine Reclamation as the beneficiaries. Any withdrawals made by the County for reclamation shall be re-deposited by the applicant/operator within 30 days of notification.

The financial assurance shall be calculated based on a cost estimate submitted by the applicant/operator and approved by the County and the Department of Conservation, Office of Mine Reclamation for the approved reclamation procedures. Each year, following the annual mine site inspection, the assurance amount shall be reviewed and, if necessary, adjusted to account for new lands disturbed by surface mining operations, inflation and reclamation of lands accomplished in accordance with the approved Reclamation Plan.

The financial assurance is not established to replace the applicant's/operator's responsibility for reclamation, but to assure adequate funding to complete reclamation per the Reclamation Plan and Conditions of Approval. Should the applicant/operator fail to perform or operate within all of the requirements of the approved Reclamation Plan, the County or Department of Conservation will follow the procedures outlined in Sections 2773.1 and 2774.1 of the Surface Mining and Reclamation Act (SMARA) regarding the encashment of the assurance and applicable administrative penalties, to bring the applicant/operator into compliance. The requirements for the assurance will terminate when reclamation of the site has been completed in compliance with the approved Reclamation Plan and accepted by the County and the Department of Conservation, Office of Mine Reclamation pursuant to California Code of Regulations, Section 3805.5.

9. This Mining Conditional Use Permit and Reclamation Plan 2014M-01 approval shall become null and void if the conditions applicable to the Permit have not been complied with following due process and/or operation has not commenced within three (3) years of the date of approval. One extension of time, not to exceed three (3) years may be granted upon written request and submittal of the appropriate fee, not less than 30 days prior to the date of expiration. PLEASE

NOTE: This will be the only notice given for the above specified expiration date. The applicant is responsible for the initiation of an extension request.

10. The applicant/operator shall submit a report summarizing the past year's mining and reclamation activity to the Department of Conservation, Office of Mine Reclamation and the Land Use Services Department each year. Mine site inspections will occur in conjunction with the annual report or at other times as appropriate.
11. As determined necessary on a case by case basis, the applicant shall deposit funds with the County necessary to compensate staff time and expenses for review of compliance monitoring reports and site inspections.
12. If the operation or permit procedures change from those outlined in the Mining Conditional Use Permit and Reclamation Plan No. 2014M-01, the applicant/operator shall file an amendment and secure approval 90 days before such changes can be made effective.
13. Blasting is not a part of this permit approval.
14. All conditions of this permit are continuing conditions. Failure of the applicant/operator to comply with any or all of said conditions at any time could result in revocation of the permit granted to use the property.
15. The applicant/operator shall process a Condition Compliance Review through the County in accordance with the direction stated in the Conditional Approval letter, for verification of conditions for each phase of the project as approved in the Reclamation Plan. A minimum balance of \$1,200.00 must be in the project account at the time the Condition Compliance Review is initiated. NOTE: Sufficient funds must remain in the account to cover the charges during the Compliance Review for each phase.
16. Prior to issuance of the approved permits, all fees due under actual job cost No. *AP20130004* shall be paid in full.
17. Deposit accounts with the County shall be funded prior to review of all required mitigation monitoring plans and reports, financial assurance estimates, and conduct of annual inspections.

18. Should results of a noise study indicate that operations would not comply with the County noise ordinance; the Planning Director may require modification of such operations.

PUBLIC HEALTH - ENVIRONMENTAL HEALTH SERVICES (800) 442-2283

19. The Noise level shall be maintained at or below County Standards, Development Code Section 87.0905(b).
20. If a septic system is installed, it shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper.
21. No land filling of wastes shall occur on-site without an approved Solid Waste Facilities Permit.
22. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts, and environmental public health nuisances are minimized and complies with the Development Code, Section 33.0830 et seq. For information, please call DEHS/Local Enforcement Agency (LEA) at: 800-442-2283.
23. All refuse containing garbage shall be removed from the premises at least one time per week to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et seq. For information, please call DEHS/LEA at: 800-442-2283.
24. All refuse not containing garbage shall be removed from the premises at least one time every two weeks to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et seq. For information, please call DEHS/LEA at: 909-387-4655.

COUNTY FIRE DEPARTMENT (760) 995-8190

25. The primary access route shall comply with the minimum requirements for fire protection and/or emergency response with applicable local ordinances, codes, and/or fire protection standards.

LAND USE SERVICES DEPARTMENT, PLANNING - (909) 387-4105

26. Excavations shall be conducted so as to leave them in a reasonably neat and trim manner. The final site shall be graded and revegetated as per the approved Reclamation Plan. Any changes to the approved plans shall require a Revision Application.
27. The applicant/operator shall maintain the premises in a neat and orderly manner at all times. No refuse shall be retained at any time in the work areas. All refuse shall be disposed of at an approved licensed disposal facility. Refuse storage shall be maintained in closed containers.
28. Material shall not be stockpiled adjacent to an active drainage unless adequate protective measures are implemented. Adequate measures shall consider the most adverse conditions the stockpile location will likely experience.
29. Reclamation shall be initiated at the earliest possible time on those portions of the disturbed lands that will not be subject to further disturbance by the surface mining operation.
30. The applicant/operator should regularly review the adequacy of the signs. Care should be taken to ensure that signs do not become blocked by vegetation or become illegible from dirt or deterioration. As new phases are developed, additional signs may be needed. In evaluating the adequacy of signs, they should be considered from the viewpoint of a first-time visitor on the property, such as a vendor or a contractor. Pay special attention to any areas where public roads intersect project roads. Other drivers may not be familiar with the operation of mining equipment, the mine's traffic patterns, and equipment blind spots. Ensure that the traffic and warning signs that are provided in these areas are adequate.
31. Any advertising or identifying sign shall be constructed in compliance with the designated Official Land Use District for this site.
32. In the event of any soil contamination on-site, the applicant/operator shall remove to a licensed disposal site, any soils that become chemically contaminated so as to preclude any chemical leaching into the local ground water supply over time. State and Federal regulations require generators and transporters of hazardous waste to complete a manifest form for both inter- and intrastate transportation of hazardous waste.

33. In the event of any spill(s) on site, the applicant/operator shall remove any soils and or liquid in accordance with the approved Business Plan.
34. Any well, exploratory hole or test hole which is abandoned, out of service, or otherwise left unattended shall have a temporary cover over the well or opening which prevents the introduction of undesirable material into the well or hole, and ensures public and wildlife safety pursuant to California Health & Safety Code, Section 115700.
35. Re-vegetation Monitoring will continue annually for at least two (2) years after reclamation has been completed. Following the first two years of qualitative monitoring, quantitative monitoring will be conducted. Monitoring will utilize methods appropriate to the areas under study. Beginning with the adoption of the final revision of the Reclamation Plan that encompasses all the needed changes to be consistent with the final conditions of project approval, and continuing until reclamation is completed, the applicant/operator will submit to Planning annual monitoring reports. The reports will:
  - A. Describe re-vegetation actions undertaken in the reporting period;
  - B. Identify areas that have been disturbed;
  - C. Identify areas and acreage for which re-vegetation has been started;
  - D. Present results of investigations on species diversity and other measures of re-vegetation success in test and control or reference plots;
  - E. Describe successes and problems in the re-vegetation efforts for that year;
  - F. Describe steps taken to resolve problems or achieve re-vegetation success;
  - G. Describe disturbance and re-vegetation efforts planned for the next two years.
36. If re-vegetation is not successful, the applicant/operator shall undertake the following actions:
  - A. If, during the first two years of qualitative monitoring, revegetation is clearly not successful, the applicant/operator will re-evaluate the revegetation methods and will discuss changes to these methods with the County representatives. The applicant/operator will revise the Re-vegetation Plan, secure concurrence from Planning for the changes, and begin implementing the new measures.
  - B. If after two years, the re-vegetated areas (as measured by the results of the test plots) have not achieved these success criteria, the applicant/operator



will immediately begin to implement the measures identified in a contingency plan.

37. Re-vegetation in arid areas is tenuous at best and, therefore, the applicant shall provide in the Financial Assurance Cost Estimate the costs to monitor and report on revegetation, incidental disturbance and erosion control for a time period of two (2) years following the termination date of operation.
38. Pursuant to SMARA, Section 2772.7, Planning will prepare a "Notice of Reclamation Plan Approval" on a form to be approved by the County Recorder's Office. The operator shall pay any and all review and recording fees.

### **PRIOR TO LAND DISTURBANCE**

The Following Shall Be Completed

#### LAND USE SERVICES DEPARTMENT, PLANNING - (909) 387- 4105

39. Prior to authorized drilling and exploration activities, the Permit text and maps shall be revised to reflect the project as approved by the Planning Commission.
40. The approval incorporates comments per Office of Mine Reclamation letter dated **April 11, 2014** concerning the "listed or sensitive species" and the "reclamation plan map".
41. Prior to disturbance, the applicant/operator shall obtain a California Mine Identification number from OMR pursuant to Public Resources Code, Section 2207 and pay all associated fees to the Department of Conservation.
42. Prior to disturbance, written authorization for access shall be provided from the U.S. Department of Interior, Bureau of Land Management.
43. The applicant/operator shall ensure that any portion of the site to be disturbed shall be pre-watered prior to the onset of earth-moving activities.
44. ***CR-1. A qualified project archaeologist approved by the BLM and County will conduct a pre-construction survey for cultural resources to mark sensitive resources for avoidance. Because drill sites and access routes can be re-located from a proposed location, all cultural resources will be avoided. Operations shall not knowingly disturb, alter, or destroy any***

**paleontological or any historical or archaeological resource. The employees and contractors involved in the project will receive cultural resources awareness training, which will be directed towards recognizing and avoiding these features. Access routes and drilling sites will set back at least 100 feet from any paleontological, historical or archaeological features which will be prominently flagged in the field to avoid disturbance.**

45. **CR-2. An archaeological monitoring program shall be established during all ground disturbing activities within the project area unless specifically excluded by the project archeologist. This program will serve: 1) to identify and/or recover cultural resources uncovered by the proposed access improvements and drill pad grading and 2) to ensure protection of resources peripheral to the access routes and drill sites. The monitoring program shall follow professional standards. If cultural resources are uncovered, all work shall stop in the area and the BLM and/County shall be notified depending if found on public or private lands respectively.**

**The following procedures shall be implemented in the event that potentially sensitive cultural resources are uncovered during construction and grading activities:**

- A. In the event archaeological, paleontological and/or historical resources, including pottery, middens or human remains, are uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the archaeologist, in consultation with the appropriate Native American Tribe(s), the BLM and the County of San Bernardino Museum, determines the resources are recovered to their satisfaction.**
- B. If possible human remains are encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present, and the San Bernardino County Coroner must be notified. The appropriate land manager (BLM or County) and the owner of the site shall also be called and informed of the discovery. If the remains are located on federal public lands, the BLM land managers/federal law enforcement/federal archaeologist are to be informed as well because of**

***complementary jurisdiction issues. Disturbing human remains is against federal and state laws and there are criminal/civil penalties including fines and/or time in jail up to several years. The Coroner will determine if the bones are historic/archaeological or a modern legal case.***

***State law dictates that the Native American Heritage Commission (NAHC) shall be notified in the event that remains are determined to be human and of Native American descent, in accordance with California Public Resources Code Section 5097.98.***

***All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the state of California regardless if the remains are modern or archaeological.***

#### **Modern Remains**

***If the Coroner's Office determines the remains are of modern origin, the appropriate law enforcement officials will be called by the Coroner and conduct the required procedures. Work will not resume until law enforcement has released the area.***

#### **Archaeological Remains**

***If the remains are determined to be archaeological in origin and there is no legal question, the protocol changes depending on whether the discovery site is located on federally or non-federally owned/managed lands.***

#### **Remains discovered on federally owned/managed lands.**

***After the Coroner has determined the remains are archaeological or historic and there is no legal question, the BLM Barstow Field Office Archaeologist must be called. The archaeologist will initiate the proper procedures under ARPA and/or NAGPRA. If the remains can be determined to be Native American, the steps as outlined in NAGPRA, 43 CFR 10.6 Inadvertent discoveries, must be followed.***

**Remains discovered on non-Federally owned/managed lands.**

***After the Coroner has determined the remains on non-federally owned/managed lands are archaeological and there is no legal question, the Coroner will make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American he/she shall contact by telephone within 24 hours, the California NAHC. The NAHC will immediately notify the person it believes to be the most likely descendent of the remains. The most likely descendent has 48 hours to make recommendations to the land owner for treatment or disposition of the human remains. If the descendent does not make recommendations within 48 hours, the land owner shall re-inter the remains in an area of the property secure from further disturbance. If the land owner does not accept the descendent's recommendations, the owner or the descendent may request mediation by the NAHC.***

46. ***The Project proponent shall ensure that all disturbed areas are managed to prevent erosion.***
47. All equipment must be tuned and maintained to the manufacture's specification to maximize efficient burning of vehicle fuel.
48. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from vehicle idling.
49. ***The operator shall comply with all existing and future CARB and MDAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.***
50. ***BIO 1 - General Measures:***
  - A. ***Disturbance should be confined to the smallest practical area, considering topography, placement of drill sites and other limiting factors. To the extent possible, project activities should be limited to***

*previously disturbed areas. If possible, vegetation should be crushed rather than bladed to allow for root sprouting of shrubs.*

- B. Vehicle speeds should not exceed 20 miles per hour through desert tortoise habitat.*
- C. No cross-country travel with motorized vehicles outside of the project area by project personnel shall be permitted.*
- D. Pre-development surveys for the siting of drill sites and access will avoid those plant species protected by the San Bernardino County Native Plant Protection policy to the extent possible. If not feasible to avoid, those plants will be salvaged and either re-planted on a similar site ready for revegetation or maintained until the site is ready for reclamation.*

**51. BIO 2 - Desert Tortoise Protection Measures:**

- A. Have an authorized biologist conduct a tortoise educational program for personnel at the project site; the program should discuss conservation measures as well as access road use and pre-construction surveys before personnel obtain access to the site access and work areas.*
- B. Authorized biologists or monitors should be present on-site during development activities on the portions of the project that are within tortoise habitat during active desert tortoise season, to ensure take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or attempt to engage in any such conduct) will not occur.*
- C. An authorized biologist should survey the project area for the presence of desert tortoise no more than 5 days prior to the commencement of project activities within desert tortoise habitat. If necessary, the biologist should have drill sites and access routes relocated if tortoise sign found.*
- D. Any desert tortoise burrows within 50 yards of the Proposed Project area should be flagged for avoidance.*
- E. An authorized biologist should inspect potential desert tortoise burrows including collapsed burrows for occupancy.*

- F. If a desert tortoise and burrow are within 50 yards of the project area, the animal and burrow may be fenced for no more than 3 days to confine the desert tortoise to its burrow and the area adjacent to its burrow.***
- G. Temporary barriers such as temporary desert tortoise fencing should be used to exclude desert tortoises and other wildlife species from pad areas within habitat during the active desert tortoise season. No excavations shall be left open overnight or unattended during the day.***
- H. Workers should inspect for desert tortoise under vehicles prior to moving them.***
- I. All trash and food items should be promptly contained within closed, common raven-proofed containers and will be removed daily from the project site to reduce the attractiveness of the area to common ravens (Corvus corax).***
- J. No firearms, dogs, or other pets should be allowed in desert tortoise habitat within the project area.***

**52. BIO 3 - Migratory Birds (including Le Conte's Thrasher)**

***If construction or land clearing activities will occur during nesting season (March 15-September 15), a pre-construction survey will be conducted in the project impact area to identify any nests. If nests are found, the nest will be flagged and avoided. In accordance with the MBTA, if an active bird nest is located, the nest site shall be fenced a minimum of 200 feet for most birds and 500 feet for raptors in direction of the project and the area shall not be disturbed until after the nest becomes inactive. If no active nests are observed during the survey, vegetation may be removed.***

