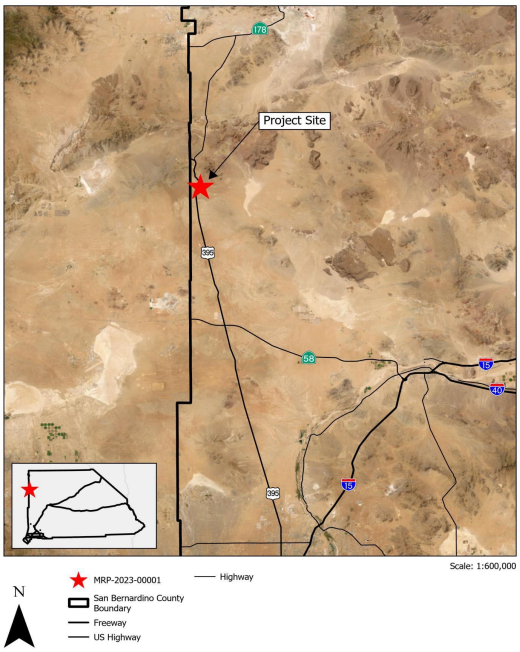
LAND USE SERVICES DEPARTMENT
PLANNING COMMISSION STAFF REPORT

HEARING DATE: September 18, 2025 **AGENDA ITEM 2**

Project Description

APN: 0503-341-01 & 0503-081-13
Applicant: Gold Discovery Group LLC
Community: Red Mountain
Project No: MRP-2023-00001
Location Located adjacent to U. S Route 395 (eastern side) approximately 3.6 miles south of Red Mountain and approximately 0.6 miles south of the historical township of Atolia
Staff: Derek Newland, Planner II
Rep: Sean Tucker
Proposal: Reclamation Plan MRP-2023-00001 for the reclamation of the Persistence Mine covering 126 acres across two non-contiguous pits, the Eastern Pit (41 acre) and Western Pit (85 acres), within a property area of 267 acres.



Public Hearing Notices published by: September 08, 2025

Report Prepared By: Derek Newland, Planner II

SITE INFORMATION:
Quarry Parcel Size: Approximately 126 acres
Total Mining Operations Parcel Size (which includes the quarry): 267 acres

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

AREA	EXISTING LAND USE	LAND USE CATEGORY	LAND USE ZONING DISTRICT
SITE	Vacant Desert	Resource Land Management (RLM)	Resource Conservation (RC)
North	Inactive Mine	Resource Land Management (RLM)	Resource Conservation (RC)
South	Vacant Desert	Resource Land Management (RLM)	Resource Conservation (RC)
East	Vacant Desert	Resource Land Management (RLM)	Resource Conservation (RC)
West	Vacant Desert	Resource Land Management (RLM)	Resource Conservation (RC)

	Agency	Comment
City Sphere of Influence:	Red Mountain	N/A
Water Service:	Rand Communities Water District	Will Serve
Sewer Service:	Portable Toilets	N/A

STAFF RECOMMENDATION: That the Planning Commission **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; **ADOPT** the findings in support of Reclamation Plan MRP-2023-00001; **APPROVE** Reclamation Plan MRP-2023-00001, subject to the Conditions of Approval; and **DIRECT** the Land Use Services Department to file a Notice of Determination in accordance with California Environmental Quality Act[1].

1. In accordance with Section 86.08.010 of the Development Code, the Planning Commission's action may be appealed to the Board of Supervisors

FIGURE 1 - REGIONAL LOCATION MAP

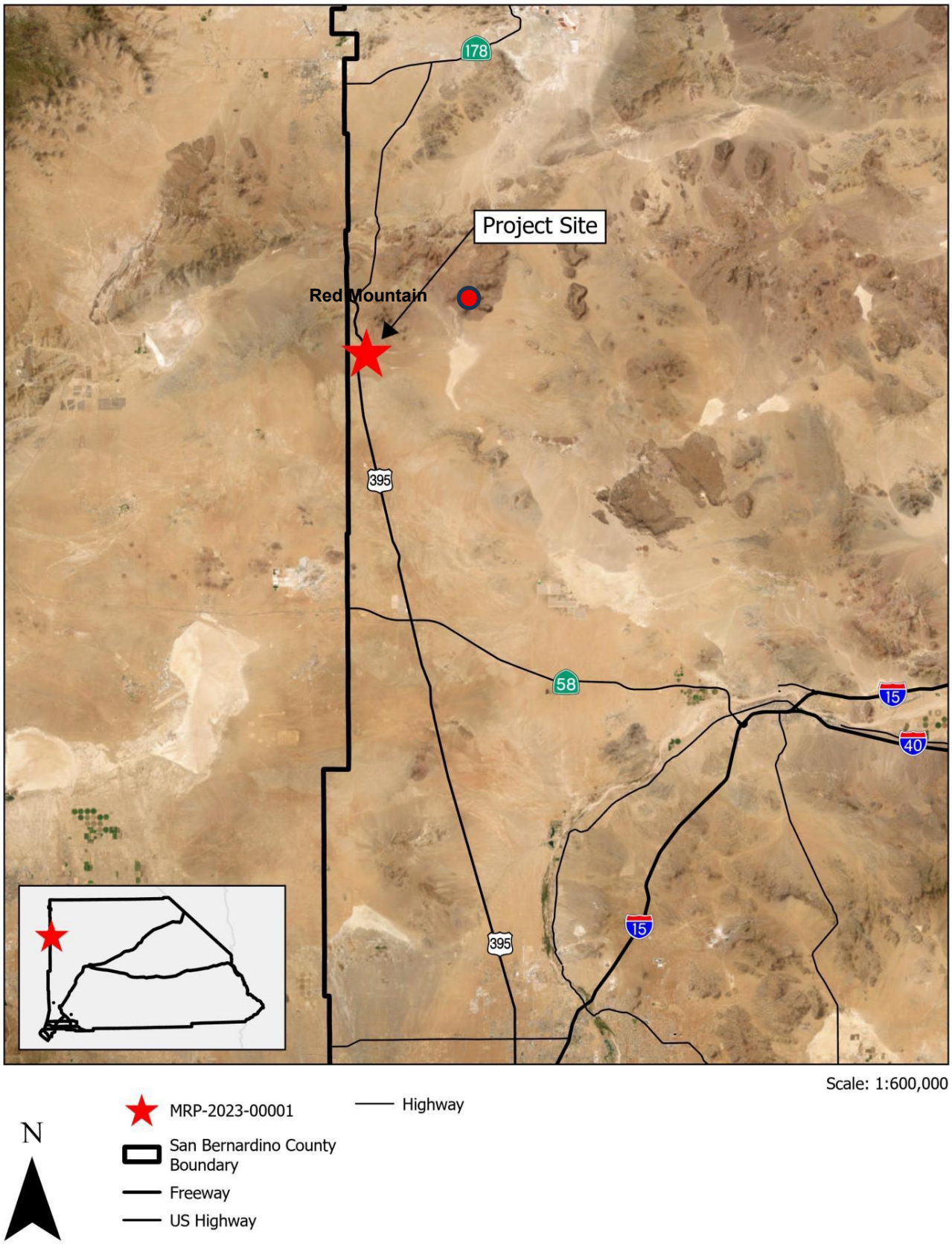


FIGURE 2 - VICINITY MAP/MINING CLAIMS

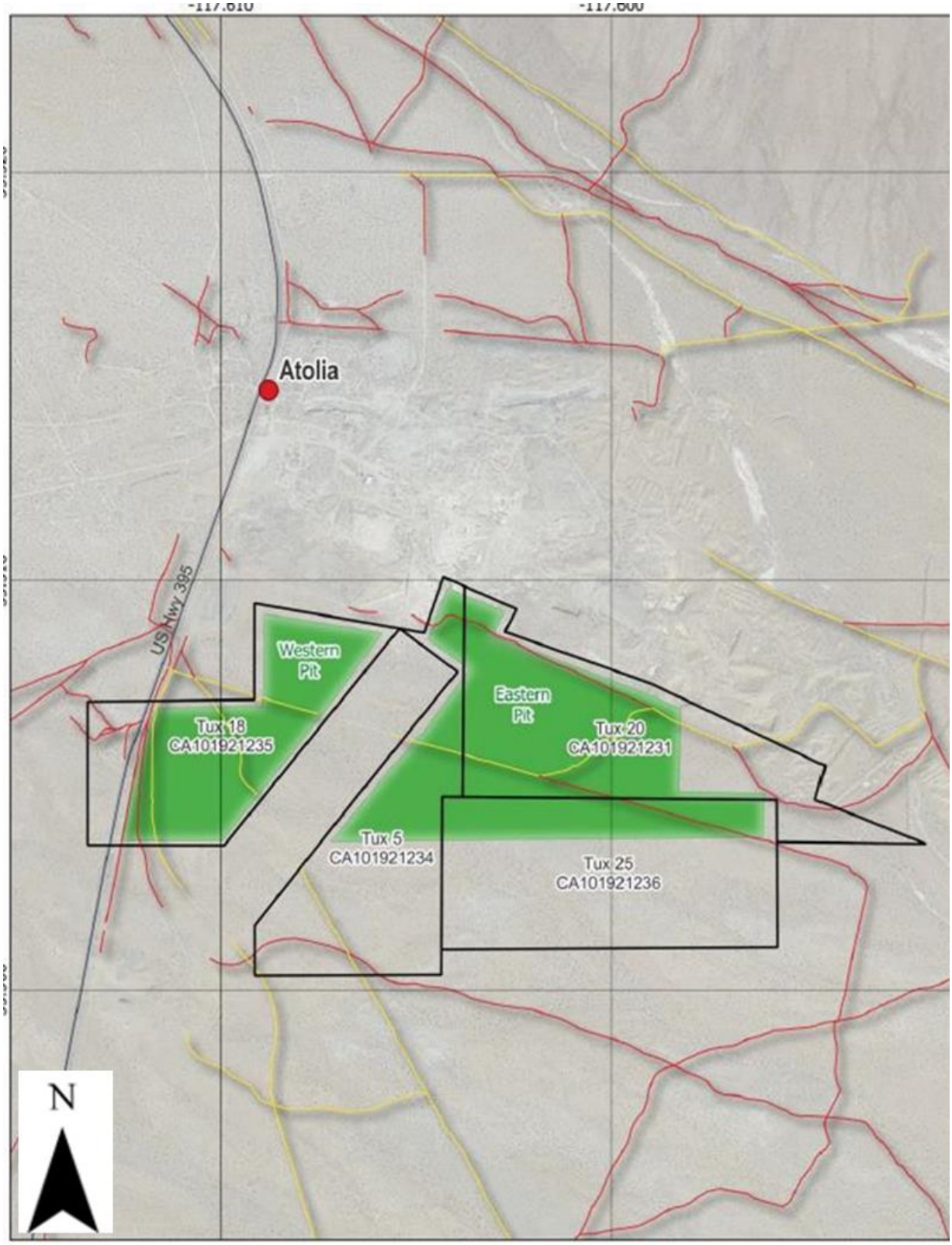


FIGURE 3 – LAND USE CATEGORY MAP

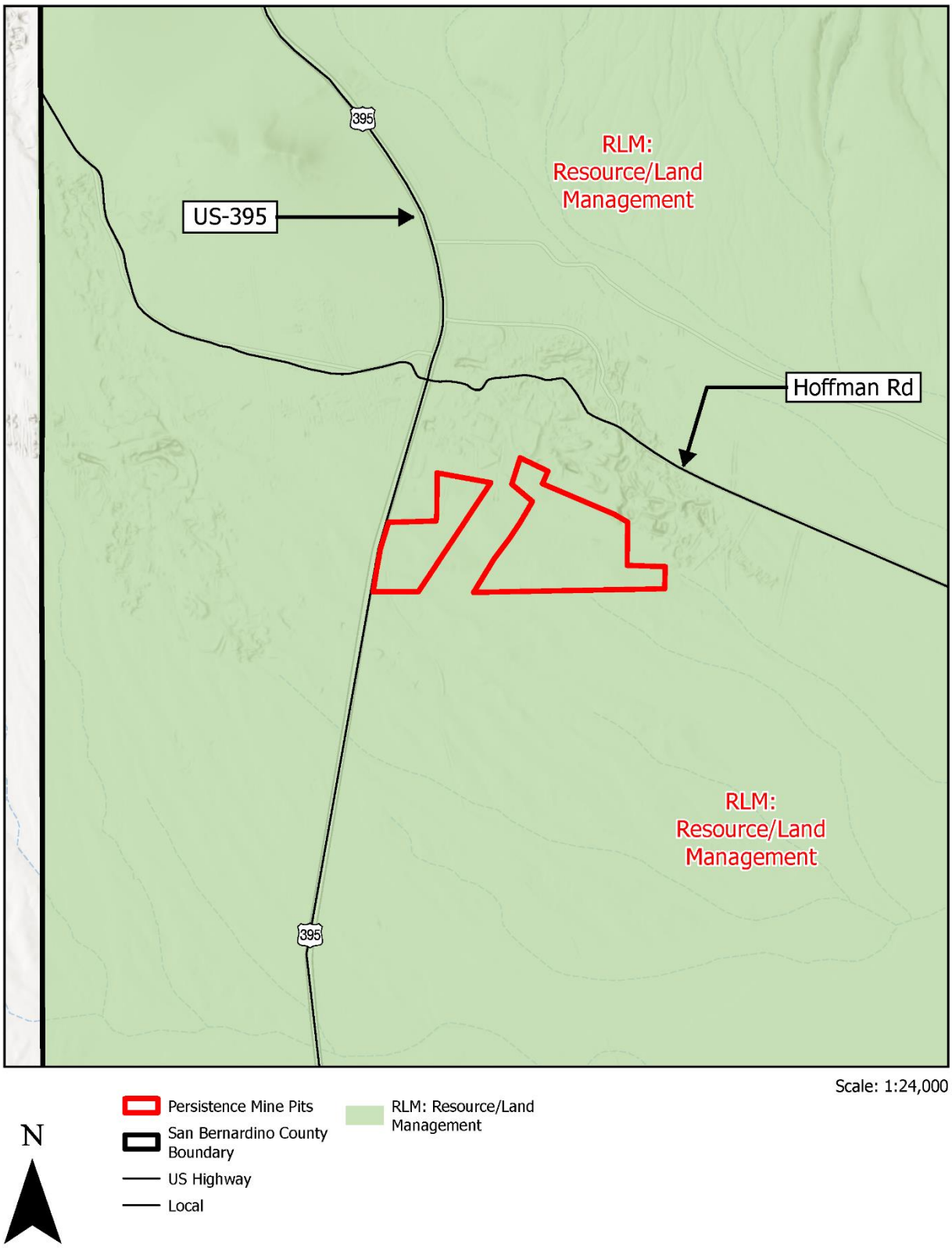


FIGURE 4 – ZONING MAP

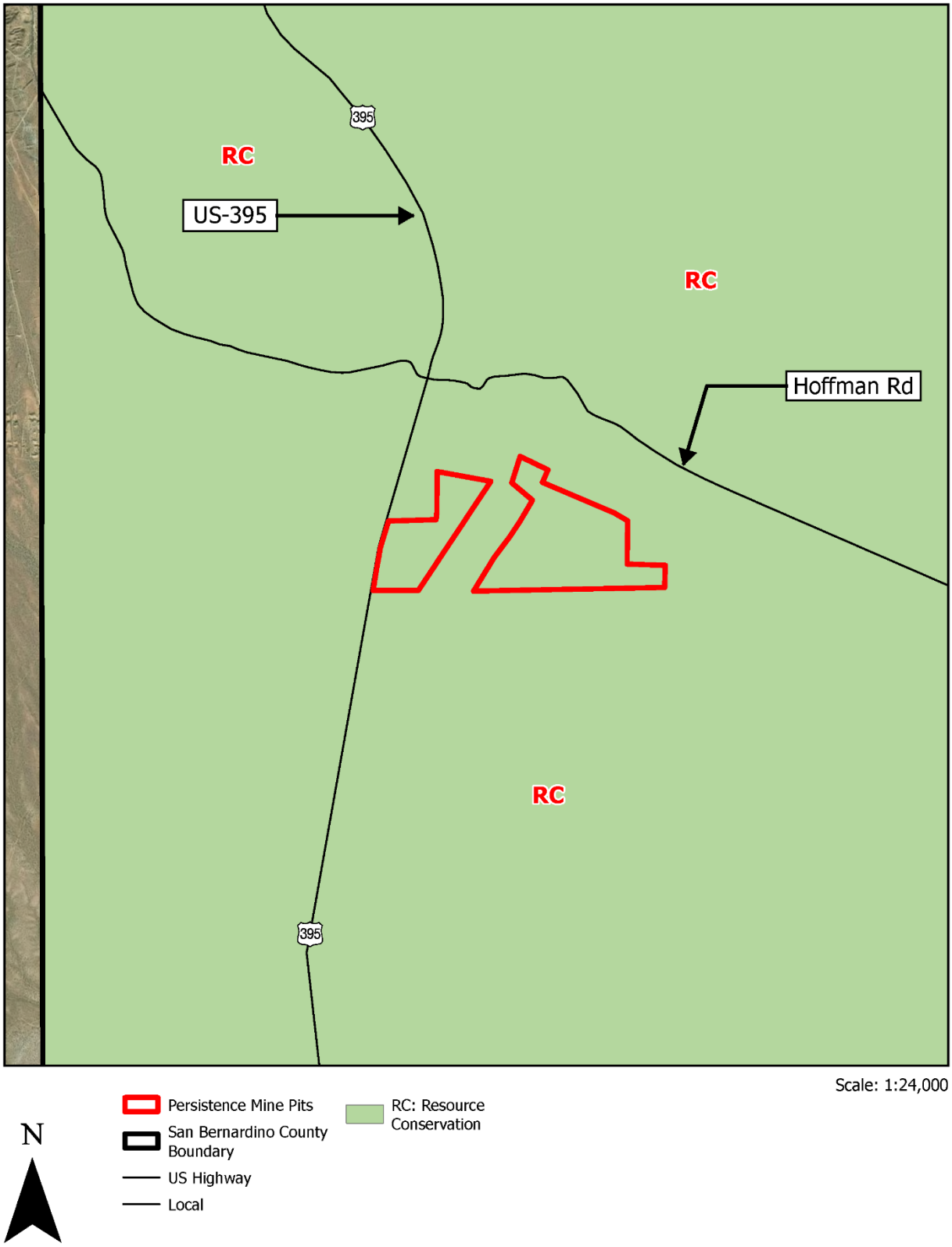


FIGURE 5 – PERSISTENCE MINE
QUARRY SITE NORTH ORIENATION

FIGURE 6 – PERSISTENCE QUARRY SITE
NORTHWEST PORTION OF THE WEST
PIT LOOKING NORTHEAST TOWARDS
RED MOUNTAIN.

FIGURE 7 - PERSISTENCE QUARRY SITE
SOUTHWEST CORNER OF THE WEST

PIT (RIGHT OF US HWY 395) FACING
EAST TOWARDS CUDDEBACK LAKE.

FIGURE 8 – EAST PIT

FIGURE 9 – PERSISTENCE MINING PLAN

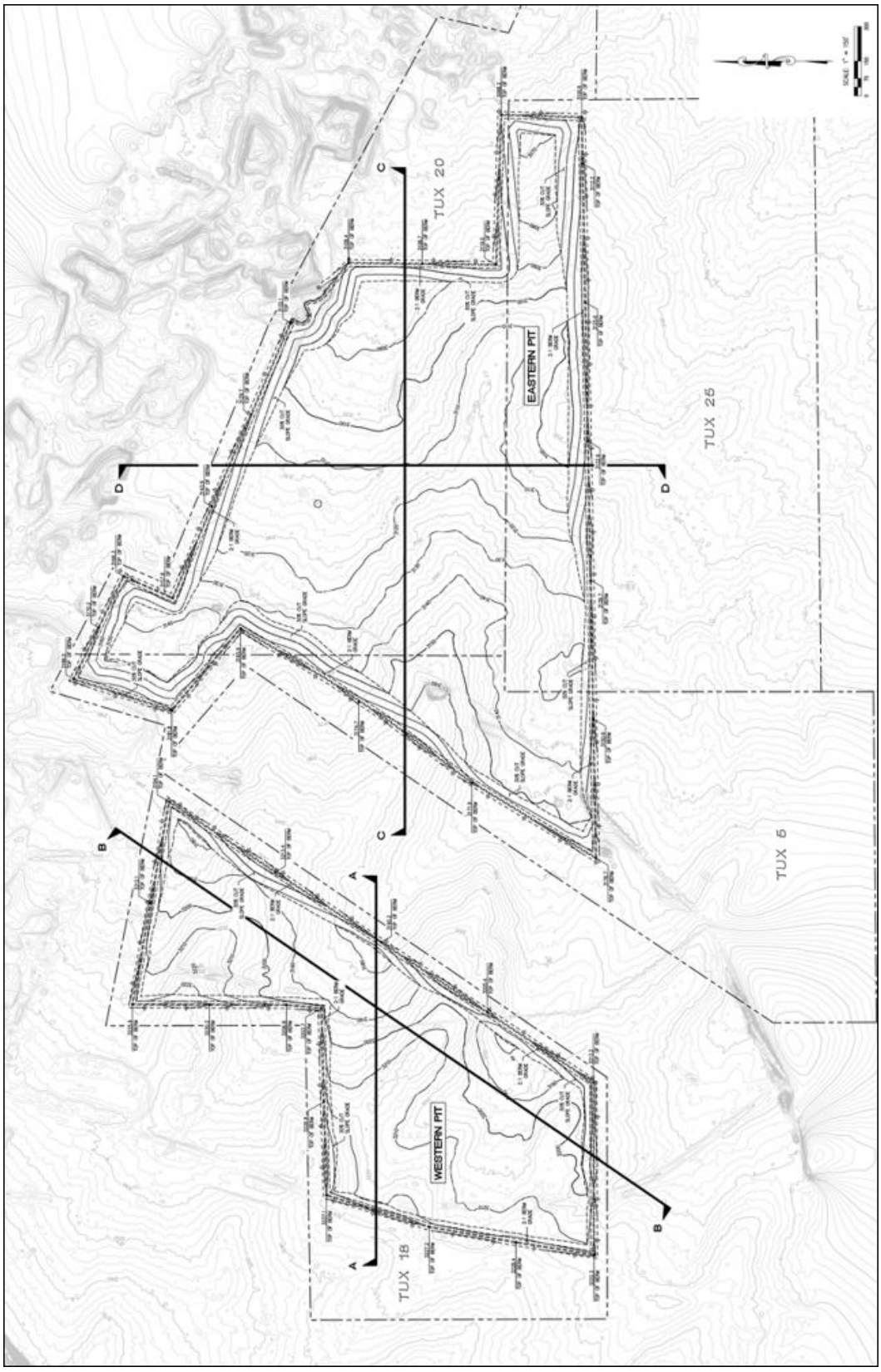
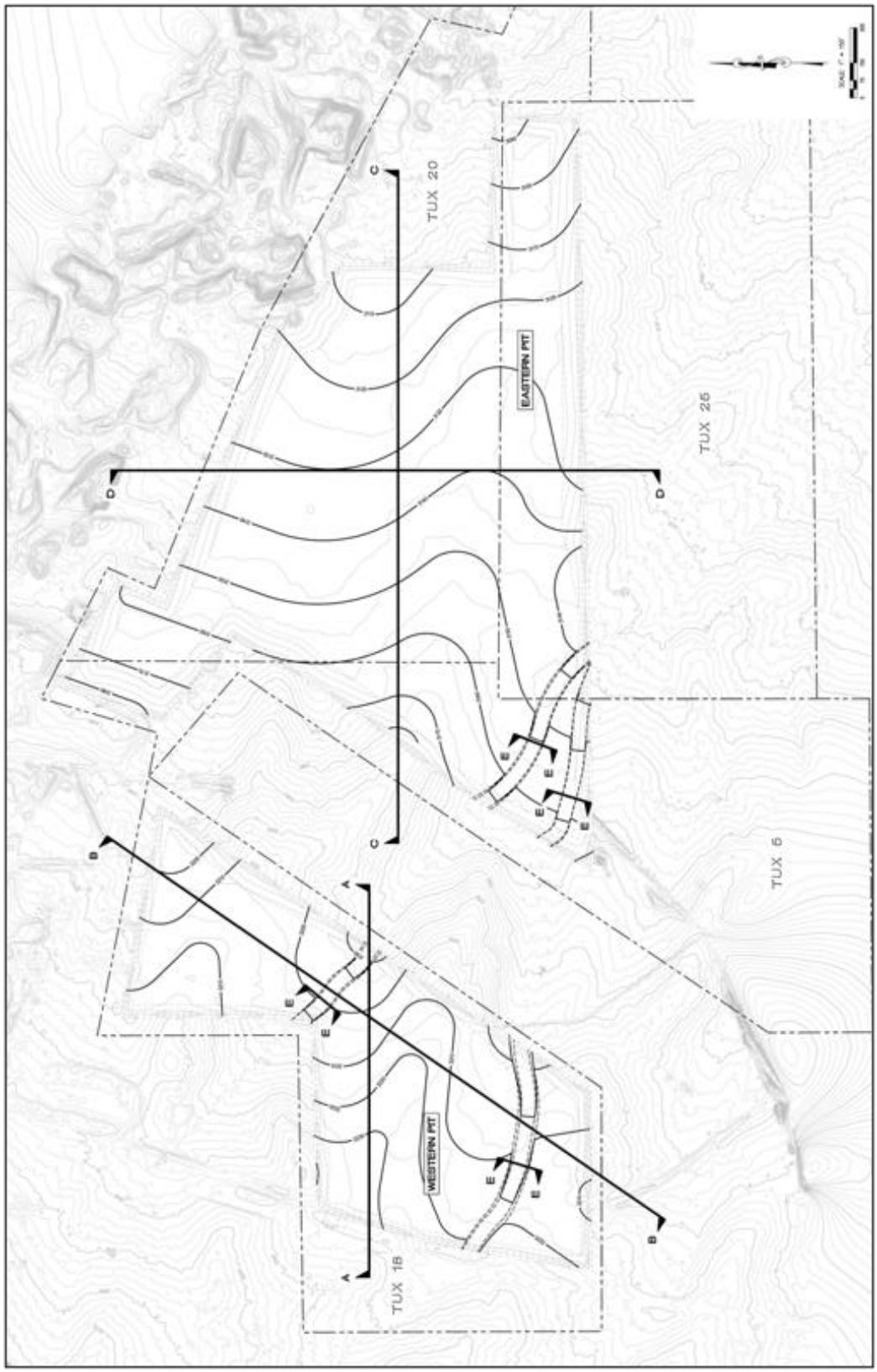


FIGURE 10 - PERSISTENCE MINE
RECLAMATION PLAN



PROJECT DESCRIPTION/BACKGROUND

Proposed Project

Gold Discovery Group LLC (GDG) is proposing to extract gold from semi to unconsolidated sands and silts (sediments) from placer mining claims in the Atolia area (see Figure 2). This operation is referred to as the Persistence Mine by GDG (Project). Persistence Mine will be separating gold ore through gravity separation and water wash plant. The Project site is zoned as Resource Conservation (RC) and is surrounded by parcels of the same zone as noted in Figure 4 (Zoning Map). There are no adjacent or nearby sensitive land uses -- the nearest residences located in Red Mountain (town) 4 miles to the north (see Figure 1).

The Reclamation Plan requires adoption a by the San Bernardino County Planning Commission. The Bureau of Land Management (BLM) is responsible for the permitting of the Plan of Operation, since the mine is located on Federal land.

The Persistence Mine is proposed to include the following:

- Excavation depth to 24 feet.
- Operate and mine two non-contiguous pits Eastern Pit (41 acre) and Western Pit (85 acres) shown in (Figure 10) situated within an area covering a property area of 267 acres.
- Mining capacity to support 96,000 cubic yards per month.
- Life of Mine (LOM) of 33 months.
- Reclamation Completion date of December 31, 2029 (pending approvals).
- No cyanide is proposed to be used for the extraction of gold as final gold product and will be refined on a water/gravity shaking table

The mines are estimated to contain approximately 1.17 million cubic yards of ore with no overburden. For start-up months 1 to 4, the site will be mined at an average rate of 25,000 cubic yards per month to establish a routine, plant performance, water usage, and optimal pit development. For month 5 through the Life-of-Mine, excavations and processing are planned at an average rate of approximately 75,000 cubic yards per month. Mining will be by surface pit extraction with a single excavator and wheel loader.

Compliance

The Reclamation Plan is consistent with Policy Plan goals LU-2.4 (Land Use Map Consistency), LU-2.6 (Coordination with Adjacent Entities), NR-6.1 (Mineral Resource Areas), and NR-6.2 (Mining Operations and Reclamation) as further detailed in the Project's findings enclosed within this report.

The Reclamation Plan complies with Section 82.03.040 of the Development Code which allows for Natural Resources Development (Mining) in the Resource Conservation (RC) Zoning District with an approved Mining Permit and/or Reclamation Plan. While approval of the mining operation permit will come from BLM via the Plan of Operation, the San Bernardino County Planning Commission shall take action to approve, conditionally approve, or deny the Reclamation Plan, and to approve the financial assurances in compliance with Public Resources Code § 2770.

Access

The Persistence Mine is located adjacent to U.S. Route 395 (eastern side) and is approximately 3.6 miles south of Red Mountain and approximately 0.6 miles south of the historical township of Atolia. The site is accessed from U.S. Route 395 via a proposed unpaved Persistence Mine access track which utilizes existing BLM managed roads. Currently the road is classified as closed by the BLM. GDG has been using this access road for the past two years as part of their approved Notice of Assessment field work programs. All access entry and exit points to the mine will be appropriately signed for public entry warning.

RECLAMATION AND REVEGETATION

The goal of reclamation for the Persistence Mine is to reclaim the site to a usable condition for post-mining end uses which will include Open Space. Final reclamation of the 126 acres East and West Pit will include the removal of all equipment, any structures, and debris from the site. Any remaining stockpiles will be backfilled into the pit and graded for positive drainage where possible. Compacted surfaces will be loosened by mechanical means and the entire site, onsite roads, stockpile areas, and the pit footprint, will be reseeded with stored mulch, scavenged seeds or native plant species. The pit will be backfilled, there will be no steep slopes remaining. If the pit is not completely backfilled, any perimeter slopes will be filled to 2H:1V. If needed, a protective berm will be maintained around the pit rim and shall be posted with warning signs of steep slope hazard. Access to the site will be controlled with locked gates, signage, and blocked secondary access roads. The reclaimed site will allow for future exploration and development of additional resources located on unpatented claims beneath and outside of the backfilled pits. The reclaimed site will not preclude or necessitate any future mining activities or surface modification.

Application of Operation Best Mining Practices

Hydrology/Streambed

The Land Use Services Department, Land Development Division, has conditioned the Project to provide adequate provisions for Tributary Drainage as Figure 11 shows to intercept and conduct the tributary off-site and on-site, 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. The Project site shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. The dry, ephemeral washes on the Project site lack downstream connection to a federal water of the United States. No federally protected jurisdictional features occur on the project site. All operations onsite will comply with a Storm Water Pollution Prevention Plan (SWPPP) to be updated periodically with mine site development and implementation of storm water BMPs. The mine will be cut down to bedrock and precipitation falling within the mine will be allowed to flow into the mine and percolate or evaporate during operations. After backfilling the pit, drainages will be re-established to flow through the site to natural drainages down gradient which are already established onsite. The diversion channel will be left in place.

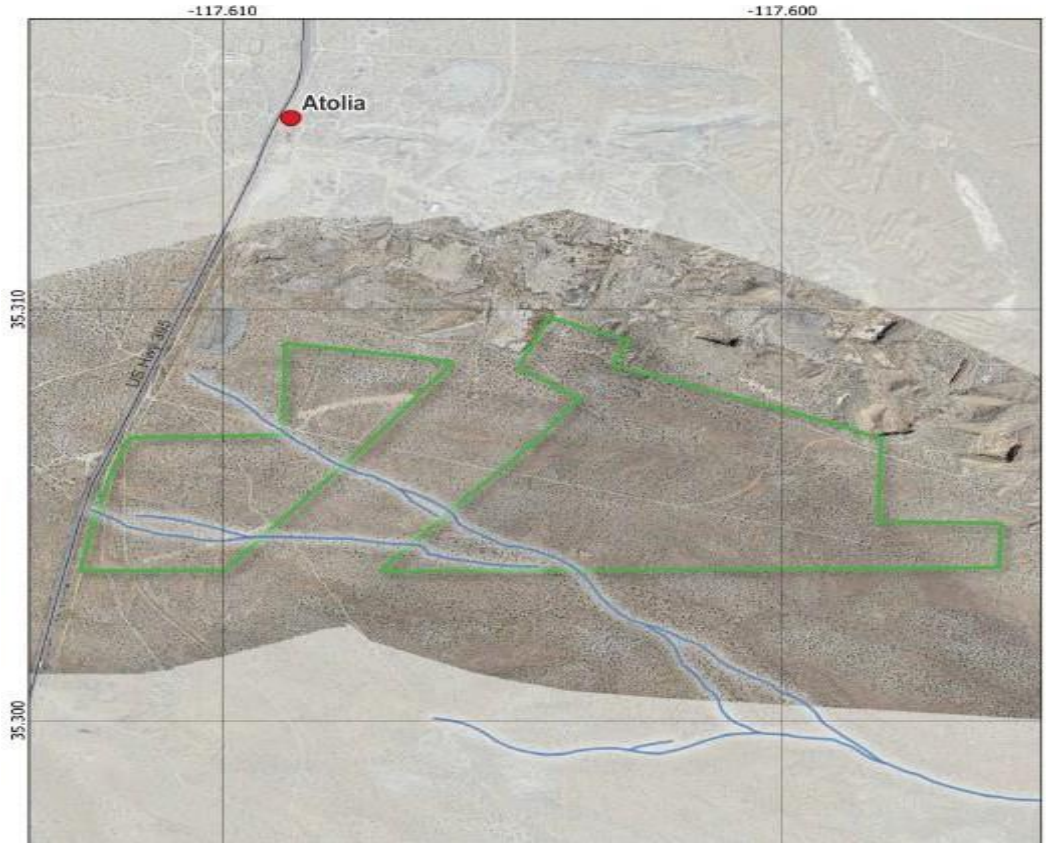
Spill Contingencies

All refuse generated at the Project would be disposed of off-site in an authorized off-site landfill facility, consistent with all applicable federal, state, and local regulations. The hazardous materials and petroleum products utilized at the Project are anticipated to include diesel fuel, gasoline, a liquid propane tank, and lubricating oils and grease,

and hydraulic oil stored in vehicles. Approximately 1,200 gallons of diesel fuel and 20 gallons of gasoline would be stored in fuel delivery systems on vehicles and mining equipment at any one time. All hazardous and non-hazardous containers would be properly labeled and managed in accordance with all applicable state and federal laws, regulations, and guidelines.

Diesel refueling would be conducted from vehicle mounted fuel cells and/or a mobile refueling vehicles, which will have a spill kit on board for any diesel spills that may occur. Equipment maintenance would take place utilizing mobile maintenance trucks. No permanent storage of fuels is proposed for the Persistence Mine. Refueling of any equipment will only be conducted during daylight hours or within suitable lighting from light towers if at night. All site personnel that would be involved in fuel-handling would be trained in the operation and maintenance of equipment as per manufacturers specifications to prevent discharges.

FIGURE 11 - STREAMBEDS



California Environmental Quality Act Compliance

In compliance with the California Environmental Quality Act (CEQA), an Initial Study (IS) was completed and routed to the State Clearinghouse for circulation (SCH# 2025070443) and posted on the County's environmental website for review (Exhibit A). Notices of Intent and Notices of Availability were also mailed to property owners and responsible agencies to inform them of the initiation of the environmental posting. The 30-day comment period commenced on July 17, 2025, and concluded on August 18, 2025. The Initial Study concludes that the Project will not have a significant

adverse impact on the environment with the implementation of specific mitigation measures associated with Conservation Management Actions (CMAs) that are part of the Desert Renewable Energy Conservation Plan prepared by BLM for the Project area. Mitigation measures to ensure compliance with the CMAs have been incorporated in the Project's Conditions of Approval and Project's Mitigation Monitoring and Reporting Program (MMRP) attached as Exhibit B.

IS/MND Comment Letters

During the comment period the County received a comment letter from the California Department of Fish and Wildlife (CDFW) on August 15, 2025, and a joint comment letter from the Desert Tortoise Council, Desert Tortoise Preserve Committee, Inc., and Mohave Ground Squirrel Conservation Council on August 18, 2025. Both comment letters recommended changes to the proposed Mitigation Measures with CDFW proposing new mitigation for nesting birds, desert tortoise, and Crotch's bumble bee. The letter from the Desert Tortoise Council, Desert Tortoise Preserve Committee, Inc., and Mohave Ground Squirrel Conservation Council recommended changes to desert tortoise and Mohave ground squirrel. In response, GDG prepared a response to comment letter dated August 21, 2025 (Exhibit K) explaining why recommended changes to CMAs are not appropriate since the CMAs are established actions adopted by BLM. However, both GDG and the Land Use Services Department have agreed to add the recommended changes from CDFW as conditions of approval.

CEQA Guidelines Section 15073.5(c)(3) provides that adding conditions of approval that will not create new significant impacts and that are not necessary to mitigate significant impacts do not trigger recirculation. Since the recommended changes to mitigation by CDFW will not create a new significant impact and are determined by the County as not being necessary for mitigation given the CMAs, recirculation of the Initial Study is not warranted.

A Mitigation Monitoring and Reporting Program has been prepared ensuring compliance with the applicable CMAs identified in the Initial Study and the conditions of approval will regulate the future reclamation of the site.

Public Comments

On January 3, 2025, Project Notices were mailed to the surrounding property owners within 300 feet of the project site, as required by Section 85.03.080. No public comments were received.

On September 1, 2025 a comment was received by San Bernardino County from a member of the public as an informational item on policies and requirements pertaining to CEQA, SMARA and Federal policies that the project is already complying with. No specific statement was made indicating support for or against the project.

On September 9, 2025 a comment supporting the project was received.

Division of Mine Reclamation

On August 13, 2024, the California Department of Conservation, Division of Mine Reclamation, accepted the Reclamation Plan submittal with no further comments on the contents of the Project's Reclamation Plan proposal.

Tribal Comments

In accordance with AB-52, the following Indian Tribes received Notices of Opportunity to Consult with the County Mining Division on June 6, 2024, concerning the proposed Persistence Mine:

- Colorado River Tribe
- Fort Mohave Tribe
- Gabrieleno Band of Mission Indians
- Gabrieleno Tongva San Gabriel Band of Mission Indians
- Morongo band of Mission Indians
- Yuhaaviatam San Manuel Band of Mission Indians
- Soboba Band of Luiseno Indians
- Twenty- Nine Palms of Mission Indian

On December 30, 2024, Eunice Ambriz with the Yuhaaviatam San Manuel Band of Mission Indians (YSMN) contacted the Mining Division and informed mining staff that the proposed Project is located outside of Serrano ancestral territory and, as such, YSMN will not be requesting to receive consulting party status. No mitigation measures were submitted by YSMN. No additional Tribal comments were submitted.

RECOMMENDATION: That the Planning Commission:

1) **ADOPT** the Mitigated Negative Declaration (Exhibit A) and Mitigation Monitoring and Reporting Program (Exhibit B);

2) **ADOPT** the findings in support of Reclamation Plan MRP-2023-00001 (Exhibit C);

3) **APPROVE** Reclamation Plan MRP-2023-00001 for the reclamation of the Persistence Mine covering 126 acres across two non-contiguous pits, the Eastern Pit (41 acre) and Western Pit (85 acres), within a property area consisting of approximately 267 acres, subject to the Conditions of Approval (Exhibit D); and

4) **DIRECT** the Land Use Services Department to file the Notice of Determination in accordance with the California Environmental Quality Act.

ATTACHMENTS:

EXHIBIT A: Mitigated Negative Declaration
EXHIBIT B: Mitigation Monitoring and Reporting Program (MMRP)
EXHIBIT C: Reclamation Findings for MRP-2023-00001
EXHIBIT D: Conditions of Approval MRP-2023-00001
EXHIBIT E: Persistence Reclamation and Site Plans
EXHIBIT F: Plan of Operations and Environmental Assessment
EXHIBIT G: Desert Tortoise Absence Survey
EXHIBIT H: Burrowing Owl Focused Survey
EXHIBIT I: Endangered Plant Survey
EXHIBIT J: California Department of Fish and Wildlife Letter dated August 15, 2025
EXHIBIT K: Desert Tortoise Council, Mohave Ground Squirrel Conservation Council, and Desert Tortoise Preserve Committee letter dated August 18, 2025
EXHIBIT L: Applicant response to comment letters
EXHIBIT M: Public Comments

EXHIBIT A

Mitigated Negative Declaration

SAN BERNARDINO COUNTY

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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:

APNs:	0503-341-01	***USGS Quad:***	Red Mountain Quadrangle
Applicant:	Gold Discovery Group LLC 2549 Eastbluff Drive, Suite B-499 Newport Beach CA 92660	***T, R, Section:***	Township 30 South, Range 41 East, Section 20
Location	The project's mining activities would be located in San Bernardino County near the Atolia area, approximately 6.3 miles south of Johannesburg. This Project site is situated in San Bernardino County parcels 050334101 and 050308113.	***Coordinates***	35.307489, -117.612285
Project No:	MRP-2023-00001	***Community:***	Red Mountain
Rep:	Sean Tucker	***LUZD:***	Resource Conservation (RC)
Proposal:	Placer Mine project.	***Overlays:***	

PROJECT CONTACT INFORMATION:

Lead agency: County of San Bernardino
Land Use Services Department
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Contact person: Derek Newland
Phone No: (909) 387-8311 ***Fax No:*** (909) 387-3223
E-mail: derek.newland@lus.sbcounty.gov

PROJECT DESCRIPTION SUMMARY:

Gold Discovery Group LLC (GDG) proposes placer mining activities for the Persistence Mine Project (Project). The activities would occur on four unpatented placer claims in the vicinity of Atolia within San Bernardino County, California, on public lands administered and managed by the Bureau of Land Management (BLM), California Desert District Office, Ridgecrest Field Office.

GDG submitted a Plan of Operations (Plan) for the proposed placer activities in accordance with Bureau of Land Management (BLM) regulations published in the Code of Federal Regulations (CFR) in 43 CFR 3809 and 43 CFR 3715 (GDG 2024a). Pursuant to requirements under the California Environmental Quality Act of 1970 (CEQA) and the California Surface Mining and Reclamation Act of 1975 (SMARA) for projects that would entail over one acre of surface disturbance, GDG submitted a Reclamation Plan to San Bernardino County (County) to address the reclamation activities that would be undertaken following completion of the proposed activities (GDG 2024b).

GDG proposes to extract desert placer-style gold and silver from semi-consolidated to unconsolidated sands and silts (sediments) from placer mining claims in San Bernardino County near the Atolia area. This area is referred to as the “Project site”. GDG would develop two open pits at the Project site, with a total surface disturbance of 125.5 acres. Excavated material would be processed on-site. Development of the open pits would occur roughly in two phases: Phase 1 would entail creating a wash plant pad site within the footprints of the open pits and completing an initial box cut of the open pits. Phase 2 would entail sequential block or strip mining of the open pits. The approximate layout of the Project site during Phase 2 is shown in Figure 3. All surface disturbances associated with the Project would be reclaimed after mining activities are completed. The reclamation activities would include backfilling the pits following the completion of material processing and reinstating the BLM road that currently passes through the Project site. Reclamation of disturbed areas resulting from the proposed Project would be completed in accordance with 43 Code of Federal Regulations (CFR) 3809.420 and requirements under the SMARA. Construction and mining activities would occur for approximately 33 months, but reclamation monitoring would continue for as long as necessary to fulfill BLM and San Bernardino County reclamation requirements. Water for the Project would

either be obtained from an existing well owned by Rand Communities Water District (RCWD), or GDG would develop two well sites with a total disturbance of 0.56 acres. The well sites would be located in Kern County and are not subject to permitting requirements of San Bernardino County.

SURROUNDING LAND USES AND SETTING

The area surrounding the Project site consists of federal public lands administered by BLM and are zoned by the County for Resource Conservation. There are no adjacent or nearby sensitive land uses. The nearest residences are located approximately 6.3 miles north of the Project site in the town of Johannesburg.

Existing Land Use and Land Use Zoning Districts		
Location	**Existing Land Use**	**Land Use Zoning District**
Project Site	Exploration drilling and open space on federal lands under the jurisdiction of the BLM.	Resource Conservation (RC)
North	open space on federal lands under the jurisdiction of the BLM	Resource Conservation (RC)
South	open space on federal lands under the jurisdiction of the BLM	Resource Conservation (RC)
East	open space on federal lands under the jurisdiction of the BLM	Resource Conservation (RC)
West	open space on federal lands under the jurisdiction of the BLM	Resource Conservation (RC)

PROJECT SITE LOCATION, EXISTING SITE LAND USES AND CONDITIONS

GDG plans to extract desert placer-style gold and silver from semi to unconsolidated sands and silts (sediments) from placer mining claims. This operation is referred to as the Persistence Mine by GDG (referred to in this document as the Project).

The mining activities of the Project would be located in San Bernardino County near the Atolia area, approximately 6.3 miles south of Johannesburg (Figure 1). This Project site is located within Township 30 South, Range 41 East, Section 20, and within San Bernardino County parcels 050334101 and 050308113. The Project site would be accessed by turning east off U.S. Highway 395 onto BLM off-highway vehicle open route (BLM route) RM109. BLM routes are commonly referred to by the public as open-use jeep trails. An alternate access on BLM route RM0078 area may also be used occasionally for equipment and supply deliveries to the Project site. Access between the two pits would be along a private road on land owned by GDG (Figure 2).

The Project site encompasses 126.06 acres of public lands within San Bernardino County, California that are administered by the BLM Ridgecrest Field Office. The Project site is open to mineral entry under the Mining Law of 1872. There are no active land use authorizations other than the existing authorization for GDG for exploratory drilling (CACA105847437 and CACA105846362, totaling 20 acres). Existing land use at the Project site consists of recreational and wildlife uses. The conditions of the Project site are described in further detail within each checklist resource section.

ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

Federal: Bureau of Land Management, United States Fish and Wildlife Service (USFWS), State Historic Preservation Office.

State of California: California Environmental Protection Agency, California Department of Fish and Wildlife, California Department of Conservation Division of Mine Reclamation and the State Mining and Geology Board.

County of San Bernardino: Land Use Services Department.

Regional: Mojave Desert Air Quality Management District.

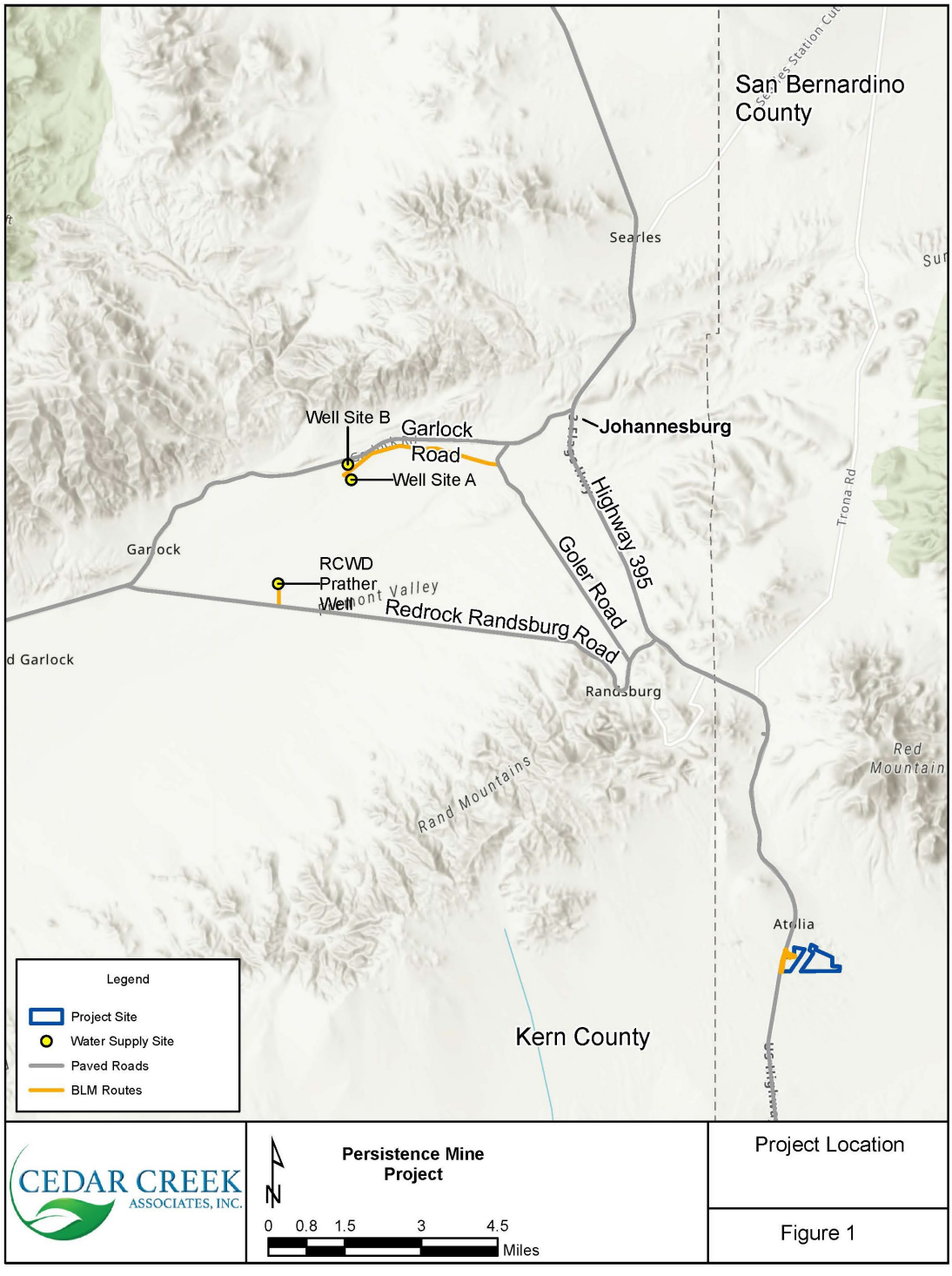
Local: None.

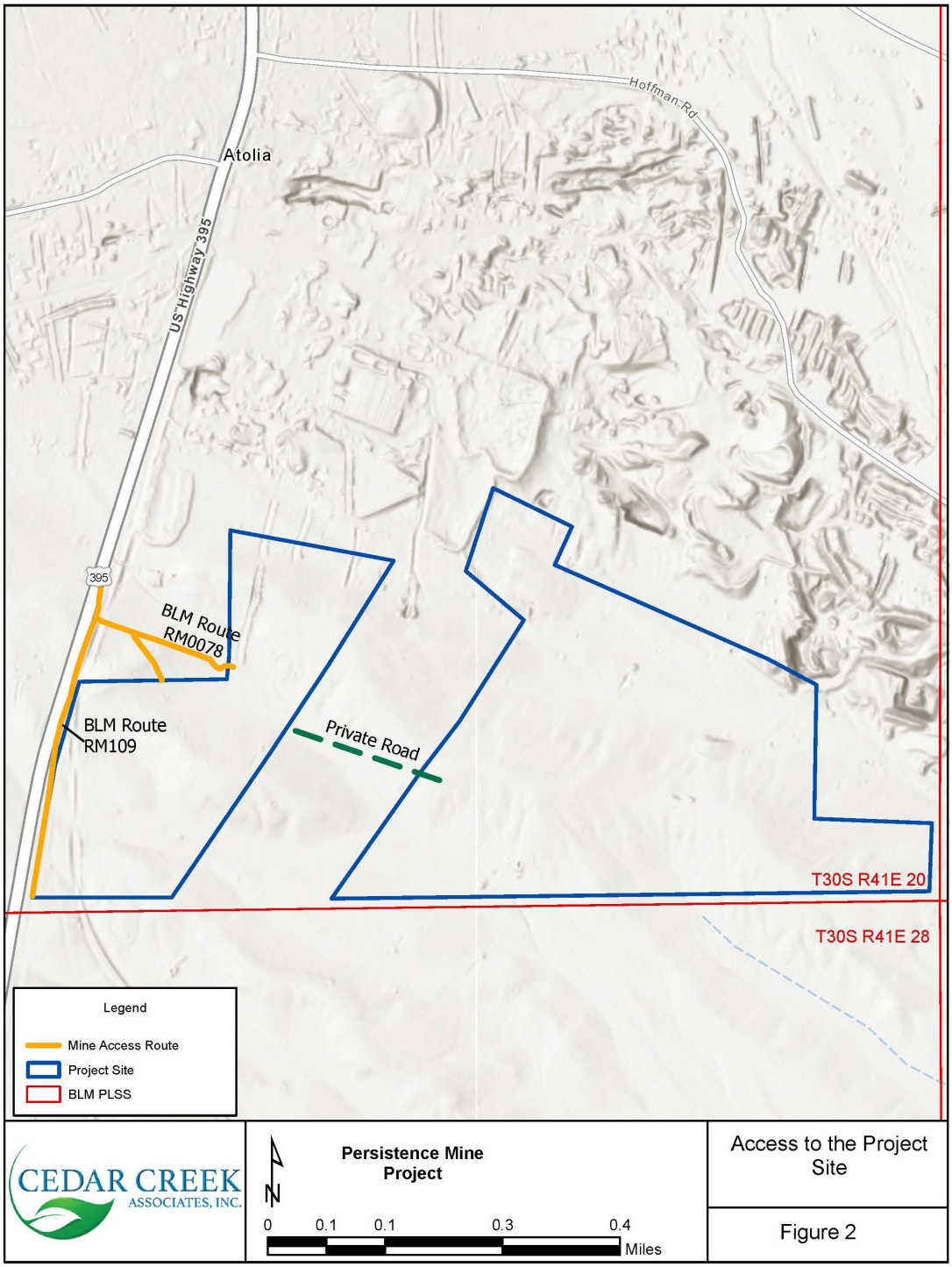
SITE PHOTOGRAPHS

Photo 1 Property

Photo 2 Project Vicinity

SITE FIGURES




Hoffman Rd
Atolia
US Highway 395
395
BLM Route
RM0078
BLM Route
RM109
Private Road
T30S R41E 20
T30S R41E 28
Legend
Mine Access Route
Project Site
BLM PLSS
CEDAR CREEK
ASSOCIATES, INC.
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Persistence Mine
Project
0 0.1 0.1 0.3 0.4
Miles
Access to the Project
Site
Figure 2

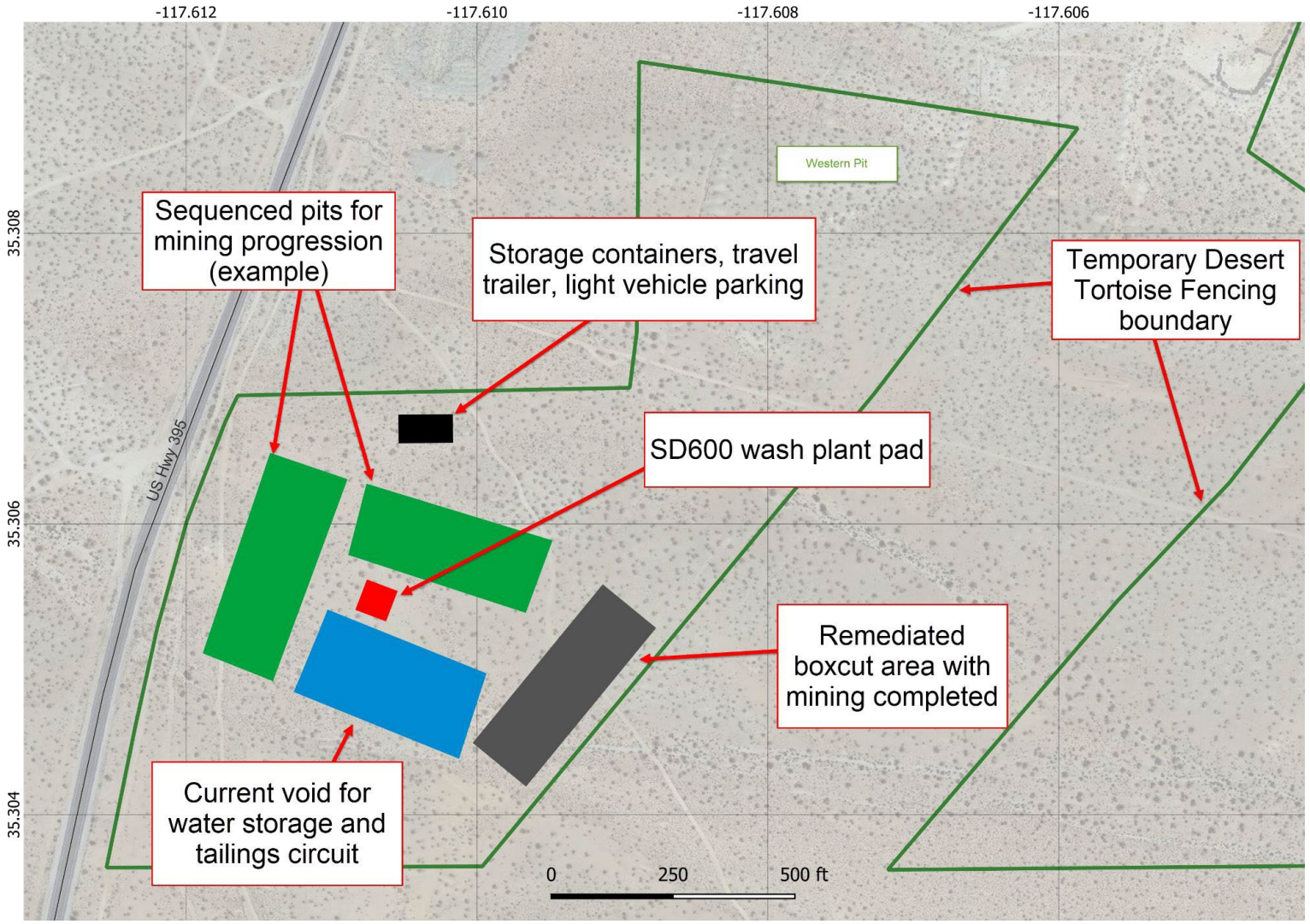

Figure 3: Phase 2 Site Layout

CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

On June 18, 2024, the County Land Use Services Department initiated an environmental review under the CEQA for the proposed Project. In accordance with Assembly Bill 52 (AB 52), which added various provisions to the California Public Resources Code (PRC) that concern Tribal Cultural Resources, including Section 21080.3.1(d), the County notified the Twenty-Nine Palms Band of Mission Indians on December 20, 2024 the opportunity to consult on this Project. The County will continue coordinating with California Native American tribes on this Project pursuant to Public Resources Code section 21080.3.1.

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

EVALUATION FORMAT

This Initial Study is prepared in compliance with the 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. This format of the study is presented as follows. The project is evaluated based on its effect on 20 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 the four following conclusions is then 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 the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)
4. **Potentially Significant Impact**: Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

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 will be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
☒	Biological Resources	☐	Cultural Resources	☐	Energy
☐	Geology/Soils	☐	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials
☐	Hydrology/Water Quality	☐	Land Use/Planning	☐	Mineral Resources
☐	Noise	☐	Population/Housing	☐	Public Services
☐	Recreation	☐	Transportation	☐	Tribal Cultural Resources
☐	Utilities/Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

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

☐	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
☒	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.
☐	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	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.
☐	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.

Derek Newland — 7-8-2025

Signature: Derek Newland, Planner — Date

A. L. — 7.8.2025

Signature: Aron Liang, Planning Manager — Date

Dan P. Walsh — 7/8/2025

Signature: Dan Walsh, Chief Engineering Geologist — Date

INITIAL STUDY CHECKLIST

AESTHETICS ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
I.	***AESTHETICS*** – Except as provided in Public Resources Code Section 21099, would the project:				
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b)	Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d)	Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐

AESTHETICS ENVIRONMENTAL SETTING

Using the BLM's Visual Resource Inventory (VRI) system, the Project site and surrounding area were characterized for scenic quality and sensitivity that the public may have on changes to landscape character. The following VRI characteristics are assigned to the Project site and the surrounding 5-mile buffer:

The Project site and surrounding landscape are within scenic quality Class C (low scenic value) landscapes. Scenic quality is a measure of the visual appeal of a tract of land and areas with the most visual variety and most harmonious compositions having the highest scenic value.

The Project site is within an area of high visual sensitivity. Visual sensitivity reflects people's attitudes and perceptions regarding the landscape and, in general, the public's level of sensitivity to visual change in the landscape. An area rated as high sensitivity implies a high level of sensitivity to visual change.

The Project site is within a foreground-middle ground distance zone, which means the area is visible within five miles of viewing locations.

The Project site is in a Class III Visual Resource Management (VRM) area. The objective of Class III is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention, but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.

AESTHETICS SUBSTANTIATION

SUBSTANTIATION: *(Check ☐ if project is located within the view-shed of any Scenic Route listed in the General Plan):*

San Bernardino Countywide Policy Plan 2023; Submitted Project Materials.

a) **Less Than Significant Impact:** No, the Project would not have a substantial adverse effect on a scenic vista. The Project site is not located near a scenic vista . Surface disturbances and activities would occur at the Project site, located near U.S. Highway 395. The Project site and surrounding landscape are within scenic quality Class C (low scenic value) landscapes. As a result, the Project would have a less than significant impact on a scenic vista.

b) **No Impact.** The Project would not remove or damage trees, rock outcroppings, or historical buildings because there are none in the Project site. See the response to CEQA Criteria a) above regarding state scenic highway. As a result, the Project is anticipated to have no impact on scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.

c) **Less than Significant Impact.** No, the Project would not substantially degrade the existing visual character or quality of public views of the Project site and its

surroundings. The Project is within a rural environment based on the California Site Check mapping tool (https://sitecheck.opr.ca.gov/). Vehicles traveling along U.S. 395 would see a high degree of visual contrast, consisting of changes in line, color, and form resulting from open pit operations and equipment. The contrast created by the Project would not be expected to change the skyline view or the overall characteristic landscape of the surrounding environment. These changes would be short-term in nature. Applicant-committed protection measures to minimize visual contrast would include beginning reclamation of areas as soon as practicable, measures to minimize erosion and fugitive dust, and utilizing existing disturbed and reclaimed roads to the extent possible to minimize new changes to color, line, and form. Following Project activities, all surface disturbances would be reclaimed, including backfilling the pits. Reclamation of all surface disturbances would restore the landscape to its existing form, line, color, and shape. The management objectives of BLM VRM Class III would be maintained. As a result, the Project would have a less than significant impact on the existing visual character and quality of public views of the site and its surroundings.

d) **Less than Significant Impact.** Nighttime lighting would be used in the Project site up to six nights a week. GDG would follow “Dark Sky” lighting practices throughout the life of the Project, such as using shielded lights, using the lowest practical light settings, and limiting the number of lights required to operate safely. Nighttime lighting would be most visible near U.S. Highway 395. Nighttime views are already limited by the vehicles traveling along this highway at night due to headlight use. The Project’s lighting would be shielded from the highway to prevent glare or disruption to drivers along this road. As a result, the Project is anticipated to have a less than significant impact on nighttime views in the area.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required beyond the protection measures identified by GDG’s Plan.

AGRICULTURE AND FORESTRY RESOURCES ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
II.	**AGRICULTURE AND FORESTRY RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

AGRICULTURE AND FORESTRY SUBSTANTIATION

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

San Bernardino Countywide Policy Plan 2023*; *California Department of Conservation Farmland Mapping and Monitoring Program; Submitted Project Materials

a) **No Impact**. The Project site is not used for any type of agricultural activity. According to the California Department of Conservation (DOC) California Important Farmland Finder, the Project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Project site is not subject to a Williamson Act contract. As a result, the Project would have no impact on converting Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

b) **No Impact**. The Project site is not subject to a Williamson Act contract. Therefore, the Project would not conflict with existing zoning for agricultural use or a Williamson Act contract. The Project would have no impact on agricultural or Williamson Act contract areas.

c) **No Impact**. The Project site has never served as a forestry resource and does not contain any trees. The Project site does not meet the definition of forest land or timberland, as defined by Public Resource Code (PRC) Sections 12220(g), 4526, and 51104(g). No changes would occur from implementing the Project that would trigger or result in the rezoning of forest land or timberland. The Project would have no impact of caused by conflicts with existing zoning for, or rezoning of forest land, timberland, or timberland zoned.

d) **No Impact**. The Project site does not meet the definition of forest land or timberland, as defined by PRC Sections 12220(g), 4526, and 51104(g). Therefore, the Project would have no impact on forest land or timberland due to loss of forest land or conversion of forest land to non-forest use.

e) **No Impact.** The Project would not involve conversion of farmland to non-agricultural use or conversion of forest land to non-forest land use. Therefore, the Project would

have no impact caused by converting farmland to non-agricultural use or converting forest land to non-forest land use.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

AIR QUALITY ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
III.	**AIR QUALITY -** Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b)	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?	☐	☐	☒	☐
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☒	☐

AIR QUALITY ENVIRONMENTAL SETTING

The Project is in the Mojave Desert California Air Basin, which is regulated by the Mojave Desert Air Quality Management District (MDAQMD). The Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (USEPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. Areas are classified as “attainment” (meeting all NAAQS) or “nonattainment” (an exceedance of one or more criteria pollutants). The County in which the proposed Project would be held (San Bernardino County, California) is (in part) classified as a nonattainment area for two pollutants: ozone and PM_{10}. The CAA general conformity rules apply in nonattainment areas; because of this, the proposed Project must conform to the State Implementation Plan (SIP) to remedy the air pollution problem.

AIR QUALITY SUBSTANTIATION

SUBSTANTIATION: *(Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable):*

San Bernardino Countywide Policy Plan 2023*; *Submitted Project Materials

a) **Less than Significant Impact.** The proposed Project would not conflict with or obstruct the implementation of the SIP. A Project emissions inventory was completed. The inventory uses daily and annual use of equipment to estimate annual emissions from project construction, operations, and worker daily commuting activities. Development of the open pit (construction) would occur concurrently with material processing (operations), and therefore, emissions were estimated for these activities occurring simultaneously. The emission factors of vehicles and equipment are based on equipment horsepower, load factor, and USEPA emission tiers. The emissions inventory was prepared utilizing a model provided by the BLM. The emissions calculations detail is shown in Cedar Creek (2025). A summary of air emissions from activities associated with the Project were estimated as shown in Table 1.

Table 1 Project Potential Emissions (Tons per Year)

Source	NOx	CO	VOC	SOx	PM_{10}	$PM_{2.5}$	HAPS
Project Emissions[1]	17.71	3.60	0.66	0.04	1.07	0.11	1.35
MDAQMD Significant Emissions Thresholds[2]	25	100	25	25	15	15	8
De Minimis Limits[3]	100	100	100	100	70	70	10
USEPA Significant Emission Rate	40	100	40	40	15	10	15

Notes: Source: Cedar Creek (2025).
1 Project emissions are shown here for construction plus operations activities, as development of the open pit will occur concurrently with material processing.
2 MDAQMD Federal Conformity Guidelines, February 2020.
3 De Minimis emission threshold rates in 40 CFR § 93.153(b)(1) and (b)(2). PM2.5 and PM10 reflect "Serious NAAs".

These estimates show that the Project would be below MDAQMD thresholds of significance, Federal Conformity *de minimus* thresholds, and USEPA significant emission rates. The Project

would generate air pollutant emissions that are inconsequential on a regional basis. As a result, the Project would have a less than significant impact on air quality and would not conflict with the implementation of the MDAQMD air quality plan.

GDG would be required to take sufficient action necessary to ensure that the Project meets local, state, and federal CAA requirements. GDG's Plan includes dust control measures. Dust control measures must be in compliance with MDAQMD Rules 401 (limiting visible emissions); 402 (avoid nuisance emissions to people or businesses or property); and 403 (prohibits visible dust from crossing property lines and controlling fugitive dust). The main dust control method would be the water spraying of roads, operational mine areas, and any active stockpiles. A water truck equipped with sprayers would be used for dust control as required. Water for dust control would be obtained from sources in the Randsburg area, which includes purchasing from the Rand Communities Water District or pumping from a well(s) that may be drilled in Rand County.

Haul roads to the plant from the active pit would be compacted with a general wheel loader and machinery, which would reduce dust and erosion. This would be complemented with water spraying from the water truck as required. No chemical dust control is proposed to ensure that a low-contamination site is maintained.

In addition, any portable crushing/screening plants occasionally used onsite by outside contractors would be required to be permitted by the MDAQMD and to implement applicable dust control measures. The following BLM Conservation Management Actions (CMAs) would be required of GDG in conformance with BLM requirements:

LUPA-AIR-1: All activities must meet the following requirements: a) Applicable National Ambient Air Quality Standards (Section 109); b) State Implementation Plans (Section 110); c) Control of Pollution from Federal Facilities (Section 118) including non-point source; d) Prevention of Significant Deterioration, including visibility impacts to mandatory Federal Class I Areas (Section 160 et seq.); e) Conformity Analyses and Determinations (Section 176[c]); f) Apply best management practices on a case by case basis; g) Applicable local Air Quality Management Jurisdictions (e.g., 403 SCAQMD).

- The Project would comply with applicable State of California and San Bernardino County Air District rules for fugitive dust emissions and greenhouse gas emissions and significance thresholds would not be exceeded. The project would comply with the CMA.

LUPA-AIR-2: Because project authorizations are a federal undertaking, air quality standards for fugitive dust may not exceed local standards and requirements.

- The Project would comply with applicable State of California and San Bernardino County Air District rules for fugitive dust emissions and greenhouse gas emissions and significance thresholds would not be exceeded. The project would comply with the CMA.

b) **Less Than Significant Impact.** The Project would not 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. As shown in Table 1, Project emissions would be below significant threshold criteria. As a result, the Project would have a less than significant impact on a cumulatively considerable net increase of any criteria pollutant under an applicable federal or state ambient air quality standard.

c) **Less Than Significant Impact.** The proposed Project would not expose sensitive receptors to substantial pollutant concentrations. The Project site is in a remote area of San Bernardino County, near a major highway. The MDAQMD defines sensitive receptors as locations where people are more vulnerable to the effects of air pollution. These locations include residences, schools, daycare centers, playgrounds, and medical facilities. As per the MDAQMD's Guidelines, the following project types located within a specified distance to an existing or planned sensitive receptor land use must be evaluated to determine exposure of substantial pollutant concentrations to sensitive receptors:

- Any industrial project within 1,000 feet;
- A distribution center (40 or more trucks per day) within 1,000 feet;
- A major transportation project (50,000 or more vehicles per day) within 1,000 feet;
- A dry cleaner using perchloroethylene within 500 feet; or
- A gasoline dispensing facility within 300 feet.

The nearest sensitive receptors to the Project would be located in Johannesburg, approximately 6.3 miles north of the Project site. Therefore, the Project is not within the above specified

distances to an existing or planned sensitive receptor that would require evaluation to determine exposure of substantial pollutant concentrations to sensitive receptors. As a result, the Project would have a less than significant impact on sensitive receptors to substantial pollutant concentrations.

d) **Less Than Significant Impact.** The proposed Project would not create objectionable odors affecting a substantial number of people. Individual responses to odors are highly variable and can result in a variety of effects. Generally, the impact of an odor results from a variety of factors, such as frequency, duration, offensiveness, location, and sensory perception. Potential Project sources that may emit odors would include emissions from diesel equipment that would occur during construction and operations of the Project. The objectionable odors that may be produced by the Project would be temporary to short term and would not likely be noticeable for extended periods of time beyond the Project site's boundaries because the Project is in a remote area. Through compliance with the applicable regulations that reduce odors and due to the transitory nature of odors, a less than significant odor impact would occur from the Project.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required beyond the mitigation measures identified for air quality.

BIOLOGICAL ISSUES

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
IV.	**BIOLOGICAL RESOURCES -** Would the project:				
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?	☐	☒	☐	☐
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?	☐	☐	☐	☒
c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
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?	☐	☒	☐	☐
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☒	☐	☐

PROJECT TECHNICAL STUDIES

ELMT Consulting Inc. (ELMT). 2024a. Results of a Desert Tortoise (*Gopherus agassizii*) Presence/Absence Survey for Two Four-Acre Mill Sites Located in Kern County, California. Letter to S. Tucker, October 28.

____. 2024b. Burrowing Owl Focused Survey Report. Prepared for Gold Discovery Group Inc. July.

____. 2024c. Results of a Desert Tortoise (*Gopherus agassizii*) Presence/Absence Survey for Gold Discovery Group's Persistence Mine Project Located in Unincorporated San Bernardino County, California. Letter to S. Tucker. June 18.

____. 2024d. Results of a Desert Tortoise (*Gopherus agassizii*) Presence/Absence Survey for Along an Approximately 4.1 Mile Portion of BLM R110 Located in Kern County, California. Letter to S. Tucker. October 28.

South Environmental. 2022. Rare, Threatened, and Endangered ("Special-Status") Plant Survey on 128-Acres Proposed Mining Project South of Red Mountain in San Bernardino County, California. Letter to S. Tucker. June 24.

BIOLOGICAL ENVIRONMENTAL SETTING

The area of analysis for wildlife is the Project site plus a 500-foot buffer, with the exception of threatened and endangered species, which were analyzed within the Project site boundary.

The Project lies in the northern portion of the Mojave Desert in the Basin and Range ecoregion. Elevation ranges from approximately 2,900 to 3,600 feet above sea level. The climate is typical of the Mojave Desert, with long and hot summers and cool, shorter winters. Biological surveys for the Project were completed in 2022 (South Environmental 2022) and 2024 (ELMT 2024a, ELMT 2024b, ELMT 2024c, ELMT 2024d). These data were supplemented with record searches in the CDFW California Natural Diversity Database (CNDDB), a query through USFWS Information for Planning and Consultation (IPaC), and a review of the BLM sensitive species lists (BLM 2019, BLM 2022) to characterize the types of plant and wildlife species potentially occurring in the analysis area.

General Vegetation Alliances

The Project site is not located within critical habitat for any federally or state listed plant species and no federally listed plant species has been observed in this area. Botanical surveys identified a total of 40 vascular plant species, most of which are species native to California, in the Project site. Most of the species were annual herbs and shrubs with only a few perennial herbs and no trees or vines identified.

Two natural vegetation communities were identified within the Project site, following California Native Plant Society (CNPS) guidelines: Creosote-White Burrobush (*Larrea tridentata – Ambrosia dumosa*) Shrubland Alliance and Allscale (*Atriplex polycarpa*) Shrubland Alliance. The Water Supply Sites consist of partially disturbed land; where not barren or disturbed, the Creosote-White Burrobush vegetation community was also described for the sites (ELMT 2024a).

Special Status Plants

Queries of rare, threatened, and endangered plant species in the region from CNPS and the CNDBB online databases identified 12 species with the potential to occur in the region. Using the online BIOS, no special-status plant species have been recorded for the Project area in the past (CDFW 2022). Analysis of the potential for BLM Sensitive plant species to occur at the Project site, based on field-level habitat data and recorded occurrences within the immediate area, identified two species with a medium potential to occur: Barstow woolly sunflower and red rock poppy. During botanical surveys in 2022, no BLM Sensitive plants were observed.

Barstow wooly sunflower (*Eriophyllum mohavense*) has a California Rare Plant Ranking of 1B.2, indicating the species is rare throughout its entire range and is moderately threatened in California. The species inhabits chenopod scrub, Mojavean desert scrub and playas. It blooms from March to May and is found between 1,640 and 3,150 feet above mean sea level (amsl). The Project site has Mojavean desert scrub, and there have been several occurrences in the immediate area. However, this species was not observed during field surveys for the Project.

Rock poppy (*Eschscholzia minutiflora ssp. twisselmannii*) has a California Rare Plant Ranking of 1B.2 indicating the species is rare throughout its entire range and is moderately threatened in California. The species inhabits Mojavean desert scrub and playas. It blooms from March to May and is found between 2,230 and 4,035 feet amsl. The Project site has Mojavean desert

scrub and there here have been several occurrences in the immediate area. However, this species was not observed during field surveys for the Project.

General Wildlife

The Project site does not form part of a federal or state-designated wildlife movement corridor or habitat linkage and is not located within a habitat Landscape Block or Linkage Design as established by the SC Wildlands (CDFW 2024). Biological surveys in 2024 observed small mammal burrows at the Project site, typically situated directly beneath dense brush, that were associated with white-tailed antelope ground squirrel (*Ammospermophilus leucurus*), black-tailed jackrabbit (*Lepus californicus*), or other small mammal species (e.g., rodents).

Migratory Birds and Raptors

Based on a review of CDFW's CNDDB, raptors with the potential to occur in the analysis area could include prairie falcons (*Falco mexicanus*) or long-eared owls (*Asio otus*). A burrowing owl (*Athene cunicularia*) survey was also completed for the Project site in 2024. These raptors are CDFW species of concern. In addition, the Western burrowing owl has been proposed for listing under the California Endangered Species Act (ESA).

Raptor species observed during field investigations at the Project site included red-tailed hawks (*Buteo jamaicensis*) and turkey vultures (*Cathartes aura*). There are no records of golden or bald eagle nests within two miles of the Project site.

Other migratory bird species observed during the field investigation include black-throated sparrow (*Amphispiza bilineata*), bell's sparrow (*Artemisiospiza belli*), ash-throated flycatcher (*Myiarchus cinerascens*), common raven (*Corvus corax*), horned lark (*Eremophila alpestris actia*), say's phoebe (*Sayornis saya*), California towhee (*Melozone crissalis*), house finch (*Haemorhous mexicanus*), yellow-rumped warbler (*Setophaga coronata*), western meadowlark (*Sturnella neglecta*), mourning dove (*Zenaida macroura*), and white-crowned sparrow (*Zonotrichia leucophrys*). Migratory birds could utilize the Project area for foraging, resting, or finding refuge. CNDDB records include Le Contes thrashers (*Toxostoma lecontei*) and loggerhead shrikes (*Lanius ludovicianus*) within the generalized quad map for Red Mountain. Ground nesting birds could use this area during the nesting season. There are no suitable nesting substrates for cliff or tree-dwelling raptors in the analysis area.

Special status wildlife species include federal ESA-listed species, California ESA-listed species, BLM Sensitive wildlife species, and CDFW Species of Concern. The following describes special status wildlife species that may occur or are known to occur at the Project site.

American Badger (*Taxidea taxus*): American badgers are identified by CNDDB with the potential to occur. This species is uncommon in California but where found, is a permanent resident in most of the state, except in the northern North Coast area (CDFW 2024). Suitable habitat for badgers is characterized by herbaceous, shrub, and open stages of most habitats with dry, friable soils. They are carnivorous mammals that eat fossorial rodents and sometimes reptiles, insects, birds, and carrion. No observations of American badgers were made at the Project site and the burrows observed at the Project site during western burrowing owl surveys (ELMT 2024b) would be too small for American badgers. The Project site could be used by badgers as a foraging site and therefore has a low potential to occur.

Bats: Several bat species are BLM sensitive species and CDFW species of concern. CNDDB records include observations of pallid bats (*Antrozous pallidus*) and Townsend's big-eared bats (*Corynorhinus townsendii*) within one mile of the Project site. These species roost in rock outcrops, underground mines and caves, hollow trees, buildings, and bridges. These types of structures do not occur at the Project site, and therefore, it would be unlikely for these species to roost at the Project site, but these species may forage in or around the Project site. Other BLM sensitive bat species with a potential to forage in the Project site include long-eared myotis (*Myotis evotis*), Western mastiff-bat (*Eumops perotis*), and Yuma myotis (*Myotis yumanensis*).