**53. BIO 4 - Sensitive Wildlife (Burrowing Owl)**

- A. The project impact area should be surveyed for the presence of burrowing owl no more than thirty days prior to ground disturbing activities;***

- B. If the burrowing owl is found or the presence of burrowing owl is confirmed, and the proposed reconstruction and realignment of the existing roadway will occur during the breeding season (February 15 to August 15), then the active owl burrows on-site and within 500 feet of the project activities shall be identified, and physically marked before the start of any construction activities. A survey to mark the burrows shall be undertaken no earlier than February 15. During the construction period, active burrows that are not going to be removed by construction activities will be afforded a minimum 250-foot buffer to protect foraging habitat and owls. A biological monitor will be present to ensure that adequate avoidance of impacts to owls and their burrows is maintained. The monitor will have the authority to modify the buffer zone in order to protect the owls from harm; and***
- C. If necessary, passive relocation techniques should adhere to those described in the Burrowing Owl Consortium Survey Protocol & Mitigation Guidelines.***

54. **BIO 5 - Jurisdictional Drainages**

- A. Preconstruction siting of the proposed drill sites and access routes for the drilling project will avoid impacts to the two springs and their adjacent areas up to a minimum of 500 feet as determined by the authorized biologist or BLM personnel;***
- B. Preconstruction siting of the proposed drill sites and access routes for the drilling project will avoid impacts to the extent feasible to the dry wash features identified onsite except where current access crosses the dry wash areas;***
- C. Maintain existing and design new streambed crossings in a manner that will minimize impacts;***
- D. Flag project impact areas to make sure construction equipment and crews stay within the project boundaries. No impacts to jurisdictional areas will be allowed outside the project construction areas;***
- E. All litter shall be removed from the construction area and disposed of in an appropriate manner at the end of each construction day. This will***

***ensure no litter enters jurisdictional waters;***

- F. No concrete, asphalt, or deleterious materials shall be allowed to enter jurisdictional waters, except for those approved by the regulatory agencies, at any time during construction. If deleterious materials enter jurisdictional waters in an unapproved manner, regulatory agencies shall be notified, work must cease, and further instructions will be given by the regulatory agencies;***
- G. Fueling and maintenance of equipment shall occur at least 200 feet from any streambed except at facilities with adequate spill control measures;***
- H. No drilling activities will be allowed in ephemeral channels while there is flowing water;***
- I. Avoid harm to any wildlife that may be present within the construction area. Within five days prior to the commencement of construction activities, a biological monitor shall survey the site for any potential impacts to nesting or sheltering wildlife;***
- J. Keep spoil sites outside of areas where flowing water may wash back into the jurisdictional streams;***
- K. Prepare a formal jurisdictional delineation report for waters of the U.S. and state waters; and***
- L. Relocate proposed drill sites and roads outside of jurisdictional drainages. Where avoidance is not feasible, the following regulatory agency permits may be required prior to any new development within jurisdictional waters:***
  - I. Where avoidance of waters of the U.S. is not feasible, the ACOE shall be consulted to determine if a 404 permit should be obtained for temporary impacts to federal waters.***
  - II. Where avoidance of state jurisdictional streams is not feasible, the project proponent shall notify the CDFW of temporary stream impacts and if applicable, obtain a 1602 Streambed Alteration Agreement. Compensate for permanent impacts to Departmental jurisdictional waters as authorized under the Agreement at a ratio of***



**2 to 1 through participation in an in-lieu program for the enhancement of similar stream habitat as approved by the Department.**

**III. Where avoidance to jurisdictional streams is not feasible, a WDR shall be obtained if applicable for temporary impacts to State and federal waters from the Lahontan Regional Water Quality Control Board (RWQCB).**

55. The operator shall stockpile all available growth medium and vegetation from areas to be disturbed and maintain the stockpiled material with temporary erosion control methods. At the time of reclamation, areas being reclaimed shall have the stockpiled growth medium and vegetation spread over them. Re-vegetation areas shall be ripped to a depth of one-foot and shall be supplemented by broadcast seeding with native and locally adapted seed per the approved reclamation plan. Stockpiled growth medium shall be stored separately from silt and overburden material stockpiles and shall be stabilized through establishment of temporary vegetative cover or other acceptable means of surface treatment for prolonged storage periods.
56. The area of illumination from any lighting shall be confined to be within the site boundaries and to minimize impacts to night sky views from surrounding properties. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. On-site lighting shall be fully shielded, diffused, or directed in a manner to avoid glare directed at adjacent properties, roadways or any light spill into any wildland areas surrounding the site that might affect nocturnal animals. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All lighting shall be limited to that necessary for maintenance activities, security and safety purposes. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign.
57. The applicant/operator shall maintain and annually renew existing permits to operate the drilling rig, onsite generators, and any other applicable equipment from the MDAQMD and be in compliance with said permits.
58. Operation of all off-road and on-road diesel vehicles/equipment shall comply with the County Diesel Exhaust Control Measures (Development Code, Section 83.01.040 (c)) including but not limited to:

- A. Equipment/vehicles shall not be left idling for period in excess of five minutes;
  - B. Engines shall be maintained in good working order to reduce emissions;
  - C. Onsite electrical power connections shall be made available where feasible;
  - D. Ultra low-sulfur diesel fuel shall be utilized;
  - E. Electric and gasoline powered equipment shall substituted for diesel powered equipment where feasible;
  - F. Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use;
  - G. In addition, all on-road diesel trucks shall not idle more than five minutes per truck trip or per day on the project site.
59. The “operator” shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
- A. Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
  - B. All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.
  - C. All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.
60. The operator shall submit for review and obtain approval from County Planning of evidence that all air quality mitigation measures have been installed properly and that specified performance objectives are being met to the satisfaction of MDAQMD.

COUNTY PUBLIC WORKS DEPARTMENT – Surveyor – 909 387-8149

61. If any activity on this project will disturb a land survey monument, including but not limited to vertical control points (benchmarks), said monuments shall be

located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monument, and a corner record or record or survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).

62. The following conditions are for the occasion where the monuments of record cannot be located and the boundary must be determined for construction purposes.

A Record of Survey/Corner Record shall be filed in the following instances:

- A. Legal descriptions or construction staking based upon a field survey of the boundary or building setbacks.
- B. Monuments set to mark the property lines.
- C. Pursuant to applicable sections of the Business and Professions Code.

### **PRIOR TO FINAL CLOSURE**

The Following Shall Be Completed

#### LAND USE SERVICES DEPARTMENT, PLANNING - (909) 387- 4105

63. At the time of termination of the operation for any reason, all equipment, structures and refuse associated with the operation shall be removed from the site, all hazards mitigated, and reclamation initiated within 90 days, as per the approved Reclamation Plan.
64. Upon final reclamation, evidence shall be provided that all wells, exploration holes or test holes, as defined by DWR Bulletin 74-81 as revised in 1988 or the latest revision are destroyed in accordance with DEHS regulations and in such a manner that will no longer be a hazard to the health and safety of people and wildlife.
65. All access roads on site, which will not be retained for post-operation uses, shall be reclaimed at the conclusion of ground-disturbing activities.
66. The applicant/operator shall re-contour disturbed areas at the conclusion of operations (drilling pads, stockpiles, settling ponds, etc.). The site should resemble natural landforms where possible.

67. Each area reclaimed shall be identified on a map and labeled for identification. The final map shall be provided to Planning for review and approval.

### ***CONCLUSION OF CONDITIONS***

## **EXHIBIT D**

### **Initial Study/Mitigated Negative Declaration**

## SAN BERNARDINO COUNTY INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

### PROJECT LABEL:

<p><b>APN:</b> 0417-211-05, 07, 09, 10, 11 &amp; 12</p> <p><b>APPLICANT:</b> SW Tech Corporation 225 S. Lake Ave., Suite 300 Pasadena, CA 91101</p> <p><b>COMMUNITY:</b> Between Daggett and Lucerne Valley</p> <p><b>LOCATION:</b> The site is located on both unpatented and patented lands approximately 12 miles south-southeast of Daggett, California. The site is in the Ord Mining District in the Ord Mountains (Figure 1).</p> <p><b>PROJECT NO:</b> AP20130004</p> <p><b>STAFF:</b> Chris Warrick</p> <p><b>REP('S):</b> Lilburn Corp., Martin Derus</p> <p><b>PROPOSAL:</b> SW Tech is submitting a Drilling Exploration and Reclamation Plan to conduct drilling and disturb up to 10 acres of private and public lands to determine the extent of marketable mineral resources. Disturbance will consist of drill sites and access routes to be reclaimed concurrently and upon completion of project activities.</p>	<p><b>USGS Quad:</b> Ord Mountain</p> <p><b>T, R, Section:</b> T7N R1E Sec: 12, 13, 24</p> <p><b>Thomas Bros.:</b> San Bernardino and Riverside County 2005 Book, Page 369.</p> <p><b>Planning Area:</b> Desert Region (no index map)</p> <p><b>Land Use Zoning:</b> Resource Conservation (RC)</p> <p><b>Overlays:</b> Airport Safety Review Area 4 (AR4)</p>
---	--

### PROJECT CONTACT INFORMATION:

**Lead agency:** County of San Bernardino  
Land Use Services Department - Current Planning  
385 North Arrowhead Avenue  
San Bernardino, CA 92415-0182

**Contact person:** Chris Warrick  
**Phone No:** (909) 387-4131 Fax No.: (909) 387-3223  
**E-mail:** cwarrick@lUSD.sbcounty.gov

**Project Sponsor:** SW Tech Corporation  
225 S. Lake Ave., Suite 300  
Pasadena, CA 91101

**Phone No:** (626) 961-8286  
**E-mail:** [cguan@swtechcorporation.com](mailto:cguan@swtechcorporation.com)

### OVERVIEW AND PROJECT DESCRIPTION:

SW Tech Corporation (SW Tech) submitted an application for an Exploration and Reclamation Plan (Plan) for the Ord Mountain Gold/Copper Project on both privately-held patented lands and unpatented claims administered by the Bureau of Land Management (BLM). SW Tech was incorporated in 2005 and conducts mineral exploration to locate and develop precious and base metals properties. Permitting and reclamation will require compliance per Chapter 88.03 of the County of San Bernardino's (County) Development Code to comply with the California Surface Mining and Reclamation Act of 1975 (SMARA). The County is the lead agency responsible for administering SMARA. In addition, SW Tech submitted a Plan of Operations (POO) to the BLM per 43 Code of Regulations 3809 for the exploration of mineral resources on BLM administered lands. Obtaining the necessary BLM and County approvals will require compliance with both the National

Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). This Initial Study (IS) has been prepared to satisfy CEQA requirements.

## **Project Location**

The Ord Mountain project is located in the Ord Mining District located approximately 12 miles south-southeast of Daggett and approximately 19 miles northeast of Lucerne Valley (see Figure 1). The project site is within the southeast quarter of Section 12, south half of Section 13, and the northeast quarter of Section 24, Township 7 North, Range 1 East, San Bernardino Base Meridian (SBBM). The site is accessed from Interstate 40 at Daggett, south on Camp Rock Road for approximately 9 miles, then south on BLM routes designated as OM 7525 and OM 6640 for 2.5 miles, and an undesignated road with a locked gate for one mile east to the project site (see Figure 2).

The Ord Mountain Project consists of 26 mining claims on public lands and eight (8) patented private parcels owned by SW Tech. Exploratory activities consisting of drill sites and access routes will be located on eleven (11) of the unpatented claims (see Figure 3) and six of the eight parcels of patented land as listed below with their Assessor Parcel Numbers (APNs) and historic names. Each parcel is approximately 20.67 acres for a total of 124 acres.

- 0417-211-06; Central Quartz
- 0417-211-07; Brilliant Quartz
- 0417-211-09; Josephine
- 0417-211-10; Last Chance
- 0417-211-11; Coupon
- 0417-211-12; Tehachipa

## **Project Setting**

The Ord Mountains is the highest range of the south-central part of the Mojave Desert of Southern California. The oldest rocks in the district consist of a small path of quartzite and crystalline limestone. The next younger units consist of the Ord Mountain Group of metavolcanic rocks divided into two major subunits – extrusive andesite and interlayered tuff, rhyolite and vesicular andesite. These older rock units have been intruded by biotite quartz monzonite with subordinate fine-grained granite and biotite granite rocks which are exposed along the base of Ord Mountain. The youngest intrusive rocks include many basalt and rhyolite dikes, bodies of biotite dacite and hydrothermally altered fissure veins, which contain the principal mineral deposits of the district. Older uplifted alluvium occurs in the northern part of the area and younger alluvium has been deposited around the base of Ord Mountain (Geology and Mineral Deposits of the Ord Mountain District, San Bernardino County, Special Report 77, 1963).

## **Background**

The Ord Mountains were named for Major General E.O.C. Ord of Civil War fame. The district was organized around 1870 and has been the site of mining and exploration since the formation of the district until the early 1930s with an estimated production of 10,000 tons of ore. Intermittent development work has continued thereafter. Although the district is reported to have been a small producer, there are many mines and prospects (Gold Districts of California; Bulletin 193 California Division of Mines and Geology 1976). The gold-bearing quartz veins are confined to the granitic rocks and often are associated with the intruded dikes. Appreciable amounts of copper and silver minerals are present in places.

Numerous unimproved roads drill sites and historic mine features exist onsite, including a concrete block storage building that was constructed prior to SW Tech undertaking exploration in 2010 and 2012. SW Tech conducted prior drilling exploration under an approved Temporary Use Permit (TUP). Recent disturbances since 2010 has resulted in a total of approximately 3.7 acres. The prior and the proposed drilling program will exceed the threshold that requires the application of SMARA and associated regulations, therefore SW Tech

submitted a POO and an Exploration and Reclamation Plan to both the BLM and the County. The Plan also includes the reclamation of the 2010 - 2012 disturbed areas.

### **Proposed Exploratory Drilling Program**

The Plan consists of plan proposing 42 new drill holes on 29 new sites and 13 existing drill sites and includes approximately 1.15 miles of new access routes. Each drill site will average approximately 2,000 square feet (sq. ft.) for a total of approximately 1.4 acres (see Table 1) of surface disturbance. Access routes to the drill sites will average about 12 feet in width; 10-foot of width with 2 additional feet for safety shoulders. Widths needed for access may vary with terrain conditions. The disturbed acreage for access is anticipated to be approximately 1.7 acres for a total new disturbance area of approximately 3.1 acres.