Mohave Ground Squirrel (*Xerospermophilus mohavensis*): There are CNDDB records of Mohave ground squirrel observations more than four miles from the proposed open pit areas. The Mohave Ground Squirrel is a California state-threatened species. Its range is only within the western portion of the Mojave Desert in parts of Inyo, Kern, Los Angeles, and San Bernardino counties. This species prefers open desert scrub, alkali desert scrub, Joshua tree, and annual grasslands with sandy to gravelly soils and uses burrows at the base of shrubs for cover. It is a diurnal species active primarily in the early spring and summer and stays underground in burrows during the remaining parts of the year. Mohave ground squirrels feed on leaves and stems of shrubs, such as winterfat (*Krascheninnikovia lanata*), spiny hopsage (*Grayia spinosa*), and saltbush (*Atriplex spp*.), and leaves of forbs, such as the freckled milkvetch (*Astragalus lentiginosus*). Mating occurs after emerging from hibernation and typically lasts from February to

mid-March. The amounts of fall and winter rainfall influence reproductive success as it is related to the availability of plant food sources (CDFW 2019).

Desert Tortoise: The Mojave population of the desert tortoise was listed as a federally threatened species on April 2, 1990, and a recovery plan (revised May 2011) was published in June 1994 to describe a strategy for recovering it. The recovery plan identified five recovery units and provided recommendations for a system of Desert Wildlife Management Areas (DWMAs) within them. In 2016, BLM's Desert Renewable Energy Conservation Plan (DRECP) identified Areas of Critical Environmental Concern (ACECs). For resource management purposes, ACECs have replaced the DWMAs identified in the Recovery Plan.

Based on the Desert Tortoise Revised Recovery Plan (USFWS 2011), the Project site is located within the Western Mojave Recovery Unit but is not located within designated desert tortoise critical habitat.

Desert tortoises primarily inhabit creosote bush scrub and Joshua tree woodland communities in the Mojave Desert, with the typical habitat at elevations below 5,500 feet. The desert tortoise lives in habitats typically consisting of alluvial fans and plains and colluvial/bedrock slopes, including washes and canyons, where suitable friable soils for den construction may be found. Preferred habitat has vegetation alliances of creosote bush (*Larrea tridentata*) or, less commonly, blackbrush (*Coleogyne ramosissima*), Joshua tree (*Yucca brevifolia*), and even juniper (*Juniperus sp*.) at higher elevations and saltbush (*Atriplex sp*.) at lower elevations (Nussear et al. 2009). This species spends much of its life underground in burrows. In late winter or early spring, they emerge from their wintering dens, and in a typical year, they will remain active through the fall season. During the summer months, activity slows, but they will emerge from their burrows to take advantage of summer rains to drink available surface water. The breeding season occurs during summer, spring, and fall, with reproductive success being dependent on a variety of factors, including environment, habitat, availability of forage and drinking water, and physiological conditions.

The nearest CNDDB observation for desert tortoise is approximately 7.6 miles southwest of the Project site, recorded in 2005. Desert tortoise presence/absence surveys were completed in the Project site in 2024 (ELMT 2024a, ELMT 2024c, ELMT 2024d). The areas surveyed included all areas potentially directly or indirectly affected by the Project, consistent with 50 CFR 402.02. The surveys reported that there were no live desert tortoises, potential desert tortoise burrows,

or signs of desert tortoises observed within the surveyed areas. The estimated desert tortoise abundance is directly proportional to the number of tortoises observed above ground. Since no live desert tortoises were observed during the surveys, the estimated number of desert tortoises within the survey areas is zero.

Monarch Butterfly (*Danaus plexippus*): The Monarch butterfly is a federal candidate species. During the breeding season, monarchs lay their eggs on their obligate milkweed host plant (primarily *Asclepias* spp.). Multiple generations of monarchs are produced during the breeding season, with most adult butterflies living approximately two to five weeks; overwintering adults enter reproductive diapause (suspended reproduction) and live six to nine months. In many regions where monarchs are present, they breed throughout the year. In the fall, Monarchs begin migrating to overwintering sites. Three overwintering populations of monarchs have been documented in canyons approximately 100 miles north in Saline Valley. No monarch butterfly observations were recorded at the Project site (CNDDB 2024).

Western Burrowing Owl: The Western burrowing owl is a CDFW California Species of Special Concern, a BLM sensitive species, and is a migratory bird protected by the Migratory Bird Treaty Act of 1918 (MBTA). On October 15, 2024, the species was proposed for listing under the California ESA. Western burrowing owls are grassland specialists that inhabit a wide variety of arid and semi-arid environments with well-drained, level to gently-sloping areas characterized by sparse vegetation and bare ground (Haug et al 1993). Burrowing owls depend upon the presence of fossorial mammals whose burrows are used for roosting and nesting (Haug et al. 1993). Where mammal burrows are scarce, burrowing owls have been found occupying artificial cavities, such as buried and non-functioning drainpipes, standpipes, and dry culverts.

The CNDDB records indicate that the nearest burrowing owl nests were observed approximately 9.5 miles southeast of the Project site. Burrowing owl surveys were conducted in 2024 at the Project site plus a 500-foot buffer. No burrowing owls or evidence of recent or historic use by burrowing owls were observed. In general, habitat in the Project site is shrub-dominated with few perennial herbs in the understory, which is marginally suitable for burrowing owls.

BIOLOGICAL SUBSTANTIATION

SUBSTANTIATION:	*(Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database ☐):*
San Bernardino Countywide Policy Plan 2023*; *Submitted Project Materials	

a) **Less than Significant Impact with Mitigation.** The proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. There are two special status plant species and ten special status wildlife species that have a potential to occur at the Project site. However, none of these species were found in surveyed areas.

The proposed Project would be limited in scope and duration. To ensure the Project's potential adverse impacts on sensitive plant and wildlife species and habitats are avoided, several Conservation Management Actions (CMAs), in conformance with BLM's Land Use Plan requirements, and additional proponent-committed avoidance and protection measures would be implemented, as listed below. These measures are incorporated into this analysis as "mitigation measures." Through the implementation of the mitigation measures, the Project would not have an adverse effect, either directly or indirectly, or through habitat modifications, on any species identified as a candidate, sensitive, or special status species. As a result, Project impacts would be less than significant with mitigation incorporated and would therefore have no 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. Explanations about how the CMAs and protection measures would mitigate impacts are presented below.

Required CMAs and proponent-committed protection measures (Mitigation Measures):

LUPA-BIO-1: Conduct a habitat assessment of Focus and BLM Special Status Species' suitable habitat for all activities and identify and/or delineate the DRECP

vegetation types, rare alliances, and special features (e.g., Aeolian sand transport resources, Joshua tree, microphyll woodlands, carbon sequestration characteristics, seeps, climate refugia) present using the most current information, data sources, and tools (e.g., DRECP land cover mapping, aerial photos, DRECP species models, and reconnaissance site visits) to identify suitable habitat for Focus and BLM Special Status Species. If required by the relevant species specific CMAs, conduct any subsequent protocol or adequate presence/absence surveys to identify species occupancy status and a more detailed mapping of suitable habitat to inform siting and design considerations. If required by relevant species specific CMAs, conduct analysis of percentage of impacts to suitable habitat and modeled suitable habitat. BLM will not require protocol surveys in sites determined by the designated biologist to be unviable for occupancy of the species, or if baseline studies inferred absence during the current or previous active season. Utilize the most recent and applicable assessment protocols and guidance documents for vegetation types and jurisdictional waters and wetlands that have been approved by BLM, and the appropriate responsible regulatory agencies, as applicable.

- **How the Project would comply with the CMA:** A habitat assessment and protocol presence/absence species surveys were conducted in the Project area in 2021, 2022, and 2024. These surveys are on file with the BLM Ridgecrest Field Office and the County. The project would comply with the CMA. Implementing this measure would identify species' presence and their habitat to enable the proponent to avoid and minimize impacts on plant and wildlife species.

LUPA-BIO-2: Designated biologist(s) will conduct and oversee where appropriate activity-specific required biological monitoring during pre-construction, construction, and decommissioning to ensure that avoidance and minimization measures are appropriately implemented and are effective. The appropriate required monitoring will be determined during the environmental analysis and BLM approval process. The designated biologist(s) will submit monitoring reports directly to BLM.

- **How the Project would comply with the CMA:** Required pre-clearance surveys and continued monitoring would take place during stated phases of the Project by a BLM-approved biologist per the monitoring plan provided by GDG in the Plan of

Operations. Further mitigation would not be necessary in addition to the monitoring plan. The project would comply with the CMA. Conducting pre-clearance surveys and monitoring during the Project would avoid impacts by identifying sensitive and protected species that require avoidance and minimization measures (individual measures are described in subsequent CMAs).

LUPA-BIO-3: Resource setbacks have been identified to avoid and minimize the adverse effects to specific biological resources. Setbacks are not considered additive and are measured as specified in the applicable CMA. Allowable minor incursions, as per specific CMAs do not affect the following setback measurement descriptions. Generally, setbacks (which range in distances for different biological resources) for the appropriate resources are measured from:

- The edge of each of the DRECP desert vegetation types, including but not limited to those in the riparian or wetland vegetation groups (as defined by alliances within the vegetation type descriptions and mapped based on the vegetation type habitat assessments described in LUPA-BIO-1).

-The edge of the mapped riparian vegetation or the Federal Emergency Management Agency (FEMA) 100-year floodplain, whichever is greater, for the Mojave River.

- The edge of the vegetation extent for specified Focus and BLM sensitive plant species.

-The edge of suitable habitat or active nest substrates for the appropriate Focus and BLM Special Status Species.

- **How the Project would comply with the CMA:** Avoidance buffers to protect special status species such as migratory birds and raptors would be implemented for active nests. Therefore, impacts on species or their nests would be avoided. The project would comply with the CMA.

LUPA-BIO-4: For activities that may impact Focus and BLM Special Status Species, implement all required species-specific seasonal restrictions on pre-construction, construction, operations, and decommissioning activities. Species-specific seasonal restriction dates are described in the applicable CMAs. Alternatively, to avoid a

seasonal restriction associated with visual disturbance, installation of a visual barrier may be evaluated on a case-by-case basis that will result in the breeding, nesting, lambing, fawning, or roosting species not being affected by visual disturbance from construction activities subject to seasonal restriction. The proposed installation and use of a visual barrier to avoid a species seasonal restriction will be analyzed in the activity/project specific environmental analysis.

- **How the Project would comply with the CMA:** Seasonal restrictions and requirements are specified in the species-specific CMAs. See LUPA-BIO-IFS-4 regarding desert tortoise clearance surveys and early fencing. Fencing and seasonal restrictions would avoid impacts on these species. The project would comply with the CMA.

LUPA-BIO-5: All activities, as determined appropriate on an activity-by-activity basis, will implement a worker education program that meets the approval of the BLM. The program will be carried out during all phases of the project (site mobilization, ground disturbance, grading, construction, operation, closure/decommissioning or project abandonment, and restoration/reclamation activities). The worker education program will provide interpretation for non-English speaking workers, and provide the same instruction for new workers prior to their working on site. As appropriate based on the activity, the program will contain information about:

-Site-specific biological and nonbiological resources.

- Information on the legal protection for protected resources and penalties for violation of federal and state laws and administrative sanctions for failure to comply with LUPA CMA requirements intended to protect site-specific biological and nonbiological resources.

- The required LUPA and project-specific measures for avoiding and minimizing effects during all project phases, including but not limited to resource setbacks, trash, speed limits, etc.

- Reporting requirements and measures to follow if protected resources are encountered, including potential work stoppage and requirements for notification of the designated biologist.

- Measures that personnel can take to promote the conservation of biological and nonbiological resources.

- **How the Project would comply with the CMA:** A worker education program, food/trash abatement measures, domestic pet prohibition, wildlife entrapment protective measures, speed limits, and minimizing vegetative disturbance would be implemented for the Project, which would avoid impacts on sensitive species. The project would comply with the CMA.

LUPA-BIO-6: Subsidized predator standards, approved by BLM, in coordination with the USFWS and CDFW, will be implemented during all appropriate phases of activities, including but not limited to renewable energy activities, to manage predator food subsidies, water subsidies, and breeding sites including the following:

- Common Raven management actions will be implemented for all activities to address food and water subsidies and roosting and nesting sites specific to the Common Raven. These include identification of monitoring reporting procedures and requirements; strategies for refuse management; as well as design strategies and passive repellant methods to avoid providing perches, nesting sites, and roosting sites for common ravens.

- The application of water and/or other palliatives for dust abatement in construction areas and during project operations and maintenance will be done with the minimum amount of water necessary to meet safety and air quality standards and in a manner that prevents the formation of puddles, which could attract wildlife and wildlife predators.

- Following the most recent national policy and guidance, BLM will take actions to not introduce, dispose of, or release any non- native species into areas of native habitat, suitable habitat, and natural or artificial waterways/water bodies containing native species.

- All activity work areas will be kept free of trash and debris. Particular attention will be paid to “micro-trash” (including such small items as screws, nuts, washers, nails, coins, rags, small electrical components, small pieces of plastic, glass or wire, and any debris or trash that is colorful or shiny) and organic waste that may subsidize predators. All trash will be covered, kept in closed containers, or otherwise removed from the project site at the end of each day or at regular intervals prior to periods when workers are not present at the site.

- In addition to implementing the measures above on activity sites, each activity will provide compensatory mitigation that contributes to LUPA-wide raven management.

- **How the Project would comply with the CMA:** These measures would be adopted as Environmental Protection Measures by GDG to avoid impacts on these species. The project would conform with this CMA.

LUPA-BIO-7: Where DRECP vegetation types or Focus or BLM Special Status Species habitats may be affected by ground- disturbance and/or vegetation removal during pre-construction, construction, operations, and decommissioning related activities but are not converted by long-term (i.e., more than two years of disturbance, see Glossary of Terms) ground disturbance, restore these areas following the standards, approved by BLM authorized officer, following the most recent BLM policies and procedures for the vegetation community or species habitat disturbance/impacts as appropriate, summarized below:

- Implement site-specific habitat restoration actions for the areas affected including specifying and using: The appropriate seed (e.g., certified weed- free, native, and locally and genetically appropriate seed); Appropriate soils (e.g., topsoil of the same original type on site or that was previously stored by soil type after being salvaged during excavation and construction activities); Equipment; Timing (e.g., appropriate season, sufficient rainfall); Location; Success criteria; Monitoring measures; Contingency measures, relevant for restoration, which includes seeding that follows BLM policy when on BLM administered lands.

- Salvage and relocate cactus, nolina, and yucca from the site prior to disturbance using BLM protocols. To the maximum extent practicable for short-term disturbed areas, the cactus and yucca will be re-planted back to the original site.

- Restore and reclaim short-term (i.e. 2 years or less, see Glossary of Terms) disturbed areas, including pipelines, transmission projects, staging areas, and short-term construction-related roads immediately or during the most biologically appropriate season as determined in the activity/project specific environmental analysis and decision, following completion of construction activities to reduce the amount of habitat converted at any one time and promote recovery to natural habitats and vegetation as well as climate refugia and ecosystem services such carbon storage.

- **How the Project would comply with the CMA:** The Project would reclaim all proposed surface disturbances using site- appropriate, BLM-approved native seed mixtures that are weed-free and compatible with landscape conditions. GDG's Reclamation Plan describes measures that would be implemented for revegetation. Should additional revegetation measures be deemed necessary by BLM or the County in combination with those outlined in the Reclamation Plan, this CMA would be implemented. The project would comply with the CMA. Implementation of these reclamation activities would reduce the duration of impacts on species' habitat.

LUPA-BIO-8: All activities that are required to close and decommission the site (e.g., renewable energy activities) will specify and implement project-specific closure and decommissioning actions that meet the approval of BLM, and that at a minimum address the following:

- Specifying and implementing the methods, timing (e.g., criteria for triggering closure and decommissioning actions), and criteria for success (including quantifiable and measurable criteria).

- Recontouring of areas that were substantially altered from their original contour or gradient and installing erosion control measures in disturbed areas where potential for erosion exists. Restoring vegetation as well as soil profiles and functions that will

support and maintain native plant communities, associated carbon sequestration and nutrient cycling processes, and native wildlife species.

- Vegetation restoration actions will identify and use native vegetation composition, native seed composition, and the diversity to values commensurate with the natural ecological setting and climate projections.

- **How the Project would comply with the CMA:** These measures are described in GDG's Reclamation Plan. The project would comply with the CMA. Implementation of these reclamation activities would reduce the duration of impacts on species' habitat.

LUPA-BIO-9: Implement the following general LUPA CMA for water and wetland dependent resources:

- Implement construction site standard practices to prevent toxic chemicals, hazardous materials, and other fluids from entering vegetation type streams, washes, and tributary networks through water runoff, erosion, and sediment transport by, at a minimum, implementing the following:

a) On project sites, vehicles and other equipment will be maintained in proper working condition and only stored in designated containment areas where runoff is collected or controlled and that are located outside of streams, washes, and distributary networks to minimize accidental fluids and hazardous materials spills.

b) Hazardous material leaks, spills, or releases will be immediately cleaned and equipment will be repaired upon identification. Removal and disposal of spill and related clean-up materials will occur at an approved off-site landfill.

c) Maintenance and operations vehicles will carry the appropriate equipment and materials to isolate, clean up, and repair any hazardous material leaks, spills, or releases.

- Activity-specific drainage, erosion, and sedimentation control actions, which meet the approval of BLM and the applicable regulatory agencies, will be carried out during all appropriate phases of the approved project. These actions, as needed, will address measures to ensure the proper protection of water quality, site-specific stormwater and

sediment retention, and design of the project to minimize site disturbance, including the following:

a) Identify site-specific surface water runoff patterns and implement measures to prevent excessive and unnatural soil deposition and erosion.

b) Implement measures to maintain natural drainages and to maintain hydrologic function in the event drainages are disturbed.

c) Reduce the amount of area covered by impervious surfaces through use of permeable pavement or other pervious surfaces. Direct runoff from impervious surfaces into retention basins.

d) Stabilize disturbed areas following grading in the manner appropriate to the soil type so that wind or water erosion is minimized.

e) Minimize irrigation runoff by using low or no irrigation native vegetation landscaping for landscaped retention basins.

f) Conduct regular inspections and maintenance of long-term erosion control measures to ensure long-term effectiveness.

g) Project applicants for sites that may affect intermittent and perennial streams, springs, swales, ephemeral washes, wetland vegetation, other DRECP water land covers, or sites occupied by aquatic or riparian Focus and BLM Special Status Species due to groundwater or surface water extraction will conduct hydrologic studies during project planning to determine the potential effect of groundwater and surface water extraction on the hydrologic unit. These studies will include both watershed effects as well as effects on perched, alluvial, and regional aquifers. Projects that are likely to affect ground-water resources in a manner that would result in substantial loss of riparian or wetland communities or habitat for riparian or aquatic Focus and BLM Special Status Species are prohibited.

h) The use of evaporation ponds for water management will be avoided when the water could harm birds or other terrestrial wildlife due to constituents of concern present in the wastewater (e.g., selenium, hypersalinity, etc.). Evaporation ponds will be configured to minimize attractiveness to shorebirds (e.g., maintain water depths

over two feet; maintain steep slopes along edge; enclose evaporation ponds in long-term structures; or obscure evaporation ponds from view using materials that blend in with the natural surroundings).

- Ramps that allow the egress of wildlife from ponds or other water management infrastructure will be installed.

- **How the Project would comply with the CMA:** The Project does not trigger any waste discharge requirements under Title 27, CCR, Section 20005 et seq. The Project site is not in a high-risk receiving waters area. BMPs would be installed to manage disturbed surfaces. GDG would prepare a Hazardous Materials Business Plan (HMBP) and a Business Emergency/Contingency Plan for the Project, which would include a hazardous materials inventory and Spill Prevention Control and Countermeasure Plan (SPCC Plan). GDG would obtain a Construction Stormwater General Permit if required pursuant to CGP Regulation (NPDES No. CAS000002; SWRCB Order No. 2022-0057-DWQ). Further mitigation would not be necessary in addition to these measures. All of these measures would minimize or avoid impacts on species' habitat.

LUPA-BIO-10: Consistent with BLM state and national policies and guidance, integrated weed management actions will be carried out during all phases of activities, as appropriate, and at a minimum will include the following:

a) Thoroughly clean the tires and undercarriage of vehicles entering or reentering the project site to remove potential weeds.

b) Store project vehicles on site in designated areas to minimize the need for multiple washings whenever vehicles re-enter the project site.

c) Properly maintain vehicle wash and inspection stations to minimize the introduction of invasive weeds or subsidy of invasive weeds.

d) Closely monitor the types of materials brought onto the site to avoid the introduction of invasive weeds and non-native species.

e) Reestablish native vegetation quickly on disturbed sites.

f) Monitor and quickly implement control measures to ensure early detection and eradication of weed invasions to avoid the spread of invasive weeds and non-native species on site and to adjacent off-site areas.

g) Use certified weed-free mulch, straw, hay bales, or equivalent fabricated materials for installing sediment barriers.

- **How the Project would comply with the CMA:** The Project would implement weed management per the Plan of Operations and Reclamation Plan. Additional measures under this CMA, as applicable and determined by the BLM, would be implemented if needed. These measures would minimize impacts on species' habitat.

LUPA-BIO-11: Implement the following CMAs for controlling nuisance animals and invasive species:

a) No fumigant, treated bait, or other means of poisoning nuisance animals including rodenticides will be used in areas where Focus and BLM Special Status Species are known or suspected to occur.

b) Manage the use of widely spread herbicides and do not apply herbicides effective against dicotyledonous plants within 1,000 feet from the edge of a 100-year floodplain, stream and wash channels, and riparian vegetation or to soils less than 25 feet from the edge of drains. Exceptions will be made when targeting the base and roots of invasive riparian species such as tamarisk and Arundo donax (giant reed). Manage herbicides consistent with the most current national and California BLM policies.

c) Minimize herbicide, pesticide, and insecticide treatment in areas that have a high risk for groundwater contamination.

d) Clean and dispose of pesticide containers and equipment following professional standards. Avoid use of pesticides and cleaning containers and equipment in or near surface or subsurface water.

e) When near surface or subsurface water, restrict pesticide use to those products labeled safe for use in/near water and safe for aquatic species of animals and plants.

- **How the Project would comply with the CMA:** Any proposed use of herbicide, pesticides, rodenticides, or insecticides would be approved by BLM through a Pesticide Use Plan and would comply with this CMA. Herbicides would be used only on the recommendation of a California Licensed Qualified Applicator in conjunction with a qualified revegetation specialist. These measures would reduce impacts on species' habitat.

LUPA-BIO-13: Implement the following CMA for project siting and design:

- To the maximum extent practicable site and design projects to avoid impacts to vegetation types, unique plant assemblages, climate refugia as well as occupied habitat and suitable habitat for Focus and BLM Special Status Species (see "avoid to the maximum extent practicable" in Glossary of Terms).

- The siting of projects along the edges (i.e. general linkage border) of the biological linkages identified in Appendix D (Figures D-1 and D-2) will be configured (1) to maximize the retention of microphyll woodlands and their constituent vegetation type and inclusion of other physical and biological features conducive to Focus and BLM Special Status Species' dispersal, and (2) informed by existing available information on modeled focus and BLM Special Status Species habitat and element occurrence data, mapped delineations of vegetation types, and based on available empirical data, including radio telemetry, wildlife tracking sign, and road-kill information.

-Additionally, projects will be sited and designed to maintain the function of Special Status Species connectivity and their associated habitats in the following linkage and connectivity areas:

- Within a 5-mile-wide linkage across Interstate 10 centered on Wiley's Well Road to connect the Mule and McCoy mountains (the majority of this linkage is within the Chuckwalla ACEC and Mule-McCoy Linkage ACEC).

- Within a 3-mile-wide linkage across Interstate 10 to connect the Chuckwalla and Palen mountains.

- Within a 1.5-mile-wide linkage across Interstate 10 to connect the Chuckwalla Mountains to the Chuckwalla Valley east of Desert Center.

- The confluence of Milpitas Wash and Colorado River floodplain within 2 miles of California State Route 78 (this linkage is entirely within the Chuckwalla ACEC)."

- Delineate the boundaries of areas to be disturbed using temporary construction fencing and flagging prior to construction and confine disturbances, project vehicles, and equipment to the delineated project areas to protect vegetation types and focus and BLM Special Status Species.

- Long-term nighttime lighting on project features will be limited to the minimum necessary for project security, safety, and compliance with Federal Aviation Administration requirements and will avoid the use of constant-burn lighting.

- All long-term nighttime lighting will be directed away from riparian and wetland vegetation, occupied habitat, and suitable habitat areas for Focus and BLM Special Status Species. Long- term nighttime lighting will be directed and shielded downward to avoid interference with the navigation of night-migrating birds and to minimize the attraction of insects as well as insectivorous birds and bats to project infrastructure.

- To the maximum extent practicable, restrict construction activity to existing roads, routes, and utility corridors to minimize the number and length/size of new roads, routes, disturbance, laydown, and borrow areas."

- To the maximum extent practicable, confine vehicular traffic to designated open routes of travel to and from the project site, and prohibit, within project boundaries, cross- country vehicle and equipment use outside of approved designated work areas to prevent unnecessary ground and vegetation disturbance.

- To the maximum extent practicable(see Glossary of Terms), construction of new roads and/or routes will be avoided within Focus and BLM Special Status Species suitable habitat within identified linkages for those Focus and BLM Special Status Species, unless the new road and/or route is beneficial to minimize net impacts to natural or ecological resources of concern. These areas will have a goal of “no net gain” of project roads and/or routes.

- To the maximum extent practicable, any new road and/or route considered within Focus and BLM Special Status Species suitable habitat within identified linkages for

those Focus and BLM Special Status Species will not be paved so as not to negatively affect the function of identified linkages.

- Use nontoxic road sealants and soil stabilizing agents.

- **How the Project would comply with the CMA:** The Project would implement measures to minimize surface disturbance and vegetation disturbance would be avoided to the maximum extent possible per the Plan of Operations and the Reclamation Plan. Impacts on special status plant and wildlife species are analyzed. Additional measures under this CMA, as applicable and determined by the BLM, would be implemented. The project would comply with the intent of the CMA. Implementation of these measures would reduce impacts on species' habitat.

LUPA-BIO-14: Implement the following general standard practices to protect Focus and BLM Special Status Species:

- Feeding of wildlife, leaving of food or trash as an attractive nuisance to wildlife, collection of native plants, or harassing of wildlife on a site is prohibited.

- Any wildlife encountered during the course of an activity, including construction, operation, and decommissioning will be allowed to leave the area unharmed.

- Domestic pets are prohibited on sites. This prohibition does not apply to the use of domestic animals (e.g., dogs) that may be used to aid in official and approved monitoring procedures/protocols, or service animals (dogs) under Title II and Title III of the American with Disabilities Act.

- All construction materials will be visually checked for the presence of wildlife prior to their movement or use. Any wildlife encountered during the course of these inspections will be allowed to leave the construction area unharmed.

- All steep-walled trenches or excavations used during the project will be covered, except when being actively used, to prevent entrapment of wildlife. If trenches cannot be covered, they will be constructed with escape ramps, following up-to-date design standards to facilitate and allow wildlife to exit, or wildlife exclusion fencing will be installed around the trench(s) or excavation(s). Open trenches or other excavations will

be inspected by a designated biologist immediately before backfilling, excavation, or other earthwork.

f) Minimize natural vegetation removal through implementation of crush and drive or cut or mow vegetation rather than removing entirely.

- **How the Project would comply with the CMA:** These measures would be adopted as Environmental Protection Measures by GDG. The project would conform with this CMA. Implementation of these measures would avoid impacts on species and minimize impacts on species' habitat.

LUPA-BIO-15: Use state-of-the-art, as approved by BLM, construction and installation techniques, appropriate for the specific activity/project and site, that minimize new site disturbance, soil erosion and deposition, soil compaction, disturbance to topography, and removal of vegetation.

- **How the Project would comply with the CMA:** The Project is designed to minimize impacts to the environment, and additional measures would be implemented as appropriate as determined by the BLM. The project would comply with the CMA.

LUPA-BIO-16: For activities that may impact Focus and BLM sensitive birds, protected by the ESA and/or Migratory Bird Treaty Act of 1918, and bat species, implement appropriate measures as per the most up-to-date BLM state and national policy and guidance, and data on birds and bats, including but not limited to activity specific plans and actions. The goal of the activity-specific bird and bat actions is to avoid and minimize direct mortality of birds and bats from the construction, operation, maintenance, and decommissioning of the specific activities.

Activity-specific measures to avoid and minimize impacts may include, but are not limited to:

- Siting and designing activities will avoid high bird and bat movement areas that separate birds and bats from their common nesting and roosting sites, feeding areas, or lakes and rivers.

- For activities that impact bird and bat Focus and BLM Special Status Species, during project siting and design, conducting monitoring of bird and bat presence as well as bird and bat use of the project site using the most current survey methods and best procedures available at the time.

- Reusing or co-locating new transmission facilities and other ancillary facilities with existing facilities and disturbed areas to reduce habitat destruction and avoid additional collision risks.

- Reducing bird and bat collision hazards by utilizing techniques such as unguyed monopole towers or tubular towers. Where the use of guywires is unavoidable, demarcate guywires using the best available methods to minimize avian species strikes.

- When fencing is necessary, use bird and bat-compatible design standards.

- Using lighting that does not attract birds and bats or their prey to project sites including using non-steady burning lights (red, dual red and white strobe, strobe- like flashing lights) to meet Federal Aviation Administration requirements, using motion or heat sensors and switches to reduce the time when lights are illuminated, using appropriate shielding to reduce horizontal or skyward illumination, and avoiding the use of high-intensity lights (e.g., sodium vapor, quartz, and halogen).

- Implementing a robust monitoring program to regularly check for wildlife carcasses, document the cause of mortality, and promptly remove the carcasses.

- Incorporating a bird and bat use and mortality monitoring program during operations using current protocols and best procedures available at time of monitoring.

- **How the Project would comply with the CMA:** These measures would be adopted as Environmental Protection Measures by GDG. The project would conform with this CMA. Implementation of these measures would minimize impacts on species and their habitat.

LUPA-BIO-PLANT-1: Conduct properly timed protocol surveys in accordance with the BLM's most current (at time of activity) survey protocols for plant Focus and BLM Special Status Species.

- **How the Project would comply with the CMA:** A habitat assessment and species surveys were conducted in the Project site in 2021, 2022, and 2024. These surveys are on file with the BLM Ridgecrest Field Office and the County. The project would comply with the CMA. This measure would help to avoid species impacts by identifying their presence on site.

LUPA-BIO-VEG-1: Management of cactus, yucca, and other succulents will adhere to current up-to-date BLM policy.

- **How the Project would comply with the CMA:** Protocol plant surveys were conducted in the project area in 2021 and 2022. Two species of cactus were observed: silver cholla (*CYLINDROPUNTIA ECHINOCARPA*), and beavertail cactus (*OPUNTIA BASILARIS VAR. BASILARIS*). Any potential disturbance would be minimized per the measures in the Reclamation Plan, which includes salvage and re-locating plants as appropriate. This CMA would be implemented should additional measures be determined necessary by the BLM for impact minimization to these species.

LUPA-BIO-VEG-2: Promote appropriate levels of dead and downed wood on the ground, outside of campground areas, to provide wildlife habitat, seed beds for vegetation establishment, and reduce soil erosion, as determined appropriate on an activity-specific basis.

- **How the Project would comply with the CMA:** The detailed Reclamation Plan has been submitted to the County Planning Department, which identifies appropriate measures using existing dead/downed wood. This CMA would be required as appropriate. Implementing this measure would minimize impacts on species' habitat.

LUPA-BIO-VEG-3: Allow for the collection of plant material consistent with the maintenance of natural ecosystem processes.

- **How the Project would comply with the CMA:** GDG's Reclamation Plan describes native seed collection, salvage and stockpiling, and plant and cutting relocation to promote the restoration of natural ecosystem processes. The project

would comply with the CMA. Implementing this measure would minimize impacts on species' habitat.

LUPA-BIO-VEG-5: All activities will follow applicable BLM state and national regulations and policies for salvage and transplant of cactus, yucca, other succulents, and BLM Sensitive plants.

- **How the Project would comply with the CMA:** GDG's Reclamation Plan describes native seed collection, salvage and stockpiling, and plant and cutting relocation to promote the restoration of natural ecosystem processes. The project would comply with the CMA. Implementing this measure would minimize impacts on species' habitat.

LUPA-BIO-IFS-4: In areas where protocol and clearance surveys are required (see Appendix D), prior to construction or commencement of any long-term activity that is likely to adversely affect desert tortoises, desert tortoise exclusion fencing shall be installed around the perimeter of the activity footprint in accordance with the Desert Tortoise Field Manual (USFWS 2009) or most up-to- date USFWS protocol. Additionally, short-term desert tortoise exclusion fencing will be installed around short-term construction and/or activity areas (e.g., staging areas, storage yards, excavations, and linear facilities), as appropriate, per the Desert Tortoise Field Manual (USFWS 2009) or most up- to-date USFWS protocol.

- Exemption from desert tortoise protocol survey requirements can be obtained from BLM, in coordination with USFWS, and CDFW as applicable, on a case-by-case basis if a designated biologist determines the activity site does not contain the elements of desert tortoise habitat, is unviable for occupancy, or if baseline studies inferred absence during the current or previous active season.

- Construction of desert tortoise exclusion fences will occur during the time of year when tortoise are less active in order to minimize impacts and to accommodate subsequent desert tortoise surveys. Any exemption or modification of desert tortoise exclusion fencing requirements will be based on the specifics of the activity and the site-specific population and habitat parameters. Sites with low population density and disturbed, fragmented, or poor habitat are likely to be candidates for fencing

requirement exemptions or modifications. Substitute measures, such as on-site biological monitors in the place of the fencing requirement, may be required, as appropriate.

- After an area is fenced, and until desert tortoises are removed, the designated biologist is responsible for ensuring that desert tortoises are not being exposed to extreme temperatures or predators as a result of their pacing the fence. Remedies may include the use of shelter sites placed along the fence, immediate translocation, removal to a secure holding area, or other means determined by the BLM, USFWS, and CDFW, as applicable.

- Modification or elimination of the above requirement may also be approved if the activity design will allow retention of desert tortoise habitat within the footprint. if such a Modification is approved, modified protective measures may be required to minimize impacts to desert tortoises that may reside within the activity area.

- Immediately prior to desert tortoise exclusion fence construction, a designated biologist will conduct a clearance survey of the fence alignment to clear desert tortoises from the proposed fence line's path.

- All desert tortoise exclusion fencing will incorporate desert tortoise proof gates or other approved barriers to prevent access of desert tortoises to work sites through access road entry points.

- Following installation, long-term desert tortoise exclusion fencing will be inspected for damage quarterly and within 48 hours of a surface flow of water due to a rain event that may damage the fencing.

- All damage to long-term or short-term desert tortoise exclusion fencing will be immediately blocked to prevent desert tortoise access and repaired within 72 hours.

- **How the Project would comply with the CMA:** GDG's Plan of Operations describes the implementation of temporary desert tortoise exclusion fencing and other monitoring measures, which will be in accordance with current USFWS protocol. The project will comply with the CMA. Implementing this measure would avoid impacts on this species.

LUPA-BIO-IFS-5: Following the clearance surveys within sites that are fenced with long-term desert tortoise exclusion fencing, a designated biologist will monitor initial clearing and grading activities to ensure that desert tortoises missed during the initial clearance survey are moved from harm's way. A designated biologist will inspect construction pipes, culverts, or similar structures: (a) with a diameter greater than 3 inches, (b) stored for one or more nights, (c) less than 8 inches aboveground and (d) within desert tortoise habitat (such as, outside the long-term fenced area), before the materials are moved, buried, or capped. As an alternative, such materials shall be capped before storing outside the fenced area or placing on pipe racks. Pipes stored within the long-term fenced area after completing desert tortoise clearance surveys will not require inspection.

- **How the Project would comply with the CMA:** GDG's Plan of Operations describes the implementation of desert tortoise exclusion fencing and other monitoring measures which will be in accordance with current USFWS protocol. The project will comply with the CMA. Implementing this measure would avoid impacts on this species.

LUPA-BIO-IFS-8: Inspect the ground under the vehicle for the presence of desert tortoise any time a vehicle or construction equipment is parked in desert tortoise habitat outside of areas fenced with desert tortoise exclusion fencing. If a desert tortoise is seen, it may move on its own. If it does not move within 15 minutes, a designated biologist may remove and relocate the animal to a safe location.

- **How the Project would comply with the CMA:** GDG Plan of Operations includes this CMA and other monitoring measures to protect desert tortoises. The project will comply with the CMA.

LUPA-BIO-IFS-9: Vehicular traffic will not exceed 15 miles per hour within the areas not cleared by protocol level surveys where desert tortoise may be impacted.

- **How the Project would comply with the CMA:** All activities for the Project where desert tortoises may be impacted will be within areas cleared by protocol-level surveys, such that additional speed limits are not anticipated to be needed. However, should vehicle traffic require access to areas not cleared by survey, the

project would comply with the CMA. Implementing this measure would avoid impacts on this species.

LUPA-BIO-IFS-12: If burrowing owls are present, a designated biologist will conduct appropriate activity-specific biological monitoring to ensure avoidance of occupied burrows and establishment of the 656 feet (200 meter) setback to sufficiently minimize disturbance during the nesting period on all activity sites, when practical.

- **How the Project would comply with the CMA:** The project is partially within the DRECP species distribution model. However, occurrences of species or this species' nests have not been observed within the Project site. Pre-clearance surveys would be required prior to surface disturbance and if the species or active burrows are found in the Project site, this CMA would be implemented to the extent practicable or LUPA-BIO-IFS-13 would be alternatively implemented. Implementing this measure would identify the species' presence to enable the proponent to avoid impacts on this species.

LUPA-BIO-IFS-13: If burrows cannot be avoided on-site, passive burrow exclusion by a designated biologist through the use of one-way doors will occur according to the specifications in Appendix D or the most up-to-date agency BLM or CDFW specifications. Before exclusion, there must be verification that burrows are empty as specified in Appendix D or the most up-to-date BLM or CDFW protocols. Confirmation that the burrow is not currently supporting nesting or fledgling activities is required prior to any burrow exclusions or excavations.

- **How the Project would comply with the CMA:** The project is partially within the DRECP species distribution model. However, occurrences of species or this species' nests have not been observed within the Project site. Pre-clearance surveys would be required prior to surface disturbance, and if the species or active burrows are found in the Project site, this CMA would be implemented as needed. Implementing this measure would identify the species' presence to enable the proponent to avoid impacts on this species.

LUPA-BIO-IFS-14: Activity-specific active translocation of burrowing owls may be considered, in coordination with CDFW.

- **How the Project would comply with the CMA:** The project is partially within the DRECP species distribution model. However, occurrences of species or this species' nests have not been observed within the Project site. Pre-clearance surveys would be required prior to surface disturbance and if the species or active burrows are found in the Project site, this CMA would be implemented as needed. Implementing this measure would identify the species' presence to enable the proponent to avoid impacts on this species.

LUPA-BIO-IFS-39: During the typical active Mohave ground squirrel season (February 1 through August 31), conduct clearance surveys throughout the site, immediately prior to initial ground disturbance in the areas depicted in Appendix D. In the cleared areas, perform monitoring to determine if squirrels have entered cleared areas. Contain ground disturbance to within areas cleared of squirrels. Detected occurrences of Mohave ground squirrel will be flagged and avoided, with a minimum avoidance area of 50 feet, until the squirrels have moved out of harm's way. A designated biologist may also actively move squirrels out of harm's way.

- **How the Project would comply with the CMA:** Preconstruction surveys would occur prior to any surface disturbing activities as outlined in the measures in the Plan, and this CMA would be implemented if necessary in coordination with the BLM. Implementing this measure would identify the species' presence to enable the proponent to avoid impacts on this species.

LUPA-BIO-IFS-41: For any ground-disturbing (e.g., vegetation removal, earthwork, trenching) activities, occurrences of Mohave ground squirrel will be flagged and avoided, with a minimum avoidance area of 50 feet, until the squirrels have moved out of harm's way. A designated biologist may also actively move squirrels out of harm's way.

- **How the Project would comply with the CMA:** Preconstruction surveys would occur prior to any surface disturbing activities as outlined in the measures in the Plan, and this CMA would be implemented if necessary in coordination with the BLM. Implementing this measure would identify the species' presence to enable the proponent to avoid impacts on this species.

b) **No Impact.** No, the proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. There are no riparian habitats or sensitive natural communities identified in the Project site. There would be no discharges outside the Project site that could impact sensitive communities or riparian habitat in adjacent areas. As a result, there would be no 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, and there would be no impact.

c) **Less Than Significant Impact with Mitigation.** No, the Project would not have a substantial adverse effect on state or federally protected wetlands. There are no wetlands, permanent waterways, streams, or diversion channels within or adjacent to the Project site, and none are proposed as a result of Project development. There are shallow, dry, ephemeral stream channels that cross the Project site. These water resources originate end at Cuddeback Lake, a dry lake that is not a traditional navigable water. Based on the definitions, regulations, and guidance for jurisdictional waters under the CWA, none of the features are expected to fall under the jurisdiction of the USACE because they are isolated with no connection to a traditional navigable water. All features potentially fall under the jurisdiction of the California Regional Water Quality Control Board (RWQCB) and the CDFW. GDG would obtain the requisite approvals from the RWQCB and CDFW for any impacts on state jurisdictional resources. If state jurisdictional waters are identified on the Project site, the RWQCB and the CDFW would identify mitigation measures to address impacts. The mitigation would specify the extent to which compliance with these permits would avoid and make up for any loss of jurisdictional waters and habitat. As a result of obtaining these permits, the Project would therefore not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means, and there would be less than significant impacts with mitigation. The following mitigation measure is identified for the Project:

BIO-27: Before ground-disturbing activities begin, the Project proponent shall be responsible for obtaining approval as needed from the RWQCB, and/or the CDFW for any jurisdictional water features in the Project site. Such approvals may require a jurisdictional water preconstruction survey conducted by a biologist or regulatory specialist. The purpose of this survey is to confirm the extent of jurisdictional waters as defined by state and federal law within the project footprint. These survey results would then be used by RWQCB and CDFW to calculate impact acreages and determine the amount of compensatory mitigation required by the proponent to offset the loss of wetland functions and values.

d) **Less than Significant Impact with Mitigation.** No, the proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or disrupt native nursery sites. The Project site is not located within a BLM or CDFW-designated wildlife corridor. Additionally, as stated above, no permanent waterways, streams, or diversion channels occur within or adjacent to the Project site that could harbor migratory fish species.

As with any undeveloped area, the Project site would have some potential to provide upland wildlife movement opportunities across the Project site. However, since the majority of adjacent lands have been disturbed by historical mining, and the Project site is directly adjacent to a U.S. highway, wildlife movement opportunities through the Project site would remain limited. The mitigation measures provided in response to item a) would ensure the Project would not substantially interfere with any migratory species that may happen to move through the Project area. These mitigation measures include conducting pre-clearance surveys for animals and their nests or burrows, which would avoid inadvertent mortalities to nesting birds in accordance with LUPA-BIO-2, LUPA-BIO-4, LUPA-BIO-16, and LUPA-BIO-IFS-4 through LUPA-BIO-IFS-41. Should active nests be identified during the pre-clearance surveys, GDG would implement appropriate avoidance buffers around the nest in coordination with the BLM based on the nest species identified. LUPA-BIO-12 would be implemented to minimize noise impacts on wildlife species, including bats and other BLM sensitive species. Should golden eagles or golden eagle nests be identified during pre-clearance surveys, CMA LUPA-BIO-IFS-24 would be implemented to minimize impacts

of surface disturbance within one mile of active golden eagle nests or territories. Vehicle speed limits will be adhered to on site to reduce the potential for collisions with wildlife.

With these mitigation measures in place, no impacts on migratory birds, including golden or bald eagles, would be anticipated, and GDG's use of the Project site would not impact wildlife movement opportunities or prevent the surrounding habitat from continuing to function as a wildlife corridor. As a result, the Project would not 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, and there would be less than significant impacts with mitigation incorporated.

e) **Less Than Significant Impact:** No, the proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The San Bernardino Countywide Plan, as amended through 2022 (County Plan, San Bernardino County 2022), and the County Code of Ordinances (San Bernardino County 2024) were reviewed. Specifically, the Natural Resource and Conservation Elements of the County Plan describe goals and policies for tree and riparian vegetation protection. County ordinances regarding grading, erosion, and tree removal were also reviewed. Table 2 summarizes potentially applicable County Plan element aspects and ordinances pertaining to biological resources and tree preservation policies. The Project would not remove or replace any trees, and there is no riparian vegetation at the Project site. The Project would conform with policies and ordinances protecting biological resources, including tree preservation policies. Per the discussions above, the Project is consistent with, and would not interfere substantially with, any local policies or ordinances protecting biological resources. As a result, there would not be any conflict with local policies or ordinances protecting biological resources such as tree preservation policy or ordinance, and impacts are less than significant with no mitigation required**.**

Table 2 San Bernardino Protections in Place

Provision or Protection Aspect	General Plan Language	Specific Ordinance
Tree Retention/ Replacement Provisions	The County shall encourage use of conservation practices in the management of grading, replacement of ground cover, protection of soils, natural drainage, and the protection and replacement of trees.	Plant Protection Ordinance requires a tree removal permit. Violators guilty of a misdemeanor ($500-$1,000 fine or 6 months in jail) and must replace trees, with the help of an expert, post a bond, and replant dead trees within 2 years.
Tree Protection During Construction	None	Plant Protection Ordinance prohibits enclosing tree trunks within roof or decking, attachment of utilities and signs to trees, changes in grade that undercut roots.
Riparian Vegetation Protections	General Plan establishes 50-100 feet riparian setbacks that prohibit removal of mature natural vegetation.	Plant Protection Ordinance prohibits removal of vegetation within 200 feet of a stream without a tree permit and environmental review with mitigations imposed.
Canopy Retention Requirements	None	Plant Protection Ordinance prohibits commercial harvesting (6 inch diameter at breast height native trees) on public and private land without a tree permit or Timber Harvest Plan.
Woodland Conservation Program	General Plan calls for long- term comprehensive plans for native species.	None

f) **Less Than Significant Impact with Mitigation:** See response to CEQA Criteria e) above. No, the proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or State HCP. The Project site is not within a County-designated habitat conservation area. The Project site is within the BLM DRECP and would conform to all mitigation measures and requirements of that LUPA. The proposed Project is covered by the BLM's 2017 Biological Opinion for activities in the California Desert Conservation Area, with tortoise conservation measures and reporting requirements. Project protections specific to the desert tortoise are also described in the mitigation measures in a). As a result, the Project would not conflict

with the provisions of any adopted HCP, NCCP (i.e., DRECP), or other approved local, regional, and/or state habitat conservation plan, and there would be less than significant impacts with mitigation incorporated**.**

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required beyond the measures identified in this section.

CULTURAL ISSUES

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
V.	**CULTURAL RESOURCES** - Would the project:				
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c)	Disturb any human remains, including those outside of formal cemeteries?	☐	☐	☒	☐

PROJECT TECHNICAL STUDIES

DeLeon, A., S. Wood, L. Kolesky, and J. George. 2022. Class III Cultural Resource Survey for the Southwest Mine Project near Atolia, San Bernardino County, California. Prepared for Bureau of Land Management by Applied EarthWorks Inc. October.

CULTURAL ENVIRONMENTAL SETTING

A review of BLM cultural program records for the Project site was conducted by BLM Cultural Resource Program staff (BLM 2023). The BLM determined that the Project site has been surveyed to the level of a Class III inventory. Class I and Class III surveys refer to different levels of archaeological and historical resource investigations as defined by the BLM. A Class I survey is a desktop review of existing data and records. It does not involve fieldwork. A Class III survey is an intensive, systematic field survey where archaeologists physically inspect the land surface for cultural resources. The inventories completed for the Project site meet current BLM standards for the identification of cultural resources. None of the resources identified in the surveyed areas were determined to be eligible for the National Register of Historic Places (NRHP) (DeLeon et al. 2022). the National Historic Preservation Act (NHPA) review by the BLM resulted in a finding of no effect on historic properties for the Project site (BLM 2023).

CULTURAL SUBSTANTIATION

SUBSTANTIATION: (Check if the project is located in the Cultural ☐ or Paleontologic ☐ Resources overlays or cite results of cultural resource review): ***San***

San Bernardino Countywide Policy Plan 2023; Submitted Project Materials

a) **No Impact.** The Project would not cause a substantial adverse change in the significance of a historical resource pursuant to California Code of Regulations (CCR) Title 14, Section 15064.5 because no NRHP-eligible historical resources were identified on the Project site. The NHPA review by the BLM resulted in a finding of no effect on historic properties for the Project site (BLM 2023). As a result, the Project would have no impact on historical resources pursuant to §15064.5.

b) **No Impact.** The Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CCR Title 14, Section 15064.5 because no NRHP-eligible archaeological resources were identified on the Project site. As a result, the Project would have no impact on archaeological resources pursuant to §15064.5.

c) **Less Than Significant Impact.** The Project would not disturb any human remains, including those interred outside of dedicated cemeteries. There are no cemeteries or findings of human remains at the Project site. Nonetheless, all ground-disturbing activities have the potential to unearth unrecorded archaeological sites or human remains. All such discoveries on federal lands would be treated in accordance with the Native American Graves and Repatriation Act (NAGPRA) (25 United States Code [USC] 30001-3013). If human remains are encountered during Project construction on federal lands, NAGPRA, as implemented by 43 CFR Sections 10.4–10.6, presents the procedures for the treatment of human remains, associated funerary objects, sacred objects, and objects of cultural patrimony located on federal land. As the lead federal agency on the Project, the BLM should be notified immediately. The BLM will be responsible for government-to-government consultation with affected Native American Tribes concerning all potential NAGPRA issues. As a result, the Project would have a less than significant impact to disturb any human remains, including those outside of formal cemeteries.

Therefore, no impacts are identified or anticipated and no mitigation measures are required.

ENERGY ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
VI.	**ENERGY** – Would the project:				
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

ENERGY SUBSTANTIATION

SUBSTANTIATION: ***San Bernardino Countywide Policy Plan 2023; GDG Plan of Operations and Reclamation Plan.***

a) **Less Than Significant Impact.** No, the Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction, operation, or reclamation. The proposed Project would align with the County's energy efficiency policies as described in b) below. The Project would use renewable energy sources for lighting where available. Vehicle travel routes are minimized to the extent practicable. The Project's design is compact to minimize surface disturbance footprint, which also minimizes the need for equipment and vehicle movement and energy expenditure. GDG would consider other opportunities to incorporate energy conservation measures where practicable. As a result, the Project would have a less than significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction, operation, or reclamation and no mitigation is required.

b) **No Impact.** No, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The Project would not conflict with the California Energy

Commission’s state energy efficiency initiatives for building and appliance standards and regulations (e.g., Title 20, Title 24 Part 6) because there are no existing or proposed buildings (or appliance use) associated with the Project. The Project would not conflict with the state’s renewable energy policies, which apply to utility and renewable energy projects. The San Bernardino County's General Plan includes a dedicated Renewable Energy and Conservation Element**,** which outlines the County's policies on renewable energy development and energy efficiency. This element reflects the County's commitment to balancing environmental sustainability with community values and economic development.

The County’s renewable energy policies include:

- **Abundant Renewable Resources**: The County possesses significant renewable energy resources, including solar, wind, and biomass. Notably, it has some of the highest solar energy potential in the United States, making it a prime location for solar energy facilities.
- **Community-Oriented Development:** While large-scale renewable energy projects exist, the County emphasizes the development of community-oriented renewable energy facilities that produce electricity for local consumption. This approach aims to minimize negative effects on sensitive biological species, habitats, visual resources, cultural resources, and nearby communities.
- **Environmental Compatibility:** The County supports renewable energy systems that are consistent with the orientation, scale, and character of existing development, ensuring that such systems are compatible with the surrounding environment.

The proposed Project is not a renewable energy project but would not conflict with the County’s policies on such projects.

The County’s energy efficiency policies include:

- **Energy Conservation Measures:** The County has considered how to reduce energy use through energy efficiency and conservation measures. These efforts are part of a broader strategy to achieve a clean energy future that aligns with local values.
- **Integration into Land Use Planning:** Energy efficiency and conservation are integrated into land use decisions, ensuring that new developments adhere to energy-efficient practices and contribute to the County's sustainability goal.

The proposed Project would align with the County's energy efficiency policies. The Project would use renewable energy sources for lighting where available. Vehicle travel routes are minimized to the extent practicable. The Project's design is compact to minimize surface disturbance footprint which also minimizes the need for equipment and vehicle movement. GDG would consider other opportunities to incorporate energy conservation measures where practicable. As a result, the Project would have no impact on a state or local plan for renewable energy or energy efficiency.

Therefore, no impacts are identified or anticipated and no mitigation measures are required.

GEOLOGY AND SOILS ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
VII.	**GEOLOGY AND SOILS** - Would the project:				
a)	Directly or indirectly cause 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.	☐	☐	☒	☐
	ii. Strong seismic ground shaking?	☐	☐	☒	☐
	iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
	iv. Landslides?	☐	☐	☒	☐
b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
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?	☐	☐	☐	☒

f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

GEOLOGY AND SOILS ENVIRONMENTAL SETTING

The Project site lies within the Randsburg area, a geologic area situated along the Garlock Fault, a major east-west trending fault that marks the boundary between the Mojave Desert and the Transverse Ranges. The Randsburg area has been subjected to a series of deformational events that have resulted in the development of a complex system of faults and shear zones. These faults and shear zones have played a major role in forming the mineral deposits in the area.

The Rand Mountains, north of the Project site, are part of the Transverse Ranges, a series of mountain ranges that run perpendicular to the California coastline. The Rand Mountains are composed of a sequence of metamorphic and igneous rocks subjected to intense deformation and metamorphism. The oldest rocks in the area are the Rand Schist, a sequence of metasedimentary rocks that have been intruded by granitic rocks of the Rand Pluton.

The Project site is part of the Atolia placer deposit, a pediment partly covered with alluvium (Lemmon and Dorr 1940). The Project site lies immediately south of the former Atolia mining district, which was an area of former tungsten mining by numerous prospectors. High-grade tungsten was actively mined in the district from approximately 1905 until 1950. Many abandoned mines and tailings deposits remain in this area from early mining.

Geological units within the Project site consist of surficial quaternary alluvium fan deposits and igneous and metamorphic rocks. Water Supply Sites A and B occur on young alluvial fan deposits. These units are unassociated with any geologic formations known to produce scientifically significant paleontological resources. The underlying igneous and metamorphic rocks of the Atolia area are represented by Precambrian metamorphic rocks (Archean Rand biotite schists) intruded by Mesozoic (late Jurassic) granitic rocks (Atolia quartz monzonite). These Precambrian sequences contain high-grade gold-tungsten-bearing fissure veins, which were the source of placer gold deposits at Atolia (Morehouse 1988).

No soils information from the Natural Resources Conservation Service (NRCS) is available for the Project site. However, as observed during previous exploration activities by GDG and from

environmental surveys, soils in the Project site consist of unconsolidated (to semi-cemented), dry, moderately sorted sands. Sands are observed with peddle to cobble size inclusions but are not consistent, and some clay bands are also noted. The bedrock layer outcrops in the west and dips away to the east, consisting of the Rand Schist with relatively low saprock horizon development. The majority of soils in the Project site persist in relatively natural states except for those areas that were previously impacted by materials extraction activities, exploratory mining, and access road installation and maintenance.

Paleontological resource occurrences are known to correlate with mapped geologic units (i.e., formations). The BLM has created a Potential Fossil Yield Classification (PFYC) system based on available geologic maps. The PFYC system assigns a class value to each geological unit, ranging between 1 (very low potential) and 5 (very high potential). This range represents the potential abundance and significance of paleontological resources that occur in that geological unit. The PFYC system did not classify the geologic units in the majority of the Project site. However, alluvial fan geologic units immediately surrounding the Project site are mapped as PFYC Class 2. Class 2 geologic units have a low likelihood of containing paleontological resources.

GEOLOGY AND SOILS SUBSTANTIATION

SUBSTANTIATION:	*(Check ☐ if project is located in the Geologic Hazards Overlay District):* ***San Bernardino County General Plan, 2007; Submitted Project Materials***
San Bernardino Countywide Policy Plan 2023; Submitted Project Materials	

a) **Less Than Significant Impact**: No, the proposed Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death due to earthquakes and/or slope instability.

Fault Rupture: No, the proposed Project would not significantly cause a substantial adverse impact, either directly or indirectly, involving the rupture of an earthquake fault mapped as part of an Alquist-Priolo Earthquake Fault Zone (APZ). According to the California DOC California Earthquake Hazards Zone Application (EQ Zapp), the Project site does not fall within a currently designated California Geological Survey (CGS) Earthquake Fault Rupture Hazard (“Alquist-

Priolo") Zone, nor is it located within a fault-rupture hazard zone. Per the DOC, the closest mapped DOC Alquist-Priolo Zone to the Project site is the "Fremont Peak" APZ, located approximately nine miles southeast of the Project site.

Because the Project site is not located within or near an APZ or other active fault, there is little potential for the occurrence of surface fault rupture. No significant slopes would be created by the Project, and the Project would not remove any bedrock, only the alluvial material above the bedrock. The Project also would not involve the construction of any permanent buildings or significant aboveground structures, and therefore, the potential risk to onsite employees and contractors during major seismic events is considered low. As a result, the Project would not directly or indirectly cause adverse effects, including the risk of loss, injury, or death, as a result of fault rupture, and Project impacts would be less than significant.

Seismic Ground Shaking: No, the Project would not cause a substantial adverse impact, either directly or indirectly, from strong seismic ground shaking. As described above, the Project site is not located within a mapped earthquake hazard zone. The County Plan identifies four faults to be the most dangerous of the County. The nearest of those faults is the "Garlock Fault" line that occurs along the foothills of the Black Hills, north of the Project.

Because the Project site is not located within or near an active fault zone, ground shaking during an earthquake would not present a significant risk or create slope instability. Because the Project would not involve significant slopes or the creation of permanent buildings or significant structures, the potential risk to onsite employees and contractors during major seismic events is considered low. As a result, the Project would have less than significant impacts related to strong seismic ground shaking resulting in a risk of loss, injury, or death.

Ground Failure/Liquefaction: No, the Project would not cause a substantial adverse impact, directly or indirectly, from seismic-related ground failure, including liquefaction. As discussed above, the Project site is not located within a mapped earthquake hazard zone. Additionally, per the EQ Zapp, the Project site is not located within a designated CGS Landslide Zone or CGS Liquefaction Zone.

If groundwater occurs close to the native ground surface, there is a potential for liquefaction or ground failure to occur during strong seismic shaking events. However, groundwater in the Project site occurs at depths estimated at more than 500 feet bgs and is therefore not near the

Project surface. As such, the potential for ground failure or liquefaction at the Project site with the potential to risk loss, injury, or death during major seismic events is considered low. As a result, potential Project impacts related to seismic-related ground failure, including liquefaction, are less than significant with no mitigation required.

Landslides: See responses to CEQA Criteria above. Per the EQ Zapp, neither the Project site nor the surrounding areas are located within a designated CGS Landslide.

The Project site is a relatively flat area with no major human-made landforms or areas with landslide potential as a result of the historical mining activities. The Project involves shallow pit excavation to a maximum depth of 24 feet. The slopes of the pit walls are considered to be stable based on similar pit excavations in the Atolia area but would be angled up to 30 degrees if stability risks are observed during development down to 24 feet. If needed, a protective berm would be maintained around the pit rim and shall be posted with warning signs of steep slope hazard. Because the pit will be backfilled, there would be no steep slopes remaining. If the pit is not completely backfilled, any perimeter slopes would be filled to 2H:1V. Mine wastes generated by the Project would be temporarily stockpiled at the outset of the Project and would be backfilled into the pits sequentially as mining progressed. All disturbances would be recontoured to pre-mining conditions and reseeded in accordance with the revegetation plan, which would further ensure slope post-Project stability. As a result, the Project would not result in potential impacts from slopes and landslides, and less than significant impacts would occur with no further mitigation.

b) **Less Than Significant Impact:** No, the Project would not result in substantial soil erosion or the loss of topsoil. Proposed disturbances of the Project would affect the surficial in-place geology. Project activities would temporarily alter the natural topographic and geomorphic features in areas proposed for surface disturbance. The Project would mine approximately 2.8 million cubic yards of placer material overlying the host lithology. Processed material would be used as backfill into the void space created by the advancement of the open pits. The underlying bedrock geology would remain intact. As outlined in the Reclamation Plan (GDG 2024b), California SMARA regulations, specifically Section 3711, require the salvage of topsoil and other suitable growth media prior to mining activities and redistribution in areas to be revegetated.

SMARA Section 3705 also requires soil analysis to determine if the growth media in revegetation areas consists of native topsoil and is otherwise adequate to support successful revegetation. Although the potential to use topsoil from the Project site is constrained by the limited development of the soil profiles, topsoil that is feasible to salvage would be stored along the edges of the disturbed areas in small stockpiles in accordance with Section 3711. The topsoil would be salvaged and stored throughout the duration of the Project activities and then used as the top layer of backfill for reclamation activities once mining is complete and equipment demobilization occurs. Reclamation efforts would also involve salvaging seeds and scraping surface flora for mulching and stockpiling with the growth media. This mulching process would be done to increase moisture retention of the growth media and preserve seeds for rehabilitation efforts.

Due to the existing topography and low rainfall, the site exhibits little potential for stormwater runoff and sediment erosion. As such, the chances of discharge, erosion, and/or sedimentation from the Project that could adversely impact adjacent properties is considered very low. As outlined in the Reclamation Plan (GDG 2024b), GDG would comply with the Surface Water Pollution Prevention Plan (SWPPP), which would be updated periodically with Project development and implementation of stormwater Best Management Practices (BMPs). BMPs such as berms, sandbags, or silt fencing would be used for erosion and sediment control measures to ensure sediment does not inadvertently erode into adjacent areas. After backfilling the pits, drainages would be re-established, allowing effective drainage after reclamation is complete. Following reclamation, surface runoff will flow into natural drainages. The effectiveness of erosion control measures would be monitored throughout the Project. Through the salvage and proper storage of onsite topsoil and ongoing stabilization of the site slopes, there would be less than significant Project impacts related to soil erosion and loss of topsoil.

c) **Less Than Significant Impact:** No, the Project would not be located on or result in unstable geologic deposits or soils such that on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse would potentially occur. As discussed under CEQA Criteria a) above, per the EQ Zapp, the Project site is not located within a designated CGS Landslide Zone. Additionally, the DOC's landslide inventory database does not list active or dormant landslides within the Project site. The San Bernardino County Policy Map HZ-2 Liquefaction and Landslide Hazards Map within the Hazards Element of the County Plan also shows that the Project site is

not within a mapped landslide potential area. Because the Project would be located outside of a landslide zone, would adhere to the required 2H:1V slope design per County and SMARA standards, and would mine the open pits to a maximum depth of 24 feet, the impacts related to seismic-related ground failure, including liquefaction, would be less than significant.

According to the San Bernardino Countywide Plan Safety Background Report, the potential for liquefaction and lateral spread exists in areas with relatively loose, sandy soils and high groundwater levels (less than 50 feet in depth) during long-duration, strong seismic ground shaking. The Project site does contain sandy soils but does not have high groundwater levels. Therefore, the potential for liquefaction or lateral spread at the Project site is low.

The San Bernardino Countywide Plan Safety Background Report explains that Differential seismic settlement occurs when seismic ground shaking from an earthquake causes one type of soil or rock to settle more than another type. According to this Report, subsidence can be caused by the extraction of oil and gas but in San Bernardino County is primarily the result of groundwater extraction, prolonged drought, and geologic conditions. No groundwater extraction would occur at the Project site. The Project site is not identified in a known area of land subsidence, according to the Report.

Therefore, given that the proposed Project would not 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, there would be less than significant impacts related to unstable geologic units and soil.

d) **No Impact.** No, the Project would not be located on expansive soil as defined in Table 181-B of the California Building Code (2022), creating substantial direct or indirect risks to life or property. As discussed above, soils in the Project site consist of unconsolidated (to semi-cemented), dry, moderately sorted sands. None of the soils found within the Project site are subject to expansion when wetted. Additionally, no permanent or substantial above-ground buildings, structures, or slopes that could be susceptible to expansive soils would be constructed as part of the Project. As a result, the Project presents no risk to life or property from expansive soils, resulting in no impacts.

e) **No Impact.** No, the Project does not have soils incapable of supporting the use or installation of septic tanks or alternative wastewater disposal systems. The Project would not involve

installing or using septic tanks or alternative wastewater treatment systems. Portable toilets would be provided onsite. Therefore, the Project would have no impacts related to septic tanks or alternative wastewater disposal systems.

f) **Less Than Significant Impact.** No, the Project would not directly or indirectly destroy a unique paleontological resource or unique geologic features. Geological units within the Project site consist of surficial quaternary alluvium fan deposits and igneous and metamorphic rocks. These units are unassociated with any unique geologic features or formations known to produce scientifically significant paleontological resources, and PYFC maps of these units in surrounding areas shows a low likelihood of occurrence of significant fossiles. Due to a lack of known fossil-bearing sedimentary geological units within the Project site, the proposed Project would not be expected to impact paleontological resources. However, in the event of an inadvertent discovery, GDG would comply with San Bernardino County's Policy CR-2.3 (San Bernardino County 2022) which requires the salvage and preservation of paleontological and archeological resources in the event new development is unable to avoid these resources. As a result, the Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, and impacts would be less than significant with no mitigation required.

Therefore, no impacts are identified or anticipated and no mitigation measures are required.

GREENHOUSE GAS EMISSIONS ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
VIII.	**GREENHOUSE GAS EMISSIONS –** Would the project:				
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b)	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

GREENHOUSE GAS EMISSIONS SUBSTANTIATION

SUBSTANTIATION:

San Bernardino Countywide Policy Plan 2023; Submitted Project Materials

a) **Less than Significant Impact.** The proposed Project would not generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment. The proposed Project is anticipated to generate GHG emissions from area sources, energy usage, mobile sources, waste disposal, water usage, and equipment. The Project's GHG emissions were from the Project emissions inventory described for the air quality section. The daily and annual usage is a conservative estimate based on anticipated drill program activities at the Project.

The estimates show that the proposed Project would create approximately 3,691 metric tons of carbon dioxide equivalent (MTCO2e) per year during peak operations activities. According to the MDAQMD threshold of significance, a cumulative global climate change impact would occur if the GHG emissions created from the ongoing operations would exceed 100,000 MTCO2e per year. Therefore, a less than significant generation of GHG emissions would occur from the development of the proposed Project and impacts would be less than significant with no mitigation required.

b) **Less than Significant Impact.** The proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing GHG emissions. In 2021, the County adopted an updated Greenhouse Gas Reduction Plan (GGRP) that outlines strategies across various sectors, including energy, transportation, land use, and waste management. The plan emphasizes:

- Energy Efficiency: Promoting energy conservation in buildings and infrastructure.
- Renewable Energy: Encouraging the adoption of renewable energy sources.
- Transportation: Reducing vehicle miles traveled through improved public transit and active transportation options.
- Waste Management: Enhancing recycling and composting programs to reduce landfill emissions.

These initiatives aim to meet state-mandated GHG reduction targets and improve overall air quality in the region. The proposed Project would use renewable energy sources for lighting where available. Vehicles would meet federal and state energy efficiency requirements. None of the activities of the Project would impact the County's ability to implement the initiatives described above. As a result, the Project would have no significant impact on applicable plans, policy or regulation of an agency adopted for the purpose of reducing GHG emissions.

Therefore, no impacts are identified or anticipated and no mitigation measures are required.

HAZARDS AND HAZARDOUS MATERIALS ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
IX.	**HAZARDS AND HAZARDOUS MATERIALS –** Would the project:				
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
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 or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

HAZARDS AND HAZARDOUS MATERIALS SUBSTANTIATION

SUBSTANTIATION:

San Bernardino Countywide Policy Plan 2023; Submitted Project Materials

a) **Less Than Significant Impact**. No, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. No hazardous substances would be generated or disposed on the Project site. All refuse generated at the Project would be disposed of off-site in an authorized off-site landfill facility, consistent with all applicable federal, state, and local regulations.

The Project would also use lubricating oils and grease, as well as hydraulic oil, which would be stored in vehicles on the Project site. An estimated 200 gallons of lubricating grease, 200 gallons of lubricating oil, and 100 gallons of hydraulic oil would be utilized as necessary for mine equipment operations and maintenance. Any oil and grease stored on site would be placed in secondary containment. In addition, a liquid propane tank (approximately 20 pounds) would supply natural gas to the work trailer parked on site for the duration of the Project. The tank would be stored above ground in secondary containment. An organic and biodegradable water tension-reducing agent (flocculant) would also be applied to the water storage ponds. All hazardous and non-hazardous containers would be properly labeled and managed in accordance with all applicable state and federal laws, regulations, and guidelines. Transportation of petroleum products and other materials would occur from the direction of either Johannesburg or Barstow via U.S. Highway 395.

GDG would prepare a Hazardous Materials Business Plan (HMBP) and a Business Emergency/Contingency Plan for the Project. The HMBP would include a hazardous materials inventory and Spill Prevention Control and Countermeasure (SPCC) Plan to ensure that all hazardous and solid waste materials are stored appropriately and contained in the event of uncontrolled release utilizing BMPs. The HMBP describes methods and procedures to minimize the potential for hazardous material and waste releases, including emergency response and contingency and spill response procedures.

If a reportable quantity of hazardous materials or petroleum products is spilled, the spill would be contained and cleaned up and the appropriate federal, state, and local agencies would be notified as required. If any products are spilled during operations that are less than the reportable quantity, the product would be promptly cleaned up, and any contaminated material would be removed from the site and disposed of at an approved off-site facility in accordance with all applicable federal, state, and local laws.

No hazardous or toxic waste, oil, or lubricants would be disposed of on public lands. Burial and/or burning of trash or other debris would not be permitted. All waste would be collected in approved trash bins/containers with lids and would be disposed of off-site in an approved landfill. Hazardous materials would be transported according to applicable regulatory guidelines.

Pursuant to 43 CFR 8365.1-1(b)(3) and 43 CFR 3809.420(b)(5) and (6), no sewage, petroleum products, or refuse would be dumped from any trailer or vehicle in the Project area,

For these reasons, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and there would be less than significant impacts with no mitigation required.

b) **Less Than Significant Impact:** No, the Project would not create a significant hazard to the public through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. As detailed under a) above, hazardous materials would not be generated or disposed of on the Project site. Petroleum substances that would be used by Project equipment and vehicles include fuels, oils, and lubricating fluids. These substances would be used and stored on vehicles and equipment stored on site in accordance with applicable regulations. The Project's HMBP and SPCC would be prepared to describe the methods and procedures to minimize the potential for hazardous material and waste releases, including emergency response and contingency and spill response procedures. Through the implementation of containment and control measures described in these plans, the potential for an accidental release of significant quantities of hazardous materials that could affect the surrounding environment is low. For these reasons, the Project would be unlikely to 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, and the Project would have less than significant impacts, with no mitigation required.

c) **No Impact.** The Project site is not within a quarter mile of a school. As a result, the Project would not emit hazardous emissions, materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, no impacts would occur.

d) **No Impact.** No, the Project would not be located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The proposed Project site is not located within or near a site identified by the Department of Toxic Substances Control (DTSC) or the Secretary of Environmental Protection as being affected by hazardous wastes or clean-up problems. Specifically, the California State Water Resources Control Board (WRCB) GeoTracker and the DTSC EnviroStor database were reviewed to determine whether the Project site or surrounding area(s) are listed hazardous material/waste sites or are located near a known contaminated site. Neither the Project site nor any sites within the nearby vicinity are on or near active hazardous waste or cleanup sites identified on a list compiled pursuant to Government Code Section 65962.5. As a result, the Project would not create a significant hazard to the public or the environment by being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, no impacts would occur.

e) **No Impact.** The Project is not located within an airport land use plan area or within two miles of a public airport or a public use airport. The Project site is not located within two miles of a public airport or public use airport. As a result, the Project would not result in a safety hazard or excessive noise for people residing or working near the Project due to its proximity to a public airport or public use airport. Therefore, no impacts would occur.

f) **No Impact.** The Project would not impair the implementation of or physically interfere with an adopted emergency plan or evacuation plan. The Project site is located approximately 6.3 miles south of Johannesburg and is accessed via paved U.S. Highway 395. BLM routes would be used to access the Project site. As discussed in greater detail in the impact analysis for traffic, the Project would not significantly increase the number of vehicles on local public roadways. Specifically, the number of onsite workers/contractors on any given operating day during the Project would be minimal (estimated up to 10 onsite employees or up to seven vehicles). Additionally, no public facilities or structures on the Project site would be altered or impacted by the Project. In the unlikely event of an emergency requiring evacuation from the Project site,

existing public access roads have sufficient capacity to safely evacuate the onsite employees, and there would be sufficient vehicles on site to evacuate personnel.

Lastly, San Bernardino County's Emergency Operations Plan was also reviewed. The Project would not conflict with any applicable provisions in the County's emergency response or hazard mitigation plan. See also the discussion of Wildfire Checklist item a). For these reasons, the Project would not impair the implementation of or physically interfere with an adopted emergency response or emergency evacuation plan, and no impacts would occur.

g) **Less Than Significant Impact:** No, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. The Project site is located within an undeveloped area, near previously disturbed areas from historical mining activities. Based on the sparse natural vegetation in and around the Project site, the Project would not be especially prone to wildfires. The Project site is not ranked in terms of fire hazard severity; see the discussion of Wildfire Checklist Item a) for further detail on wildfire risk.

GDG would also implement site-specific fire prevention/protection actions. At a minimum, these actions would include providing adequate fire suppression equipment on the Project site and establishing emergency response information relevant to the Project. As discussed above, GDG would maintain water storage ponds on site for material processing; however, in the unlikely event of an onsite fire, this water would also be available to assist in firefighting operations. GDG would ensure that all mobile equipment has fire extinguishers, hand tools, and first aid kits. GDG would also generally maintain the Project site and keep this area devoid of vegetation and brush.

For these reasons, the Project would not expose people or structures directly or indirectly to a significant risk of loss, injury, or death involving wildland fires, and impacts would be less than significant.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

HYDROLOGY AND WATER QUALITY ISSUES

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
X.	**HYDROLOGY AND WATER QUALITY -** Would the project:				
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
	i. result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
	ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	☐	☐	☒	☐
	iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or	☐	☐	☒	☐
	iv. impede or redirect flood flows?	☐	☐	☒	☐
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

PROJECT TECHNICAL STUDIES

Kupferman, S.A. 2024. Water Supply Assessment and Production Water Capacity Evaluation Proposed Persistence Mine, Atolia Area, San Bernadino County, CA. Letter to S. Tucker, October 7.

Rand Communities Water District (RCWD). 2023. Will Serve Letter Persistence Mine Atolia, California. Letter to S. Tucker. December 5.

HYDROLOGY AND WATER QUALITY ENVIRONMENTAL SETTING

Regional Groundwater Hydrology

The Project site is partially within the California Department of Water Resources (DWR) Cuddeback Valley groundwater basin (#6-050). The Water Supply Sites are in the Fremont Valley basin (#6-046). Both basins are within the South Lahontan hydrologic unit (Unit #9627), which is part of the South Lahontan region that encompasses Inyo County and portions of Mono, San Bernardino, Kern, and Los Angeles counties, including Mount Whitney and Death Valley. The portion of the Project site that is located outside of Cuddeback Valley basin is within California's non-basin areas. Non-basin areas are defined as any area outside of a defined groundwater basin or subbasin. These areas consist of impermeable granitic, metamorphic, volcanic, or consolidated rocks (carbonates), with groundwater stored within fractures or other voids (California DWR 2020). The connectivity of these fractured rock systems is often limited and difficult to predict and characterize (California DWR 2020).

Thick deposits of tertiary and quaternary alluvial and valley fill sediments overlie the bedrock in portions of the Fremont and Cuddeback Valley groundwater basins. Both Quaternary alluvium and lacustrine sedimentary deposits are water-bearing in the Fremont Valley groundwater basin, with an alluvial thickness of approximately 1,190 feet along the margin of the basin, thinning toward the middle of the basin where it is interbedded with thick layers of lakebed silts and clays near Koehn Lake (California DWR 2020). Groundwater in the alluvium is generally unconfined, although locally confined conditions occur near Koehn Lake (California DWR 2004a). Quaternary alluvium forms the main water-bearing unit in the Cuddeback Valley groundwater basin. The maximum thickness of alluvium is at least 300 feet.

The Cuddeback Valley groundwater basin is approximately 94,900 acres in size. The basin underlies a roughly east-trending valley in western San Bernardino County. Surface elevations range from about 2,550 feet at Cuddeback (dry) Lake to 2,800 feet above mean sea level in the northeast portion of the valley. The basin is bounded by non water-bearing rocks of the Lava Mountains on the north, the Rand Mountains on the west, Fremont Peak, and the Gravel Hills on the south and southeast, and a series of granitic hills on the east.

The Fremont Valley basin underlies a surface area of approximately 335,000 acres, extending from eastern Kern County to the northwestern region of San Bernardino County (California DWR 2004a). The basin is bounded on the southwest by the Antelope Valley groundwater basin along a groundwater divide approximated by a line connecting the mouth of Oak Creek through Middle Butte to exposed basement rock near Gem Hill.

Both the Cuddeback Valley and Fremont Valley basins are recharged from precipitation and percolation of runoff from mountains and neighboring watersheds. Runoff from the surrounding mountains is the primary source of recharge within the Fremont Valley basin. However, only a small portion of the accumulated rainwater is believed to percolate down into the aquifer, with most water being lost to evaporation. There is no appreciable quantity of groundwater flowing out of the basin. Recharge to the Cuddeback Valley basin is primarily from the percolation of storm runoff from the surrounding watershed through alluvial fan deposits. Groundwater generally moves in the direction of Cuddeback Lake (California DWR 2020).

An analysis conducted for the Fremont Valley Basin Groundwater Management Plan (Woodard & Curran 2018) estimated the natural recharge to the basin at approximately 13,800 acre-feet per year (afy) on average. Surface runoff either recharges to the basin or drains toward Koehn Lake. The groundwater flow follows a similar path to surface runoff, generally toward Koehn Lake. Groundwater is generally unconfined except for near Koehn Lake. DWR reports a storage capacity of 4.8 million acre-feet (maf), though the amount of groundwater in storage is currently unknown.

Groundwater depth and yield information for the Cuddeback Valley basin are limited to irrigation wells (California DWR 2004b). Well yields are reported to range from 300-500 gallons per minute (gpm), with an average yield of 300 gallons per minute. From 1917 through about 1970, groundwater levels near Cuddeback Lake ranged between 60 and 90 feet below the surface. Groundwater levels in the eastern and western parts of the basin ranged between 150 and 230

feet below the surface (California DWR 2004b). Over the past 20 years, groundwater levels have been stable.

The average depth to water in the Fremont Valley basin is approximately 500 feet below the ground surface (California DWR 2004a). Groundwater depths in alluvial fan areas of the basin, where Sites A and B would be located, are over 300 feet below ground surface (bgs) (Woodard & Curran 2018). Long-term groundwater level data indicate that the groundwater levels in the Fremont Valley basin have declined significantly since 1955, probably due to the prolonged drought and increased groundwater extractions in the late 1950s through the 1970s (Woodard & Curran 2018). Groundwater levels declined gradually until approximately 1968, when water levels began to decline at a greater rate. The greater rate of decline coincides with increases in Mojave Public Utilities District (MPUD) production. Around 1980, water levels continued to decline but at a much lower rate, which coincided with decreased pumping by MPUD. There has been some recovery of groundwater levels in the northern portion of the basin following the reduction of heavy irrigation pumping that occurred through the 1970s. Average well yields in the Fremont Valley basin are about 530 gpm with a maximum yield of 2,580 gpm (California DWR 2004a).