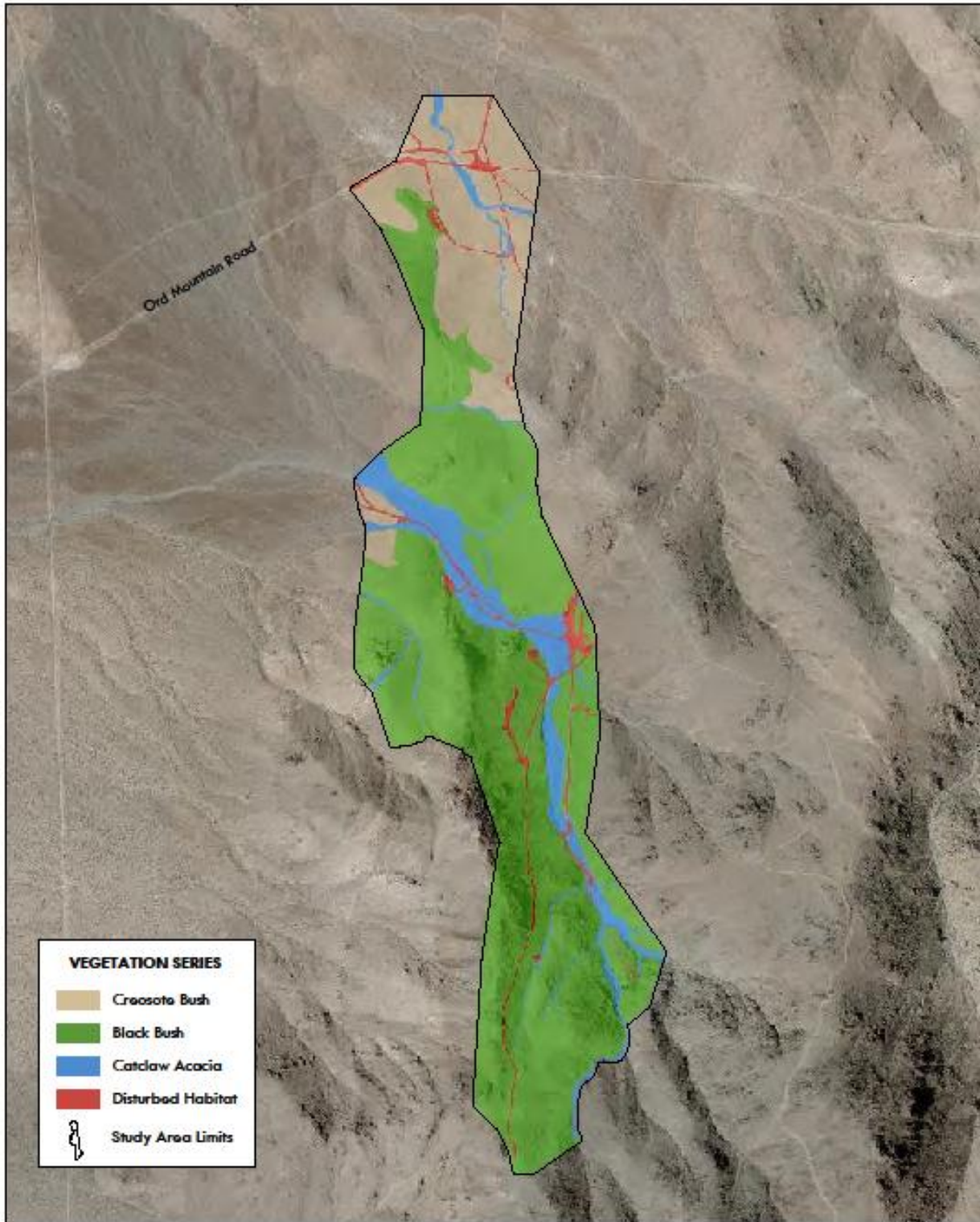




**PROJECT LOCATION**  
Ord Mountain Exploration Plan Environmental Assessment  
San Bernardino County, California

**FIGURE 2**





### STUDY AREA VEGETATION

Ord Mountain Exploration Plan Environmental Assessment  
San Bernardino County, California

FIGURE 3

On private lands, approximately eight new drill sites and ten existing sites and 0.3 miles of access routes will be developed on a total of approximately 0.9 acres. On unpatented BLM managed land, approximately 21 new drill sites and three existing sites and 0.85 miles of access routes will be developed on a total of approximately 2.2 acres. Existing drill sites and access routes will be used whenever possible to limit new impacts. New disturbance is expected to total approximately 3.1 acres.

Under the TUP, 34 drill sites and approximately 1.15 miles of access routes were constructed or maintained in 2010 through 2012 on approximately 3.3 acres. The existing staging area of 0.5 acres which includes a storage building, water well, water tank, storage containers, and equipment storage/parking was increased to approximately one acre. The drill sites and access routes disturbed in 2010 through 2012 will be reclaimed pursuant to the POO and Reclamation Plan. Therefore the total area previously disturbed (3.8 acres) and proposed for disturbance (3.1 acres) and to be reclaimed would be approximately 7 acres. The Plan is requesting a total of 10 acres of potential disturbance to cover possible unforeseen construction needs or additional sites and routes.

**Table 1**  
**Existing and Proposed Exploration Areas (acres)**  
**Ord Mountain Project**

Activity	Drill Sites <sup>1</sup>		Access Routes <sup>2</sup>		Totals		Staging <sup>3</sup>	Totals
	Unp.	Private	Unp.	Private	Unp.	Private	Private	
2010 - 2012 Existing Exploration	0.65	0.9	0.5 (1783')	1.2 (4245')	1.15	2.1	0.5 (increase)	3.8
Proposed Exploration Program	0.95	0.4	1.25 (4482')	0.45 (1550')	2.2	0.9	No Change	3.1
<b>Totals</b>	<b>1.6</b>	<b>1.3</b>	<b>1.75</b> <b>(6265')</b>	<b>1.65</b> <b>(6530')</b>	<b>3.35</b>	<b>3.0</b>	<b>0.5</b>	<b>6.9</b>
<b>Contingency</b>								<b>10 acres</b>

1 – 2010 - 2012 disturbances and proposed sites. Approx. 2,000 sq. ft. but will vary with topography.

2 – 2010 - 2012 disturbances and proposed access routes. Approx. 12 feet wide including shoulders but will vary with topography.

3 - Existing staging area of approx. 0.5 acres expanded by approx. 0.5 acres.

Note that numbers have been rounded and may not exactly total.

Unp. – Unpatented claims managed by the BLM

Generally one hole on each drill site will be drilled, though two or more drill holes may be advanced at angles on a pad and this may change to reduce pad construction. The diameter of the holes will be approximately 2.5 inches and depths of holes will depend on the conditions and materials encountered during actual drilling operations and the angle of the drill hole. Drilling muds (nonhazardous inert clay material) and borehole cuttings will be deposited into a small sump on each drill pad and covered with native material and revegetated upon completion of the hole. Borehole samples will transported by pick-up truck to the staging area and off-site for analysis.

After drilling each hole to the desired depth and sampling completed, the hole will be plugged with concrete per state regulations to the ground surface. The pad will be ripped to about one-foot in depth, recovered with salvaged surface material and seeded with a local native seed mix.

There will be one to three drill rig crews of approximately three employees with truck and equipment operators, drivers, geologists, and support personnel for a total of up to 20 employees working various shifts.

Typical mobile equipment to be used onsite is listed below. The types and models of equipment will change due to replacement changes or needs and drilling and construction contractors. A small D4 dozer will be used

for pad and access construction and thereafter to maintain roads. The dozer or a backhoe with a ripper attachment will be used for scarification of the drill sites and access routes for reclamation.

### **Equipment List (Typical)**

<u>Number</u>	<u>Description</u>
1 to 3	Truck and/or track mounted drill rigs with power and water tank attached
1	Maintenance and fuel truck as needed (contracted)
1	Water Truck (will vary; 4000 gal typ.)
1	Back hoe
1	Small dozer (typ. Cat D4)
1	Grader as needed
1 to 2	Flatbed trucks for delivery, movement, and removal
3 to 5	Pick-up and/or SUVs for transportation
1	1,000 gallon double walled fuel tank (typ.)

### **Safety Procedures**

Operations shall be designed to avoid unnecessary and undue degradation as defined by CFR 3809 and designed in accordance with applicable Federal and State laws. During operations, SW Tech shall maintain equipment and conduct activities in a safe and orderly manner. The access road to the site off OM 6640 is gated and locked with warning signs. All employees and contractors will be required to complete an employee safety training prior to commencement of operations.

Fencing and temporary plastic construction fencing surrounds those adits and shafts that could be a danger to the public.

Refueling and maintenance will comply with rules and regulations with regard to implementing proper fueling procedures and spill control measures and employee training. Drip pans or absorbent pads shall be used during fueling and maintenance and absorbent spill cleanup materials and spill kits shall be available and disposed of properly after use. Plastic sheeting will be placed under the front of each drill rig to capture any leaking fluids from the drill. The drill contractor's Spill Prevention, Control and Countermeasure Plan (SPCC) procedures will be adhered to and any releases will be reported to the BLM and County based on the nature and extent of the release. A site specific SPCC will be prepared and submitted to responsible parties prior to start-up.

### **Access Road**

The site is accessed from I-40 at Daggett, south on Camp Rock Road for approximately 9 miles, then south on BLM routes designated as OM 7525 and OM 6640 for approximately 2.5 miles, and an undesignated road with a locked gate for one mile east to the project site (refer to Figure 2). No additional roads or maintenance to existing roads are required to access the site with the proposed equipment. If runoff or off-road vehicle use impact said roads to make them impassable, SW Tech will contact the BLM to determine appropriate measures to repair said roads to a safe and usable condition.

Existing access routes from many years of past mining and exploration activities will be used to access as many of the planned drill sites as feasible to limit new disturbance. The roads' acreage onsite would be approximately 1.7 acres.

Water is used onsite mainly for drilling activities and for dust suppression during grading and for roads as needed. Each drill rig uses approximately 2,000 gallons per day so a maximum of approximately 6,000 gallons per day is required for drilling and a total of 8,000 gallons including dust control when needed. The amount used will vary depending on the number of drill rigs in operation and weather conditions. Water will be supplied by an existing onsite well that can supply the amount of water needed for drilling operations. The well test

yielded 25 gallons per minute (gpm) and this would require approximately six hours of pumping per day of drilling activities. Water will be stored onsite in an existing 20,000 gallon water tank and distributed directly to the drill rigs or by a water tank truck for each drill rig and for dust control during drill site and access construction.

As an alternative, water may be purchased from and transported to the site by a third party contractor. Bottled drinking water will be supplied for employees and contractors.

Power will be supplied by onsite generators attached on the drill rig. No commercial power or infrastructure is available at the site.

### **Reclamation Plan**

A reclamation plan in compliance with SMARA is included in the Plan (see Figure 4). Reclamation of the drill sites and access routes will include salvaging specific plants and topsoil. Prior to construction, SW Tech will have a qualified biologist conduct a pre-construction survey to mark sensitive plants including Joshua trees, yuccas, and cacti for avoidance and/or for salvage if impact would be unavoidable per the County's Native Desert Plant Protection policy. The construction of access routes and drill sites will avoid protected plant species whenever possible. If unable to avoid these species, those specimens favorable for transplanting will be salvaged and stowed alongside the sites in containers, watered as needed, and subsequently replanted during reclamation. The top soil or growth medium at each drill site will be stockpiled alongside the perimeter of the sites for reapplication during reclamation.

Following completion of drilling operations for each pad or for a particular set of sites, reclamation will be completed within 90 days. Equipment and any debris will be removed from the sites. Garbage, refuse, or waste shall be removed from the project area, stored in appropriate waste bins, and disposed of properly. The sump will be covered with excavated and salvaged material. Compacted areas will be ripped and loosened to a depth of one-foot, salvaged top soil placed on the reclamation areas, and the site regarded back to natural contours. Any salvaged plants will be replanted on the drill sites in a random pattern. The sites will be seeded with a native plant seed mix as recommended by the BLM and County which will include a mixture of shrubs, native grasses, and annuals. The seeds will be hand-raked into the top soil. Seeding would only take place from November through February depending on actual precipitation.

The access routes to each drill pad will also be reclaimed in a similar manner as above. Compacted surfaces will be ripped to a depth of one-foot, any shoulder material will be placed on the disturbed areas, any salvaged plants replanted, and seeded with an appropriate native seed mix.

In addition, areas not longer subject to further disturbance will be reclaimed within 90 days of project approval in a same manner as described above.

### **Post-Closure Management**

Reclamation/revegetation will be monitored for one year following final reclamation and revegetation. The small size of the proposed disturbances precludes long-term monitoring of the sites. It is expected that the proposed revegetation along with natural revegetation from wind-blown seeding will adequately revegetate the sites. Maintenance of the property will be monitored by the land owners.

Prior to commencement of the proposed exploration activities, an updated financial assurance cost estimate (FACE) and a financial assurance mechanism will be approved by the BLM and County to guarantee reclamation of proposed disturbance at the project site. This assurance will be reviewed and adjusted as needed on an annual basis and can only be released when the BLM and County deem the site successfully reclaimed.





**ENVIRONMENTAL/EXISTING SITE CONDITIONS**

Surrounding land uses predominately consist of historic mines and workings, cattle grazing, off-road recreation, and vacant public lands administered by the BLM. There are no structures or human habitation in the area.

AREA	EXISTING LAND USE	LAND USE/OVERLAY DISTRICT
Site	Vacant, open space; existing historic mine workings, recent drilling, and numerous existing access routes; cattle grazing	Resource Conservation (RC)
North	Vacant, open space; cattle grazing	Resource Conservation (RC)
South	Vacant; existing historic mine workings, recent drilling, and numerous existing dirt access routes; cattle grazing	Resource Conservation (RC)
East	Vacant, open space; cattle grazing	Resource Conservation (RC)
West	Vacant, open space; cattle grazing	Resource Conservation (RC)

**Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**

Federal: Bureau of Land Management - Record of Decision for Plan of Operations;  
Army Corps of Engineers – 404 permitting (as applicable)

State of California: California Department of Fish and Wildlife - 1602 Streambed Alteration Agreement (as applicable); Colorado River Regional Water Quality Control District – Waste Discharge Requirements (as applicable); 401 certification (as applicable)



## EVALUATION FORMAT

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. The format of the study is presented as follows. The project is evaluated based upon its effect on seventeen (17) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
--------------------------------	--	-----------------------	-----------

Substantiation is then provided to justify each determination. One of four conclusions is provided as a summary of the analysis for each of the major environmental factors.

1. **No Impact:** No impacts are identified or anticipated and no mitigation measures are required.
2. **Less than Significant Impact:** No significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** Possible significant adverse impacts have been identified or anticipated and mitigation measures required as conditions to reduce project impacts to a level below significant are listed.
4. **Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate significant adverse impacts.

At the end of the analysis the required mitigation measures are restated and categorized as being either self- monitoring or as requiring a Mitigation Monitoring and Reporting Program.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

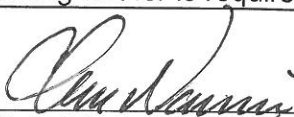
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources      | <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 type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing            | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation / Traffic        | <input type="checkbox"/> Utilities / Service Systems        | <input type="checkbox"/> Mandatory Findings of Significance |

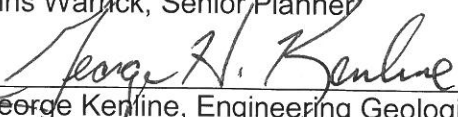
**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

<input type="checkbox"/>	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
<input checked="" type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there shall 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 shall be prepared.
<input type="checkbox"/>	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.

  
Signature: Prepared by Chris Warrick, Senior Planner

3-7-2014  
Date

  
Signature: Reviewed by George Kenline, Engineering Geologist  
Planning Division

3-7-2014  
Date

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>I.</b>	<b>AESTHETICS - Would the project</b>				
	a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION</b>	(Check <input type="checkbox"/> if project is located within the view-shed of any Scenic Route listed in the General Plan):				

- a) **No Impact.** According to the County General Plan, the project site is not within a scenic vista. Therefore, no impact is anticipated and no mitigation measures are required.
- b) **No Impact.** Policy OS 5.3 of the County General Plan lists scenic routes to be protected for their scenic vistas and other scenic and aesthetic qualities that have been found to add beauty to the County. The Proposed Project occurs more than 8 miles east of the nearest scenic route - State Route 247 (Old Woman Springs Road/Barstow Road) from the Town of Yucca Valley north to Barstow as identified in the General Plan. The Proposed Project would not be seen from the road due to intervening ridges and minimal visible activities onsite. No impact is anticipated and no mitigation measures are required.
- c) **Less than Significant.** Impacts to visual resources are based on changes to the existing character of the landscape, viewer sensitivity, and the number of viewers that may view the project activities. The level of change should be very low and short-term. The site is on a mountain range with numerous existing access routes and past mine workings. The drilling operations would impact minimal new areas and would not create any substantial impacts to the visual character or visual quality of the area. Reclamation will reduce the small areas of disturbances onsite. Impacts are considered temporary and less than significant. No mitigation measures are required.
- d) **Less than Significant.** The Proposed Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Drilling will be conducted 24 hours/day but only one to three drill sites would be operable at any one time with minimal lights for safety. No permanent new light sources are proposed as the drilling program will be short-term and temporary. All lighting at this site shall comply with County Development Code Chap.83.07.040; Glare and Outdoor Lighting – Mountain & Desert Regions requirements. This includes fully shielding lights as required to preclude light pollution or light trespass on adjacent property, other property directly or reflected, and members of the public on adjacent roads. With compliance with existing regulations, less than significant impacts are anticipated and no mitigation measures are required.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>II.</b>	<b>AGRICULTURE RESOURCES</b> - 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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
	a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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"/>
	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"/>
	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"/>
	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 or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION** (Check  if project is located in the Important Farmlands Overlay):

- a) **No Impact.** No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is identified in the California Important Farmland Finder. No impacts to farmlands are identified or anticipated.
- b) **No Impact.** The project site is not designated or zoned as agricultural land use or Williamson Act land. Therefore, the project will not conflict with existing zoning for agricultural use, or a Williamson Act contract. The BLM managed lands are within the Ord Mountain Rangeland Allotment which consists of approximately 154,848 acres and spans the Ord and Rodman Mountains. The privately held lands are not within the rangeland allotment area; however, there are no established fences to keep cattle from grazing on the privately held properties.