The Project area falls outside the boundaries of the State Groundwater Sustainability Agency (SGMA) established by the California DWR (https://gispublic.waterboards.ca.gov/portal/apps/storymaps/stories/35d50036fbfe44e5ac3b1a6e8c1e8d21). Based on the “Very Low” priority assigned by the CADWR to the Cuddeback Valley groundwater basin and “Low” priority assigned to the Fremont Valley groundwater basin, Groundwater Sustainability Plans (GSPs) are not required by the California Sustainable Groundwater Management Act. No GSPs exist for the Cuddeback Valley basin or the Fremont Valley basin. However, the Regional Water Management Group of the Fremont Basin Integrated Regional Water Management Region prepared a groundwater management plan for the Fremont Valley basin (Woodard & Curran 2018). The plan was prepared to support long-term sustainable management of groundwater resources in the area.

Groundwater Uses

The larger South Lahontan hydrologic region, which encompasses 81 groundwater basins, uses 0.43 maf of groundwater annually, which accounts for 74 percent of the total water supply in the

region (California DWR 2020). Approximately 68 percent of groundwater in the region is used for agricultural purposes, and the remaining 32 percent is used to meet urban and domestic water demands (California DWR 2020). Groundwater level trends in the region are generally a mix of declining trends and stable conditions (California DWR 2020). There are no major waterways within the analysis area basins or the larger South Lahontan hydrologic unit.

Pumped groundwater from the Fremont Valley groundwater basin, supplied by two wells (Prather Well 1 and Prather Well 2), is the sole water source for RCWD. The total RCWD demand in 2015 was 47 acre-feet (af) (California RWMG 2019). Only Prather Well 2 is used for drinking water. Prather Well 1 site is a standby well mostly used for bulk construction water (California WRCB 2023).

Water Quality

The chemical character of the groundwater varies throughout the South Lahontan region, but most often is calcium or sodium bicarbonate. In general, groundwater near the edges of valleys contains lower total dissolved solids (TDS) content than water beneath the central part of the valleys or near dry lakes (California DWR 2020). Drinking water standards are most often exceeded for TDS, fluoride, and boron content in the region (California DWR 2020). The most commonly detected chemical above a regulatory limit in the South Lahontan region between 2009 and 2018 was arsenic, detected above the maximum contaminant level (MCL) in 14.7 percent of wells (California DWR 2020). The region had the highest percentage of wells detecting arsenic above its MCL of any hydrologic region (California DWR 2020).

According to the beneficial water use designations delineated in the Lahontan Basin Plan (California RWQCB 2021), groundwater basins in the region are typically suitable for municipal and domestic supply, agriculture, industrial service supply, and freshwater replenishment.

Water quality is monitored for RWCD wells and reported annually via California State Water Resources Control Board (WRCB) Consumer Confidence Reports (CCRs). All contaminants, with the exception of arsenic, are consistently below primary drinking water standards. The RWCD wells have reported elevated arsenic levels since 2008. In 2023, the average arsenic concentration was 10.06 parts per billion (California WRCB 2023), compared to the primary drinking water standard of 10 parts per billion. This was lower than the 2022 CCR, which reported an average arsenic concentration of 10.38 parts per billion (California WRCB 2022).

The contaminant sources identified for arsenic include erosion of natural deposits, runoff from orchards, and glass and electronic production wastes (California WRCB 2022). There is one water quality sample from the RWCD Prather Well 1 site that was reported in 1980, indicating arsenic, copper, manganese, and zinc met MCLs (California DWR 2024).

Surface Water

The area of analysis for water resources is the USGS hydrologic unit code (HUC)-12 subwatersheds that the Project area is located in. The mining operations area is located in the Town of Atolia subwatershed (HUC #180902070601), which is approximately 17,179 acres. The Water Supply Sites are located in the Goler Gulch subwatershed (HUC #180902060602), which is approximately 28,103 acres.

The Town of Atolia subwatershed is part of the larger Coyote-Cuddeback Lakes HUC subbasin (HUC-8 #18090207). The Goler Gulch subwatershed is part of the larger Antelope-Fremont Valleys HUC subbasin (HUC-8 #18090206).

There are ephemeral channels in the Project area classified as Riverine, intermittent, streambed, intermittently flooded (R4SBJ). These water resources are characterized as channelized streambeds that are flooded from time to time (i.e., ephemeral). Several areas with shallow, dry, ephemeral stream channels occur in the mine operations area. These water resources originate on the site and end at Cuddeback Lake, a dry lake that is six miles east of the mine operations area.

No federally protected jurisdictional features occur in the Project area. Cuddeback Lake is not considered to be a waters of the U.S. because it is an isolated basin with no connection to the Mojave or Colorado Rivers. Therefore, the dry, ephemeral washes within the mine operations area lack downstream connection to a federal water of the United States.

HYDROLOGY AND WATER QUALITY SUBSTANTIATION

SUBSTANTIATION:
San Bernardino Countywide Policy Plan 2023; Submitted Project Materials

a) **Less than Significant Impact:** The water to be used for the Project meets state and federal drinking water standards, except for possible slight exceedances of naturally occurring arsenic compared to the MCL. However, these arsenic levels are less than the criteria for toxic pollutants in inland waters. Water used for the Project would be consumed during the processing of the mined materials. No discharges would occur to surface water or groundwater. Water placed temporarily in storage ponds during operations would be above bedrock and would be unlikely to infiltrate to groundwater, which occurs at depths of more than 300 feet bgs during the temporary storage periods.

The California Porter-Cologne Water Quality Control Act (§13000 of the California Water Code) and the Federal Water Pollution Control Act Amendment of 1972 (also referred to as the CWA) require comprehensive water quality control plans to be developed for all waters within the State of California. The Project site is located within the jurisdiction of the Lahontan RWQCB. The proposed Project would disturb more than one acre of land surface and would, therefore, be required to obtain coverage under the NPDES stormwater program. The Project would require a Construction Stormwater General Permit (CGP) pursuant to the California State Water Resources Control Board NPDES No. CAS000002, Order No. 2009-0009-DWQ, amended by 2010-0014-DWQ and 2012-0006-DWQ. GDG would be required to submit a Notice of Intent prior to construction activities and develop and implement a SWPPP and monitoring plan. The SWPPP identifies erosion-control and sediment-control BMPs that would meet or exceed measures required by the Construction Activity General Permit to control potential construction-related pollutants. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized. Water used for dust control would be kept to a practicable minimum to minimize the risk of water runoff. Sediment control structures would be utilized to prevent unnecessary or undue degradation.

Surface water and sediment control and contouring is described in the Plan to maintain and manage existing hydrology and minimize on surface water quality. In sum, the regulatory requirements and measures described in the Plan would ensure that potential Project impacts related to soil erosion, siltation, and sedimentation remain less than significant and the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. There would be less than significant impacts.

b) **Less than Significant Impact:** A water supply assessment and production water capacity evaluation for the Project assessed the adequacy of available water supplies to meet the Project's water demand. The assessment evaluated 20-year projections for each of the Water Supply Sites over normal, single-dry-year, and multiple-dry-year conditions. Groundwater pumping is proposed as the water source to support mining and processing operations, including the wash plant and dust suppression, as described in the Reclamation Plan and Plan of Operations. Total water use for the Project would not be expected to exceed 55 afy, which equates to approximately 34 gpm. Approximately 80 percent of the production capacity is planned to be used in the wash plant and the remaining 20 percent for dust suppression, although the water demand would likely vary seasonally.

RCWD issued a December 5, 2023 "will serve" letter to GDG indicating that the proposed average water demands of 1.4 million gallons per month, or approximately 35 gpm, can be met with RCWD's existing non-potable bulk water supply facilities being capable of supplying 144,000 gallons per day, or 120 gpm. As indicated in RCWD's letter, these wells are capable of pumping rates in excess of 100 gpm. RCWD indicated that there would be no adverse impact on current capacity or service levels to others.

It is unlikely that pumping from Water Supply Sites A and B at a proposed amount of 55 afy would impact RCWD's wells (Kupferman 2024). Furthermore, due to the distance between the wells, a typical modeled cone of depression would not reach the RCWD wells (Kupferman 2024). The Project's annual water use of 55 afy would be only 0.5 percent of the average groundwater recharge in the northern Fremont Valley basin. The estimated recharge rate suggests that the additional use from either Water Supply Site A or Site B would not produce a deficit in the annual recharge (Kupferman 2024). Kupferman (2024) also notes that the Rand Mining Company extracted over 1,000 afy from the existing well at Site A in the 1990s without depleting or affecting the quality of the RCWD's water supply.

A conservative estimate of groundwater in storage within the Fremont Valley groundwater basin provides another means of evaluating the potential impact of additional groundwater extraction from Water Supply Site A. If the basin contained a conservative value of only 1 percent of the total storage capacity, which is equivalent to approximately 48,000 af (California DWR 2020), the additional extraction would be equivalent to 0.1 percent and therefore, would not produce a deficit in the annual volume in storage. Even in the case of multiple dry years without any

precipitation or recharge, the groundwater volume in storage would be predicted to recover within a period of a few years. The total storage capacity of the basin is estimated to be 4,800,000 af. Considering these factors and the Project's proposed water demand of 55 afy, Water Supply Sites A and/or B should be capable of meeting the proposed demand. Therefore, the Project would have a less than significant impact on groundwater supplies and groundwater recharge and the Project would not impede sustainable groundwater management of the basin.

c) **Less than Significant Impact:** The Project site does not include any streams or rivers that would be altered by the Project. The existing ephemeral drainages at the Project site would be disturbed during operations of the Project. Disturbances of any dry wash drainages would be reshaped to pre-construction contours after operations, resulting in channels of the same capacity as upstream and downstream reaches. There are no existing stormwater drainage systems or impervious surfaces at the Project site and none are proposed. Channels would be made to prevent erosion. The SWPPP and stormwater and water management BMPs would include runoff management, stabilization of disturbed areas, and implementation of erosion control measures to minimize impacts on drainage patterns at the Project site and prevent excessive drainage or flooding offsite. The development of the Project area would not create any adverse impacts downstream for storm events. All water from the proposed Project would be consumed during operations of the Project and no surface water or groundwater discharges would occur. Through implementing the SWPPP, the Project would fully mitigate stormwater runoff such that runoff water would not exceed that of existing conditions and is not otherwise anticipated to exceed the capacity of downstream drainage channels.

Therefore, the Project would not result in substantial erosion or siltation on- or off-site; the Project would not substantially increase the rate or amount of surface runoff that would result in flooding on or offsite; the Project would not create or contribute runoff water which would cause substantial additional sources of runoff; and the Project would not impede or redirect flood flows. There would be a less than significant impact on the existing drainage patterns of the site.

d) **No Impact.** Based on FEMA's National Flood Hazard Layer Viewer, the Project site is not located within a 100-year flood hazard area. The Project does not propose structures that would be placed within a 100-year flood hazard area. The Project would be located within a remote area far away from the Pacific Ocean or other larger inland bodies of water. The Project area is not located within a mapped tsunami or seiche hazard area as defined under the Department of

Conservation (DOC) Seismic Hazards Mapping Act and related seismic hazard maps. There are no permanent waterways, streams, or diversion channels within or adjacent to the Project site, and none are proposed as a result of site development. FEMA's National Flood Hazard Layer Viewer, the Project site and surrounding areas are designated as Flood Zone D. Flood Zone D is defined by FEMA as areas where flood risk has not been determined and no flood hazard analysis has been conducted. No portion of the site is located within a special flood hazard area inundated by the 100-year flood. Given the location and design of the Project, the lack of surface or stormwater run-on or run-off from the Project site, and the lack of impacts on groundwater, the Project would not risk release of pollutants due to Project inundation. Therefore, there would be no impacts.

e) **No Impact.** The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The Project would be subject to federal, state, regional, and local regulations and ordinances regarding water quality and groundwater use. Stormwater runoff would be managed following guidelines and BMPs described in the Lahontan RWQCB and the San Bernardino County Water Quality Management Plan.

The Project is outside the boundaries of the SGMA established by the California DWR. No GSPs exist for the Cuddeback Valley basin or the Fremont Valley basin. However, the Regional Water Management Group of the Fremont Basin Integrated Regional Water Management Region prepared a groundwater management plan for the Fremont Valley basin (Woodard & Curran 2018). The plan was prepared to support long-term sustainable management of groundwater resources in the area. The Project would not impede sustainable groundwater management of the basin; see response to a) for further detail on groundwater impacts.

As a result, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan and there would be no impact.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

LAND USE AND PLANNING ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XI.	**LAND USE AND PLANNING** - Would the project:				
a)	Physically divide an established community?	☐	☐	☐	☒
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

LAND USE AND PLANNING SUBSTANTIATION

SUBSTANTIATION:

San Bernardino Countywide Policy Plan 2023; Submitted Project Materials

a) **No impact.** No, the Project would not divide an established community. The Project site encompasses 126.06 acres of public lands within San Bernardino County, California that are administered by the BLM Ridgecrest Field Office. The Project site is in a remote area of the county where existing land uses consist of predominantly of recreational and wildlife use. There are no active land use authorizations other than the existing authorization for GDG for exploratory drilling (CACA105847437 and CACA105846362, totaling 20 acres). The Project site is undeveloped, not located within an established community, and does not serve as a means of moving through or connecting to a community or neighborhood. There are no established communities within or immediately adjacent to the Project site. For these reasons, the proposed Project would not physically divide an existing community, and no impacts would occur.

b) **No impact.** No, the Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The Project is in conformance with the California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq., for San Bernardino County implementation of CEQA and the County Plan. The Project site is located immediately south of the former Atolia mining district, which was an area of former tungsten mining by numerous prospectors. Per the current County Plan and land use zoning

map, the Project site is within an area designated as Resource Conservation. The proposed Project is allowable within this County land use designation. The Project would not require changes to the County Plan or Zoning designations, and the Project would not conflict with any land use designation or land use plan in order to mitigate an environmental effect.

The Proposed Action is in conformance with FLPMA in ensuring that resource protection is not compromised in accordance with the mandated principles of FLPMA. The Proposed Action is in conformance with the California Desert Conservation Area (CDCA) Plan and the DRECP Land Use Plan Amendment (LUPA), which amended the CDCA Plan (BLM 2016a, BLM 2016b). The Project specifically conforms to the following Land Use Plan objectives from the CDCA and DRECP:

- Encourage the development of mineral resources in a manner which satisfies national and local needs and provides for economically and environmentally sound exploration, extraction and reclamation practices.

- Support responsible mining and energy development operations necessary for California's infrastructure, commerce, and economic well-being.

Conservation management actions would be implemented for the Project in conformance with the DRECP LUPA (BLM 2016a) and per BLM requirements. Therefore, the proposed Project would not cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and no impacts would occur.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

MINERAL RESOURCE ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XII.	**MINERAL RESOURCES** - Would the project:				
a)	Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☒	☐
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

MINERAL RESOURCE SUBSTANTIATION

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

San Bernardino Countywide Policy Plan 2023; Submitted Project Materials

a) **Less Than Significant Impact.** Once mined, a measurement of this resource would be depleted. However, the proposed Project would be consistent with the County's policy that protects the current and future availability of mineral resources. The primary goal in evaluating a land use that does not include mineral extraction activities is to ensure that the mineral potential of the land is recognized and that decision-makers do not preclude the conservation, potential for development, and use of the valuable mineral resources. Regulation and reclamation of the proposed Project, as required by SMARA, would permit the continued availability of the mineral resources and provide for the protection and subsequent beneficial use of those mineral resources while minimizing impacts on the public and the environment. The State's Guidelines for Classification and Designation of Mineral Lands coincides with SMARA by providing the State Geologist with direction in carrying out mineral resource classification of lands in California that are threatened by uses that will be incompatible with or will preclude development or conservation of mineral resources. Classification is the process of identifying lands containing significant mineral deposits. According to the California DOC's Mineral Land Classification Maps

(DOC 2024), the Project site has not been mapped, nor has a classification been designated. Therefore, the Project would result in a less than significant loss of availability of a known mineral resource that will be of value to the region and the residents of the state.

b) **No Impact.** The Project site is not within a delineated mineral resource recovery site designated in the San Bernardino County Plan. Specifically, Map NR-4, Mineral Resource Zones, has not designated areas in or adjacent to the Project site as locally important mineral resource recovery sites. Therefore, the Project would not result in the loss of availability of a locally important mineral resource recovery site and no impacts would occur.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

NOISE ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XIII.	**NOISE** - Would the project result in:				
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

NOISE SUBSTANTIATION

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 ☐):

San Bernardino Countywide Policy Plan 2023; Submitted Project Materials

a) **No Impact.** The Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project site in excess of applicable standards established in the County Plan, noise ordinance, or other standards of applicable agencies. The Noise Element of the San Bernardino County Plan provides goals and policies to limit the community's exposure to excessive noise levels. The Plan's key policies are aimed at controlling noise sources and limiting exposure to residents. There are no noise ordinances for rural areas in San Bernardino County, but the County has set specific noise level standards to

protect residents, which include a daytime (7 a.m. to 10 p.m.) maximum of 55 A-weighted decibels (dBA) equivalent sound level (Leq) for residential areas and a nighttime (10 p.m. to 7 a.m.) maximum of 45 dBA Leq for residential areas. These standards are enforced through the County's Development Code and are applicable to both existing and new developments.

The Project would create only intermittent and temporary noise. No permanent noise increases would occur from the Project. The Project would be located away from residential areas and other sensitive receptors. The Project would be located close to U.S. Highway 395, which is a major source of existing noise. Noise levels measured 100 feet away from the centerline of remote segments of U.S. Highway 395 were between 67 to 70 dBA Ldn (Inyo County 2023). The Ldn is the average equivalent sound level over a 24 hour period. Equipment that would be used for the Project would emit noise levels generally higher than these levels, in the range of 75 to 87 dBA Lmax, as estimated from noise level data reported by the Federal Highway Administration (FHWA 2006). Lmax is the maximum sound level during a measurement period or a noise event. These noise levels would attenuate with distance and would not be expected to be exceed the noise maximums set by the County in the residential areas located more than six miles away from the Project.

The Project would comply with noise exposure standards and guidelines for project workers under the Occupational Safety and Health Administration (OSHA) regulations 1926.52 and 1910.95. Therefore, the Project would not be expected to generate of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards, and there would be no impact.

b) **Less Than Significant Impact.** The Project would not generate excessive groundborne vibration or groundborne noise levels. As described in response to a), airborne noises from the Project would be emitted at levels similar to the estimated ambient noise levels of the adjacent highway to the Project site. Groundborne noise is sound that travels through the ground (or a structure) as vibration before being radiated as audible sound into the air. The San Bernardino Noise Element describes ground vibration consisting of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. The peak particle velocity (PPV) is defined as the maximum instantaneous positive or negative peak of the vibration wave. The root mean square (RMS)

velocity is the average of the squared amplitude of the signal. The PPV is generally used to characterize the potential for building damage, while RMS is best for characterizing human response to ground vibration. Typical levels of groundborne vibration from heavy tracked construction equipment are estimated between 0.17 – 0.2 PPV, which is the equivalent of 92 and 94 vibration velocity (VdB). Comparatively, bus or truck traffic is estimated at 0.005 PPV, or 62 VdB. The nearest sensitive receptors are residents of Johannesberg, which are approximately 6.3 miles to the north, and the nearest structures and would not experience the effect of vibration from construction equipment. No blasting is proposed for the Project. Therefore, the Project would not generate excessive groundborne vibration or groundborne noise levels and there would be a less than significant impact.

c) **No Impact.** The nearest airport to the Project site is the Barstow-Daggat general aviation airport located near Daggett, California, or the Palmdale regional airport located near Lancaster, California. Both airports are approximately 64 miles from the Project site. The Project is not located in an airport land use plan. As a result, the Project would not expose people to excessive noises that might be residing or working within the vicinity of a private airstrip, public airport, or public use airport, because these areas are far from the Project site, and there would be no impact.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

POPULATION AND HOUSING ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XIV.	**POPULATION AND HOUSING** - Would the project:				
a)	Induce substantial unplanned 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)?	☐	☐	☒	☐
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

POPULATION AND HOUSING SUBSTANTIATION

SUBSTANTIATION:

San Bernardino Countywide Policy Plan 2023; Submitted Project Materials.

a) **No Impact**. The Project proposes up to seven new employees or contractors and up to three GDG staff on the Project site at any given time to provide guidance and oversight. GDG staff would consist of existing employees. New employees or contractors may be local or non-local. The duration of construction and operations activities would be 33 months or about 2.5 years. Non-local staff may temporarily reside in Johannesburg or Barstow. Given the small workforce associated with the Project, the Project would not induce substantial unplanned population growth in an area, either directly or indirectly, and does not propose new homes and businesses or road extensions and other infrastructure for Project activities. Therefore, there would be no impact on unplanned population growth in the area, directly or indirectly, from the Project.

b) **No Impact.** For the reasons described in a), the Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere, and there would be no impact.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

PUBLIC SERVICES ISSUES

Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XV. PUBLIC SERVICES				
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?	☐	☐	☒	☐
Police Protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other Public Facilities?	☐	☐	☒	☐

PUBLIC SERVICES SUBSTANTIATION

SUBSTANTIATION:

San Bernardino Countywide Policy Plan 2023; Submitted Project Materials

a) **Less Than Significant Impact.** The Project proposes up to seven new employees or contractors and up to three GDG staff on the Project site at any given time to provide guidance and oversight. GDG staff would consist of existing employees. New employees or contractors may be local or non-local. The duration of construction and operations activities would be 33 months or about 2.5 years. Non-local staff may temporarily reside in Johannesburg or Barstow. The addition of new employees in Johannesburg or Barstow would place additional burden on local fire protection, police, and other public facilities, but that additional demand would be low relative to the current population of Johannesburg and insignificant compared to the current population of Barstow. The U.S. Census Bureau's American Community Survey (ACS) 5-year population estimates for these towns are 77 and 24,964, respectively. There are no operating schools within Johannesburg itself. The Seirra Sands Unified School District serves

Johnnesburg residents and nearby schools are located in Ridgecrest and Inyokern. Johannesburg is an unincorporated community in Kern County and receives its fire and police protection services from county-level agencies. The San Bernardino County Fire Protection District provides fire protection and emergency medical services across the county's unincorporated areas and several incorporated cities. The San Bernardino County Sheriff's Department is responsible for law enforcement in the County's unincorporated areas.

Given the small workforce associated with the Project and the limited duration of the Project, the Project have a less than significant impact on government or public facilities and 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, 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.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

RECREATION ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XVI.	**RECREATION**				
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 will occur or be accelerated?	☐	☐	☐	☒
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?	☐	☐	☐	☒

RECREATION ENVIRONMENTAL SETTING

The Project site occurs within the El Paso/Rand Special Recreation Management Area (SRMA). An SRMA designation intensifies the management of areas where outdoor recreation is a high priority. Implementation-level plans are completed by the BLM for each SRMA to fully describe management actions and objectives.

The El Paso/Rand SMRA consists of three separate RMZs: El Paso Mountains, Rand Mountains Management Area, and Desert Tortoise Research Natural Area. These separate areas provide multiple-use recreation opportunities. The El Paso/Rand SRMA is sandwiched between State Highway 14 and U.S. Highway 395. These paved highways provide multiple routes to access these areas. Activities in this SMRA are primarily motorized recreation touring, trail riding, off-road/tread lightly recreation education, advanced technical routes, four-wheel drive trails, and thrill-seeking hill climbs in the Rand Mountains. Other activities described include hiking, nature walks, hunting, rock hounding, mountain biking, equestrian rides, wildlife and wildflower viewing, sightseeing photography, picnicking, stargazing, and special recreation permitted activities such as dual sport adventures, equestrian endurance rides, competitive mountain bike races, off-road vehicle education, and other special recreation events. One of the main attractions today is the “living” ghost town of Randsburg.

RECREATION SUBSTANTIATION

SUBSTANTIATION:

San Bernardino Countywide Policy Plan 2023; Submitted Project Materials

a) **No Impact.** No, the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities. The Project site is not located in or near any existing neighborhood or regional parks or recreational facilities and would not impede access to parks or facilities in the vicinity. Public access would be temporarily impeded along BLM route R112 that passes partially through the Project site for the duration of Project activities. However, this public route passes through a private property parcel but has a historical implied easement under California law and, therefore, represents a fully accessible public route. The public uses this route to access recreational areas. The Project site itself may be used for dispersed recreational opportunities, but the relatively small size of the Project site within the SMRA, and its location relative to U.S. Highway 395, would not meaningfully impact recreation in high opportunity areas of the SMRAs. The Project site are far from RMZs in the SMRA and would not affect recreation opportunities or access to these places. GDG would post signage around the Project site directing public traffic to alternative open BLM routes nearby. Where required by 43 CFR 3809.420(b)(13), GDG would post temporary warning signage on public travel routes notifying travelers of heavy equipment ahead. The Project would have no long-term impacts on recreation opportunities. Therefore, the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated, and there would be no impact.

b) **No Impact.** The Project does not propose recreational facilities or require the construction of such facilities. Therefore, there would be no adverse physical effect on the environment from the construction or expansion of recreational facilities.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

TRANSPORTATION ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XVII.	**TRANSPORTATION** – Would the project:				
a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	☐	☐	☐	☒
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d)	Result in inadequate emergency access?	☐	☐	☐	☒

TRANSPORTATION ENVIRONMENTAL SETTING

Workers, equipment, and materials would primarily commute to the Project site from either Johannesburg or Barstow, traveling along U.S. Highway 395 until a direct turnoff into the Project site. The California Department of Transportation (Caltrans) is responsible for the state highway system's planning, construction, operation, and maintenance. Caltrans manages U.S. Highway 395. Roads maintained by Caltrans are classified using the Functional Classification Guidelines of the Federal Highway Administration (FHWA). U.S. Highway 395 is a paved Minor Arterial Highway. Minor Arterial Highways have directional travel lanes, usually separated by a physical barrier, and access and egress points are limited to on-ramp and off-ramp locations. Until recently, Caltrans evaluated the quality of travel on its roadways based on Level of Service (LOS) categories. Vehicle Miles traveled (VMT) has recently replaced LOS in evaluating roadway conditions (Caltrans 2020). VMT is used in transportation planning to measure the amount of travel for all vehicles in a geographic region over a given period, typically one year. It is calculated by adding all the miles driven by all cars and trucks on all roadways in a region or road segment. Traffic counter data nearest the Project site is located near Johannesburg at the

juncture between U.S. Highway 395 and Trona Road (Counter ID 72.77). Traffic counts for 2021 reported an Average Annual Daily Traffic (AADT) count of approximately 4,900 vehicles traveling along U.S. Highway 395. Peak traffic counts that year were 6,400 vehicles. Between Barstow and the Project site, the nearest traffic counter is at Kramer Junction (Counter ID 45.948). AADT reported at this location totaled 6,400 vehicles in 2021. Peak vehicle counts totaled 9,200 that year. Traffic counts at these stations have been within 15 percent of these totals over the last five years of reported data.

TRANSPORTATION SUBSTANTIATION

SUBSTANTIATION:

San Bernardino Countywide Policy Plan 2023; Submitted Project Materials

a) **No Impact.** The Project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The Project would not conflict with the traffic goals and policies of the San Bernardino County Plan. The Project is located in a remote, undeveloped area where transit, bicycle, and pedestrian facilities are not available or planned. There are limited facilities in the vicinity of proposed infrastructure that support modes of transportation other than private vehicle transportation. The key goals and policies of the San Bernardino Countywide Transportation Plan most relevant to the proposed Project is to ensure that unincorporated areas are served by roads with adequate capacity for residents, businesses, tourists, and emergency services. The proposed Project would add, at most, up to 10 vehicles on a short section of U.S. Highway 395, which has a current estimated AADT of 4,900 vehicles traveling along U.S. Highway 395 and a peak traffic count of 6,400 vehicles. The added vehicles from the Project would be insignificant to the current volume of U.S. Highway 395 and therefore would not affect the capacity of the road for residents, businesses, tourists, and emergency services. Other goals and policies of the Plan are focused on airports, public transit, and accommodating pedestrians, bicyclists, motorists, and transit riders. Therefore, the Project would not conflict with the traffic goals and policies of the San Bernardino County Plan. In sum, the Project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities and there would be no impact.

b) **No Impact.** The Project would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b), which outlines how transportation impacts must be assessed. For land use projects, VMT is the appropriate metric for determining the significance of transportation impacts. A project's VMT that exceeds thresholds established by the County may indicate a significant impact. Projects that reduce VMT, like those near transit or mixed-use developments, may have a less than significant impact. The San Bernardino County Transportation Authority (SBCTA) recommends using the countywide average VMT per service population as the baseline threshold. According to SBCTA's guidelines, this threshold is 32.7 VMT per service population. Projects that generate VMT exceeding this baseline may be considered to have significant transportation impacts under CEQA. However, the proposed Project is exempt from detailed VMT analysis because it would generate fewer than 110 daily vehicle trips. Therefore, the Project may be presumed to have a less than significant impact on VMT and no detailed modeling analysis is needed. As the Project would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b), there would be no impact.

c) **No Impact.** No, the Project would not substantially increase hazards due to a design feature or incompatible uses. The Project proposes no changes to the design of existing public transportation roadways. Vehicles utilizing public transportation roads include light trucks, flatbed trucks, and other vehicles designed for and compatible with highway travel. Construction equipment and drill rigs for the Project would be mounted on flatbed trucks compatible with highway travel. As a result, the Project would not substantially increase hazards due to a geometric design feature or incompatible uses and there would be no impact.

d) **No Impact.** The Project would not result in inadequate emergency access. The primary emergency evacuation routes along the transportation route to the Project include the highways that traverse the County, including U.S. Highway 395. No traffic control measures would be needed to facilitate these activities along roadsides. Vehicles would respond to emergency vehicle needs in the same manner as other roadside vehicles. The increased traffic volume due to the Project would result in a less than significant increase in VMT, as described in b) above. As a result, the Project would not result in inadequate emergency access and there would be no impact.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

TRIBAL CULTURAL RESOURCES ISSUES

Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XVIII. TRIBAL CULTURAL RESOURCES				
a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☒	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☐	☒	☐

TRIBAL CULTURAL RESOURCES SUBSTANTIATION

SUBSTANTIATION:

San Bernardino Countywide Policy Plan 2023; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials

a) **Less than Significant Impact.** Formal government-to-government consultation is ongoing for the Project by both the BLM and the County. Tribal entities have been contacted and asked to participate in identifying potential areas of concern that may be associated with the Project. Native American concerns that are raised during consultation for the Project will be addressed

by BLM during the National Environmental Policy Act (NEPA) process and by the County during the CEQA process. The Project site is entirely within an area previously disturbed by historical mining activities, with surrounding land uses that include prospecting and recreation. As such, the potential to impact tribal cultural resources is considered low. Additionally, through BLM and the County's continued consultation with local tribal entities, as applicable, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074. Impacts are anticipated to be less than significant, with no additional mitigation measures required beyond those required by the BLM and San Bernardino County. The Project is anticipated not to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

No significant adverse impacts are identified or anticipated and no mitigation measures are required at this time.

UTILITIES AND SERVICE SYSTEMS ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XIX.	**UTILITIES AND SERVICE SYSTEMS -** Would the project:				
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b)	Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c)	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?	☐	☐	☐	☒
d)	Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

UTILITIES SAND SERVICE SYSTEMS SUBSTANTIATION

SUBSTANTIATION:

County of San Bernardino Countywide Policy Plan 2023; Submitted Project Materials

a) **No Impact.** The Project site does not have wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, and none are proposed.

Stormwater would be managed according to the SWPPP provided in the Plan. As a result, the Project would have no impact on the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, and would not cause significant environmental effects due to these activities.

b) **Less Than Significant Impact.** As described in the Hydrology and Water Quality analysis, a water supply assessment and production water capacity evaluation for the Project determined that there is an adequate available water supply to meet the Project's water demand. . As a result, the Project will have sufficient water supplies available to serve the Project and reasonably foreseeable future development and would have a less than significant effect during normal, dry and multiple dry years.

c) **No Impact.** The Project does not propose activities that would result in wastewater, and does not propose a workforce that would have a significant effect on current wastewater treatment providers. As a result, the Project would have no impact on a determination by a wastewater treatment provider regarding adequate capacity for projected demands in addition to the provider's existing commitments.

d) **Less Than Significant Impact.** The Project would generate a small amount of solid waste, such as wood scraps and lunch containers that are associated with project activities and worker use of the site. No hazardous or toxic waste, oil, or lubricants would be disposed of on public lands. Burial and/or burning of trash or other debris would not be permitted. All waste would be collected in approved trash bins/containers with lids. All refuse generated at the Project site would be disposed of off-site in an authorized off-site landfill facility, consistent with all applicable federal, state, and local regulations. According to the San Bernardino Countywide Integrated Waste Management Plan last revised in 2018, the County's landfill capacity is currently sufficient, with a combined Countywide capacity of 164.2 million tons. The County owns five landfills, all with capacity for well over 15 years. Additionally, the County has a significant number of diversion facilities to help maintain a diversion rate above 50%. As a result, the Project's solid waste disposal needs would not be in excess of the capacity of the County's infrastructure, or otherwise impair the attainment of solid waste reduction goals of the County.

e) **No Impact.** The Project would comply with federal, state, and local management and regulations related to solid waste as described in d) above. As described in d), the Project would not conflict with San Bernardino County's solid waste reduction goals to identify opportunities for waste reduction and recycling. As a result, the Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

WILDFIRE ISSUES

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XX.	**WILDFIRE:** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

WILDFIRE SUBSTANTIATION

SUBSTANTIATION:

San Bernardino Countywide Policy Plan 2023; Submitted Project Materials; Submitted Project Materials

a) **No Impact.** The Project site is unranked for Fire Hazard Severity according to the California Department of Forestry and Fire Protection (CAL FIRE) Fire Hazard Severity Zone (FHSZ) maps. The Project site and surrounding areas, including Atolia and Johannesberg, fall under the State Responsibility Area for fire protection, meaning that CAL FIRE is primarily responsible for wildfire prevention and suppression in these regions. CAL FIRE has made recommendations for

Local Responsibility Areas (LRA), but the Project site area remains unzoned according to proposed maps (https://experience.arcgis.com/experience/6a9cb66bb1824cd98756812af41292a0). Nearby Atolia and other areas surrounding the Project site are ranked Moderate for LRA. San Bernardino's Emergency Operations Plan last revised in 2018 is administered and coordinated by the San Bernardino County Fire, Office of Emergency Services. The National Response Framework, National Incident Management System, the Standardized Emergency Management System and the State of California Emergency Operations Plan. The County's evacuation plans describe the types of transportation centers, evacuee locations, shelters, and staging areas to be used. These facilities are required to integrate accessible transportation providers and consider people with mobility impairments and public facility needs. Such areas would not occur in or near the Project site. The Project would not interfere with evacuation routes. As a result, the Project would not impair an adopted emergency response plan or emergency evacuation plan.

b) **No Impact.** The Project would not exacerbate wildfire risks due to slope, prevailing winds or other factors. The Project site would be cleared of vegetation that may ignite a fire. Vegetation clearing would occur in a manner that would not exacerbate wildfire risk from existing vegetation. The Project would have reservoirs of water on hand in the event a wildfire occurs in the Project site. The Project is proposed in a remote area that is not near any buildings, structures, or residential populations. The Project would not require the installation or maintenance of infrastructure such as roads, fuel breaks, emergency water resources, power lines, or other utilities that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. There are no structures or populations downslope or downstream of the Project site that would experience significant risks from flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes. As a result, the Project would not exacerbate wildfire risk due to slope, prevailing winds, and other factors and would not expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire.

c) **No Impact.** As described in a), the Project site is not within a high fire hazard severity area. The Project site is unranked for Fire Hazard Severity according to CAL FIRE FHSZ maps. As described in b), the Project would not require the installation or maintenance of associated

infrastructure such as roads, fuel breaks, emergency water resources, power lines or other utilities, which may exacerbate fire risk or result in temporary or ongoing impacts to the environment. For project operations, the Project would have reservoirs of water on hand in the event a wildfire occurs in the Project site. Therefore, the Project would not exacerbate fire risk due to these factors that may result in temporary or ongoing impacts to the environment, and there would be no impact.

d) **No Impact.** As described in a), the Project site is not within a high fire hazard severity area. The Project site is unranked for Fire Hazard Severity according to CAL FIRE FHSZ maps. As described in b), the Project would not require the installation or maintenance of associated infrastructure such as roads, fuel breaks, emergency water resources, power lines or other utilities, which may exacerbate fire risk or result in temporary or ongoing impacts to the environment. As described in the Hazards and Hazardous Materials Issues, the Project site is not at risk of creating a landslide. As described in the Hydrology and Water Quality Issues, the Project site is not within a flood zone and would implement measures to control and minimize drainage patters to prevent excessive drainage or flooding offsite. Therefore, the Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, and there would be no impact.

MANDATORY FINDINGS OF SIGNIFICANCE

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XXI.	**MANDATORY FINDINGS OF SIGNIFICANCE:**				
a)	Does the project have the potential to substantially 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, substantially 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?	☐	☒	☐	☐
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)?	☐	☐	☒	☐
c)	Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

a) **Less Than Significant with Mitigation.** All impacts to the environment, including impacts on habitats of fish and wildlife species, fish and wildlife populations, plant and animal communities, and rare and endangered plants and animals, would be less than significant. The Project site is heavily disturbed and lacks significant plant or wildlife resources. With the implementation of CMAs and proponent-committed protection measures (referred to in this document as mitigation measures), listed in the Biological Resources Substantiation section, no significant impacts to the environment, fish, or wildlife species would occur. The Project site does not have any trees

on-site, nor does it have any streams or water features. The development of the Project site would not limit/eliminate/hinder plant, animal/fish populations.

The cultural evaluation of the Project site by the BLM determined that no impacts would occur to historical or archaeological resources. Mitigation measures may be added to the proposed Project if the BLM determines additional protection measures are needed to ensure archaeological resources are avoided. Additionally, tribal consultation is underway, and mitigation measures may be added if additional potential impacts to tribal cultural resources are requested during tribal consultation. Lastly, because of the existing barren condition of the site and the lack of any structures, no examples of major periods of California history exist on site. As such, a less than significant impact would occur.

b. Less than Significant Impact. The Project's potential significant impacts have all been mitigated to less than significant levels. The Project's less than significant impacts on environmental resources do not represent a cumulatively considerable contribution to a significant cumulative impact. The Project is not considered growth-inducing, as defined by State CEQA guidelines (http://ceres.ca.gov/ceqa/guidelines/). The potential cumulative environmental effects of implementing the proposed Project would be less than considerable and thus, less than significant impacts.

c. Less Than Significant Impact. The Project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this IS/MND. The Project site is not included on the list of hazardous waste sites (Cortese List) compiled by the DTSC pursuant to Government Code 65962.5. Additionally, no structures are present on-site. Although a number of potential impacts on humans were identified, these impacts are less than significant.

No other environmental effects which could have substantial adverse effect on human beings, directly or indirectly. The construction and operation of the proposed Project would not involve any activities that would result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

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EXHIBIT B

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Monitoring and Reporting Program
Initial Study/Mitigated Negative Declaration
Persistence Mine MRP-2023-00001

Prepared by:

County of San Bernardino, Land Use Services Department

385 N. Arrowhead Avenue, 1st Floor

San Bernardino, California 92415-0182

Contact: Steven Valdez, Planner

SEPTEMBER 2025

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TABLES

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1 Introduction

The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the Persistence Mine (MRP-2024-00001). The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for Biological Resources.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

County of San Bernardino
385 N. Arrowhead Avenue, First Floor
San Bernardino, California 92415

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2 Mitigation Monitoring and Reporting Program Table

Table 1
Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
LUPA-BIO-1: Conduct a habitat assessment of Focus and BLM Special Status Species' suitable habitat for all activities and identify and/or delineate the DRECP vegetation types, rare alliances, and special features (e.g., Aeolian sand transport resources, Joshua tree, microphyll woodlands, carbon sequestration characteristics, seeps, climate refugia) present using the most current information, data sources, and tools (e.g., DRECP land cover mapping, aerial photos, DRECP species models, and reconnaissance site visits) to identify suitable habitat for Focus and BLM Special Status Species. If required by the relevant species specific CMAs, conduct any subsequent protocol or adequate presence/absence surveys to identify species occupancy status and a more detailed mapping of suitable habitat to inform siting and design considerations. If required by relevant species specific CMAs, conduct analysis of percentage of impacts to suitable habitat and modeled suitable habitat. BLM will not require protocol surveys in sites determined by the designated biologist to be unviable for occupancy of the species, or if baseline studies inferred absence during the current or previous active season. Utilize the most recent and applicable assessment protocols and guidance documents for vegetation types and jurisdictional waters and wetlands that have been approved by BLM, and	Prior to Reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
the appropriate responsible regulatory agencies, as applicable.				
LUPA-BIO-2: Designated biologist(s) will conduct and oversee where appropriate activity-specific required biological monitoring during pre-construction, construction, and decommissioning to ensure that avoidance and minimization measures are appropriately implemented and are effective. The appropriate required monitoring will be determined during the environmental analysis and BLM approval process. The designated biologist(s) will submit monitoring reports directly to BLM.	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	
LUPA-BIO-3: Resource setbacks have been identified to avoid and minimize the adverse effects to specific biological resources. Setbacks are not considered additive and are measured as specified in the applicable CMA. Allowable minor incursions, as per specific CMAs do not affect the following setback measurement descriptions. Generally, setbacks (which range in distances for different biological resources) for the appropriate resources are measured from: • The edge of each of the DRECP desert vegetation types, including but not limited to those in the riparian or wetland vegetation groups (as defined by alliances within the vegetation type descriptions and mapped based on the vegetation type habitat assessments described in LUPA-BIO-1). • The edge of the mapped riparian vegetation or the Federal Emergency Management Agency (FEMA) 100-year floodplain, whichever is greater, for the Mojave River.	Prior to reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
• The edge of the vegetation extent for specified Focus and BLM sensitive plant species. • The edge of suitable habitat or active nest substrates for the appropriate Focus and BLM Special Status Species.				
LUPA-BIO-4: For activities that may impact Focus and BLM Special Status Species, implement all required species-specific seasonal restrictions on pre-construction, construction, operations, and decommissioning activities. Species-specific seasonal restriction dates are described in the applicable CMAs. Alternatively, to avoid a seasonal restriction associated with visual disturbance, installation of a visual barrier may be evaluated on a case-by-case basis that will result in the breeding, nesting, lambing, fawning, or roosting species not being affected by visual disturbance from construction activities subject to seasonal restriction. The proposed installation and use of a visual barrier to avoid a species seasonal restriction will be analyzed in the activity/project specific environmental analysis.	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	
LUPA-BIO-5: All activities, as determined appropriate on an activity-by-activity basis, will implement a worker education program that meets the approval of the BLM. The program will be carried out during all phases of the project (site mobilization, ground disturbance, grading, construction, operation, closure/decommissioning or project abandonment, and restoration/reclamation activities). The worker education program will provide interpretation for non-English speaking workers, and provide the same instruction for new workers prior to their working on site. As appropriate based on the activity, the program will contain information about: • Site-specific biological and nonbiological resources.	Prior to reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
• Information on the legal protection for protected resources and penalties for violation of federal and state laws and administrative sanctions for failure to comply with LUPA CMA requirements intended to protect site-specific biological and nonbiological resources. • The required LUPA and project-specific measures for avoiding and minimizing effects during all project phases, including but not limited to resource setbacks, trash, speed limits, etc. • Reporting requirements and measures to follow if protected resources are encountered, including potential work stoppage and requirements for notification of the designated biologist. • Measures that personnel can take to promote the conservation of biological and nonbiological resources.				
LUPA-BIO-6: Subsidized predator standards, approved by BLM, in coordination with the USFWS and CDFW, will be implemented during all appropriate phases of activities, including but not limited to renewable energy activities, to manage predator food subsidies, water subsidies, and breeding sites including the following: • Common Raven management actions will be implemented for all activities to address food and water subsidies and roosting and nesting sites specific to the Common Raven. These include identification of monitoring reporting procedures and requirements; strategies for refuse management; as well as design strategies and passive repellant methods to avoid	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
providing perches, nesting sites, and roosting sites for common ravens. • The application of water and/or other palliatives for dust abatement in construction areas and during project operations and maintenance will be done with the minimum amount of water necessary to meet safety and air quality standards and in a manner that prevents the formation of puddles, which could attract wildlife and wildlife predators. • Following the most recent national policy and guidance, BLM will take actions to not introduce, dispose of, or release any non- native species into areas of native habitat, suitable habitat, and natural or artificial waterways/water bodies containing native species. • All activity work areas will be kept free of trash and debris. Particular attention will be paid to “micro-trash” (including such small items as screws, nuts, washers, nails, coins, rags, small electrical components, small pieces of plastic, glass or wire, and any debris or trash that is colorful or shiny) and organic waste that may subsidize predators. All trash will be covered, kept in closed containers, or otherwise removed from the project site at the end of each day or at regular intervals prior to periods when workers are not present at the site. • In addition to implementing the measures above on activity sites, each activity will provide compensatory mitigation that contributes to LUPA-wide raven management.				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
LUPA-BIO-7: Where DRECP vegetation types or Focus or BLM Special Status Species habitats may be affected by ground- disturbance and/or vegetation removal during pre-construction, construction, operations, and decommissioning related activities but are not converted by long-term (i.e., more than two years of disturbance, see Glossary of Terms) ground disturbance, restore these areas following the standards, approved by BLM authorized officer, following the most recent BLM policies and procedures for the vegetation community or species habitat disturbance/impacts as appropriate, summarized below: • Implement site-specific habitat restoration actions for the areas affected including specifying and using: The appropriate seed (e.g., certified weed- free, native, and locally and genetically appropriate seed); Appropriate soils (e.g., topsoil of the same original type on site or that was previously stored by soil type after being salvaged during excavation and construction activities); Equipment; Timing (e.g., appropriate season, sufficient rainfall); Location; Success criteria; Monitoring measures; Contingency measures, relevant for restoration, which includes seeding that follows BLM policy when on BLM administered lands. • Salvage and relocate cactus, nolina, and yucca from the site prior to disturbance using BLM protocols. To the maximum extent practicable for short-term disturbed areas, the cactus and yucca will be re-planted back to the original site. • Restore and reclaim short-term (i.e. 2 years or less, see Glossary of Terms) disturbed areas, including pipelines, transmission projects, staging areas, and short-term construction-related roads immediately or during the most biologically appropriate season as determined in the activity/project specific	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
environmental analysis and decision, following completion of construction activities to reduce the amount of habitat converted at any one time and promote recovery to natural habitats and vegetation as well as climate refugia and ecosystem services such carbon storage.				
LUPA-BIO-8: All activities that are required to close and decommission the site (e.g., renewable energy activities) will specify and implement project-specific closure and decommissioning actions that meet the approval of BLM, and that at a minimum address the following: • Specifying and implementing the methods, timing (e.g., criteria for triggering closure and decommissioning actions), and criteria for success (including quantifiable and measurable criteria). • Recontouring of areas that were substantially altered from their original contour or gradient and installing erosion control measures in disturbed areas where potential for erosion exists. Restoring vegetation as well as soil profiles and functions that will support and maintain native plant communities, associated carbon sequestration and nutrient cycling processes, and native wildlife species. • Vegetation restoration actions will identify and use native vegetation composition, native seed composition, and the diversity to values commensurate with the natural ecological setting and climate projections.	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	
LUPA-BIO-9: Implement the following general LUPA CMA for water and wetland dependent resources:	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
• Implement construction site standard practices to prevent toxic chemicals, hazardous materials, and other fluids from entering vegetation type streams, washes, and tributary networks through water runoff, erosion, and sediment transport by, at a minimum, implementing the following: a) On project sites, vehicles and other equipment will be maintained in proper working condition and only stored in designated containment areas where runoff is collected or controlled and that are located outside of streams, washes, and distributary networks to minimize accidental fluids and hazardous materials spills. b) Hazardous material leaks, spills, or releases will be immediately cleaned and equipment will be repaired upon identification. Removal and disposal of spill and related clean-up materials will occur at an approved off-site landfill. c) Maintenance and operations vehicles will carry the appropriate equipment and materials to isolate, clean up, and repair any hazardous material leaks, spills, or releases. • Activity-specific drainage, erosion, and sedimentation control actions, which meet the approval of BLM and the applicable regulatory agencies, will be carried out during all appropriate phases of the approved project. These actions, as needed, will address measures to ensure the proper protection of water quality, site-specific stormwater and sediment retention, and design of the project to minimize site disturbance, including the following:				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
a) Identify site-specific surface water runoff patterns and implement measures to prevent excessive and unnatural soil deposition and erosion. b) Implement measures to maintain natural drainages and to maintain hydrologic function in the event drainages are disturbed. c) Reduce the amount of area covered by impervious surfaces through use of permeable pavement or other pervious surfaces. Direct runoff from impervious surfaces into retention basins. d) Stabilize disturbed areas following grading in the manner appropriate to the soil type so that wind or water erosion is minimized. e) Minimize irrigation runoff by using low or no irrigation native vegetation landscaping for landscaped retention basins. f) Conduct regular inspections and maintenance of long-term erosion control measures to ensure long-term effectiveness. g) Project applicants for sites that may affect intermittent and perennial streams, springs, swales, ephemeral washes, wetland vegetation, other DRECP water land covers, or sites occupied by aquatic or riparian Focus and BLM Special Status Species due to groundwater or surface water extraction will conduct hydrologic studies during project planning to determine the potential effect of groundwater and surface water extraction on the hydrologic unit. These studies will include				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
both watershed effects as well as effects on perched, alluvial, and regional aquifers. Projects that are likely to affect ground-water resources in a manner that would result in substantial loss of riparian or wetland communities or habitat for riparian or aquatic Focus and BLM Special Status Species are prohibited. h) The use of evaporation ponds for water management will be avoided when the water could harm birds or other terrestrial wildlife due to constituents of concern present in the wastewater (e.g., selenium, hypersalinity, etc.). Evaporation ponds will be configured to minimize attractiveness to shorebirds (e.g., maintain water depths over two feet; maintain steep slopes along edge; enclose evaporation ponds in long-term structures; or obscure evaporation ponds from view using materials that blend in with the natural surroundings). • Ramps that allow the egress of wildlife from ponds or other water management infrastructure will be installed.				
LUPA-BIO-10: Consistent with BLM state and national policies and guidance, integrated weed management actions will be carried out during all phases of activities, as appropriate, and at a minimum will include the following: a) Thoroughly clean the tires and undercarriage of vehicles entering or reentering the project site to remove potential weeds.	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
b) Store project vehicles on site in designated areas to minimize the need for multiple washings whenever vehicles re-enter the project site. c) Properly maintain vehicle wash and inspection stations to minimize the introduction of invasive weeds or subsidy of invasive weeds. d) Closely monitor the types of materials brought onto the site to avoid the introduction of invasive weeds and non-native species. e) Reestablish native vegetation quickly on disturbed sites. f) Monitor and quickly implement control measures to ensure early detection and eradication of weed invasions to avoid the spread of invasive weeds and non-native species on site and to adjacent off-site areas. g) Use certified weed-free mulch, straw, hay bales, or equivalent fabricated materials for installing sediment barriers.				
LUPA-BIO-11: Implement the following CMAs for controlling nuisance animals and invasive species: a) No fumigant, treated bait, or other means of poisoning nuisance animals including rodenticides will be used in areas where Focus and BLM Special Status Species are known or suspected to occur. b) Manage the use of widely spread herbicides and do not apply herbicides effective against dicotyledonous plants within 1,000 feet from the edge of a 100-year floodplain, stream and wash channels, and riparian vegetation or to soils less than 25 feet from the edge of drains. Exceptions will be made when targeting the	During reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
base and roots of invasive riparian species such as tamarisk and Arundo donax (giant reed). Manage herbicides consistent with the most current national and California BLM policies. c) Minimize herbicide, pesticide, and insecticide treatment in areas that have a high risk for groundwater contamination. d) Clean and dispose of pesticide containers and equipment following professional standards. Avoid use of pesticides and cleaning containers and equipment in or near surface or subsurface water. e) When near surface or subsurface water, restrict pesticide use to those products labeled safe for use in/near water and safe for aquatic species of animals and plants.				
LUPA-BIO-13: Implement the following CMA for project siting and design: • To the maximum extent practicable site and design projects to avoid impacts to vegetation types, unique plant assemblages, climate refugia as well as occupied habitat and suitable habitat for Focus and BLM Special Status Species (see "avoid to the maximum extent practicable" in Glossary of Terms). • The siting of projects along the edges (i.e. general linkage border) of the biological linkages identified in Appendix D (Figures D-1 and D-2) will be configured (1) to maximize the retention of microphyll woodlands and their constituent vegetation type and inclusion of other physical and biological features conducive to Focus and BLM Special Status Species' dispersal, and (2) informed by existing available information on	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
modeled focus and BLM Special Status Species habitat and element occurrence data, mapped delineations of vegetation types, and based on available empirical data, including radio telemetry, wildlife tracking sign, and road-kill information. • Additionally, projects will be sited and designed to maintain the function of Special Status Species connectivity and their associated habitats in the following linkage and connectivity areas: - Within a 5-mile-wide linkage across Interstate 10 centered on Wiley's Well Road to connect the Mule and McCoy mountains (the majority of this linkage is within the Chuckwalla ACEC and Mule-McCoy Linkage ACEC). - Within a 3-mile-wide linkage across Interstate 10 to connect the Chuckwalla and Palen mountains. - Within a 1.5-mile-wide linkage across Interstate 10 to connect the Chuckwalla Mountains to the Chuckwalla Valley east of Desert Center. - The confluence of Milpitas Wash and Colorado River floodplain within 2 miles of California State Route 78 (this linkage is entirely within the Chuckwalla ACEC). • Delineate the boundaries of areas to be disturbed using temporary construction fencing and flagging prior to construction and confine disturbances, project vehicles, and equipment to the delineated project areas to protect vegetation types and focus and BLM Special Status Species.				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
• Long-term nighttime lighting on project features will be limited to the minimum necessary for project security, safety, and compliance with Federal Aviation Administration requirements and will avoid the use of constant-burn lighting. • All long-term nighttime lighting will be directed away from riparian and wetland vegetation, occupied habitat, and suitable habitat areas for Focus and BLM Special Status Species. Long- term nighttime lighting will be directed and shielded downward to avoid interference with the navigation of night-migrating birds and to minimize the attraction of insects as well as insectivorous birds and bats to project infrastructure. • To the maximum extent practicable, restrict construction activity to existing roads, routes, and utility corridors to minimize the number and length/size of new roads, routes, disturbance, laydown, and borrow areas. • To the maximum extent practicable, confine vehicular traffic to designated open routes of travel to and from the project site, and prohibit, within project boundaries, cross- country vehicle and equipment use outside of approved designated work areas to prevent unnecessary ground and vegetation disturbance. • To the maximum extent practicable (see Glossary of Terms), construction of new roads and/or routes will be avoided within Focus and BLM Special Status Species suitable habitat within identified linkages for those Focus and BLM Special Status Species, unless the new road and/or route is beneficial to minimize net impacts to natural or ecological resources of concern.				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
These areas will have a goal of "no net gain" of project roads and/or routes. • To the maximum extent practicable, any new road and/or route considered within Focus and BLM Special Status Species suitable habitat within identified linkages for those Focus and BLM Special Status Species will not be paved so as not to negatively affect the function of identified linkages. • Use nontoxic road sealants and soil stabilizing agents.				
LUPA-BIO-14: Implement the following general standard practices to protect Focus and BLM Special Status Species: • Feeding of wildlife, leaving of food or trash as an attractive nuisance to wildlife, collection of native plants, or harassing of wildlife on a site is prohibited. • Any wildlife encountered during the course of an activity, including construction, operation, and decommissioning will be allowed to leave the area unharmed. • Domestic pets are prohibited on sites. This prohibition does not apply to the use of domestic animals (e.g., dogs) that may be used to aid in official and approved monitoring procedures/protocols, or service animals (dogs) under Title II and Title III of the American with Disabilities Act. • All construction materials will be visually checked for the presence of wildlife prior to their movement or use. Any wildlife encountered during the course of these inspections will be allowed to leave the construction area unharmed.	During reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
• All steep-walled trenches or excavations used during the project will be covered, except when being actively used, to prevent entrapment of wildlife. If trenches cannot be covered, they will be constructed with escape ramps, following up-to-date design standards to facilitate and allow wildlife to exit, or wildlife exclusion fencing will be installed around the trench(s) or excavation(s). Open trenches or other excavations will be inspected by a designated biologist immediately before backfilling, excavation, or other earthwork. • Minimize natural vegetation removal through implementation of crush and drive or cut or mow vegetation rather than removing entirely.				
LUPA-BIO-15: Use state-of-the-art, as approved by BLM, construction and installation techniques, appropriate for the specific activity/project and site, that minimize new site disturbance, soil erosion and deposition, soil compaction, disturbance to topography, and removal of vegetation.	During reclamation activities	Project Applicant and Mining operator	San Bernardino County	
LUPA-BIO-16: For activities that may impact Focus and BLM sensitive birds, protected by the ESA and/or Migratory Bird Treaty Act of 1918, and bat species, implement appropriate measures as per the most up-to-date BLM state and national policy and guidance, and data on birds and bats, including but not limited to activity specific plans and actions. The goal of the activity-specific bird and bat actions is to avoid and minimize direct mortality of birds and bats from the construction, operation, maintenance, and decommissioning of the specific activities.	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
Activity-specific measures to avoid and minimize impacts may include, but are not limited to: • Siting and designing activities will avoid high bird and bat movement areas that separate birds and bats from their common nesting and roosting sites, feeding areas, or lakes and rivers. • For activities that impact bird and bat Focus and BLM Special Status Species, during project siting and design, conducting monitoring of bird and bat presence as well as bird and bat use of the project site using the most current survey methods and best procedures available at the time. • Reusing or co-locating new transmission facilities and other ancillary facilities with existing facilities and disturbed areas to reduce habitat destruction and avoid additional collision risks. • Reducing bird and bat collision hazards by utilizing techniques such as unguyed monopole towers or tubular towers. Where the use of guywires is unavoidable, demarcate guywires using the best available methods to minimize avian species strikes. • When fencing is necessary, use bird and bat-compatible design standards. • Using lighting that does not attract birds and bats or their prey to project sites including using non-steady burning lights (red, dual red and white strobe, strobe-like flashing lights) to meet Federal Aviation Administration requirements, using motion or heat sensors and switches to reduce the time when lights are illuminated, using appropriate shielding to reduce horizontal or skyward illumination, and avoiding the				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
use of high-intensity lights (e.g., sodium vapor, quartz, and halogen). • Implementing a robust monitoring program to regularly check for wildlife carcasses, document the cause of mortality, and promptly remove the carcasses. • Incorporating a bird and bat use and mortality monitoring program during operations using current protocols and best procedures available at time of monitoring.				
LUPA-BIO-PLANT-1: Conduct properly timed protocol surveys in accordance with the BLM's most current (at time of activity) survey protocols for plant Focus and BLM Special Status Species.	Prior to reclamation activities	Project Applicant and Mining operator	San Bernardino County	
LUPA-BIO-VEG-1: Management of cactus, yucca, and other succulents will adhere to current up-to-date BLM policy.	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	
LUPA-BIO-VEG-2: Promote appropriate levels of dead and downed wood on the ground, outside of campground areas, to provide wildlife habitat, seed beds for vegetation establishment, and reduce soil erosion, as determined appropriate on an activity-specific basis.	During reclamation activities	Project Applicant and Mining operator	San Bernardino County	
LUPA-BIO-VEG-3: Allow for the collection of plant material consistent with the maintenance of natural ecosystem processes.	Prior to reclamation activities	Project Applicant and Mining operator	San Bernardino County	
LUPA-BIO-VEG-5: All activities will follow applicable BLM state and national regulations and policies for salvage and transplant of cactus, yucca, other succulents, and BLM Sensitive plants.	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
LUPA-BIO-IFS-4: In areas where protocol and clearance surveys are required, prior to construction or commencement of any long-term activity that is likely to adversely affect desert tortoises, desert tortoise exclusion fencing shall be installed around the perimeter of the activity footprint in accordance with the Desert Tortoise Field Manual (USFWS 2009) or most up-to- date USFWS protocol. Additionally, short-term desert tortoise exclusion fencing will be installed around short-term construction and/or activity areas (e.g., staging areas, storage yards, excavations, and linear facilities), as appropriate, per the Desert Tortoise Field Manual (USFWS 2009) or most up-to-date USFWS protocol.[3] • Exemption from desert tortoise protocol survey requirements can be obtained from BLM, in coordination with USFWS, and CDFW as applicable, on a case-by-case basis if a designated biologist determines the activity site does not contain the elements of desert tortoise habitat, is unviable for occupancy, or if baseline studies inferred absence during the current or previous active season. • Construction of desert tortoise exclusion fences will occur during the time of year when tortoise are less active in order to minimize impacts and to accommodate subsequent desert tortoise surveys. Any exemption or modification of desert tortoise exclusion fencing requirements will be based on the specifics of the activity and the site-specific population and habitat parameters. Sites with low population density and disturbed, fragmented, or poor habitat are likely to be candidates for fencing requirement exemptions or modifications. Substitute measures, such as on-site biological monitors in the place of the fencing requirement, may be required, as appropriate.	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
• After an area is fenced, and until desert tortoises are removed, the designated biologist is responsible for ensuring that desert tortoises are not being exposed to extreme temperatures or predators as a result of their pacing the fence. Remedies may include the use of shelter sites placed along the fence, immediate translocation, removal to a secure holding area, or other means determined by the BLM, USFWS, and CDFW, as applicable. • Modification or elimination of the above requirement may also be approved if the activity design will allow retention of desert tortoise habitat within the footprint. if such a Modification is approved, modified protective measures may be required to minimize impacts to desert tortoises that may reside within the activity area. • Immediately prior to desert tortoise exclusion fence construction, a designated biologist will conduct a clearance survey of the fence alignment to clear desert tortoises from the proposed fence line's path. • All desert tortoise exclusion fencing will incorporate desert tortoise proof gates or other approved barriers to prevent access of desert tortoises to work sites through access road entry points. • Following installation, long-term desert tortoise exclusion fencing will be inspected for damage quarterly and within 48 hours of a surface flow of water due to a rain event that may damage the fencing. • All damage to long-term or short-term desert tortoise exclusion fencing will be immediately blocked to prevent desert tortoise access and repaired within 72 hours.				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
LUPA-BIO-IFS-5: Following the clearance surveys within sites that are fenced with long-term desert tortoise exclusion fencing, a designated biologist will monitor initial clearing and grading activities to ensure that desert tortoises missed during the initial clearance survey are moved from harm's way. A designated biologist will inspect construction pipes, culverts, or similar structures: a) with a diameter greater than 3 inches, b) stored for one or more nights, c) less than 8 inches aboveground and d) within desert tortoise habitat (such as, outside the long-term fenced area), before the materials are moved, buried, or capped. As an alternative, such materials shall be capped before storing outside the fenced area or placing on pipe racks. Pipes stored within the long-term fenced area after completing desert tortoise clearance surveys will not require inspection.	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	
LUPA-BIO-IFS-8: Inspect the ground under the vehicle for the presence of desert tortoise any time a vehicle or construction equipment is parked in desert tortoise habitat outside of areas fenced with desert tortoise exclusion fencing. If a desert tortoise is seen, it may move on its own. If it does not move within 15 minutes, a designated biologist may remove and relocate the animal to a safe location.	During reclamation activities	Project Applicant and Mining operator / qualified biologist	San Bernardino County	
LUPA-BIO-IFS-9: Vehicular traffic will not exceed 15 miles per hour within the areas not cleared by protocol level surveys where desert tortoise may be impacted.	During reclamation activities	Project Applicant and Mining operator	San Bernardino County	
LUPA-BIO-IFS-12: If burrowing owls are present, a designated biologist will conduct appropriate activity-specific	Prior to and during	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
biological monitoring to ensure avoidance of occupied burrows and establishment of the 656 feet (200 meter) setback to sufficiently minimize disturbance during the nesting period on all activity sites, when practical.	reclamation activities			
LUPA-BIO-IFS-13: If burrows cannot be avoided on-site, passive burrow exclusion by a designated biologist through the use of one-way doors will occur according to the specifications in Appendix D or the most up-to-date agency BLM or CDFW specifications. Before exclusion, there must be verification that burrows are empty as specified in Appendix D or the most up-to-date BLM or CDFW protocols. Confirmation that the burrow is not currently supporting nesting or fledgling activities is required prior to any burrow exclusions or excavations.	Prior to and during reclamation activities	Project Applicant and Mining operator / qualified biologist	San Bernardino County	
LUPA-BIO-IFS-14: Activity-specific active translocation of burrowing owls may be considered, in coordination with CDFW.	During reclamation activities	Project Applicant and Mining operator / qualified biologist	San Bernardino County	
LUPA-BIO-IFS-39: During the typical active Mohave ground squirrel season (February 1 through August 31), conduct clearance surveys throughout the site, immediately prior to initial ground disturbance in the areas depicted in Appendix D. In the cleared areas, perform monitoring to determine if squirrels have entered cleared areas. Contain ground disturbance to within areas cleared of squirrels. Detected occurrences of Mohave ground squirrel will be flagged and avoided, with a minimum avoidance area of 50 feet, until the squirrels have moved out of harm's way. A designated biologist may also actively move squirrels out of harm's way.	Prior to and during reclamation activities	Project Applicant and Mining operator	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
LUPA-BIO-IFS-41: For any ground-disturbing (e.g., vegetation removal, earthwork, trenching) activities, occurrences of Mohave ground squirrel will be flagged and avoided, with a minimum avoidance area of 50 feet, until the squirrels have moved out of harm's way. A designated biologist may also actively move squirrels out of harm's way.	During reclamation activities	Project Applicant and Mining operator	San Bernardino County	
BIO-27: Before ground-disturbing activities begin, the Project proponent shall be responsible for obtaining approval as needed from the RWQCB, and/or the CDFW for any jurisdictional water features in the Project site. Such approvals may require a jurisdictional water preconstruction survey conducted by a biologist or regulatory specialist. The purpose of this survey is to confirm the extent of jurisdictional waters as defined by state and federal law within the project footprint. These survey results would then be used by RWQCB and CDFW to calculate impact acreages and determine the amount of compensatory mitigation required by the proponent to offset the loss of wetland functions and values.	Prior to reclamation	Project Applicant and Mining operator	San Bernardino County	

EXHIBIT C

Reclamation Findings for MRP-2023-00001

Persistence Reclamation Plan
Project No. MRP-2023-00001

Findings: Reclamation Plan

Reclamation Plan for the Persistence Mine, to extract desert placer style gold from semi to unconsolidated sands and silts (Sediments) from placer mining claims permitted by the Bureau of Land Management (BLM), covering 126 acres across two non-contiguous pits (Eastern and Western Pit), within a property area of 267 acres.

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 Reclamation Plan:

1. **The Reclamation Plan complies with the California Surface Mining and Reclamation Act (SMARA)(Public Code Sections 2772-2773 and any other applicable provisions).**

   The Reclamation Plan for the Persistence Mine was reviewed, and conditioned, for compliance with SMARA. It has also been reviewed and accepted by the California Department of Conservation, Division of Mine Reclamation (DMR). As a matter of record, the Project's submittal was first deemed incomplete by Planning Staff on December 12, 2023, as the mining application submittal did not meet the mining division submittal information requirements. On March 6, 2024, the County Mining Division notified DMR and the applicant that the project submittal was complete and certified the submission meets the applicable requirements of SMARA and the County's local mining ordinance. Notwithstanding the County certification, DMR deemed the submittal incomplete on March 28, 2024. Thereafter, on August 13, 2024, DMR was satisfied with the mining documents revision to accept the submittal as complete pursuant to addressing the agency's comments.

2. **The Reclamation Plan complies with applicable requirements of State regulations (California Code of Regulations Sections 3500-3505 and 3700-3713).**

   The Reclamation Plan was reviewed and conditioned for compliance with SMARA. It has also been reviewed and accepted by DMR.

   SMARA requires that reclaimed sites provide wildlife habitat "at least as good as that which existed before … mining," and that reclaimed sites must be "similar to naturally occurring habitats in the surrounding area." (14 CCR § 3703.) SMARA requires the operator to demonstrate that vegetation on reclaimed sites has been self-sustaining without irrigation, fertilization, or weeding for a minimum of two years prior to release of performance bond.

   The goal of reclamation for the Persistence Mine is to reclaim site to a usable condition for post-mining end uses which will include Open Space and the following:

   - Backfill pit with available material and revegetate disturbed areas to return biological productivity and to minimize aesthetic impacts; and
   - Reclaim the site as necessary to eliminate hazards to public health and safety; and
   - Reduce environmental impacts from mining operations.

   Pursuant to DMR's comments the Revegetation Plan is in conformance SMARA regulations Section 3705 as it complies with SMARA revegetation performances standards.

3. **The Reclamation Plan and potential use of land reclaimed in compliance with the Reclamation Plan are consistent with the Development Code, General Plan, and any applicable resource plan or element.**

   The Reclamation Plan and potential end use of lands disturbed and reclaimed in compliance with the Plan, as conditioned, are consistent with the Development Code and Countywide Plan. Mining for the site will occur within the Resource Conservation (RC) Land Use Zoning District which authorizes mining activity. As explained in the Staff Report, the Bureau of Land Management (BLM) is responsible for the permitting of the Plan of Operation since the mine is located on Federal land. However, the proposed mining activity and future reclamation are consistent with Policy Plan goals LU-2.4 (Land Use Map Consistency), LU-2.6

(Coordination with Adjacent Entities), NR-6.1 (Mineral Resource Areas), and NR-6.2 (Mining Operations and Reclamation), and the Reclamation Plan has been reviewed and conditioned to comply with the Development Code.

4. **The Reclamation Plan has been reviewed in compliance with the California Environmental Quality Act (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.**

   Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of required Mitigation Measures. After circulation of the Project's Initial Study, conditions of approval have been added in response to public review comments. The review authority finds that the new conditions will not create a new significant impact and are not necessary to mitigate a significant impact. Accordingly, recirculation of the Initial Study is not required pursuant to Section 15073.5(c)(3) of the CEQA Guidelines. Alternatively, even if considered mitigation, the mitigation is added in response to comments on environmental impacts already identified in the Initial Study and do not relate to new avoidable significant effects. As a result, a Mitigated Negative Declaration (MND) will be adopted. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

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 open space resources, or suitable off-site development will compensate for related disturbance to resource values.**

   Affected lands will be reclaimed to a condition compatible with, and blending with, the surrounding natural environment, topography, and other open space resources as identified in the Reclamation Plan. Financial Assurances and annual mine inspections pursuant to SMARA will take place to ensure this occurs. Groundwater resource will also be monitored and mitigated should related disturbance to this resource occur.

   Reclamation will include the removal of all equipment, any structures, and debris from the site. Any remaining stockpiles will be backfilled into the pit and graded for positive drainage where possible. Compacted surfaces will be loosened by mechanical means and the entire site, onsite roads, stockpile areas, and the pit footprint, will be reseeded with stored mulch, scavenged seeds or native plant species. The pit will be backfilled, and there will be no steep slopes remaining. If the pit is not completely backfilled, any perimeter slopes will be filled to 2H:1V. If

needed, a protective berm will be maintained around the pit rim and shall be posted with warning signs of steep slope hazard.

6. **The Reclamation Plan will reclaim the minded lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.**

   The Reclamation Plan, as conditioned, along with annual mine inspections pursuant to SMARA will ensure reclamation of the mined lands return to a usable condition (Open Space Habitat) that is readily adaptable for alternative land uses, which with regard to this Project, is open space. The reclaimed site will allow for future exploration and development of additional resources located on unpatented claims beneath and outside of the backfilled pits. The reclaimed site will not preclude or necessitate any future mining activities or surface modification. Concerning public safety, all equipment and debris will be removed from the site upon project completion. Access to the site will be controlled with locked gates, signage, and blocked secondary access roads. The pit will be backfilled and stockpiles removed for the backfill material; therefore, no steep slopes will remain onsite.

7. **A written response to the Division of Mine Reclamation (DMR), a division of the State Department of Conservation, has been prepared, describing the disposition of major issues raised by DMR.**

   The Reclamation Plan was reviewed, and conditioned, for compliance with SMARA. It has also been reviewed and accepted by DMR. As detailed in Finding No. 1, on August 13, 2024, DMR was satisfied with the mining documents revision to accept the submittal as complete pursuant to addressing the agency’s comments.

EXHIBIT D

Conditions of Approval
MRP-2023-00001

CONDITIONS OF APPROVAL
PERSISTENCE MINE
RECLAMATION PLAN
CA MINE ID#

GENERAL REQUIREMENTS/INFORMATIONAL
Conditions of Operation and Procedures

LAND USE SERVICES – Planning (909) 387-8311

1. Project Description. The proposed Persistence Mine, is to operate and mine two non-contiguous pits Eastern Pit (85 acres) and Western Pit (41 acres) situated within an area covering a property area of 267 acres, with a Reclamation Plan expiration date of December 31, 2029.

2. Location. The Persistence Mine is located adjacent to U.S. Route 395 (eastern side of U.S. Route 395) and is approximately 3.6 miles south of Red Mountain and approximately 0.6 miles south of the historical township of Atolia (ghost town now).

3. Effective Dates. The Persistence Mine Reclamation Plan approval (project account No. MRP-2023-00001) shall be effective of the Reclamation Plan expiration date of December 31, 2029. At the conclusion of all mining activities, the site will be reclaimed to its current land use status on federal lands, which is vacant open space and wildlife habitat.

4. Reclamation Plan Recordation. Pursuant to Public Resources Code 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 be responsible for reviewing costs and recording fees.

5. Revisions/Amendments. Any substantial deviation or increase in the developed area of the site from that shown on the final approved Reclamation Plan will require submission of an additional application for review and approval. If Reclamation Plan procedures change from those outlined in the approved Reclamation Plan the applicant/operator shall file an amendment and secure approval before such changes can be made effective.

6. Written Notification. The Land Use Services Department shall be notified in writing, within 30 days, regarding 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 number during the life of the Reclamation Plan.
   c. Changes to provisions in lease agreements or real property having any effect on the approved.

7. SMARA and State Regulations. The provisions of the California Surface Mining and Reclamation Act of 1975 ("SMARA", Public Resources Code Section 2710 et seq.), Public Resources Code Section 2207, and the regulations implementing SMARA ("State Regulations", California Code of Regulations Section 3500 et seq.) are made a part of the Reclamation Plan. In the event that the State amends SMARA to the extent it adds to or conflicts with the Conditions of Approval, State law shall prevail.

8. The Persistence Mine Reclamation Plan under Project No. MRP-2023-00001 shall be effective until December 31 2029 mining activities have been completed. The site will be reclaimed to its current land use status on federal lands, which is, vacant open space habitat managed by the Bureau of Land Management.

9. 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 Reclamation Plan.
   C) Any changes to provisions in lease agreements or real property that will affect the approved Reclamation Plan.

10. The approved Reclamation Plan. Shall be bound in a 3-ring binder and shall incorporate the approved Persistence Mine Plan of Operations by the BLM, Desert Tortoise Presence/Absence Survey prepared by ELMT Consulting June 18, 2024, Air Quality Assessment Study prepared by Cedar Creek Associates, Burrowing Owl Focused Survey Report prepared by ELMT Consulting dated July 2024 and the Special Status Plant Survey Report prepared by South Environmental May 2025. The approved Reclamation Plan shall be kept at the site at all times during operations and be presented to the inspector upon request.

11. Additional Permits/Approvals. The applicant/operator shall ascertain and comply with all legal 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 Planning, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, 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.

12. Interim Management Plan. The applicant shall implement measures to stabilize and secure the site during periods of inactivity as per the approved Reclamation Plan. An Interim Management Plan (IMP) as required by SMARA Section 2770(h)(1) shall be submitted to Planning for review and approval within 90 days of the mining operation becoming idle.

13. Indemnification. In compliance with the SBCC § 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.

14. Financial Assurances. The applicant/operator shall maintain an acceptable form of financial assurance for the approved Reclamation Plan and conditions of approval. The financial assurance shall identify the County of San Bernardino and the Department of Conservation as the beneficiaries. Any withdrawals made by the County for reclamation shall be re-deposited by the applicant/operator within 30 days of written notification to the applicant/operator.

    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, Division of Mine Reclamation for the approved reclamation procedures. Each year, following the annual mine site inspection by the County, 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/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 and any financial assurance remaining funds in the account of the applicant/operator shall be returned to the applicant/operator upon final sign off by the County and Department of Conservation that the reclamation has been completed.

15. Annual Reporting. The applicant/operator shall submit a report summarizing the past year's reclamation activities to the Department of Conservation, Division of Mine Reclamation and the Land Use Services Department each year by July 1st. Mine site inspections will occur within 12-month intervals or as requested in the annual report or at other times as appropriate.

16. Project Account Funding. As determined necessary by the County and 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. Project Account MRP-2023-00001

17. Amendment. If the approved Reclamation Plan procedures change from those outlined in the Persistence Mine Reclamation Plan, the applicant/operator shall file an amendment and secure approval before such changes can be made effective.

18. Conditions. All conditions of this revised Reclamation Plan are continuing conditions. Failure of the applicant/operator to comply with any or all of said conditions at any time could result in the revocation of the permit granted to use the property.

19. Clean Water Act. The Army Corp. of Engineers (COE) regulates discharge of dredged fill materials into Waters of the United States pursuant to Section 404 of the Clean Water Act. If the COE agrees that the delineated waters on the site are jurisdictional and the project will result in the discharge of materials into waters of

the United States, a 404 permit may be required and will need to be obtained from the Los Angeles COE District Office. A pre-construction notification should be submitted to the COE District office early in the environmental process.

20. Regional Water Quality Control Board (RWQCB). The RWQCB regulates discharge to surface waters under the Clean Water Act (CLA) and the California Porter-Cologne Water Quality Act; therefore, a Section 401 permit may be required in conjunction with the 404 permit, if the COE concurs that the site supports waters of the United States. Effective July 1, 2010, all dischargers are required to obtain coverage under the Construction General Permit Order 2009-0009-DWQ adopted on September 2, 2009. A Section 401 water quality certification may be required as part of the approval by the COE if a 404 permit is deemed necessary by the COE.

21. Project Account. The Job Costing System (JCS) account number is MRP-2023-00001. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Work and County Counsel). Upon written notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expenses charged to this account. Processing of the project shall cease if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of $1,200.00 shall be in the project account at the time of the project approval.

22. Condition Compliance. 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. NOTE: Sufficient funds must remain in the account to cover the charges during the Compliance Review for each phase. 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.

23. Fees. Prior to issuance of the approved Permits, all fees due under actual cost Job No. MRP-2023-00001 shall be paid in full.

24. Mitigation. Implementation of the mitigation measures required for this project shall be verified according to the methods identified in the Mitigation Monitoring and Compliance Program. Planning verification of compliance shall be requested through submittal of a Mitigation Monitoring and Compliance Application along with the required fee deposit. A qualified third-party consultant with experience in mine operations, mutually agreed upon by the applicant/operator and County, shall do mitigation monitoring compliance verification to be funded by the applicant/operator. Annual reports shall be prepared by the operator that summarizes compliance with regulatory agency monitoring requirements and submitted to Land Use Services by October 1st of each year.

25. Deliveries. Transportation and delivery of materials should be conducted primarily during daylight hours when practical and restricted per BLM requirements, if applicable, in the BLM approved Plan of Operations.

26. Operation. Mining operation shifts are anticipated to be 2 x 12-hour shifts per day, 6 days a week, Monday 6am Sunday 6am. Operations will be conducted during night hours once the project is sufficiently established (6 nights per week anticipated to commence after 4 months of operation). GDG plans to run day shifts only for the first 2 months to establish the plant performance and general flow of the operation. Between months 3 and 4 GDG will establish night shifts as appropriate and monitor the progress. The ramp-up period will also allow GDG to stagger employee recruitment for the mine, as well as ensure all forms of employee training is staggered and fully completed. Approximately 10 employees are expected to be employed by the site, with up to 5 employees onsite at any one time.

    A 4,000-gallon water truck with sprayer bars. Potable water will be brought to the site daily for field crews sufficient for their needs during the 12-hour shifts. The 1.4 million gallons required by the operation per month will be trucked into the mine site with approximately 6-7 'water runs' per shift with a 4,000-gallon water truck. Therefore, at any one time, GDG anticipates up to 1-1.2 million gallons of water to be stored on site based on ongoing, real-time water losses during operations.