The Proposed Project will impact an additional 3 acres, and in addition to past disturbances will limit impacts to no more than 10 acres. Of this, approximately 3.5 acres are on public lands. The project is short-term (3-year time period) and is generally located within rugged, steep and rocky areas. The

access routes within the project area are narrow and rocky and speeds are limited to less than 10 MPH. No impacts to the grazing allotment or to cattle are anticipated and no mitigation measures are required.

- c/d) **No Impact.** The project site and surrounding area do not occur within forest land, timberland, or timberland zoned production. No impacts to these resource lands would result with implementation of the Proposed Project.
- e) **No Impact.** The Proposed Project will not have any direct or indirect impacts to agricultural resources in the County including the conversion of Farmland to non-agricultural uses. No impacts are identified or anticipated.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<b>III. AIR QUALITY</b> - 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION</b> (Discuss conformity with the South Coast Air Quality Management Plan, if applicable):				

**Background** - The Proposed Project site is located in the Mojave Desert Air Basin (MDAB). The Mojave Desert Air Quality Management District (MDAQMD) has jurisdiction over air quality issues and regulations within the MDAB. To assist local agencies to determine if a project's emissions could pose a significant threat to air quality, the MDAQMD has prepared *the California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, August 2011*. The air and dust emissions from the operational use of the Proposed Project were evaluated and compared to the MDAQMD standards and evaluated against the most recent thresholds applicable.

All equipment is required to meet current Federal and State air quality standards including the federal and state Clean Air Acts, and rules and regulations of the California Air Resources Board (CARB) and the MDAQMD. There are no stationary sources of emissions proposed. Diesel exhaust and dust emissions will be the main pollutants emitted. The drill rigs and diesel equipment must meet requirements of the CARB's off-road diesel vehicles regulations to reduce diesel pollutants. Operations will be required to comply with MDAQMD Rules 401 (limiting visible emissions from exhaust); 402 (avoid nuisance emissions); 403 prohibits visible dust from crossing property lines); and 403.2 (requirements for controlling fugitive dust).

- a) **Less than Significant.** The Proposed Project is a short-term drilling operation over a period of three years with no stationary emission sources and only minimal equipment usage. Reclamation of the site after the removal of the tailings would involve the final grading/revegetation of any drill sites and access routes not previously reclaimed.

The MDAQMD is responsible for updating the Air Quality Management Plan (AQMP). The AQMP was developed for the primary purpose of controlling emissions to maintain all federal and state ambient air standards for the district. A project is conforming if it complies with applicable District rules and regulations, complies with applicable proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan).

The Proposed Project is consistent with the zoning and land use classifications that were used to prepare the Mojave Desert AQMP (Resource Conservation/RC). In addition, based on Table 2 below, Project-generated emissions will not exceed emission thresholds. Therefore, the Project's emissions are in compliance with the thresholds established by the MDAQMD. The project would not significantly increase local air emissions and therefore would not conflict with or obstruct implementation of the AQMP. Therefore, no impact is anticipated and no mitigation measures are required.

**Table 2**  
**Operational Emissions Summary**  
**(Pounds Per Day)**

Source/Phase	ROG	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Drill Rigs	5.31	44.2	24.7	1.3	1.2
Road Dust (with watering)	---	---	---	4.2	0.9
Mobile Equipment and SUVs	1.4	11.0	6.3	0.5	0.5
<b>Totals</b>	<b>6.7</b>	<b>55.2</b>	<b>31.0</b>	<b>6.0</b>	<b>2.6</b>
MDAQMD Threshold	137	137	548	82	82
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Emission Sources: OFF-ROAD and EMFAC2007 Emissions Models (SCAQMD 2013) & AP-42 (EPA 2013 as amended)

- b) **Less than Significant.** The Proposed Project will include drilling for mineral samples requiring the development of access routes and drill sites, drilling operations, and reclamation. Exhaust or criteria pollutants will be produced from the drill rigs including small truck mounted generators and the mobile equipment. Dust will be produced from construction of access routes and drill sites, and travel on gravel/dirt access routes. Operations will be required to comply with the existing MDAQMD regulations for mobile equipment and fugitive dust control.

To determine if a potential project may significantly impact the ambient air quality, the MDAQMD utilizes the following net daily emissions increase as CEQA thresholds of significance. If the potential emissions exceed these thresholds, then the project may have a significant air quality impact and requires additional analysis.

Carbon Monoxide (CO)	548 lbs/day
Nitrogen Dioxide (NO <sub>2</sub> )	137 lbs/day
Reactive Organic Gasses (ROG)	137 lbs/day
Sulfur Dioxide (SO <sub>2</sub> )	137 lbs/day
Particulate Matter (PM <sub>10</sub> )	82 lbs/day
Particulate Matter (PM <sub>2.5</sub> )	82 lbs/day

Operational emissions for the drill rigs, mobile equipment, and road dust emissions were estimated utilizing SCAQMD On-Road (EMFAC2007) and Off-Road models and emission factors from AP-42 Compilation of Air Pollutant Emission Factors as updated (EPA 2013) for unpaved roads. Table 2 above provides the estimated emissions for the planned operations.

Operational emissions as shown above are less than the MDAQMD thresholds and would be considered less than significant. Compliance with MDAQMD rules and CARB Off-Road Diesel

Vehicle regulations are listed below and are included in the estimated emissions in Table 2. Operational emissions would end after project termination in three3 years.

Reclamation activities would require minor earthmoving, and other activities typically associated with final grading and revegetation for an approximate two to three week period. Reclamation emissions would be substantially less than the drilling operations and would not exceed MDAQMD thresholds.

***Compliance with MDAQMD Rules 402 and 403***

Although the Proposed Project does not exceed MDAQMD thresholds, the Applicant is required to comply with applicable MDAQMD Rules 402 for nuisance and 403 for fugitive dust control. This would include, but not be limited to the following:

1. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
2. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading and drilling activity on the site. Portions of the site that are actively being used shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
3. The Project proponent shall ensure that disturbed areas are treated to prevent erosion.
4. The Project proponent shall ensure that construction or development activities are suspended when winds exceed 25 miles per hour.

Although the Proposed Project would not exceed MDAQMD thresholds for exhaust emissions during operations, the Applicant would be required to implement the following conditions as required by MDAQMD:

5. All equipment used for mining and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
6. The operator shall comply with all existing and future CARB and MDAQMD Off-Road Diesel Vehicle Regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.

MDAQMD rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide CARB Off-Road Diesel Vehicle regulations. These measures will be implemented by CARB in phases with new rules imposed on existing and new diesel-fueled engines.

With compliance with existing rules and regulations and mitigation measures above, operational emissions are expected to be less than significant and no mitigation measures are required.

- c) **Less than Significant.** The project area is within the Mojave Desert PM<sub>10</sub> Planning Area and the Western Desert Ozone non-attainment area. The State Implementation Plan (SIP) identifies sources of PM<sub>10</sub> emissions and control measures to reduce emissions. The EPA requires the application of reasonable available control technology (RACT) to stationary emission sources and reasonable available control measures (RACM) to mobile sources. These will be incorporated through compliance with rules and regulations described above.

As shown in Table 2, the thresholds for the above referenced criteria pollutants would not be



exceeded by the Project. The project site is located in a very sparsely populated desert region and no development is proposed in the vicinity. Therefore no air quality cumulative impacts are anticipated and no mitigation measures are required.

- d) **No Impact.** The Proposed Project is located in a remote area of northeastern San Bernardino County, east of the San Bernardino Mountains. No sensitive receptors are located within the project vicinity. Therefore, no impacts are anticipated.
- e) **No Impact.** The generation of objectionable odors is not associated with a drilling program and reclamation activities and there are no sensitive receptors within the project vicinity. Therefore, no impact is anticipated.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<b>ISSUES</b>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION</b>	(Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database <input checked="" type="checkbox"/> ):			

- a) **Less than Significant with Mitigation Incorporated.** A Biological Resources Assessment (BRA) for the Ord Mine was prepared by Lilburn Corporation in February 2013 (see Appendix A of the POO and Exploration/ Reclamation Plan).

Listed or Sensitive Plants - No federally or State listed flora species were observed at the time of field surveys. No records of Rare, Threatened, or Endangered plant species are reported at the project site or its vicinity in the California Natural Diversity Database (CNDDDB) observation records or in the United States Fish and Wildlife Service (USFWS) San Bernardino County Species List.

Listed Wildlife Species - The site is within the West Mojave Recovery Unit for desert tortoise in the Ord-Rodman Critical Habitat Unit as identified by the USFWS. The Ord-Rodman critical habitat

unit is identified by the BLM as the Ord - Rodman Desert Wildlife Management Area (DWMA) (see Figure 5). One candidate, sensitive, or special status species, desert tortoise (*Gopherus agassizii*), was identified to have a moderate potential to occur within the northern quarter and within the wash in the central areas of the project site and vicinity (see Figure 6). However, no tortoises or tortoise sign were found within this area. The remaining 200 acres of the study area in and surrounding the drill sites do not exhibit constituent elements and have low to no potential for desert tortoise being present due to the extremely steep and rocky slopes. Additionally, desert tortoise habitat within in the study area exhibits sign of impact from cattle grazing activities.

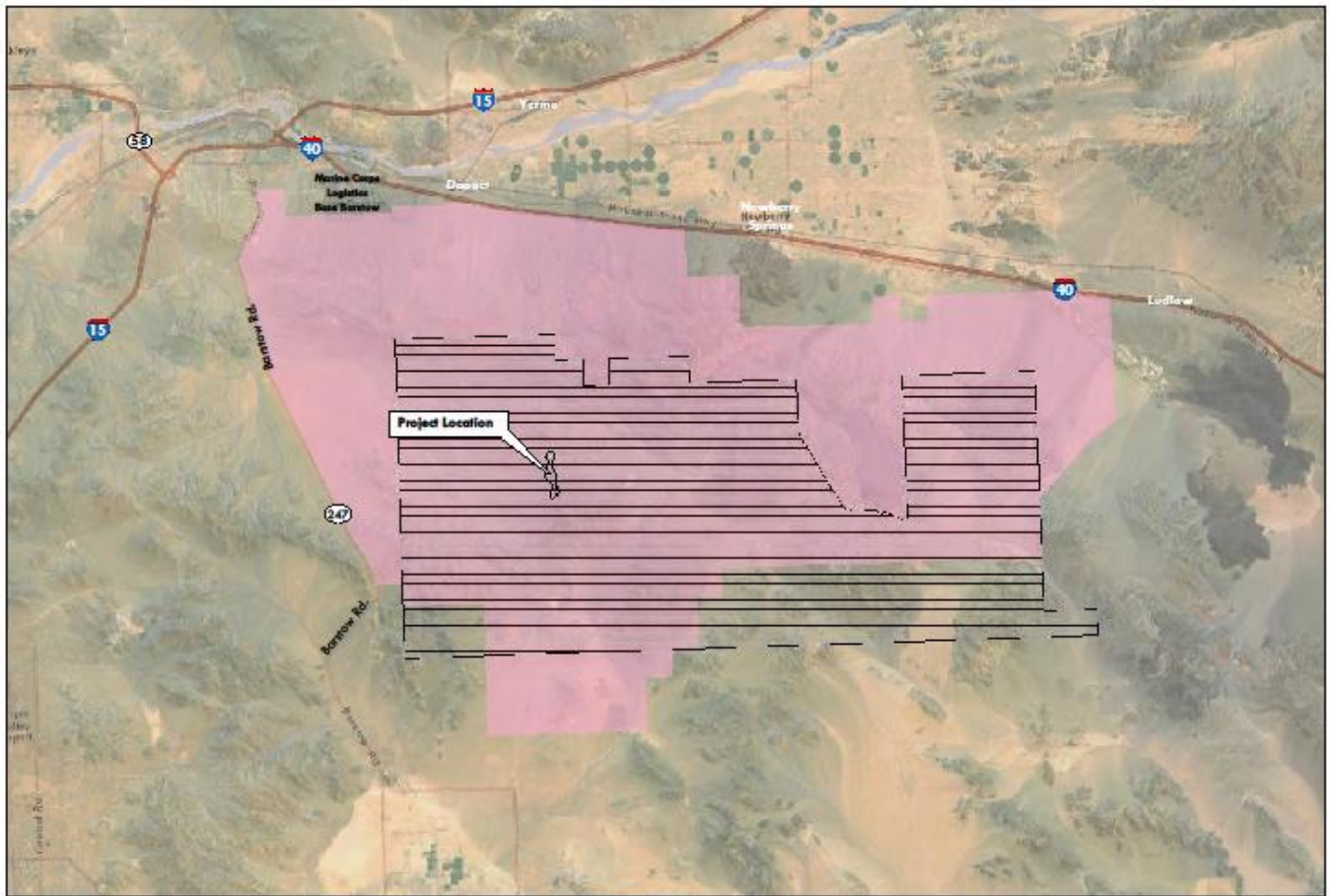
Possible significant adverse impacts have been identified and Mitigation Measures BIO 1 and BIO 2 listed below are required as conditions to reduce project impacts to a level below significant.

Sensitive Wildlife – The following species have been designated by the California Department of Fish and Wildlife (CDFW) as “Special Animals.” The CDFW defines “Special Animals” as a general term that refers to all of the taxa the CNDDDB is interested in tracking, regardless of their legal or protection status. The following species from the Special Animal list either have a probability to occur at the subject site or were observed to be present in the course of biological surveys. Mitigation measures are listed below to reduce impacts to less than significant.

- Burrowing Owl (*Athene cunicularia*)
- Western Mastiff Bat (*Eumops perotis californicus*)
- Le Conte’s Thrasher (*Toxostoma lecontei*)
- Nelson’s Bighorn Sheep (*Ovis Canadensis nelson*)

Migratory Birds - "Migratory bird" means any bird listed in 50 CFR 10.13. Native birds found commonly in the United States, with the exception of native resident game birds, are protected under the Migratory Bird treaty Act (MBTA). The MBTA prohibits taking of migratory birds, their parts, nests, eggs, and nestlings.

Special status migratory birds observed or have the potential to occur within the project area, including the following: Golden eagle (*Aquila chrysaetos*); Prairie falcon (*Falco mexicanus*); Burrowing owl (*Athene cunicularia*); Le Conte’s thrasher (*Toxostoma lecontei*); California thrasher (*Toxostoma redivivum*); and Loggerhead shrike (*Lanius ludovicianus*). Due to the timing of the survey, some migratory bird species that could potentially use the project area may not have been detected during the field evaluation. No nocturnal surveys were conducted; therefore, these potential biological resources would not be accounted for other than by general habitat associations and potential occurrence information provided through the literature and database review. Implementation of the reclamation and revegetation plan will reduce long-term impacts to vegetation and wildlife habitat. Possible significant adverse impacts to migratory bird species will be reduced to a less than significant level per implementation of the mitigation measures listed below.



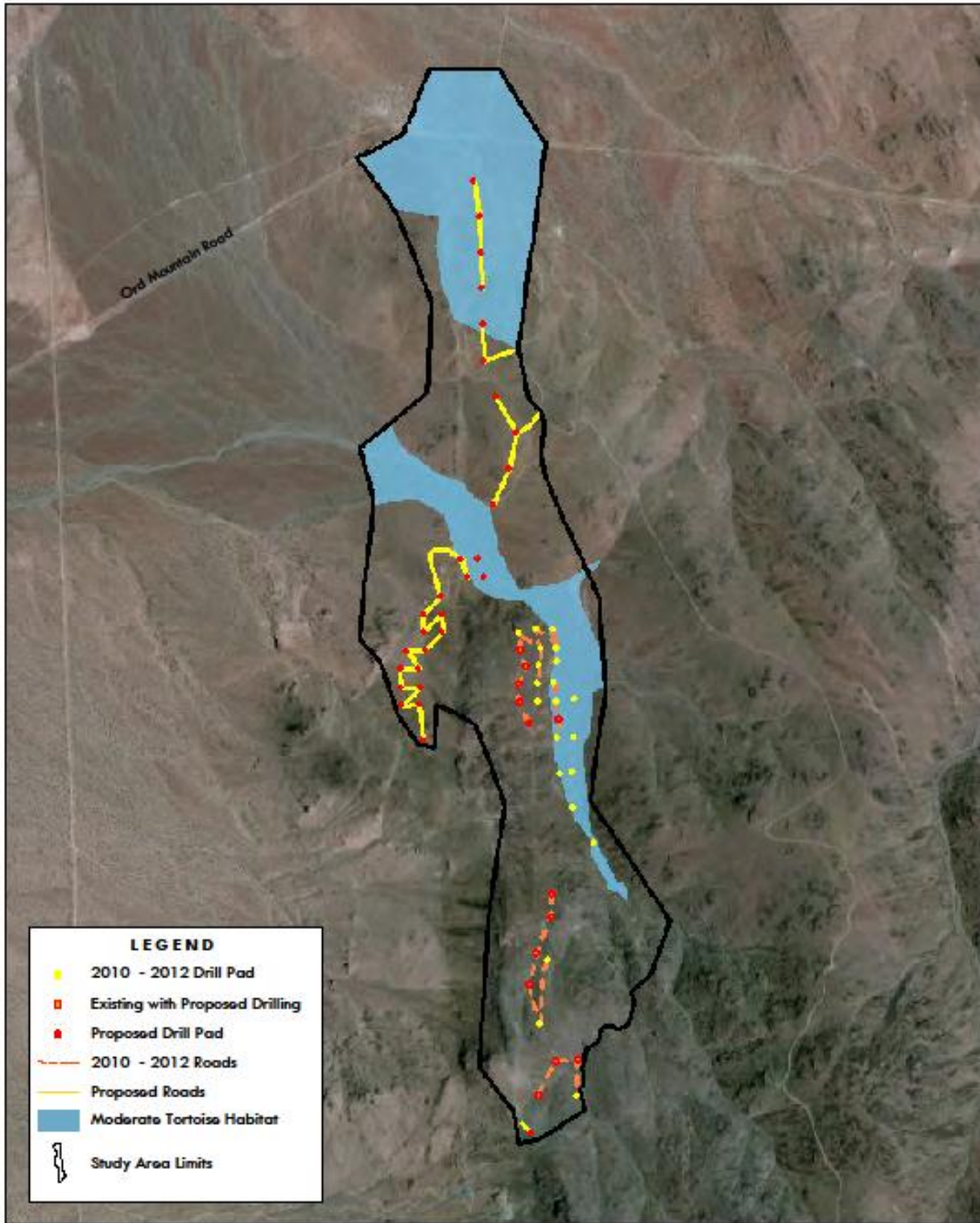
**SPECIAL DESIGNATION LANDS**

Ord Mountain Exploration Plan Environmental Assessment  
San Bernardino County, California

**FIGURE 5**

-  Ord-Rodman Desert Tortoise Critical Habitat/DWMA
-  Ord Mountain BLM Cattle Allotment
-  Study Area Limits





**DESERT TORTOISE HABITAT**

Ord Mountain Exploration Plan Initial Study  
San Bernardino County, California

**FIGURE 6**

- b) **Less than Significant with Mitigation Incorporated.** No riparian vegetation or wetlands as defined by Section 404 of the Clean Water Act were observed to occur. Two permanent surface water springs are located in the vicinity; Sweetwater Spring located about 500 feet to the southeast of the nearest drill pad and Aztec Spring located about 1,500 feet to the east of the nearest drill pad (see Figure 7). These springs will be avoided with appropriate setbacks per BLM stipulations.

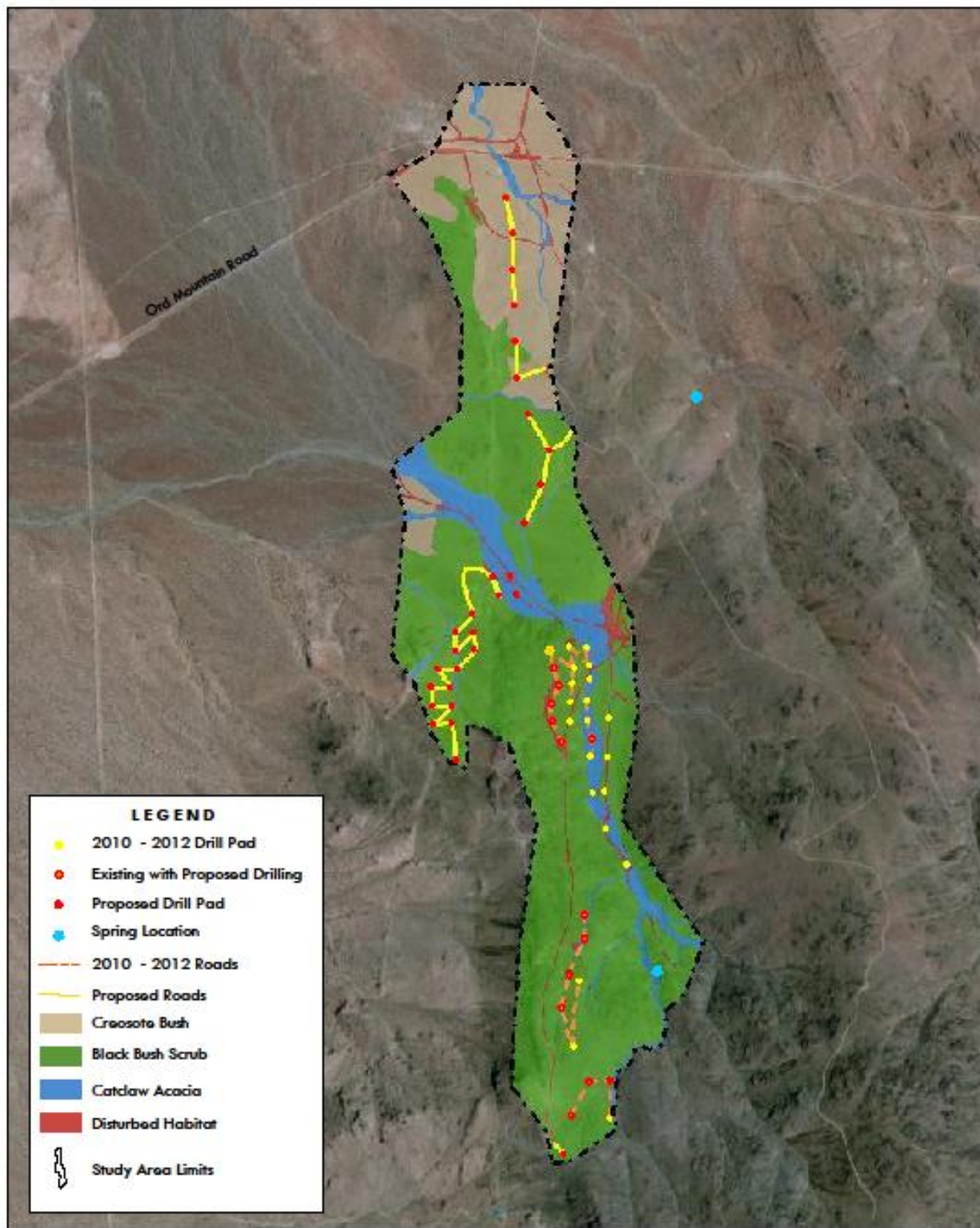
Four vegetation habitat types were identified within the survey area including creosote bush, black bush (most dominant area-wide), catclaw acacia / streambed, and disturbed habitat. Catclaw acacia / streambed habitat is considered a sensitive natural community.

The BRA identified existing and potential impacts to approximately 2.7 acres of catclaw acacia / streambed habitat (refer to Figure 7). An un-named central drainage extends north then northwest through the overall project area and has been impacted by existing road alignments and past exploration activities. The upper reaches of the central drainage that starts near the Sweetwater Spring area is mostly rocky with little vegetation. As the drainage turns northwest, it broadens out in the flatter area and is characterized by sandy bottoms and predominantly catclaw acacia vegetation. The historic existing access road is located within the broad drainage area.

The proposed development of the drill sites and access will avoid impacts to these springs and as much as feasible to the dry wash features identified onsite except where current access crosses the dry wash areas. Pre-construction siting of the drill sites and any new access routes will be conducted to avoid such impact and will remove those pad sites within jurisdictional waters. Mitigation to avoid the springs and to limit impact to jurisdiction waters to the extent feasible, and if not feasible, to mitigate for streambed impacts are listed below.

The applicant is required to notify the Army Corps of Engineers (ACOE) for a 404 permit and the CDFW to comply with Fish and Game Code Section 1602 for a Streambed Alteration Agreement. The ACOE and the CDFW will then provide measures to protect wildlife resources based on their review of the site. Compliance with 404 and 1602 conditions and with mitigation measures below will reduce project impacts to drainages under the jurisdiction of the ACOE and the CDFW to less than significant.





**PROPOSED AND EXISTING VEGETATION IMPACTS**

Ord Mountain Exploration Plan Initial Study  
San Bernardino County, California

**FIGURE 7**

- c) **No Impact.** The jurisdictional delineation did not identify riparian vegetation or wetland resources as defined by Section 404 of the Clean Water Act within the study area. No impact will occur.  
Figure 7
- d) **Less than Significant with Mitigation Incorporated.** The central drainage area would function as a wildlife corridor. In order to reduce potential impacts to less than significant, the approved Reclamation Plan and the biological mitigation measures below shall be implemented.
- e) **Less than Significant with Mitigation Incorporated.** The San Bernardino County Native Plant Protection policy (1989) provides protection for trees greater than 6 inches diameter at breast height (dbh), smoke trees, mesquite, creosote rings, and plants in the agave family, including Joshua trees. The applicant will avoid protected species to the extent feasible by relocating drill sites and access routes and/or will salvage protected plants for revegetation as listed under Mitigation Measure BIO 1 below.
- f) **Less than Significant with Mitigation Incorporated.** The Proposed Project occurs within the West Mojave Plan (WMP) which is a multi-species management strategy for 9.3 million acres for long-term conservation of the desert tortoise and other rare or sensitive species. The site is within the West Mojave Recovery Unit for desert tortoise in the Ord-Rodman Critical Habitat Unit as identified by the USFWS. The Ord-Rodman critical habitat unit is identified by the BLM as the Ord - Rodman Desert Wildlife Management Area (DWMA).

The Proposed Project will impact approximately a total of 10 acres (up to 6 acres of undisturbed lands and 4 acres of disturbed areas) for a short-term basis of three years followed by reclamation of disturbed areas. The Proposed Project is subject to and in conformance with California Desert Conservation Area Plan (CDCAP 1980), as amended, which defers to surface management regulations 43 CFR 3809. Mitigation to reduce potential impacts to biological resources within the WMP and the DWMA are listed below to reduce potential impacts to less than significant.

**Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level less than significant.**

**MM#      Mitigation Measures**

**BIO 1      General Measures**

- Disturbance should be confined to the smallest practical area, considering topography, placement of drill sites and other limiting factors. To the extent possible, project activities should be limited to previously disturbed areas. If possible, vegetation should be crushed rather than bladed to allow for root sprouting of shrubs.
- Vehicle speeds should not exceed 20 miles per hour through desert tortoise habitat.
- No cross-country travel with motorized vehicles outside of the project area by project personnel shall be permitted.
- Pre-development surveys for the siting of drill sites and access will avoid those plant species protected by the San Bernardino County Native Plant Protection policy to the extent possible. If not feasible to avoid, those plants will be salvaged and either re-planted on a similar site ready for revegetation or maintained until the site is ready for reclamation.



## **BIO 2 Desert Tortoise Protection Measures**

- Have an authorized biologist conduct a tortoise educational program for personnel at the project site; the program should discuss conservation measures as well as access road use and pre-construction surveys before personnel obtain access to the site access and work areas.
- Authorized biologists or monitors should be present on-site during development activities on the portions of the project that are within tortoise habitat during active desert tortoise season, to ensure take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or attempt to engage in any such conduct) will not occur.
- An authorized biologist should survey the project area for the presence of desert tortoise no more than 5 days prior to the commencement of project activities within desert tortoise habitat. If necessary, the biologist should have drill sites and access routes relocated if tortoise sign found.
- Any desert tortoise burrows within 50 yards of the Proposed Project area should be flagged for avoidance.
- An authorized biologist should inspect potential desert tortoise burrows including collapsed burrows for occupancy.
- If a desert tortoise and burrow are within 50 yards of the project area, the animal and burrow may be fenced for no more than 3 days to confine the desert tortoise to its burrow and the area adjacent to its burrow.
- Temporary barriers such as temporary desert tortoise fencing should be used to exclude desert tortoises and other wildlife species from pad areas within habitat during the active desert tortoise season. No excavations shall be left open overnight or unattended during the day.
- Workers should inspect for desert tortoise under vehicles prior to moving them.
- All trash and food items should be promptly contained within closed, common raven-proofed containers and will be removed daily from the project site to reduce the attractiveness of the area to common ravens (*Corvus corax*).
- No firearms, dogs, or other pets should be allowed in desert tortoise habitat within the project area.

## **BIO 3 Migratory Birds (including Le Conte's Thrasher)**

If construction or land clearing activities will occur during nesting season (March 15-September 15), a pre-construction survey will be conducted in the project impact area to identify any nests. If nests are found, the nest will be flagged and avoided. In accordance with the MBTA, if an active bird nest is located, the nest site shall be fenced a minimum of 200 feet for most birds and 500 feet for raptors in direction of the project and the area shall not be disturbed until after the nest becomes inactive. If no active nests are observed during the survey, vegetation may be removed.

## **BIO 4 Sensitive Wildlife**

### Burrowing Owl

- The project impact area should be surveyed for the presence of burrowing owl no more than thirty days prior to ground disturbing activities;
- If the burrowing owl is found or the presence or burrowing owl is confirmed, and the proposed reconstruction and realignment of the existing roadway will occur during the breeding season (February 15 to August 15), then the active owl burrows on-site and within 500 feet of the project activities shall be identified, and physically marked before the start of any construction activities. A survey to mark the burrows shall be undertaken no earlier than February 15. During the construction period, active burrows that are not going to be removed by construction activities will be afforded a minimum 250-foot buffer to protect foraging habitat and owls. A biological monitor will be present to ensure that adequate avoidance of impacts to owls and

their burrows is maintained. The monitor will have the authority to modify the buffer zone in order to protect the owls from harm; and

- If necessary, passive relocation techniques should adhere to those described in the *Burrowing Owl Consortium Survey Protocol & Mitigation Guidelines*.