27. Blasting. No Blasting of rock material is required for extraction.

28. Fixed Structures Upon cessation of mining activities at the end of quarry operations, all fixed structures and mobile equipment not required for further revegetation activities will be removed from the site. This would include all loaders, dozers, excavators, washplant, grizzly feeder and conveyor.

29. Agency Compliance. Applicant shall ascertain and comply with requirements of all Federal, State, County and Local Agencies as are applicable to the proposed use and the project area. They may include, but are not limited to: 1) State: Caltrans; Fire Marshall; South Coast Air Quality Management District; Santa Ana Regional Water Quality Control Board, California Highway Patrol, 2) County: Department of Public Health; Environmental Health Services Division; Local Enforcement Agency (LEA); Department of Land Use Services, Divisions of Building & Safety and Code Enforcement; Department of Public Works; Flood Control District; California Occupational Safety and Health Administration (Cal-OSHA).

Definitions

30. Minerals. Include any naturally occurring chemical element or compound, or groups of elements and compounds, formed from organic and inorganic

processes. Clay, sand, gravel, rock, decomposed granite, salts, alumina, silica, alkali, topsoil or growth medium, organic humus and gems represent the aggregate of different minerals.

31. Aggregate Removal. The applicant shall not sell or otherwise move off the mine site any sand, gravel, or other produced minerals to a public agency unless the operator certifies, under penalty of perjury, that the mining operation is identified in the AB 3098 List published pursuant to PRC Section 2717(b).

32. Construction and Demolition (C&D). Materials left on site or produced in the process of site clearing activities, construction, renovation, or demolition of structures of all types to include roads and bridges shall be deemed as waste material. Waste materials include, but is not limited to concrete, asphalt, wood, metals, gypsum wallboard and brick. The Financial Assurance Cost Estimate shall include costs to remove C&D materials to an approved facility that is permitted to receive such materials.

33. Exploration or Prospecting. Includes the activities in search for minerals by geological, geophysical, geochemical, or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

34. Project Design Features: Project Design Features (PDFs) are aspects of the proposed project that have been designed into the mining operations.

35. Mitigation Measures: Mitigation Measures (MMs) are environmental protection measures developed during the CEQA process (in addition to the proposed PDFs) that have been determined necessary to further protect the environment.

36. Ownership. The person(s) involved in the ownership of the property include all persons having interest in the ownership of the surface and subsurface property, including mineral rights. If the applicant/operator is not the recorded owner(s) of the property, must submit a signed statement by the property and mineral rights owner(s) authorizing the applicant to act on their behalf.

37. Operator. The Operator includes the applicant and any person who is engaged in surface mining operations, and others contracted to conduct operations on his or her behalf, except a person who is engaged in surface mining operations as an employee with wages as his or her sole involvement and compensation.

38. Operations. Surface mining operations include all, or any part of, the process involved in the mining of minerals on mined lands, borrow pitting, segregation and stockpiling of mined materials (and recovery of same).

39. Mined Lands. Include the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations,

workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

40. Produced Minerals. As defined in CCR Section 3501 includes all minerals sold, given, or otherwise moved off the site of the operation, as defined in the approved reclamation plan. Recycled products (e.g., broken concrete, bricks, asphaltic concrete, etc.) or stockpiles of mineral products that remain on the site are not produced minerals for purposes of CCR Section 3695(b).

41. Transplanting. Transplanted or propagated plants will be maintained for a minimum of three years, or until a qualified biologist(s) determine that the plants have been successfully established (e.g., plants are vigorous, flower, and produce seed). Successful re-establishment of the plants will be based on the replanted areas achieving density and diversity standards based on control plots.

42. Special-status Plant Protection. Special-status plants (as listed in the SBCC Section 88.01.060 (et al.), Desert Native Plant Protection, and those species identified/listed in Revegetation Plan and growing within the disturbed areas will be salvaged and/or propagules will be relocated to an appropriate location within the mine site that will not be disturbed by future mining activities. Prospective transplanting sites will be inspected and approved by a qualified botanist prior to removal of vegetation for the project. Transplanting efforts will be consistent with the revised Revegetation Plan.

43. Joshua Trees. On September 22, 2020, the California Fish and Game Commission determined that the Western Joshua tree (Yucca brevifolia) is a potentially threatened or endangered species and should be protected under the California Endangered Species Act (CESA). This commenced a status review of the species, and the Commission will make a final decision whether or not to require permanent protection status under CESA after the review; therefore, during the status review period, the Western Joshua tree is protected under CESA. The County does not have authority to authorize removal of Western Joshua trees pursuant to Development Code sections 88.01.040 through 88.01.060. Removal shall require authorization from the California Department of Fish and Wildlife.

LAND USE SERVICES – Code Enforcement (909) 387-8311

44. Enforcement. If any County agency is required to enforce compliance with the conditions of approval, the property owner and "developer" shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and "developer" (by both criminal and civil procedures) as provided by the

San Bernardino County Code, Title 8 - Development Code; Division 6 - Administration, Chapter 86.09 - Enforcement.

45. Weed Abatement. The developer shall comply with San Bernardino County weed abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

PUBLIC HEALTH – Environmental Health Services (DEHS) (800) 442-2283

46. Noise Level. Noise level shall be maintained at or below County Standards, Development Code §83.01.080. For information, contact DEHS at 1-800-442-2283.

47. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, per week or as often as necessary to minimize public health nuisances.

COUNTY FIRE – Community Safety (909) 386-8400

48. Fire Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

49. Additional Requirements. In addition to the Fire requirements stated herein, other on-site and off-site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

50. Modifications. Any changes to this proposal shall require new Fire Department condition letter.

LAND USE SERVICES - Land Development – Drainage (909) 387-8311

51. Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.

52. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. The project site shall be designed in a manner

that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions.

53. Drainage Improvements Note. Adequate drainage improvements should be considered to intercept and conduct the tributary off-site and on-site drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties.

54. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

55. Joshua Trees. Any land disturbance shall be kept at least 40 feet away from any Joshua tree in order for the design to be acceptable. If the proposed land disturbance is within 40 feet of a Joshua tree, then the applicant will need to submit a survey by a licensed arborist to verify that the proposed design will not detrimentally affect the tree. For all applications, plot plans must show the location of all Joshua trees on a parcel. http://www.sbcounty.gov/Uploads/LUS/BandS/Handouts/IB-0016.pdf.

56. Endangered Desert Plants. Compliance with Desert Native Plants Act. Removal actions of all plants protected or regulated by the Desert Native Plants Act (Food and Agricultural Code §§ 80001 et seq.) shall comply with the provisions of the Act before the issuance of a development permit or approval of a land use application. Provide a plant protection plan or removal plan prepared by a licensed biologist to be approved by the County LUS. Per the County General Plan Environmental Impact Report, provide a biological report and associated plan (uploaded as a separate attachment in the EZOP record) that shows any protected species including plant species with stems two inches or greater in diameter or six feet or greater in height including but not limited to those listed in: § 88.01.060 Desert Native Plant Protection. See related link https://countywideplan.com/resources/document-download/ https://countywideplan.com/wp-content/uploads/sites/68/2021/01/CWP_PolicyPlan_HardCopy_MainText_Tables_2022_Sept_Adopted.pdf?x2342 https://codelibrary.amlegal.com/codes/sanbernardino/latest/sanberncty_ca/0-0-0-175924

57. Recreational Vehicle Requirements. Any RV stored within a 100-year floodplain for a natural watercourse shall be of a “temporary” nature. An RV is only considered temporary if it meets all of the following criteria:

i) built on a single chassis,
ii) ii) 400 square feet or less,
iii) iii) designed to be self-propelled or permanently towable by a light duty truck and,

iv) iv) designed for temporary uses like recreation, camping, travel, and seasonal. If a vehicle meets these criteria as a "temporary" RV and is onsite for fewer than 180 consecutive days or must be fully licensed and ready for highway use, then no floodproofing is required. Otherwise, the RV shall be floodproofed to meet the elevation, anchoring and erosion protection requirements of a manufactured home in a 100-year floodplain and adequate drainage paths shall be provided around the RV.

PRIOR TO ISSUANCE OF GRADING PERMITS OR ANY LAND DISTURBING ACTIVITY THE FOLLOWING SHALL BE COMPLETED

LAND USE SERVICES – Planning (909) 387-8311

58. Bureau of Land Management. Authorization for site access shall be provided from the U.S. Department of the Interior, Bureau of Land Management, Ridgecrest Office Field Office (BLM) prior to initiating new land disturbance activities affecting APN 0503-341-01.

59. Reclamation Documentation. Prior to authorizing a proposed expansion of the operations, the approved Reclamation Plan text and maps shall be revised to reflect the project as approved by the Planning Commission.

60. Project Boundary Verification. Prior to new ground disturbance, a Licensed Land Surveyor shall be employed to determine the property corners and project boundaries using PVC stakes. For each corner, GPS coordinates (or other similar technology) shall be provided in a format acceptable to the County. A final confirmation of the work performed and completed shall be provided to Land Use Services/Mining Division by the Licensed Land Surveyor.

PUBLIC WORKS – Surveyor – 909 387-7910

61. If any activity on this project will disturb **any** land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation 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 monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

62. Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
    a. Monuments set to mark property lines or corners;

b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;

c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

PUBLIC WORKS – Traffic – 909 387-4374

63. Caltrans: Site Grading and Drainage

If any future development is anticipated to impact State facilities drainage system, consider the following when development occurs:

1. Site detention strategies that eliminate site runoff contaminants.

2. If determined necessary, future review of project drainage design will include an evaluation of runoff impacts to adjacent State R/W. Where applicable, compliance with pertinent National Pollutant Discharge Elimination System (NPDES)/water quality standards will be required. Prior to issuance of construction permits, please forward copies of site grading and drainage plans when available so that we may determine the extent of project impact to the adjacent State right-of-way.

3. Ensure that "best management practices" (BMP's) used to treat site runoff entering State R/W are in compliance with all applicable National Pollution Discharge Elimination System (NPDES) or State Regional Water Resources Board regulations.

4. All existing tributary areas, area drainage patterns and runoff volumes having an impact to adjacent US-395 drainage facilities must be identified and analyzed in a project hydrology study.

LAND USE SERVICES - Land Development – Drainage (909) 387-8311

64. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C2025H dated 08/28/2008. Flood hazards are undetermined in this area, but they are still possible.

65. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics www.swrcb.ca.gov

66. Regional board Permit. Construction projects involving one or more acres must be accompanied by Regional Board permit WDID#. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

67. On Site Flows. On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

68. Streambed Alteration Agreement. California Department of Fish and Wildlife (CDFW) must be notified per Fish and Game Code (FGC) §1602. A streambed alteration agreement shall be provided prior to Grading permit issuance. Link to CDFW website at: https://www.wildlife.ca.gov/Conservation/LSA.

PRIOR TO MINING OPERATION, THE FOLLOWING CONDITIONS SHALL BE MET

LAND USE SERVICES/BUILDING & SAFETY DIVISION (909) 387-8311

69. Construction Plans. Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.

COUNTY FIRE – Community Safety (909) 386-8400

70. Fire Apparatus Access. Roads. shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.

71. Fees. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division

ON-GOING OPERATIONAL CONDITIONS
General Requirements

PUBLIC HEALTH – Environmental Health Services (DEHS) (800) 442-2283

72. Noise Operations. The Noise level shall be maintained at or below County Standards, Development Code Section 87.0905(b).

73. Solid Waste. No land filling of wastes shall occur on-site without an approved Solid Waste Facilities Permit.

74. Refuse. 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: 909-387-4655.

75. Potable Water. The water purveyor shall be DEHS approved and maybe permitted; currently proposing bottled water for visitors and employees for drinking.

COUNTY FIRE – Community Safety (909) 386-8400

76. Emergency Access. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
    a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

    b. b. Multi-Story Road Access Width. Fire apparatus access roadways serving buildings that are three (3) or more stories or thirty (30) feet or more in height shall be a minimum of thirty (30) feet in unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

LAND USE SERVICES – Planning (909) 387-8311

77. Barriers/Signage. A barrier and signage per MSHA requirements shall be maintained around the mined slopes. The upper reach of the final reclaimed slopes shall be remediated to an inclination of 3:1(Horizontal: Vertical) or flatter.

78. Water Discharge. On-site groundwater may be impaired with undesirable chemical constituents; therefore, water use and discharges shall be in accordance to the water quality objectives and standards within the Lahontan Region outlined in Chapter 3 of the Basin Plan.

79. Stockpiling. On-site materials 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 will likely experience.

80. Soil Contamination. In the event of any soil contamination on-site, the applicant/operator shall remove to a County approved disposal site, any soils that become chemically contaminated so as to preclude any chemical leaching into the local ground water supply over time.

81. Overburden. The removal of vegetation and overburden, if any, in advance of surface mining shall be kept to the minimum. The following practices shall be undertaken during the performance of surface mining operations:

    A. Erosion control facilities such as retarding basins, ditches, streambank stabilization, and diking shall be constructed and maintained where necessary to control water erosion.
    B. Erosion and Drainage. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to; natural drainage courses or interior basins designed for water storage.
    C. Resoiling. When the reclamation plan calls for resoiling, course hard mine waste shall be leveled and covered with a layer of finer material or weathered waste. The use of soil conditioners, mulches, or imported topsoil shall be considered where revegetation is part of the reclamation plan and where such measures are necessary.

82. Mining Operation. The mining operation shall be conducted in a uniform manner, with exterior slopes and floors trimmed as the mining operation proceeds to facilitate implementing site reclamation. 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.

83. Slope monitoring. Slope monitoring shall be implemented to assure that unnecessary hazards are not created with the active or final reclaimed slopes. The monitoring shall include the following items:
    A. Slope Stability Analysis: A qualified independent California Certified Professional Civil Engineer OR Engineering Geologist shall complete, on an annual basis or deemed necessary by County inspector, a stability assessment of new quarry development areas. The analysis shall identify and discuss significant structural features or indications of potential instability encountered.

    B. Review of Slope Stability Considerations: Using the information from the investigation and monitoring, the assumptions and results of the stability analysis shall be evaluated for continued approved design applicability.

84. Recycling Material. Processing and/or stockpiling of recycled materials is not permitted on site.

85. Headlights. In consideration to recreational use in the vicinity of the project, daytime headlights shall be required at all times. Advisement to drivers and employees of this requirement shall be made on a weekly basis.

86. Reclamation. Reclamation shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.

87. Signage. Clearly legible signs denoting limits shall be posted along with fencing, berms, or rock barriers, as necessary, to protect against accidental entry to the site. Lettering shall be a minimum four (4) inches in height. As feasible, signs shall be placed every 300 feet around the perimeter of the project plan area where undisturbed ground adjoins the permit area. All signs shall be in place prior to the commencement of extraction activities.

88. Sign Maintenance. 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.

89. Advertisement. Any advertising or identifying sign shall be constructed in compliance with the designated Official Land Use District for this site.

90. Company Identification. The applicant shall install Company identification signs on all company owned and operated haulage trucks used on public roads. The signs shall be located on both sides and the rear of each truck. The information contained on the sign shall include:

On the rear of the truck:
A. How am I driving?
B. Truck number.
C. Company phone number.

On the side of the truck:
A. Company name.
B. Truck number.
C. Company phone number.

The signing shall be printed in a minimum of 3" high lettering. The applicant shall have a person or an answering machine available during operating hours to answer the phone that corresponds to the phone number on the truck. The persons answering the phone number shall be instructed as to how to take the calls, how to affect a solution, and be responsible for returning a call to the complainant with results of investigation. The applicant shall keep a log of all calls received and shall include documentation of response and/or resolution of complaints. The log shall be made available to the County upon request.

91. Site Lighting. Non-portable plant equipment and structures are restricted to a maximum of 35 feet in height above natural grade level.

92. Re-vegetation Monitoring. Monitoring will continue annually for at least five (5) 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.

93. Revegetation Renewal. 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 five 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.

94. Financial Assurances. 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 five (5) years following the termination date of operation.

PRIOR TO FINAL CLOSURE
Following Conditions Shall Be Met

LAND USE SERVICES – Planning (909) 387-8311

95. Well Closure. 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.

96. Tributary Drainage Flows. Upon final reclamation, provisions shall be implemented to intercept and conduct off site tributary drainage flows around or through the site to minimize erosion in a manner which will not adversely affect adjacent or downstream properties and shall be maintained five (5) years following the termination date of operation.

97. Equipment. 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.

98. Access Roads. All access roads on site, which will not be retained for post-operation uses, shall be reclaimed at the conclusion of mining/hauling activities.

99. Site Re-Contour. The applicant/operator shall re-contour the site at the conclusion of operations (platforms, stockpiles, settling ponds, etc.). The site should resemble natural landforms where possible.

100. Reclamation Verification. 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.

California Department of Fish and Wildlife

101. California Department of Fish and Wildlife (CDFW). Applicant/Mine Operator will continue to consult with and provide clarity to the California Department of Fish and Wildlife regarding CDFW's comments and recommendations as they pertain to the Reclamation Plan in the attached CDFW letter sent to the County, dated August 15, 2025, during the 30-day public comment period. Exhibit J (attached) of Planning Commission Package dated September 18, 2025.

102. Crotch's bumble bee. The Project proponent shall conduct a Crotch's bumble bee habitat assessment consistent with the 2023 Survey Considerations for Candidate Bumble Bee Species to evaluate the likelihood of Crotch's bumble bee occurring within and adjacent to the Project area. The habitat assessment shall be conducted by a qualified biologist knowledgeable of foraging, nesting, and/or overwintering habitat for Crotch's bumble bee.

    If the habitat assessment identifies suitable foraging, nesting, and/or overwintering habitat for Crotch's bumble bee, focused surveys shall be conducted within the Project area and within 100-feet of the Project area prior to the start of Project activities. Surveys shall be conducted using the survey guidance in the 2023 Survey Considerations for Candidate Bumble Bee Species. If Crotch's bumble bee is detected, impacts to Crotch's bumble bee shall be fully avoided or a CESA ITP should be obtained.

CONCLUSION OF CONDITIONS

EXHIBIT E

Persistence Reclamation and Site Plans

GOLD DISCOVERY GROUP LLC

A REPORT BY GOLD DISCOVERY GROUP LLC

MINE RECLAMATION PLAN FOR THE PERSISTENCE MINE

SUBMITTED TO COUNTY OF SAN BERNARDINO

Land Use Services

385 North Arrowhead Avenue, 1st Floor

San Bernardino, California 92415

November 2023, Rev August 2025

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1. MINE OPERATIONS

Gold Discovery Group LLC (GDG) is submitting this application for a Reclamation Plan (Plan) for the Persistence Mine. The Persistence Mine (project, project site or mine site) has been part of broader exploration and mining intermittently since the late 1800s and is located on unpatented (public) lands under management by the Bureau of Land Management (BLM). The area, more broadly known as the Historic Rand Mining District, was a major silver, gold, and tungsten source in the County of San Bernardino (County) for both placer and lode style mineralization and mining.

The proposed project site is located adjacent to U.S. Route 395 (eastern side) and is approximately 3.6 miles south of Red Mountain and approximately 0.6 miles south of the historical township of Atolia (see Figure 1-1). The footprint of the project covers Placer Mining Claims issued from the BLM to GDG with the following serial numbers:

- CA101921235 (Tux 18);
- CA101921234 (Tux 5);
- CA101921231 (Tux 20); and
- CA101921236 (Tux 25).

Detailed location plan is outlined in Figure 1-2. GDG is the owner of the unpatented placer claims. Planned access for workers to the site will be from the existing U.S. Route 395 and along existing BLM tracks into the mine site area.

GDG is planning to extract desert placer style gold from semi to unconsolidated gravels, sands and silts (sediments) from the placer mining claims defined above. These sediments have been sufficiently tested and show economic gold grades for surface mining extraction down to a tested depth of 24' covering an area of ~126 acres across two non-contiguous pits. These two pits are known as the Western and Eastern and are shown in Figure 1-2. The operation capacity proposed is to support up to a 96,400 Cu Yds/month processing operation.

Mining will be by surface pit extraction with a single excavator and wheel loader. Excavation passes will be in 12' increments with a total of two passes to extract to 24' depth or to bedrock, whichever comes first. Batter angles on pit walls will be targeting 30 degrees but reduced if pit crests are not stable based on GDG site inspections. Considering the low depth of pit floor (and passes), it is expected that a more aggressive pit wall can be achieved but will be regularly assessed during mining operations. GDG's experience of the areas historical mining voids shows excavation walls up to +80 degrees still standing (see Figure 1-5).

The operation will be excavator mined and wheel loaded straight into a skid mounted gravity concentrator unit. All oversize reject material will be wheel loaded back into the pit void as backfill to the mining sequence. Some initial out of pit dumping will be required to open up sufficient void space to allow the start of mining, onsite water storage ponds and tailings backfilling. The GDG placer claims cover areas to the south and east of the proposed Persistence Mine footprint to allow some out of pit dumping capacity as required. Note that the design of the Persistence Mine is offset from the boundary of the placer claims on all sides giving additional buffer room.

Figure 1-1 Persistence Mine Regional Location

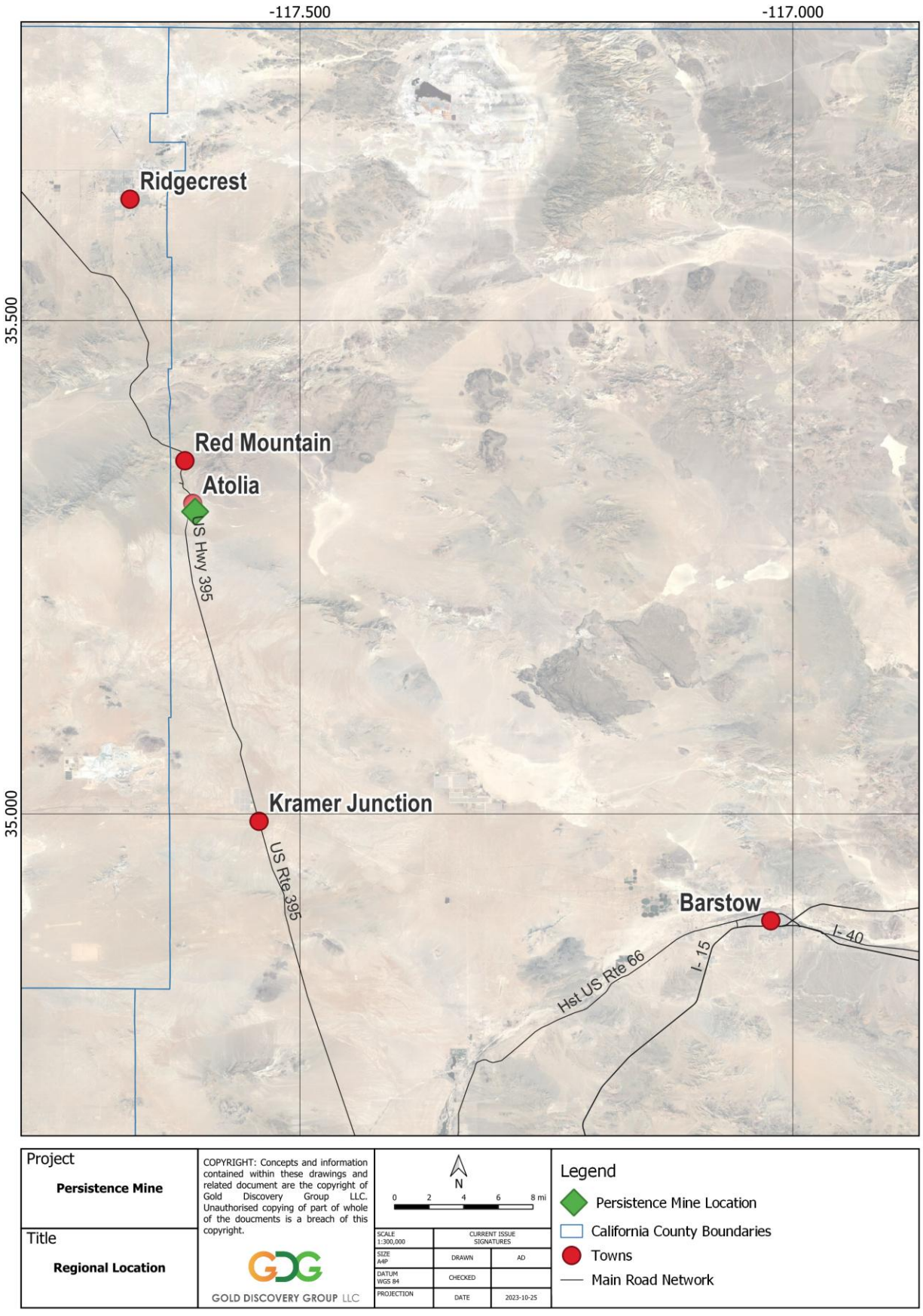
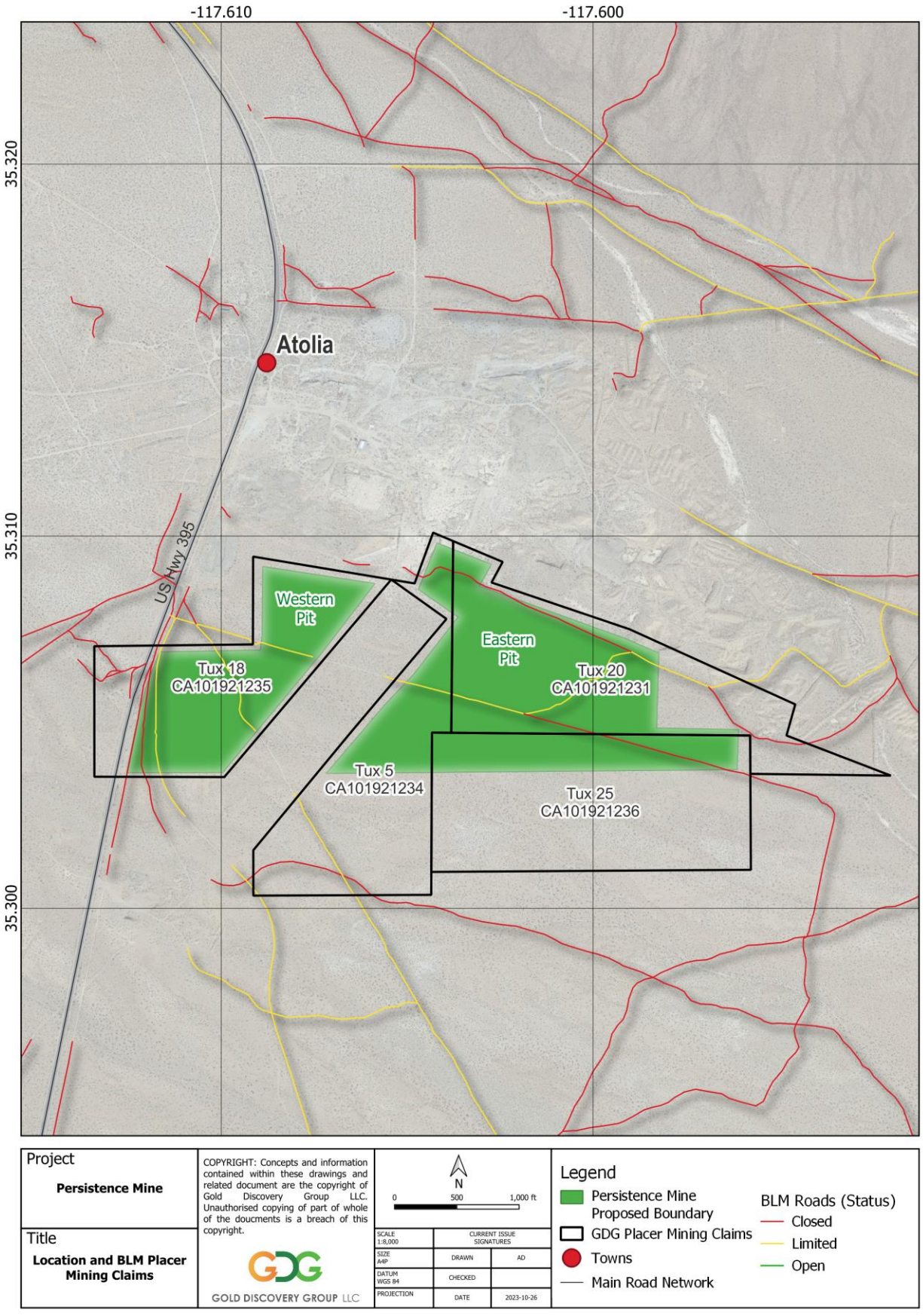


Figure 1-2 Persistence Mine Local Location



This proposed Reclamation Plan was prepared with the following objectives:

- To open a precious ore placer mine to produce gold that can be economically processed with current gravity separation and water processing methods;
- To develop the precious metal resource in compliance with the State's and County's SMARA requirements;
- To utilize oversize and tailings rock/material to produce secondary products including construction aggregate and decorative rock (where appropriate and can be economically proven once in operation);
- To operate the mine in a safe and environmentally friendly manner with respect to open desert resources;
- To provide reclamation in the form of backfilling the pits with tailings and revegetation to the disturbed areas to reduce visual, biological, and safety impacts; and
- To reclaim the site for open space end use.

The following information is listed as required by SMARA:

Mineral Rights Owner and Operator:

Gold Discovery Group LLC

2549 Eastbluff Drive

Suite B-499

Newport Beach, CA 92660

Representative:

Sean P. Tucker, Manager

Gold Discovery Group LLC

2549 Eastbluff Drive

Suite B-499

Newport Beach, CA 92660

Reclamation Plan No: To be assigned by County

Minerals to be Mined: Gold, silver and aggregate

County Wide Policy Plan (November 2020) Land Use Category (LUC): RLM (Resource/Land Management)

County Wide Policy Plan (November 2020) Zoning: RC (Resource Conservation)

Estimated Start Date: December 2025 (pending approvals)

Estimated Operating Life: 33 months

Estimated Mining Termination Date: 33 months from approval and commencement of works

Property Area: 267 acres (Tux 5, Tux 18, Tux 20, and Tux 25)

Reclamation Area: 126 acres

Area to be Reclaimed: 126 acres

Estimated Reclamation Completion: December, 2029 (followed by revegetation monitoring until success criteria achieved).

Reclaimed End Use: RLM/RC

1.1 MINING OPERATIONS

The Persistence Mine will consist of two pit areas. A ~41 acre Western Pit and a ~85 acre Eastern Pit. The mine is estimated to contain approximately 2.86 million cubic yards of ore with no overburden. For start-up months 1 to 4, the site will be mined at an average rate of 25,000 cubic yards per month to establish a routine, plant performance, water usage, and optimal pit development. For month 5 through to life of mine (LOM), excavations and processing are planned at an average rate of approximately 96,400 cubic yards per month. GDG is planning a 2.75 year operating plan based on ore volumes, economic conditions, and overall annual production. Therefore, GDG is requesting a 3-year (rounded up) reclamation plan. The planned mining is single excavator operating a working face and wheel loader tramming ore to the wash plant. GDG will utilize pit progression to advance the wash plant with mining to optimizing tramming times and relocation downtime. While the LOM pit shells encompass the full pit extents, GDG will be working the areas in blocks or strips. The operation can be considered in two phases. Phase 1 would an initial box cut and stockpile of material around the SD600 wash plant pad site. This material would be stockpiled for processing once the pit is excavated to bedrock, and the void filled with water for tailings management, settling pond, and freshwater circulation. A graphical representation of this is shown in Figure 1-3. This location is likely to remain as presented as these areas were the richest from the GDG trenching programme.

Phase 2 (shown here in Figure 1-4), is a representation of the sequential block or strip mining and relocation of the active water storage and wash plant pad. Figure 1-4 shows that the original box cut is depleted and back filled and that the new water storage is progressing with active mining. Land bridges will be left to ensure the stability of active water and tailings storage. The ability to scavenge these land bridges once the backfill is dried will be undertaken to ensure maximum resource recovery. The progression and development of Phase 2 will be evaluated and refined during GDG's ramp up phase.

Figure 1-3 Phase 1 site layout diagram

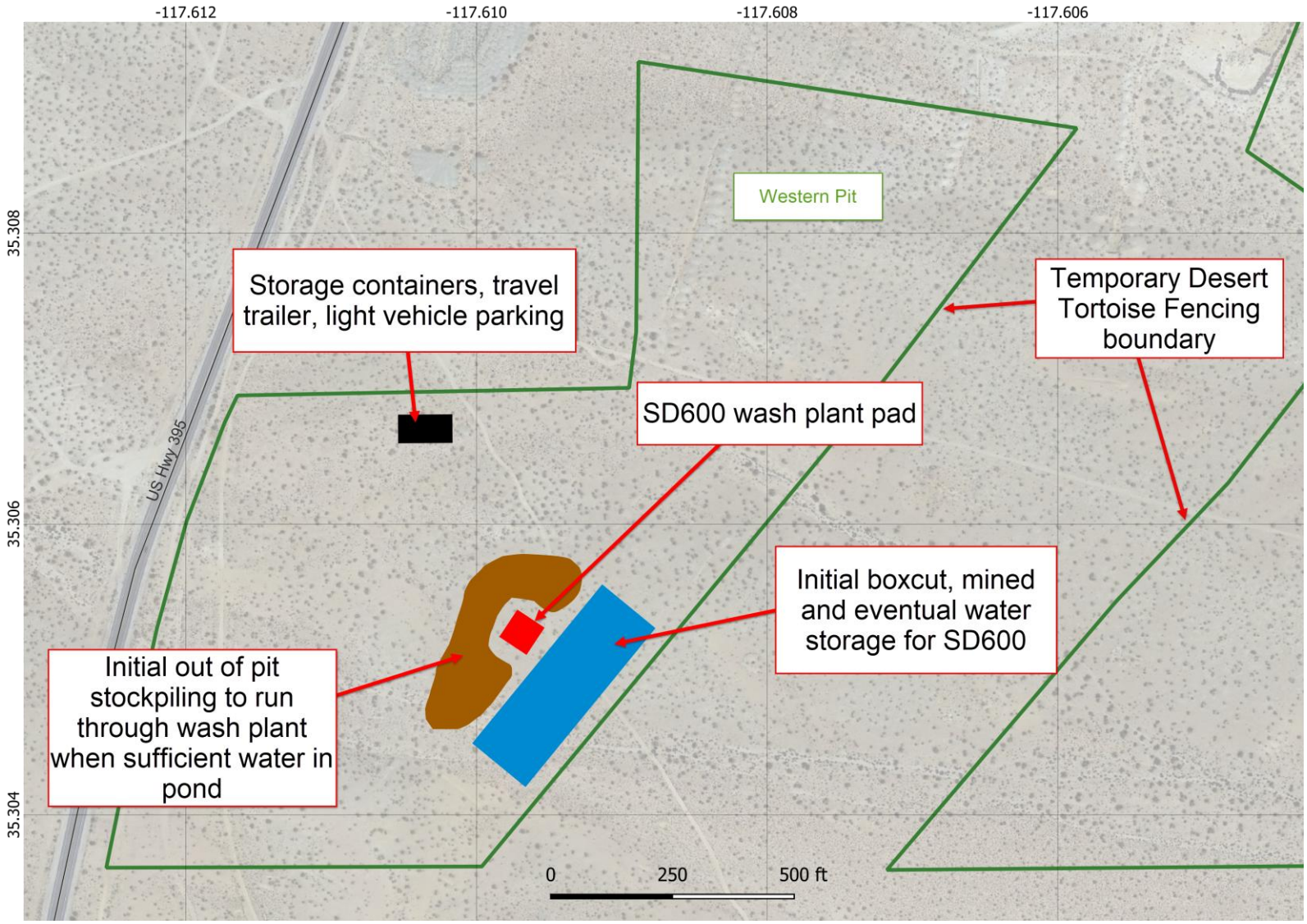
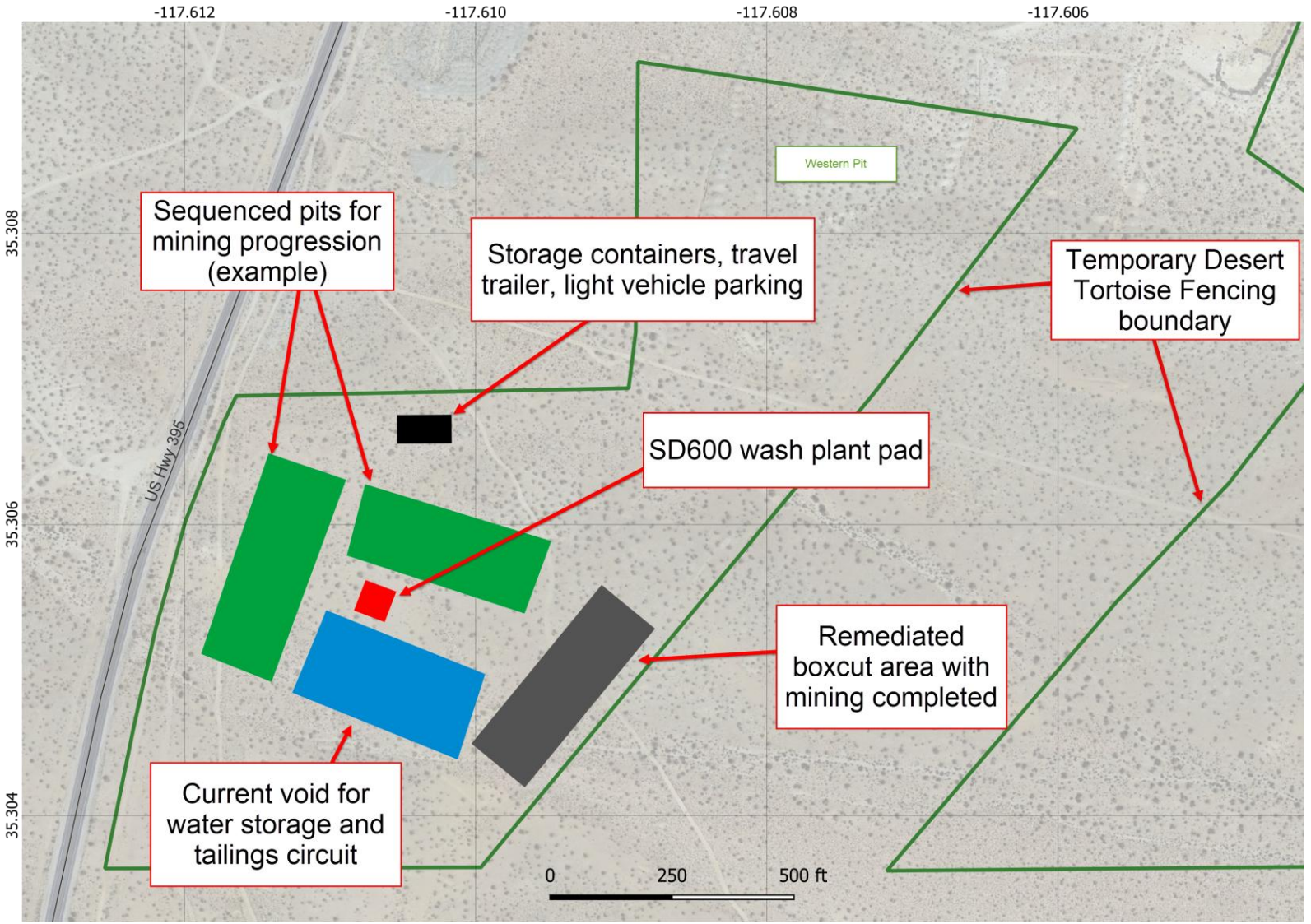


Figure 1-4 Phase 2 site layout diagram (ideal)



1.1.1 SITE PREPARATION PRIOR TO CLEARING

The following activities will be conducted prior to opening new areas for mining and overburden stockpile development to limit disturbed areas to within the mine plan boundaries and to facilitate ongoing and future reclamation and revegetation:

- A pre-construction fence line clearance survey will be conducted to install the Temporary Desert Tortoise Fencing;
- Installation of the Temporary Desert Tortoise Fencing and standard Desert Tortoise guards (for access into fenced area) (further details in Section 2.4.3.1);
- Once fencing is installed, conduct an interior clearance survey to ensure no Desert Tortoises, Kit Fox, or Mojave Ground Squirrels (or other wildlife) are not present prior to the clearing of surface for commencement of mining.
- Excavation and other disturbance limits will be located and marked inside fencing;
- Seeds of specified plants will be collected to the extent feasible and either used for revegetation or stored appropriately for future seeding;
- Scraping and mulching the vegetation to retain for use as re-seeding (effective seed capture); and
- Salvageable “topsoil” or growth media up to 0.5 feet typically will be placed in a separate identified topsoil stockpile(s). These will be sprayed with water to create a crust to reduce wind blowing.