## BIO 5 Jurisdictional Drainages

- Preconstruction siting of the proposed drill sites and access routes for the drilling project will avoid impacts to the two springs and their adjacent areas up to a minimum of 500 feet as determined by the authorized biologist or BLM personnel;
- Preconstruction siting of the proposed drill sites and access routes for the drilling project will avoid impacts to the extent feasible to the dry wash features identified onsite except where current access crosses the dry wash areas;
- Maintain existing and design new streambed crossings in a manner that will minimize impacts;
- Flag project impact areas to make sure construction equipment and crews stay within the project boundaries. No impacts to jurisdictional areas will be allowed outside the project construction areas;
- All litter shall be removed from the construction area and disposed of in an appropriate manner at the end of each construction day. This will ensure no litter enters jurisdictional waters;
- No concrete, asphalt, or deleterious materials shall be allowed to enter jurisdictional waters, accept for those approved by the regulatory agencies, at any time during construction. If deleterious materials enter jurisdictional waters in an unapproved manner, regulatory agencies shall be notified, work must cease, and further instructions will be given by the regulatory agencies;
- Fueling and maintenance of equipment shall occur at least 200 feet from any streambed except at facilities with adequate spill control measures;
- No drilling activities will be allowed in ephemeral channels while there is flowing water;
- Avoid harm to any wildlife that may be present within the construction area. Within five days prior to the commencement of construction activities, a biological monitor shall survey the site for any potential impacts to nesting or sheltering wildlife;
- Keep spoil sites outside of areas where flowing water may wash back into the jurisdictional streams;
- Prepare a formal jurisdictional delineation report for waters of the U.S. and state waters; and
- Relocate proposed drill sites and roads outside of jurisdictional drainages. Where avoidance is not feasible, the following regulatory agency permits may be required prior to any new development within jurisdictional waters:
  - Where avoidance of waters of the U.S. is not feasible, the ACOE shall be consulted to determine if a 404 permit should be obtained for temporary impacts to federal waters.
  - Where avoidance of state jurisdictional streams is not feasible, the project proponent shall notify the CDFW of temporary stream impacts and if applicable, obtain a 1602 Streambed Alteration Agreement. Compensate for permanent impacts to Departmental jurisdictional waters as authorized under the Agreement at a ratio of 2 to 1 through participation in an in-lieu program for the enhancement of similar stream habitat as approved by the Department.
  - Where avoidance to jurisdictional streams is not feasible, a WDR shall be obtained if applicable for temporary impacts to State and federal waters from the Lahontan Regional Water Quality Control Board (RWQCB).

<b>ISSUES</b>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation on Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>V. CULTURAL RESOURCES - Would the project</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION</b>	(Check if the project is located in the Cultural <input type="checkbox"/> or Paleontologic <input type="checkbox"/> Resources overlays or cite results of cultural resource review):			

- a-d **Less Than Significant with Mitigation Incorporated.** McKenna et al conducted and prepared "A Class III Cultural Resources Investigation of the SW Tech Corporation Ord Mountain Project and Mining Claim(s) Areas, San Bernardino, CA" in October 2013. This investigation and report was prepared for the BLM under fieldwork authorization (FA-680-13-29) through the BLM Barstow field office. Research was initiated in February 2013 and field work was conducted in April and May 2013. Finalization of the report, findings, and mitigation measures were undertaken by the BLM Barstow field office archaeologist. **Note that data presented in the cultural resources report is proprietary and confidential and not for public review.** Only a summary of the findings are included herein and the County will incorporate mitigation measures and conditions as determined by the BLM in order to mitigate any potential significant impacts.

The cultural resources investigation included: 1) an archeological records search through the San Bernardino County Museum, Archaeological Information Center, Redlands and supplementary research through the BLM Barstow Field Office, 2) Native American Consultation, 3) historic background research of the general area and the potential for identifying prehistoric and/or historic cultural resources, 4) a paleontological overview from the Natural History Museum of Los Angeles County, and 5) field studies. An archaeological field survey of the Proposed Project site was conducted for 11 days in April and May 2013.

The project area is within the historic Ord Mountain Mining District having been explored and occasionally mined since the late 1800s. The area also has several water sources (springs and wells) that have been used by the Native Americans and for cattle ranching and mining camps. Six studies previously conducted in the area involved pipeline right-of-ways bounding the northern portions of the study area and other activities in the region. These studies recorded four prehistoric archaeological sites and three historic archaeological sites in the immediate vicinity of the project area. **Again this information is confidential and not for public review.**

Based on past surveys, research, and field work, the project area is considered highly sensitive for the presence for prehistoric and historic archaeological resources. Mitigation measures are required to protect and avoid known and possible buried prehistoric and historic archaeological

sites. The measures listed below may be augmented and revised to meet those stipulations required by the BLM.

Pre-construction surveys are required to mark and avoid archaeological resources and construction monitoring is required during clearing and grading activities. If, at any time, there is evidence of human remains (or possible human remains) are identified, the County Coroner must be notified within 24 hours and the area avoided until the Coroner can assess the remains. If the remains are identified as Native American in origin, the Coroner will contact the Native American Heritage Commission and the Most Likely (Native American) Descendant (MLD) will be identified. In consultation with the MLD, Coroner, Archaeological Consultant, project proponent, and Lead Agency, the disposition of the remains will be determined. Less than significant impacts with mitigation incorporated are anticipated.

**Possible significant adverse impacts have been identified or anticipated and the following mitigation measure is required as a condition of project approval to reduce these impacts to a level below significant:**

**MM# Mitigation Measures**

- CR-1** A qualified project archaeologist approved by the BLM and County will conduct a pre-construction survey for cultural resources to mark sensitive resources for avoidance. Because drill sites and access routes can be re-located from a proposed location, all cultural resources will be avoided. Operations shall not knowingly disturb, alter, or destroy any paleontological or any historical or archaeological resource. The employees and contractors involved in the project will receive cultural resources awareness training, which will be directed towards recognizing and avoiding these features. Access routes and drilling sites will set back at least 100 feet from any paleontological, historical or archaeological features which will be prominently flagged in the field to avoid disturbance.
- CR-2** An archaeological monitoring program shall be established during all ground disturbing activities within the project area unless specifically excluded by the project archeologist. This program will serve: 1) to identify and/or recover cultural resources uncovered by the proposed access improvements and drill pad grading and 2) to ensure protection of resources peripheral to the access routes and drill sites. The monitoring program shall follow professional standards. If cultural resources are uncovered, all work shall stop in the area and the BLM and/County shall be notified depending if found on public or private lands respectively.

The following procedures shall be implemented in the event that potentially sensitive cultural resources are uncovered during construction and grading activities:

- In the event archaeological, paleontological and/or historical resources, including pottery, middens or human remains, are uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the archaeologist, in consultation with the appropriate Native American Tribe(s), the BLM and the County of San Bernardino Museum, determines the resources are recovered to their satisfaction.
- If possible human remains are encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present, and the San Bernardino County Coroner must be notified. The appropriate land manager (BLM or County) and the owner of the

site shall also be called and informed of the discovery. If the remains are located on federal public lands, the BLM land managers/federal law enforcement/federal archaeologist are to be informed as well because of complementary jurisdiction issues. Disturbing human remains is against federal and state laws and there are criminal/civil penalties including fines and/or time in jail up to several years. The Coroner will determine if the bones are historic/archaeological or a modern legal case.

State law dictates that the Native American Heritage Commission (NAHC) shall be notified in the event that remains are determined to be human and of Native American decent, in accordance with California Public Resources Code Section 5097.98.

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA)16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the state of California regardless if the remains are modern or archaeological.

#### Modern Remains

If the Coroner's Office determines the remains are of modern origin, the appropriate law enforcement officials will be called by the Coroner and conduct the required procedures. Work will not resume until law enforcement has released the area.

#### Archaeological Remains

If the remains are determined to be archaeological in origin and there is no legal question, the protocol changes depending on whether the discovery site is located on federally or non-federally owned/managed lands.

#### Remains discovered on federally owned/managed lands.

After the Coroner has determined the remains are archaeological or historic and there is no legal question, the BLM Barstow Field Office Archaeologist must be called. The archaeologist will initiate the proper procedures under ARPA and/or NAGPRA. If the remains can be determined to be Native American, the steps as outlined in NAGPRA, 43 CFR 10.6 Inadvertent discoveries, must be followed.

#### Remains discovered on non-Federally owned/managed lands.

After the Coroner has determined the remains on non-federally owned/managed lands are archaeological and there is no legal question, the Coroner will make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American he/she shall contact by telephone within 24 hours, the California NAHC. The NAHC will immediately notify the person it believes to be the most likely descendent of the remains. The most likely descendent has 48 hours to make recommendations to the land owner for treatment or disposition of the human remains. If the descendent does not make recommendations within 48 hours, the land owner shall reinter the remains in an area of the property secure from further disturbance. If the land owner does not accept the descendent's recommendations, the owner or the descendent may request mediation by the NAHC.

<i><b>ISSUES</b></i>	<i><b>Potentially Significant Impact</b></i>	<i><b>Less than Significant with Mitigation Incorp.</b></i>	<i><b>Less than Significant</b></i>	<i><b>No Impact</b></i>
<b>VI. GEOLOGY AND SOILS - Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>
d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION** (Check  if project is located in the Geologic Hazards Overlay District):

- a)
- i) **No Impact.** The site is not located within an Alquist-Priolo Earthquake Fault Zone according to maps prepared by the State Geologist. The Proposed Project site is to be used for an exploratory drilling program and does not contain habitable structures. No significant adverse impacts are identified or anticipated and no mitigation measures are required.
- ii) **Less Than Significant Impact.** Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. The Proposed Project site is to be used for an exploratory drilling program and does not contain habitable structures. No significant adverse impacts are identified or anticipated and no mitigation measures are required.

- iii) **No Impact.** The County General Plan Hazards Overlay index maps do not identify the site to occur in an area susceptible to liquefaction. As noted, the Proposed Project would not build permanent structures or construct facilities with foundations that could fail as a result of liquefaction during an earthquake. Therefore, no impact is expected and no mitigation measures are required.
- iv) **No Impact.** The County General Plan Hazards Overlay index maps do not identify the site to occur in an area susceptible to landslides. Therefore, the project site would not be exposed to landslide hazard, and no impact is expected. No mitigation measures are required.
- b) **No Impact.** The project is a short-term drilling program with minimal ground impacts. Top soil from the drill sites and access routes will be pushed to the edges of the disturbances and graded back over the sites at the completion of the project for reclamation and revegetation. No impact is anticipated and no mitigation measures are required.
- c) **No Impact.** The Proposed Project is a short-term drilling program with minimal ground impacts and is not located in an area that is geologically unstable or would become unstable as a result of the project activities. No impact is expected and no mitigation measures are required.
- d) **No Impact.** The Project Site is not located in an area which has been identified as having the potential for expansive soils. No impact is anticipated and no mitigation measures are required.
- e) **No Impact.** Septic tanks and/or alternative waste water systems are not proposed as part of the Proposed Project. Therefore, no impact is anticipated and no mitigation measures are required.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VII</b>	<b>GREENHOUSE GAS EMISSIONS - Would the project:</b>				
	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"/>
	b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:****Greenhouse Gas Emissions Interim Measures**

According to CEQA Guidelines section 15064.4, when making a determination of the significance of greenhouse gas emissions, the “lead agency shall have discretion to determine, in the context of a particular project, whether to (1) use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use.” Moreover, CEQA Guidelines section 15064.7(c) provides that “a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts” on the condition that “the decision of the lead agency to adopt such thresholds is supported by substantial evidence.”

**San Bernardino County GHG Reduction Plan**

In September 2011, the County adopted a Greenhouse Gas Emissions (GHG) Reduction Plan (September 2011) (GHG Plan). The GHG Plan presents a comprehensive set of actions to reduce the County’s GHG emissions to 15% below current levels (2007 levels) by 2020, consistent with the AB 32 Scoping Plan. GHG emissions impacts are assessed through the GHG Development Review Process (DRP) by applying appropriate reduction requirements as part of the discretionary approval of new development projects. Through its development review process, the County will implement CEQA requiring new development projects to quantify project GHG emissions and adopt feasible mitigation to reduce project emissions below a level of significance. A review standard of 3,000 metric tons of CO<sub>2</sub> equivalent (MTCO<sub>2e</sub>) per year is used to identify projects that require the use of Screening Tables or a project-specific technical analysis to quantify and mitigate project emissions. Note that the MDAQMD has an annual threshold of 100,000 tons of CO<sub>2</sub> per year.

**a/b) Less Than Significant Impact**

Per CEQA guidelines, new project emissions are treated as standard emissions, and air quality impacts are evaluated for significance on an air basin or even at a neighborhood level. Greenhouse gas emissions are treated differently, in that the perspective is global, not local. Therefore, emissions for certain types of projects might not necessarily be considered as new emissions if the project is primarily population driven. Many gases make up the group of pollutants that are believed to contribute to global climate change. However three gases are currently evaluated carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). SCAQMD provides guidance methods and/or Emission Factors. MDAQMD allows the use of this methodology.

A threshold of 3,000 MTCO<sub>2e</sub> per year has been adopted by the County as potentially significant to global warming. Utilizing the SCAQMD’s Off-road Model - Mobile Source Emission Factors model (<http://www.aqmd.gov/ceqa/handbook/offroad/offroad.html>), annual operation GHG emissions



amount to approximately 7.47 tons per day or 2,372 MTCO<sub>2</sub>e per year based on a worst case of 24 hours/day operations on up to 350 days per year (see Table 3). Operations would not exceed the County's GHG thresholds.

Due to the estimated minimal GHG emissions from the Proposed Project to be less than the County threshold, effects on climate change are expected to be less than significant and no mitigation measures are required.

**Table 3  
Greenhouse Gas Emissions<sup>1</sup>**

Equipment	CO <sub>2</sub>	CH <sub>4</sub> (methane)
Drill Rigs (lbs/day)	13,536	0.5
Mobile Equipment (lbs/day)	1,399	0.1
Total (lbs/day)	14,935	0.6
Total Per Year (MTCO <sub>2</sub> e)	2,370	2.2
<b>MTCO<sub>2</sub>e per Year</b>	<b>2,372</b>	
Threshold (MTCO <sub>2</sub> e)	3,000 <sup>2</sup>	
<b>Significant (Yes/No)</b>	<b>No</b>	

Note: Assumes 350 working days/year.

1 Off-Road Mobile Source Emissions Factors (2012);

Emission Factors for On-Road Heavy-Heavy Duty Diesel Trucks (Emfac 2012)

2 San Bernardino County threshold, 3,000 MTCO<sub>2</sub>e/year

### **Required Conditions**

The project emissions are less than significant. However, the applicant will be required to implement GHG reduction performance standards. The GHG reducing performance standards were developed by the County to improve the energy efficiency, water conservation, vehicle trip reduction potential, and other GHG reducing impacts from all new development approved within the unincorporated portions of San Bernardino County. As such, the following Performance Standards establish the minimum level of compliance that development must meet to assist in meeting the 2020 GHG reduction target identified in the County GHG Emissions Reduction Plan. These Performance Standards apply to all Projects, including those that emit less than 3,000 MTCO<sub>2</sub>e per year, and will be included as Conditions of Approval for development projects.

The following are the Performance Standards (Conditions of Approval) that are applicable to the Project:

1. The "developer" shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
  - a) Select construction equipment based on low GHG emissions factors and high-energy efficiency.
  - b) All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.
  - c) All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<b>ISSUES</b>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VIII.</b>	<b>HAZARDS AND HAZARDOUS MATERIALS - Would the project:</b>				
	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 checked="" type="checkbox"/>	<input type="checkbox"/>
	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"/>
	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"/>
	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"/>
	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"/>
	f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g) 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"/>
	h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><i>SUBSTANTIATION:</i></b>					

- a/b) **Less Than Significant Impact.** The Proposed Project involves the use of materials common to the mining industry and includes the transport, storage and use of fuels and lubricants. The operator would comply with applicable federal and state safety rules and regulations regarding hazardous materials.

Hazardous materials used in the Project Area will include fuels and oils used to operate drill rigs/generators and equipment associated with project activities. Minor truck and equipment maintenance will be conducted in the field by a maintenance/fueling truck. If equipment requires

major repairs it would be hauled off by the contractor and replaced. Waste oil and engine fluids generated at the operations will be collected and transported by the maintenance truck contractor for offsite disposal by approved methods via properly trained and licensed personnel. Refueling and maintenance will comply with all rules and regulations with regard to implementing proper fueling procedures and spill control measures and employee training. Drip pans or absorbent pads shall be used during fueling and maintenance and absorbent spill cleanup materials and spill kits shall be available and disposed of properly after use.

Plastic sheeting will be placed under the front of each drill rig to capture any leaking fluids from the drill generator. Drilling muds (nonhazardous inert clay material) and borehole cuttings will be deposited into a small sump on each drill pad and covered with native material and revegetated upon completion of the hole.

Per the County, the operation is required to submit a business plan and a spill prevention control and counter measure plan (SPCC) with Best Management Practices (BMPs) to ensure that on site materials are stored appropriately and contained in the event of uncontrolled release. The SPCC procedures will be adhered to and any releases will be reported to the BLM and County as required, based on the nature and extent of the release. Fuel storage specifications apply to all above ground fuel containers. The diesel fuel and gasoline tanks will be double-walled and placed within concrete or lined containment sites to contain the contents of the tank and a 100-year rainfall event as required.

All refuse generated by Project activities would be transported off site and be disposed of at an authorized off-site landfill facility. With the implementation of the SPCC and BMPs, substantial impacts from hazardous and solid wastes are not anticipated and no mitigation measures are required.

- c) **No Impact.** The Proposed Project involves the use of materials common to the mining industry and includes the transport, storage and use of fuels, and lubricants. The operator would continue to comply with applicable federal and state safety rules and regulations regarding hazardous materials. During operation, diesel exhaust would be generated by heavy construction equipment; however, no school facilities or proposed school facilities are located within one-quarter mile radius of the project site. Therefore, no impact is anticipated.
- d) **No impact.** The project site is not identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The operator would comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Therefore, no impact is anticipated.
- e/f) **No Impact.** According to the County General Plan Hazards Overlay Map, the project site occurs within Airport Safety Review Area 4 (AR4). According to the County Development Code Section 82.09.030 Airport Safety, AR4 includes the low-altitude/high speed corridors designated for military aircraft use. The nearest public/private airport is the Barstow-Daggett Airport located approximately 11 miles north of the Project Site and north of I-40. Since no human occupied structures exist or are proposed and no activities will exceed the typical 20 feet or so of a drill rig, potentially significant impacts are not anticipated. The Proposed Project would not result in safety hazard impacts from aircraft-related uses. The project site does not occur within a public or private airport influence area. No safety hazard impacts from aircraft-related issues are anticipated.
- g) **No Impact.** Activities associated with the Proposed Project would not impede existing emergency response plans for the project site and/or other land uses in the project vicinity. Vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, implementation of the Proposed Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. No impact is anticipated.

- h) **No Impact.** The County General Plan Hazards Overlay index maps do not identify the site to occur in a Fire Safety Overlay District. The project is not anticipated to result in any safety hazards impacts from wild fires to people or structures due to its isolated location. No Impact is anticipated.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IX.</b>	<b>HYDROLOGY AND WATER QUALITY -</b> Would the project:				
	a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	h) Place within a 100-year flood hazard area structure that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### SUBSTANTIATION

- a) **Less Than Significant Impact.** The Proposed Project will not violate any water quality standards

or waste discharge requirements. No wastewater will be generated as a result of drilling operations. Drilling muds (nonhazardous inert clay material) and borehole cuttings will be deposited into a small sump on each drill pad and covered with native material and revegetated upon completion of the hole. A Stormwater Pollution Prevention Plan (SWPPP) would be implemented to control runoff and sedimentation from the project disturbance. An SPCC will be implemented to prevent impacts to ephemeral surface waters from hazardous materials. In addition, the ACOE and the CDFW will be notified for possible 404 permitting and 1602 Streambed Alteration Agreement compliance. Impacts are expected to be less than significant.

- b) **Less Than Significant Impact.** The Proposed Project will not require or result in the construction of new water facilities or expansion of existing facilities. Water will be used onsite mainly for drilling activities and for dust suppression during grading and for access as needed. Each drill rig uses approximately 2,000 gallons per day so a maximum of approximately 6,000 gallons per day is required for drilling and a total of 8,000 gallons including dust control when needed. The amount used will vary depending on the number of drill rigs in operation and weather conditions. Water will be supplied by an existing onsite well that can supply the amount of water needed for drilling operations. The well test yielded 25 gpm and this would require approximately six hours of pumping per full day of drilling activities. Water will be stored onsite in an existing 20,000 gallon water tank and distributed directly to the drill rigs or by a water tank truck for each drill rig and for dust control during pad and access construction. Less than significant impact to groundwater resources is expected.
- c/d) **No Impact.** The Proposed Project will not substantially alter the existing drainage pattern that would result in substantial erosion or siltation or runoff on- or off-site. The study area contains a central drainage that extends north then northwest through the overall project area and has been impacted by existing access route alignments and past exploration activities. The upper reaches of the central drainage is mostly rocky with little vegetation. As the drainage turns northwest, it broadens out in the flatter area. The historic existing access road is located within the broad drainage area.

The proposed development of the drill sites and access routes will avoid impacts as much as feasible to the dry wash features except where current access exists across the dry wash areas. Pre-construction siting of the drill sites and any new access routes will be conducted to avoid such impact. Mitigation measures to limit impact to habitat within jurisdiction waters to the extent feasible are included under Section IV, Biological Resources.

Due to the small areas of impact and the lack of fine surface material and low rainfall, the site has little potential for erosion and sedimentation from stormwater. Drill sites will be temporary and level and the small size of each pad precludes any substantial erosion control issues. A small berm of surface material will be pushed up around each pad which will control any runoff. This berm will be pushed back over the pad for reclamation and the pad graded back to natural contours. The access routes will incorporate standard water berms as necessary.

Erosion and sediment will be controlled by utilizing applicable best management practices such as weed-free straw bales and rolls, diversion ditches and small catch basins as needed. These will be constructed and modified based on actual conditions as operations progress. A Stormwater Pollution Prevention Plan (SWPPP) would be implemented to control runoff and sedimentation from the Project disturbance. An SPCC will be implemented to prevent impacts to ephemeral surface waters from hazardous materials.

- e/f) **No Impact.** The Proposed Project will not contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of

polluted runoff or otherwise substantially degrade water quality. The project will implement a SPCC and BMPs as discussed in Section VIII to avoid and prevent contamination by hazardous materials used onsite. No impacts are anticipated.

- g/h) **No Impact.** The project site is not identified on a County General Plan Hazards Overlay Map to occur within a 100-year flood plain. No impacts are anticipated.
- i) **No Impact.** The Project Site is located outside of any designated dam inundation area. Therefore, no impacts are anticipated.
- j) **No Impact.** The Project Site is not located adjacent to any body of water that has the potential of seiche or tsunami. The site is very rocky with little soil and no mudflows are likely. No impacts are anticipated.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<b>ISSUES</b>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>X.</b>	<b>LAND USE AND PLANNING - Would the project:</b>				
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### SUBSTANTIATION

- a) **No Impact.** The Project Site is surrounded by open space lands. The Proposed Project is consistent with the County General Plan and would not physically divide an established community. No impact is anticipated.
- b) **No Impact.** The Proposed Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project as the project is consistent with all applicable land use policies and regulations of the BLM and County General Plan. The Proposed Project is in conformance the BLM's California Desert Conservation Area Plan 1980, as amended (CDCAP) (BLM 1980), which defers to the 43 CFR 3809 regulations, and serves as the Resource Management Plan for the California Desert District. The project must be in compliance with the 3809 regulations as assessed by the BLM prior to the BLM's approval of the project. No impact is anticipated.
- c) **No Impact.** The Proposed Project occurs within the WMP (an amendment to the CDCAP) which is a multi-species management strategy for 9.3 million acres providing for long-term conservation of the desert tortoise and other rare or sensitive species. The site is within the West Mojave Recovery Unit for desert tortoise in the Ord-Rodman Critical Habitat Unit as identified by the USFWS. The Ord-Rodman critical habitat unit is identified by the BLM as the Ord - Rodman DWMA.

The Proposed Project will impact approximately a total of 10 acres (up to 6 acres of undisturbed lands and 4 acres of disturbed areas for a short-term basis of three years followed by reclamation of disturbed areas. The Proposed Project is subject to and in conformance with CDCAP 1980, as amended, which defers to surface management regulations 43 CFR 3809. The project is located within the historic Ord Mining District and is a compatible use with past activities. Mitigation to reduce potential impacts to biological resources within the WMP and the DWMA has been proposed in Section IV Biological Resources. No impacts are anticipated to these habitat or conservation plans.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**



<i>ISSUES</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XI.</b>	<b>MINERAL RESOURCES</b> - 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 type="checkbox"/>	<input checked="" type="checkbox"/>
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 checked="" type="checkbox"/>

**SUBSTANTIATION** (Check  if project is located within the Mineral Resource Zone Overlay):

- a/b) **No Impact.** The Proposed Project is an exploratory drilling program within an historic mining district to determine if the mineral resources onsite are of a marketable quality and quantity. If results are favorable for development, the Proposed Project would result in adding to the availability and value of known mineral resources and would be a beneficial effect.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XII.</b>	<b>NOISE</b> - Would the project:				
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION** (Check if the project is located in the Noise Hazard Overlay District  or is subject to severe noise levels according to the General Plan Noise Element ):

a-d) **No Impact.** The project site is very isolated and there are no sensitive receptors in the area. Noise will only be produced from the onsite equipment and will be minimal. Operations would be required to conform to applicable noise control regulations as outlined in Section 83.01 of the County Development Code. No impacts are anticipated.

e/f) **No Impact.** The Project Site is not located within an airport land use plan nor within two miles of a public airport or public use airport, or within the vicinity of a private airstrip, that would expose people at the Project Site to excessive noise levels. Therefore, impacts from airport-related noise are not anticipated.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIII. POPULATION AND HOUSING - Would the project:</b>				
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"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### SUBSTANTIATION

- a) **No Impact.** The Proposed Project is a short-term drilling operation over a period of three years and would not induce substantial population growth in the area either directly or indirectly because the Proposed Project will not generate major job opportunities. No impacts are anticipated.
- b) **No Impact.** The Proposed Project would not displace substantial numbers of existing housing units, or require the construction of replacement housing. No impacts are anticipated.
- c) **No Impact.** Implementation of the Proposed Project would not displace substantial numbers of people necessitating the construction of replacement housing elsewhere, as no housing exists at the Project Site.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIV.</b>	<b>PUBLIC SERVICES</b>				
a)	Would the project 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"/>
	Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### **SUBSTANTIATION**

- a) **No Impact.** The Proposed Project is a short-term drilling operation over a period of three years. It would not 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, or hinder acceptable service ratios, response times or other performance objectives for any of the public services, including fire and police protection, schools, parks or other public facilities. No impacts are anticipated.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorp.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XV.</b>	<b>RECREATION</b>				
a)	Would the project 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"/>
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"/>
<b>SUBSTANTIATION</b>					

- a/b) **No Impact.** Approval of the Proposed Project would not generate new jobs or housing which would induce population growth in adjacent areas, and ultimately increase the use of park facilities or other recreational facilities in the region. No impacts to recreational facilities are anticipated.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<i>ISSUES</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorpor.</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVI. TRANSPORTATION/TRAFFIC - Would the project:</b>				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### SUBSTANTIATION

- a/b) **No Impact.** The Proposed Project is a short-term drilling operation over a period of three years with no traffic besides workers. No substantial new traffic will affect the road system. No impacts to the road system will occur.
- c) **No Impact.** The Proposed Project would not affect air traffic patterns at any airport or airstrip because there are none in the vicinity and the project does not involve the construction of any tall structures or other obstacles to air traffic and navigation. No impacts would result.
- d) **No Impact.** The Proposed Project would not affect public streets. The Proposed Project does not involve any road development or design features that could substantially increase hazards on public roads, or changes in the transportation of materials on public roads. Therefore, no impacts would result.
- e/g) **No Impact.** Activities associated with the Proposed Project would not impede existing emergency response plans for the Project Site and/or other land uses in the project vicinity. Vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. The Proposed Project would not involve any long-term increase in traffic that would conflict with adopted policies, plans, or programs supporting alternative transportation. No impacts would result.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required.**

<b>ISSUES</b>		<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant</b>	<b>No Impact</b>
<b>XVII.</b>	<b>UTILITIES AND SERVICE SYSTEMS - Would the project:</b>				
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>SUBSTANTIATION</b>					

a/e) **No Impact.** The Proposed Project would not require sewer collection or treatment services and therefore no off-site discharge of treated wastewater would occur. There is no wastewater treatment provider in the remote area. Sanitation needs will be met with portable facilities. No impacts related to wastewater treatment are anticipated.

b) **No Impact.** The Proposed Project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. Water for operations would be obtained from an existing well on site as described in d) below. No wastewater will be generated as a result of drilling operations. Drilling muds (nonhazardous inert clay material) and borehole cuttings will be deposited into a small sump on each drill pad and covered with native material and revegetated upon completion of the hole. Domestic water for drinking will be imported for employees. Domestic wastewater and septage will be collected via portable facilities. No impact is anticipated.

c) **Less Than Significant Impact.** Due to the small areas of impact and the lack of fine surface material and low rainfall, the site has little potential for erosion and sedimentation from stormwater. Drill sites will be temporary and level and the small size of each pad precludes any substantial

erosion control issues. A small berm of surface material will be pushed up around each pad which will control any runoff. This berm will be pushed back over the pad for reclamation and the pad graded back to natural contours. The roads will incorporate standard water berms as necessary.

Erosion and sediment will be controlled by utilizing applicable best management practices such as weed-free straw bales and rolls, diversion ditches and small catch basins as needed. These will be constructed and modified based on actual conditions as operations progress.

A SWPPP would be implemented to control runoff and sedimentation from the Project disturbance. An SPCC will be implemented to prevent impacts to ephemeral surface waters from hazardous materials. In addition, the ACOE and the CDFW will be notified for possible 404 permitting and 1602 Streambed Alteration Agreement compliance. Impacts are expected to be less than significant.

- d) **No Impact.** Water will be used onsite mainly for drilling activities and for dust suppression during grading and for access as needed. Each drill rig uses approximately 2,000 gallons per day so a maximum of approximately 6,000 gallons per day is required for drilling and a total of 8,000 gallons including dust control when needed. The amount used will vary depending on the number of drill rigs in operation and weather conditions. Water will be supplied by an existing onsite well that can supply the amount of water needed for drilling operations. The well test yielded 25 gpm and this would require approximately six hours of pumping per full day of drilling activities. Water will be stored onsite in an existing 20,000 gallon water tank and distributed directly to the drill rigs or by a water tank truck for each drill rig and for dust control during pad and access route construction.

As an alternative, water may be purchased from and transported to the site by a third party contractor. Bottled drinking water will be supplied for employees and contractors. No new or expanded entitlements would be needed. No impact is anticipated and no mitigation measures are required.

- f/g) **No Impact.** Refuse will be kept in closed containers and removed from the site to permitted facilities as needed. No trash will be allowed to collect on the site. No impact is anticipated.

**No significant adverse impacts are identified or anticipated and no mitigation measures are required**



<b>ISSUES</b>	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant</b>	<b>No Impact</b>
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:</b>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION</b>				

- a) **Less Than Significant Impact With Mitigation Incorporated.** Based on the analysis contained in this Initial Study, impacts to Aesthetics, Agriculture and Forestry Resources, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation and Traffic are considered as having a less than significant or no impact on the environment.

*The results of the Initial Study show that there are potentially significant impacts to Biological Resources and Cultural Resources. These impacts will be reduced to less than significant levels after incorporation of mitigation measures and compliance with existing rules and regulations.*

*Therefore the Project will not substantially degrade the quality of the environment and impacts to habitat, wildlife populations, plant and animal communities, rare and endangered species or important examples of the major periods of California history or prehistory, would be less than significant with mitigation.*

- b) **Less Than Significant Impact.** None of the proposed drilling activities would substantially contribute to any cumulatively significant impact on the evaluated resources. The Proposed Project would not result in any unmitigated adverse project effects on air quality, biological resources, drainage, or water quality, and there would be no contribution to any cumulatively considerable impacts in these issue areas. There would be no long-term loss of agricultural or forestry resources or loss of availability of a mineral resource of value to the state, region, or locally, so there would be no cumulative effect. The project would involve reclamation of the project site for open space. There would not be an adverse change in scenic value or visual quality or noise levels that could contribute to a cumulative impact. No impacts on services or utility systems would occur as a result of project implementation that could combine with cumulative effects in the area surrounding the project.

In addition, the analysis in this Initial Study Checklist demonstrated that the Project is in compliance with all applicable regional plans including but not limited to, water quality control plan, air quality maintenance plan, and plans or regulations for the reduction of greenhouse gas emissions. Compliance with these regional plans serves to reduce impacts on a regional basis so that the Project would not produce impacts, that considered with the effects of other past, present, and probable future projects, would be cumulatively considerable.

- c) **Less Than Significant Impact.** As discussed in this Initial Study Checklist, the Proposed Project would not expose persons to adverse impacts related to air quality, greenhouse gases, hazards and hazardous materials, land use and planning, noise, population and housing, or transportation/traffic hazards. These impacts were identified to have no impact or a less than significant impact.

The implementation of the existing rules and regulations, conditions from permit approvals and the mitigation measures identified in this Initial Study Checklist and listed below would result in a less than significant impact. There would be no substantial adverse effects on human beings, either directly or indirectly.

## **GENERAL REFERENCES**

California Department of Water Resources (DWR), Bulletin 118, 1979.

“CEQA and Federal Conformity Guidelines,” MDAQMD, August 2011.

CEQA Guidelines, Appendix G (2013).

County of San Bernardino General Plan, 2007 as updated

County of San Bernardino Development Code, 2007 as updated

County of San Bernardino Greenhouse Gas Emissions Reduction Plan, September 2011

Lilburn Corporation. Biological Resources Assessment for the Ord Mountain Project, San Bernardino County, California. May 2013.

Mojave Desert Air Quality Management District Rules and Regulations as amended,  
(<http://www.mdaqmd.ca.gov/>).

Mojave Desert Air Quality Management District *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, August 2011.*

“Plan of Operations and Exploration/Reclamation for the Ord Mountain Project,” SW Tech and Lilburn Corporation, July 2013.

South Coast Air Quality Management Districts (SCAQMD) Greenhouse Gas Assessment and Off-road Model – Mobile Source Emission Factors Model (<http://www.aqmd.gov/ceqa/handbook/offroad/offroad.html>)

Western Region Climate Center, Climate Summaries, 2013.

## **EXHIBIT E**

**Comment Letters from California Dept. of Fish and Wildlife and California Department of Conservation and County's response.**



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Inland Deserts Region  
 3602 Inland Empire Blvd, Suite C-220  
 Ontario, CA 91764  
 www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor  
 CHARLTON H. BONHAM, Director



RECEIVED

APR 10 2014

STATE CLEARING HOUSE

April 10, 2014

Chris Warrick  
 County of San Bernardino  
 Land Use Services Department  
 385 North Arrowhead Avenue  
 San Bernardino, CA 92415-0182

CLEAR  
 04/10/14  
 E

Re: **Draft Initial Study Mitigated Negative Declaration for the Ord Mountain Gold/Copper Project SCH: 2014031040**

Dear Mr. Warrick:

The Department of Fish and Wildlife (CDFW) is providing comments on the Initial Study and Mitigated Negative Declaration (ISMND) for the Ord Mountain Gold/Copper Project (Project). CDFW is providing comments on the ISMND as the State agency which has statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by CDFW (Fish and Game Code §711.7). CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish and Game Code §1802). CDFW's fish and wildlife management functions are implemented through its administration and enforcement of the Fish and Game Code (Fish and Game Code §702). CDFW is a trustee agency for fish and wildlife under the California Environmental Quality Act (CEQA; CEQA Guidelines, Title 14 California Code of Regulations §15386(a)). CDFW is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

#### Project Description:

The proposed Project is proposing 42 new drill holes on 29 new sites and 13 existing drill sites which would include approximately 1.15 miles of new access routes, for mineral exploration. Each drill site will average approximately 2,000 square feet for a total of approximately 1.4 acres of surface disturbance. The disturbed acreage for access is anticipated to be approximately 1.7 acres for a total new disturbance area of approximately 3.1 acres. The Project is located approximately 12 miles south-southeast of Daggett and approximately 19 miles northeast of Lucerne Valley in the Ord-Rodman Mountains in the county of San Bernardino.

The project is within critical habitat for the state and federally listed threatened desert tortoise (*Gopherus agassizii*). Other species that could be impacted from the project are the state fully protected Nelson's bighorn sheep (*Ovis Canadensis nelsoni*), the state fully protect golden eagle (*Aquila chrysaetos*), and several California Species of Special

*Conserving California's Wildlife Since 1870*

Mr. Chris Warrick  
April 10, 2014  
Page 2

Concern which include loggerhead shrike (*Lanius ludovicianus*), western mastiff bat (*Eumops perotis*), burrowing owl (*Athene cunicularia*) and prairie falcon (*Falco mexicanus*) which are all protected under Fish and Game Code Section 3503.5.

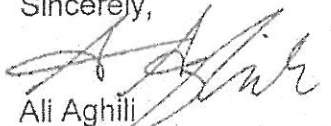
### Project Specific Comments and Recommendations

1. The ISMND states there was a Biological Resources Assessment (BRA) prepared for the project, but the information was not included in what was submitted to CDFW. In order to adequately assess the impacts of the project, please submit a copy of the BRA for review. CDFW will review the assessment and then supply comments.
2. BIO2 Desert Tortoise Protection Measures – One of the measures states that if a desert tortoise and burrow are within 50 yards of the project area, the animal and burrow may be fenced for no more than 3 days to confine the desert tortoise to its burrow and the area adjacent to its burrow. Confining a tortoise considered capture and capture is considered take. If this is the case, an Incidental Take Permit would be needed for the project. Please contact Rebecca Jones to receive information on how to apply for an Incidental Take Permit.
3. CDFW recommends avoiding stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site. According to the ISMND, there may be new streambed crossings, if so a Streambed Alteration Agreement would be needed for the project. To obtain a Lake or Streambed Alteration notification package, please go to <http://www.dfg.ca.gov/habcon/1600/forms.html> or contact Ms. Rebecca Jones for assistance.

CDFW requests that the ISMND not be approved until the time we have reviewed the BRA and commented.

Thank you for this opportunity to comment on this ISMND. Please contact Rebecca Jones, Environmental Scientist, at (661) 285-5867 or [Rebecca.Jones@wildlife.ca.gov](mailto:Rebecca.Jones@wildlife.ca.gov), if you have any questions regarding this letter.

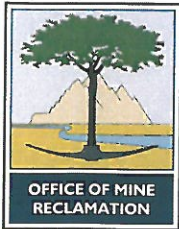
Sincerely,



Ali Aghili  
Senior Environmental Scientist (Supervisor)

cc: Rebecca Jones, Chron





# DEPARTMENT OF CONSERVATION

## OFFICE OF MINE RECLAMATION

801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 323-9198 • FAX 916 / 445-6066 • TDD 916 / 324-2555 • WEB SITE [conservation.ca.gov](http://conservation.ca.gov)

April 11, 2014

**VIA EMAIL: [cwarrick@lud.sbcountry.gov](mailto:cwarrick@lud.sbcountry.gov)**  
**ORIGINAL SENT BY MAIL**

Mr. Chris Warrick  
 Land Use Services Department  
 County of San Bernardino  
 385 N. Arrowhead Avenue  
 San Bernardino, California 92415-0812

Dear Mr. Warrick:

ORD MOUNTAIN MINE  
 MITIGATED NEGATIVE DECLARATION INITIAL STUDY  
 SCH#2014031040

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the Initial Study for the Ord Mountain Mine dated March 12, 2014. OMR made comments on a proposed reclamation plan in a letter dated August 16, 2013.

Page 21 under "Listed or Sensitive Plants" it states that "No records of Rare or Endangered plant species are reported at the project site or its vicinity". A search of the California Natural Diversity Database shows recorded observations *within the mine boundary* of the grass appressed muhly (*Muhlenbergia appressa*) rare plant rank 2B.2, the shrub Boyd's monardella (*Monardella boydii*) (1B.2) and the perennial dentate blazing star (*Mentzelia tridentata*) (1B.3). Several other rare plants such as the shrub Mojave menodora (*Menodora spinescens* var. *mohavensis*) (1B.2) potentially occur on the mine site. All of the plants with the California Rare Plant Rank 1B meet the definitions of the California Endangered Species Act Sections 2062 and 2067 of the California Department of Fish and Game Code, and are eligible for state listing. It is mandatory that they be fully considered during preparation of environmental documents relating to CEQA.

As previously iterated in our August 16, 2013 letter, OMR recommends that any biological evaluation include baseline studies of vegetative density, cover and species richness of naturally occurring habitats per California Code of Regulations (CCR) Section 3705(a) in conjunction with other biological surveys prior to any mining activity. On page 9, under "Post-Closure Management" the statement "*Reclamation/revegetation will be monitored for one year following*

Mr. Chris Warrick  
April 11, 2014  
Page 2

*final reclamation and revegetation. The small size of the proposed disturbances precludes long-term monitoring of the sites*" is not compliant with SMARA. Monitoring of revegetation is dependent on the performance standards developed from quantitative baseline data. Monitoring shall continue until those performance standards are met.

The "Reclamation Plan" that is referenced as Figure 4 (page 10 of 54) in the Initial Study document is not the reclamation plan, but an engineered drawing attached as an appendix to the reclamation plan.

OMR requests that an approved copy of the reclamation plan be forwarded to our office for our records.

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 445-6175.

Sincerely,



Beth Hendrickson, Manager  
Reclamation Unit

cc. Office of Governmental & Environmental Relations  
Alexandra.Borack@conservation.ca.gov



# LAND USE SERVICES DEPARTMENT

BUILDING & SAFETY • CODE ENFORCEMENT • FIRE HAZARD ABATEMENT  
LAND DEVELOPMENT • PLANNING



COUNTY OF SAN BERNARDINO

- 385 N. Arrowhead Avenue, First Floor • San Bernardino, CA 92415-0187  
(909) 387-8311 Fax (909) 387-3249
- 15900 Smoke Tree Street, First Floor • Hesperia, CA 92345  
(760) 995-8140 Fax (760) 995-8167

TOM HUDSON  
Director

April 18, 2014

Rebecca Jones  
Department of Fish and Wildlife  
Inland Desert Region  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764

**SUBJECT: DRAFT INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION FOR THE ORD MOUNTAIN GOLD/COPPER EXPLORATION AND RECLAMATION PLAN SCH: 2014031040**

Dear Ms. Jones:

I am responding to your letter dated April 10, 2014 regarding the above referenced Ord Mountain Reclamation Plan. In your letter you provided several comments in response to the Initial Study for this project. The following is the Planning Division's response to your comments:

1. You requested that the County of San Bernardino does not take final action on the proposed Mitigated Negative Declaration until you have received a copy of the Biological Resources Assessment (BRA) and given an opportunity to provide comments. Attached is a copy of the Biological Resource Assessment. We would request that you provide your comments on the BRA no later than May 9, 2014.
2. One of the proposed Mitigation Measures identified in the Initial Study indicated that "If a desert tortoise and burrow are within 50 yards of the project area, the animal and burrow may be fenced for no more than 3 days to confine the desert tortoise to its burrow and the area adjacent to its burrow." The BRA and the Mitigation Measure have been revised to remove this language. All other measures are included and will be enforced to ensure that a taking does not occur.
3. The Initial Study includes a statement that the Applicant will "maintain existing and design new streambed crossings in a manner that will minimize impacts." This statement will be revised to say that any new streambed crossings will be avoided, although if it is later determined that new streambed crossings are unavoidable, a Streambed Alteration Agreement will be required from the California Department of Fish and Wildlife.

Thank you for your comments. If you have any questions, please feel free to call me at 909-387-4112 or you can contact me by email at [cwarrick@lusrd.sbcounty.gov](mailto:cwarrick@lusrd.sbcounty.gov).

Sincerely,

Chris Warrick  
Senior Planner

CWHD/cks

## **EXHIBIT F**

### **County 30-Day Advance Notice to OMR, dated June 4, 2014**

COUNTY OF SAN BERNARDINO

TOM HUDSON  
Director

June 4, 2014

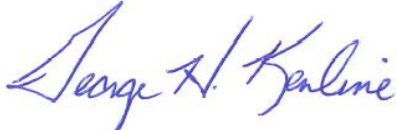
SENT VIA EMAILBeth Hendrickson  
Reclamation Unit Manager  
Office of Mine Reclamation  
801 K St. MS 09-06  
Sacramento, CA 95814**RE: 30-Day Advance Notice of Intent to Approve Ord Mountain Drilling & Exploration Project and Response to OMR's Comments; Mining Conditional Use Permit and Reclamation Plan 2014M-01**

Dear Ms. Hendrickson,

This correspondence is intended to serve notice in accordance with the requirements set forth in Public Resources Code, Section 2774(d)(2). The County of San Bernardino (County) is considering a request to approve the proposed Ord Mountain Drilling & Exploration/Reclamation Plan (Project) subject to the requirements of Bureau of Land Management and the Surface Mining and Reclamation Act of 1975 (SMARA). The Project will be operated by SW Tech Corporation on patented and unpatented lands located within the historic Ord Mountain Mining District. The Public Hearing is anticipated to take place on July 3, 2014, or shortly thereafter, and decided upon by Planning Commission. A copy of the decision and any project modifications will be provided to the Office of Mine Reclamation (OMR) thereafter.

County staff has considered the comments offered by OMR in letters dated August 16, 2013 and April 11, 2014 and concerns raised will be addressed prior to finalizing permit and reclamation plan documents. County staff recognizes that a new California Mine identification number will be pursued when OMR determines the permit, reclamation plan and financial assurance documents are in compliance with SMARA. If OMR has any further questions or concerns regarding the County's expected approval, please feel free to call me direct at (909) 387-4105.

Sincerely,



**GEORGE H. KENLINE**, Mining/Engineering Geologist  
Land Use Services Department, Mining Section

Cc: Chris Warrick, Land Use Services  
Frank Amendola, Lilburn Corporation

GREGORY C. DEVEREAUX  
Chief Executive Officer

Board of Supervisors  
ROBERT A. LOVINGOOD.....First District      JAMES RAMOS.....Third District  
JANICE RUTHERFORD, Chair.....Second District      GARY C. OVITT, Vice Chair.....Fourth District  
JOSIE GONZALES.....Fifth District