1.1.2 SLOPE STABILITY

Considering the depth of the total mine pit, the conditions of walls in the immediate area, the nature of the material, and the exposure time of pit walls, GDG does not consider slope stability to be a risk factor to the operation or safety. An example of these walls is shown in Figure 1-5 which are estimated to be at least 90 years old since the processing of the Spud Patch mining area. GDG plans to design pit walls to 30 degrees (batter angles) to be cautious and laying the walls even further down (<30 degrees) as required if running sands are intercepted.

The desert environment and lack of surface or ground water (no ground water intersected to date) up to 24’, has created ideal friction surfaces within the sediments to support these proposed wall heights and batter angles (if not more aggressive). Given the 12’ passes for mining, any movement in the walls or spilling can be easily managed and cleaned up with the onsite mining equipment. Cross section layout for the pit walls is shown in Figure 1-6 through Figure 1-8. It should be noted that only the Eastern Pit and minor parts of the Western Pit will reach the fully designed 24’. All other areas are intercept bedrock at a shallower depth. A contour maps of depth to bedrock is shown in Figure 1-9.

Figure 1-5 Example photos of pit walls in the immediate northern (adjacent) area to the Persistence Mine

Figure 1-6 Cross section pit wall layout

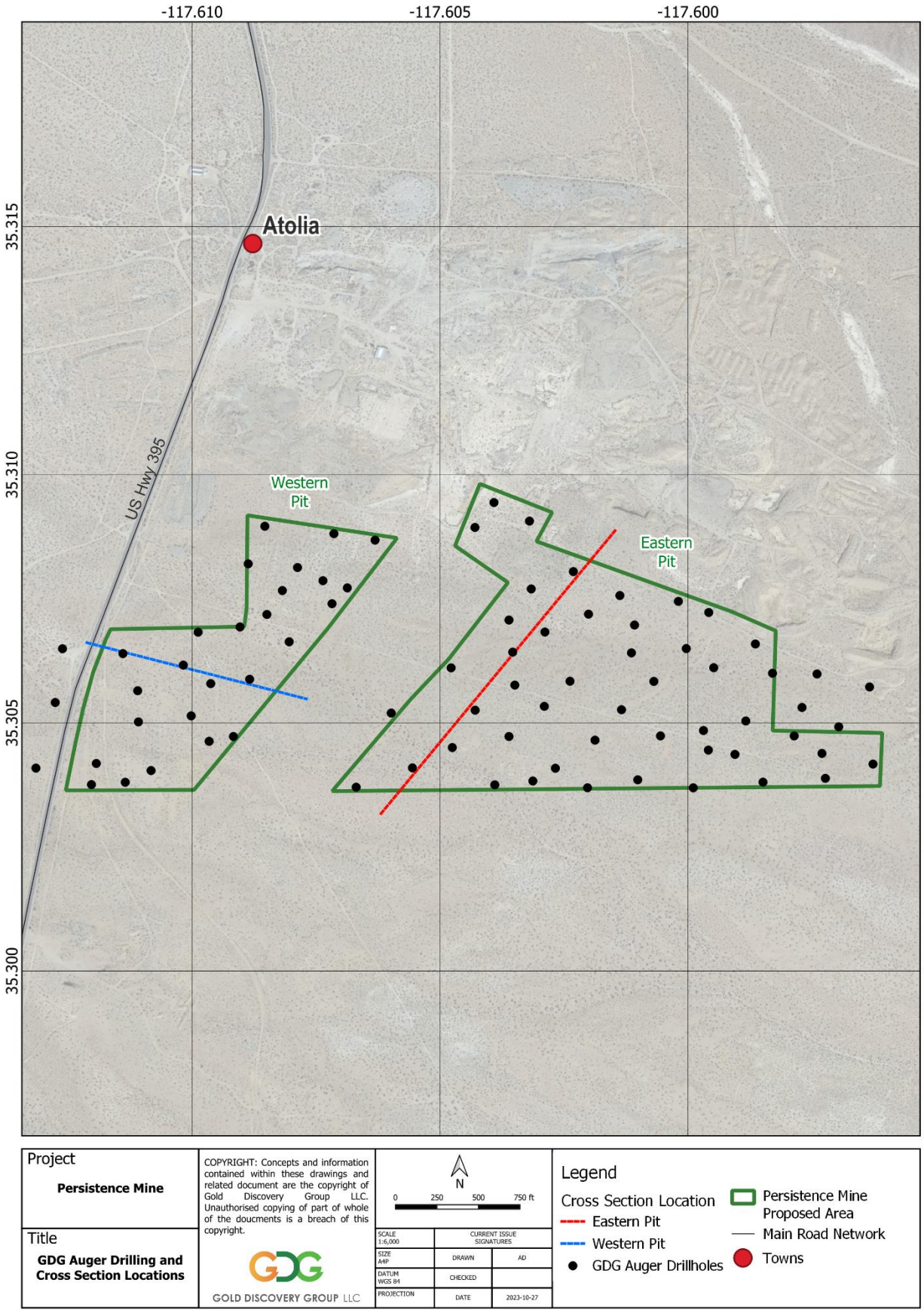


Figure 1-7 Western Pit model cross section

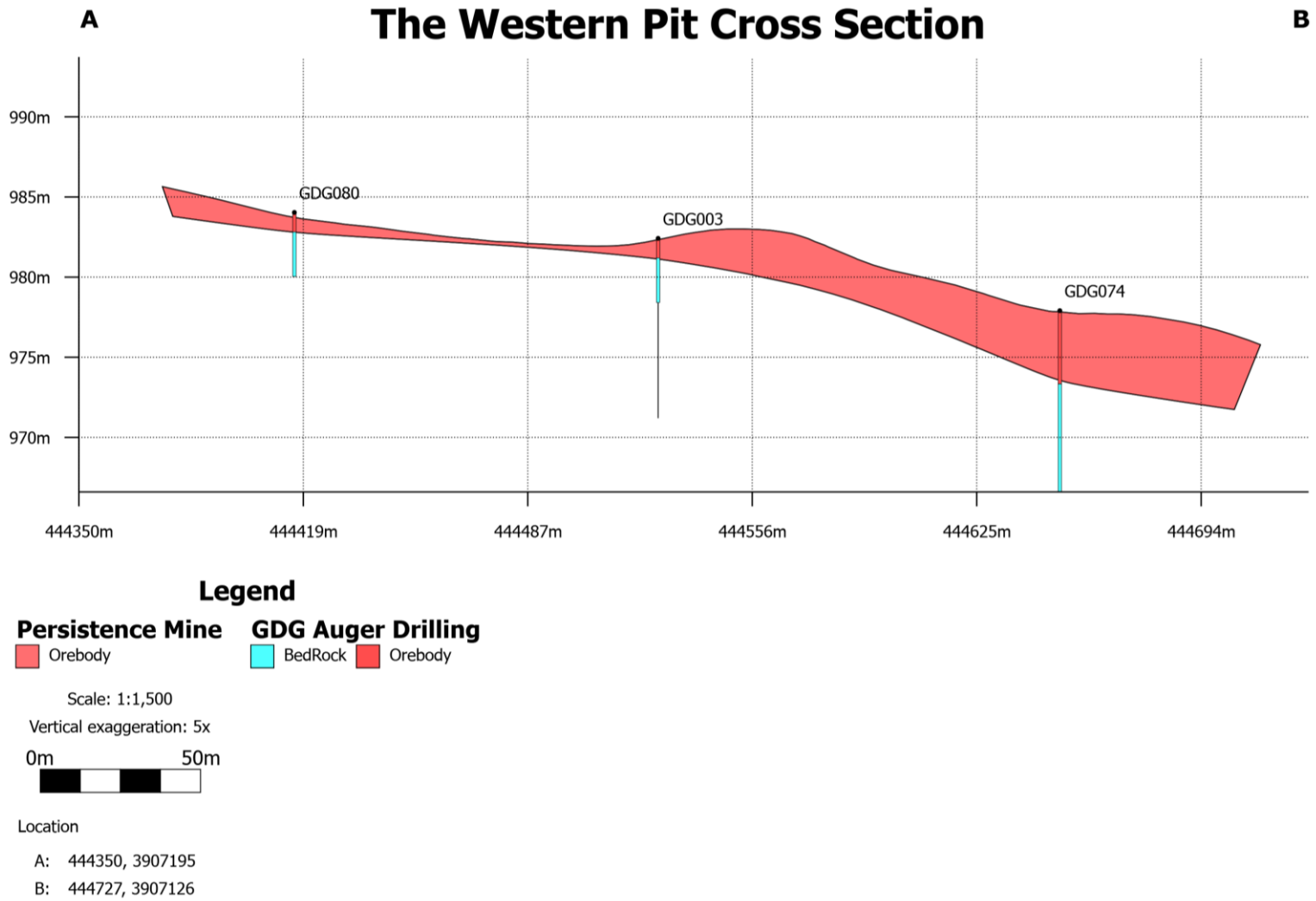
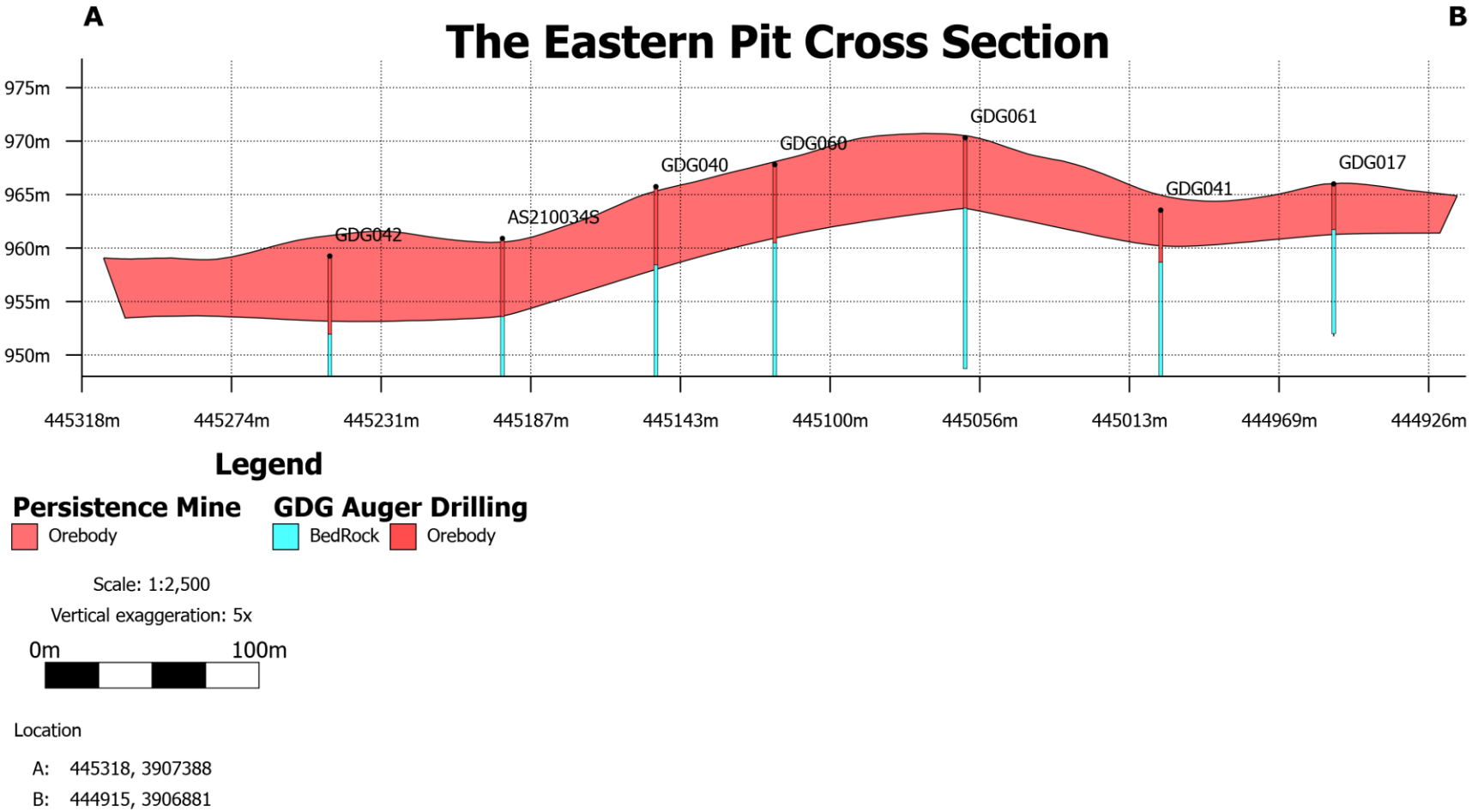
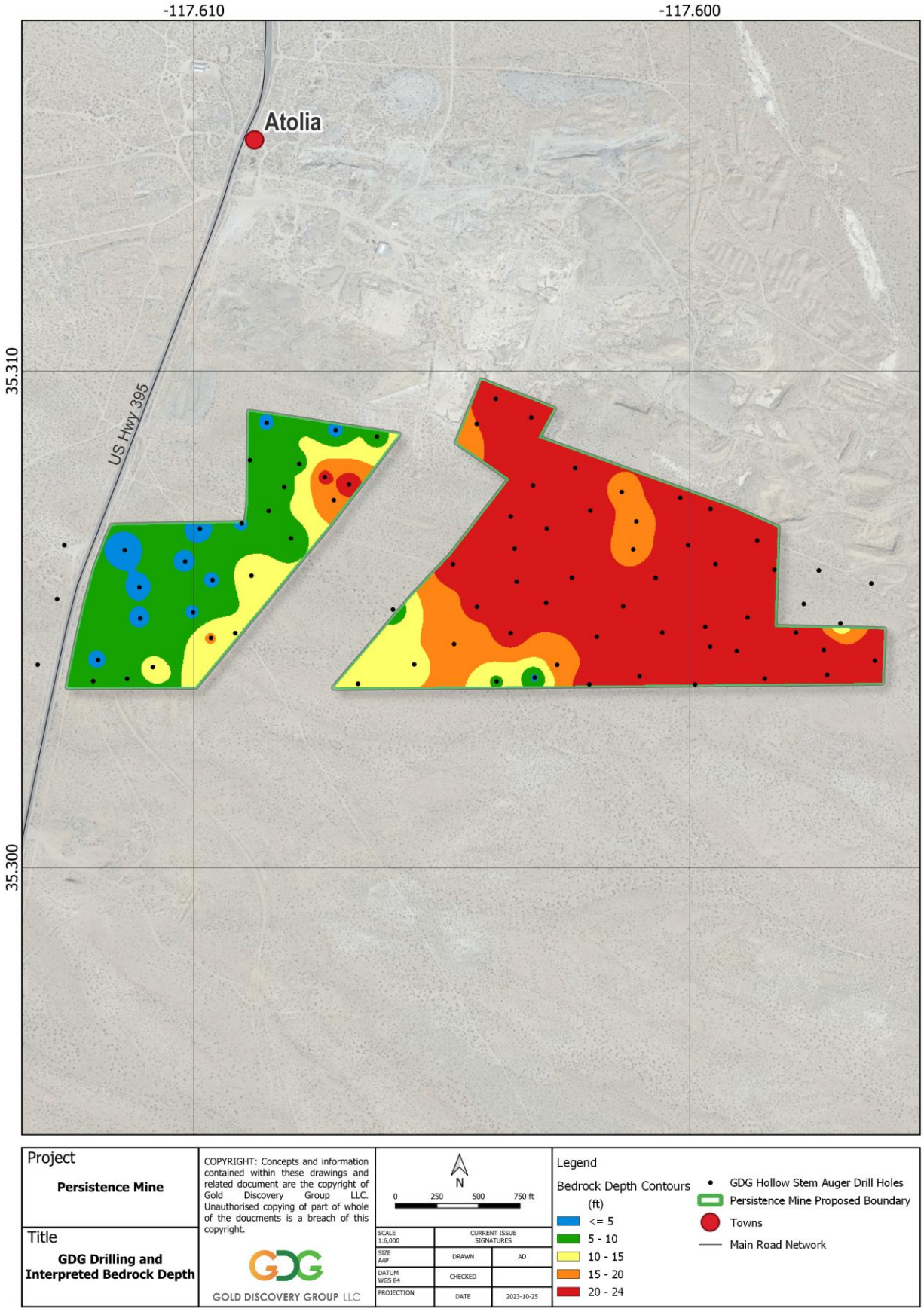


Figure 1-8 Eastern Pit model cross section



GOLD DISCOVERY GROUP LLC

Figure 1-9 Proposed Persistence Mine depth to bedrock contours



1.1.3 ONGOING EXPLORATION

Based on the exploration to date, bedrock has not been fully intercepted across the proposed project area. While the material above bedrock has been shown to host sufficient qualities of gold for economic extraction, additional exploration (and possible amendments to approvals as required) will be reviewed over the Persistence Mine. Over the life of the Reclamation Plan, GDG will continue to evaluate its onsite resources with exploratory boreholes and trenching based on geologic information within the mine area, primarily on the 24' pit floor and for sequenced areas of mining in the current 24' pit floor. This exploration will mainly be within or on past disturbed areas and graded roads and will comply with operational and environmental protection conditions set out under a Notice of Assessment as required by the BLM. It is expected that no new disturbance will occur to support the additional exploration.

1.1.4 PLANT AND MOBILE EQUIPMENT

The typical mine equipment listed in Table 1-1 will be utilized for mining, processing, and mine site maintenance activities. As operations progress over time, replacement equipment may be required to optimize operations and to meet equipment emissions' standards. The replacement equipment types would not substantively change over time. Excavators, wheel loaders, and diesel equipment will meet all requirements of the Mojave Desert Air Quality Management District (MDAQMD) and the California Air Resources Board's (CARB) for off-road diesel vehicles regulations to reduce diesel pollutants.

Scheduled equipment maintenance will take place onsite with portable maintenance/fuel trucks with appropriate environmental safeguards. Any used oil generated at the mine site will be collected and transported for off-site recycling or disposal by approved methods and by properly trained and licensed personnel. No storage of fuels will be established on site. All fuel will be transported in as required in field maintenance trucks or within fuel cells in utility vehicles. The development of the site will incorporate Best Management Practices (BMPs) and a Storm Water Pollution Prevention Plan (SWPPP).

Table 1-1 Typical Mine Equipment for Persistence Mine

Equipment	Typical Number	Planned Days/Year	Planned Hours/Day	Purpose
Cat 326FL Excavator	1	250	16	Excavation of pits, ore and waste handling
Cat 938M Wheel loader	1	250	16	Tramming material to and from plant. Feeding wash plant
Cat D8 Dozer	1	30	10	Used on site for initial clearing and moving wash plant as required
Mulcher	1	20	8	For mulching scraped vegetation to stockpile for seed capture and revegetation
Lighting plants	1	250	10	Lighting for night shift and low light times
Utility truck	1	250	8	Service vehicle and fuelling. Other miscellaneous uses.
Pickup truck	1	300	20	Transport and fuelling. Other miscellaneous uses.
Water truck	1	250	12	Transporting water, dust suppression, and plant feed.
Macon SD600 Wash plant	1	250	20	Gravity and water wash plant for processing material
Water pumps	5	300	24	Various pumps as needed on site for water management.
Dirtrich D-120 Auger Drill Rig	1	100	12	Grade control and exploration drilling purposes for the Persistence Mine.

List outlined in Table 1-1 is typical equipment to be used onsite. Equipment types are not expected to vary. Specific equipment will change during the life of the project due to replacement of aging equipment and updated equipment and fleet emission standards.

1.1.5 DUST CONTROL

Dust control measures must be in compliance with MDAQMD Rules 401 (limiting visible emissions); 402 (avoid nuisance emissions to people or businesses or property); and 403 (prohibits visible dust from crossing property lines and controlling fugitive dust). The main dust control method is the water spraying of roads, operational mine areas, and any active stockpiles. A water truck equipped with sprayers will be used for dust control as required. Water for dust control will be obtained from sources in the Randsburg area, which includes purchasing from the Rand Communities Water District, pumping from well(s) currently owned by GDG, or drilled in the future on their existing Mill Site Claims in Kern County.

Haul roads to the plant from the active pit will be compacted with general wheel loader and machinery use and will reduce dust and erosion. This will be complimented with water spraying from the water truck as required. No chemical dust control is proposed to ensure a low contamination site is maintained.

In addition, any portable crushing/screening plants occasionally used onsite by outside contractors will be required to be permitted by the MDAQMD and to implement applicable dust control measures.

1.1.6 SANITATION

A travel trailer (including bathroom and kitchen) used for breakroom, security, and site office to be moved around site as required.

1.1.7 EMPLOYEE SAFETY

Approximately 10 employees are expected to be employed by the site, with up to 5 employees onsite at any one time. Active mining areas will comply with all federal (MSHA) and state (Cal-OSHA) mine safety regulations. Workers, including contractor labor, will be trained in mine safety and first aid. Access and haulage roads will be designed with safety berms per MSHA requirements, the pit will have benches with berms as required, and inactive ramps and roads in mining areas will be blocked to prevent access.

No blasting is proposed for the Persistence Mine and the tailings and water storage ponds will be surrounded with berms as appropriate.

1.1.8 SITE ACCESS AND PUBLIC SAFETY

The site is accessed from U.S. Route 395 via a proposed unpaved Persistence Mine access track which utilizes an existing BLM managed roads. This road is shown in Figure 1-2. Currently the road is classified as Closed by the BLM. GDG has been using this access road for the past 2 years as part of their approved Notice of Assessment field work programs. All access entry and exit points to the mine will be appropriately signed for public warning.

Only road registered trucks and utility vehicles will be ferrying to and from site. This includes utility vehicles for access for mine workers and the transport of sluice concentrate, as well as float ('low boy') trucks needed to transport mining equipment to and the from site. The site will be fenced with security fencing around the perimeter of both pits and include appropriate Desert Tortoise fencing.

Mine areas will have warning signs every 500 feet and safety berms six feet in height will be constructed along the pit rims where the public could access. Any unauthorized roads will be blocked or closed until the LOM is complete, including all reclamation at the property boundary and will be specifically guided by the BLM.

1.2 MINE WASTE

Mine waste produced at the Persistence Mine will be in the form of oversize and sluice tailings material. Both are the product of the in-situ material that has simply been size split and washed in run of mine (ROM) water to extract gold from the sediments. Mine waste will be used as back fill into the void space created by advancement of mining. There is no overburden at the site, all material is ROM ore to be processed through the wash plant.

1.2.1 HAZARDOUS MATERIALS AND WASTE

No hazardous materials will be used onsite with the exception of fuel and oil for mobile equipment. Equipment maintenance and re-fuelling will take place utilizing mobile maintenance trucks and vehicle mounted fuel cells. Both maintenance and re-fuelling will be conducted at the mine with

appropriate required safeguards and best management practices (BMPs). Any used oil generated at the mine site will be collected and transported for off-site recycling or disposal by approved methods and by properly trained and licensed personnel.

The Hazardous Materials Division of the San Bernardino County Fire Department is designated as the Certified Unified Program Agency (CUPA) for the County to focus the management of specific environmental programs at the local government level. GDG will prepare a Business Emergency/ Contingency Plan to include operations for the site. The Business Plan includes a hazardous materials inventory and Spill Prevention Control and Countermeasure Plan (SPCC Plan) to ensure that on site materials are stored appropriately and contained in the event of uncontrolled release utilizing BMPs.

Fuel storage specifications apply to all above ground fuel containers. A Hazardous Materials Business Plan (HMBP) for the mine site that addresses any hazardous materials stored and used at these facilities will be prepared. The HMBP describes methods and procedures to minimize the potential for hazardous material and waste releases including an emergency response and contingency and spill response procedures.

1.3 ORE PROCESSING AND PRODUCTION WATER

Ore processing is a simple gravity separation and water wash plant. The equipment consists of a feed hopper, screen deck, and sluice runs. No hazardous chemicals are anticipated to be used during operation. Production water will be stored in on-site dams developed in existing pit voids/tailings ponds. These production water storage ponds will be used for sediment settling and constructed in a manner for recirculation to the plant feed. The use of flocculants may be required and GDG will use natural, biodegradable flocculants in the event that these additives are required.

Make up water will be expected to be required due to general water loss/consumption, evaporation, and loss though pond walls. This make up water will potentially come from multiple sources such as pumped from an on-site well that currently exists on GDG's Two Dr Peppers Mill Site, or potentially a future well to be drilled on GDG's existing Two Dr Peppers Mill Site, or Root Beer Float Mill Site, which will need to be permitted with the BLM (and/or the county as required) and/or purchased from the Rand Communities Water District as needed.

1.4 EROSION AND SEDIMENTATION CONTROL

Given the low annual rainfall at the site, it is expected to have low erosion and sedimentation outside of the newly excavated pit areas. Regardless, control of surface drainage, erosion, and sedimentation of the operations involves the following primary components:

- Limiting surface disturbance to the minimum area required for active operations up to 10 acres at any one time prior to revegetation;
- Allowing drainages and runoff to flow into the mine pit and not into natural drainages down gradient (GDG will utilize this water run-off for processing); and
- Stabilizing disturbed areas through backfilling, regrading, replacement of soils, revegetation, re-establishing drainages, and erosion control practices.

All operations onsite will comply with a Storm Water Pollution Prevention Plan (SWPPP) to be updated periodically with mine site development and implementation of storm water BMPs. The mine's progress down to bedrock and precipitation falling within the mine will be allowed to flow into the mine pit floor and percolate or evaporate during operations within the overlying sediments. After backfilling the pit, drainages will be re-established to flow through the site to natural drainages down gradient. The planned control practices are described below.

A plan map outlining the undisturbed site mapped drainages (washes) is shown in Figure 1-10. Given the local topographic high of the Western Pit, these mapped washes are believed to be potential small catchment headwaters and GDG has not seen significant water storage or flow on these washes in their 4 years of operating (exploration) in the area.

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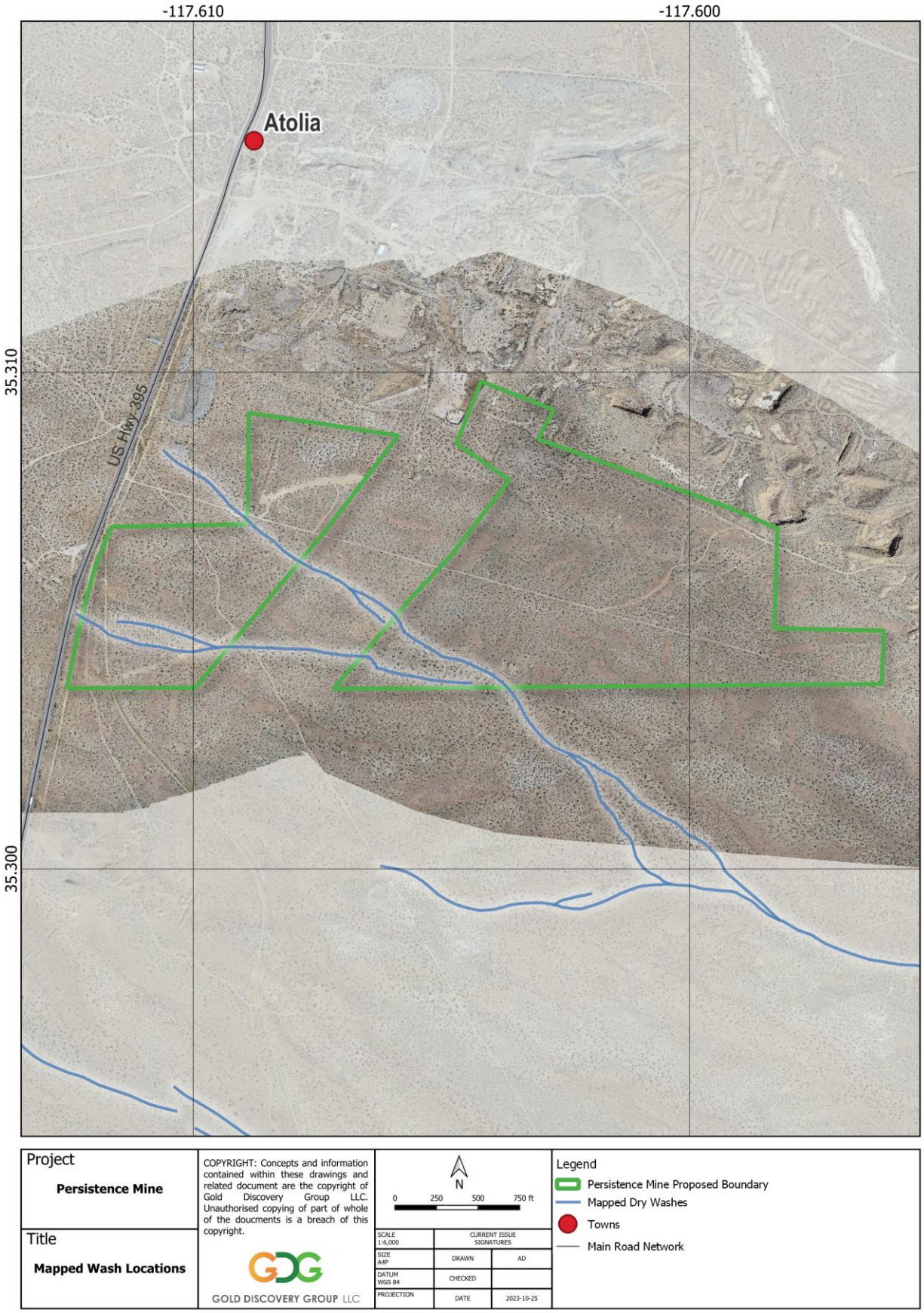
Figure 1-10 Persistence Mine observed existing creek beds and washes across the site



1.4.1 LIMITING SURFACE DISTURBANCE

The pit and any required out of pit stockpiles will be developed as needed to limit surface disturbances. Surface disturbance areas which will be subject to potential erosion and sediment loss will be limited through long-range planning, phased development of expansion areas, and final reclamation of disturbed areas. GDG plans to disturb up to 10 acres at any one time. The process of backfilling and starting revegetation (if able to commence in prime success season) is then not considered in GDG's 10-acre active disturbance footprint (irrespective if the revegetation achieved successful criteria or not).

1.4.2 DIVERTING RUNOFF

Within the pits, run-off from onsite precipitation will be allowed to flow into the pits. A safety berm 6 feet high will be constructed around the pits during operations which will also serve to restrict any run-off from flowing down out of the excavation areas. While there are two small washes that cross the Western and Eastern pit areas (Figure 1-10), these are considered low risk as per the FEMA flood zone mapping (i.e. area identified as minimal flood hazard). There will be no diverting of these washes, they will be allowed to flow into the pit in sufficient rain events and the water utilized by GDG. GDG will ensure that no water from the active pit will overflow from the high rain events. They will be pumped into on-site water storages.

1.4.3 STABILIZATION OF DISTURBED AREAS

The site will be visually inspected after major precipitation events to determine if any substantial erosion is evident such as sheet, rill or gully erosion or any surficial instability. Appropriate erosion control measures will be implemented where erosion is observed. In active pit areas, drainage control generally will not be a significant concern since essentially all disturbed area drainage flows will be retained within the basin created by the active pit excavation and seep into the sediments if not pumped into onsite storage.

Long-term stabilization, or reclamation, will generally involve backfilling the two pits, grading or reshaping disturbed areas, re-establishing preexisting drainage, placement of the stockpiled desert top-soil, and revegetation. A map showing the current (undisturbed creek beds/wash zones is outlined in Figure 1-10). Surface stabilization of backfilled pit areas will consist of ripping compacted areas, soil/alluvium replacement and revegetation.

Acid mine drainage refers to the outflow of acidic water from metal mines or coal mines; typically, those that are abandoned. The Persistence Mine pits will be backfilled with the native rock material and tailings. This material does not contain any sulphides and will not create acid mine drainage. In addition, given the arid and low rainfall environment, no water outflow is expected.

1.5 BLASTING

No blasting is proposed for the Persistence Mine. Material is classed as 'free-dig' and GDG have experience excavating this material through two remediated trenches completed as bulk sample studies.

2. RECLAMATION PLAN

2.1 LAND USE

The Persistence Mine is located entirely on unpatented (public) lands under management by the BLM. The County Wide Policy Plan (November 2020) land use category for the site is Resource/Land Management (RLM) with zoning of Resource Conservation (RC). The area consists of vacant desert lands within the historic Atolia Mining District with numerous historical mine workings and former town site (ghost town). There are no adjacent or nearby sensitive land uses with the nearest residences located in Red Mountain (town) 4 miles to the north. The project is situated in the foothills of the Red Mountain, in the western extents of the Mojave Desert at an elevation averaging 3,000 feet above mean sea level (amsl).

2.2 VISIBILITY

There are no surrounding residences to the mine site area. The mine will be on the eastern side to U.S. Route 395. The site is not part of a scenic viewshed or visible from a scenic highway including Old Route 66, which is approximately 40 miles to the south. The eventual reclamation and revegetation of the site will aid in blending the site with the surrounding topography and vegetation.

2.3 VEGETATION

During biological field investigations for the Project, one plant community was observed within the boundary of the project site: creosote bush scrub.

2.3.1 PLANT COMMUNITIES

The entire study area was characterized by Creosote Bush Scrub (Larrea tridentata Shrubland Alliance) that was dominated by mature (3-5 feet tall) creosote bush (Larrea tridentata) that are typically sparse with considerable area between the shrubs. Another prominent shrub species was white bursage (Ambrosia dumosa) and other shrubs observed were cheesebush (Ambrosia salsola), Anderson's thornbush (Lycium andersonii), Mojave indigo bush (Psorothamnus arborescens), and silver cholla (Cylindropuntia echinocarpa). Important annuals observed were red brome (Bromus rubens), red-stemmed filaree (Erodium cicutarium), bristly fiddleneck (Amsinckia tessellata), small ray goldfields (Lasthenia microglossa), lacy phacelia (Phacelia tanacetifolia), Arabian grass (Schismus arabicus), and desert woollystar (Eriastrum eremicum). The red brome, Arabian grass, and red-stemmed filaree were important non-native forbs at the ground level.

2.3.2 SPECIAL-STATUS SPECIES - VEGETATION

Botanical field surveys were conducted for the Project area and resulted in the identification of 40 plant taxon made up primarily of shrubs and annual herbs. Of the 40 plants identified, none of these were assessed as special-status (listed or BLM-sensitive) plants and therefore are not protected as threatened or endangered under the U.S. or California ESA. No BLM-sensitive or state or federal threatened or endangered plant species were identified.

2.4 WILDLIFE

The wildlife observed in the project area during focused surveys are listed below in Table 2-1. Numerous other animals are expected to occur at the site but were not observed during the surveys.

Table 2-1 Summary of wildlife observed in the Project area

Scientific name	Common name	Status
	Birds	
Cathartes aura	Turkey vulture	None
Buteo jamaicensis	Red-tailed hawk	None
Corvus corax	Common raven	None
Amphispiza bilineata	Black-throated sparrow	None
Zenaida macroura	Mourning dove	None
Eremophila alpestris	Horned Lark	None
Zonotrichia leucophrys	White-crowned sparrow	None
	Reptiles	
Dipsosaurus dorsalis dorsalis	Desert Iguana	None
Callisaurus draconoides rhodostictus	Zebra-tailed lizard	None
Uta stansburiana elegans	Western side-blotched lizard	None
Aspidoscelis tigris	Great basin whiptail	None
	Mammals	
Ammospermophilus leucurus	White-tailed antelope ground squirrel	None
Lepus californicus	Black-tailed jackrabbit	None
Vulpes macrotis	Desert kit fox	None
Perognathus longimembris	Little pocket mouse	None
Chaetodipus formosus	Long-tailed pocked mouse	None
Dipodomys panamintinus	Panamint kangaroo rat	None

2.4.1 WILDLIFE CORRIDORS AND LINKAGES

The project site does not form part of a federal or state designated wildlife movement corridor or habitat linkage. Furthermore, it is not located within a habitat “Landscape Block” or “Linkage Design” as established by the SC Wildlands (SC Wildlands 2008).

2.4.2 STATE AND FEDERAL JURISDICTIONAL WATERS

The project site is within the Coyote-Cuddeback Lakes Hyrdologic Unit and the Town of Atolia sub-watershed. Based on the literature search and reconnaissance there are water resources on the project site classified as a “Riverine, intermittent, streambed, intermittently flooded (R4SBJ)”.

The water resource is characterized as channelized streambeds that are flooded from time to time (i.e., ephemeral) (USFWS 2022b). During the field visits by South Environmental several areas with shallow, dry, ephemeral stream channels were observed. These water resources originate on the site and end at Cuddeback Lake, a dry lake 6-miles east of the project site.

Cuddeback Lake is not waters of the US because it is an isolated basin with no connection to the Mojave or Colorado Rivers. Therefore, the dry, ephemeral washes on the project site lack

downstream connection to a federal water of the US. No federally protected jurisdictional features occur on the project site.

2.4.3 SPECIAL-STATUS SPECIES – WILDLIFE

There are six special-status wildlife species known to occur in the region of the project site. Based on focused surveys conducted on the project site and immediate areas, federally threatened desert tortoise (Gopherus agassizii) has one active burrow outside the project site (note that GDG removed this area from the application due to the discovery).

In addition, Mojave ground squirrel (Xerospermophilus mohavensis) is known to occur near the project area. The BLM sensitive prairie falcon (Falco mexicanus) has been observed within one-mile of the site and could potentially forage in the area. Since it requires cliffs for breeding and there are no cliffs on the site, it is highly unlikely the species would nest there (CDFW 2022a).

2.4.3.1 Desert Tortoise

The desert tortoise is listed as a threatened species at a federal and state level. According to the CNDDB, the species is “most common in desert scrub, desert wash, and Joshua tree habitats; occurs in almost every desert habitat. Requires friable soil for burrow and nest construction. Creosote bush habitat with large annual wildflower blooms preferred” (CDFW 2022a, CDFW 2022b).

The northern portions of the project site were surveyed for desert tortoise in October of 2021 and the southern portions in late-April and early-May of 2022. Desert tortoise surveys were again conducted in the Project area in April of 2024. The data from the surveys indicated no live desert tortoises, potential desert tortoise burrows, or signs of desert tortoises observed within the Project area.

A pre-construction desert tortoise clearance survey will be conducted and temporary desert tortoise fencing will be installed prior to ground disturbing activities for Project activities to ensure no Desert Tortoises occur within the limits of disturbance. Pre-construction surveys will be conducted by a qualified biologist and will follow USFWS clearance survey protocols for the Mojave Desert Tortoise. Other Desert Tortoise protection measures will be implemented for the project that include:

- Desert Tortoise fencing to be installed into two phases that will encompass the Western pit and the Eastern pit:
    - A pre-construction fence line clearance survey will be conducted to install the Temporary Desert Tortoise Fencing (this will be classed as the first disturbance);
    - Installation of the Temporary Desert Tortoise Fencing and standard Desert Tortoise guards (for access into fenced area) will be completed within 2 weeks of the pre-construction fencing survey. This Temporary Desert Tortoise Fencing design will follow the fencing design recommendations by the U.S Fish and Wildlife Service in the Desert Tortoise (Mojave Population) Field Manual (December 2009). An example of the Temporary Desert Tortoise Fencing and Desert Tortoise Guard is shown in Figure 2-1 (standard exclusion fencing) and Figure 2-2 (for impenetrable substrate, if encountered), respectively; and

- Once fencing is installed, conduct an interior clearance survey to ensure no Desert Tortoises, Kit Fox, Mojave Ground Squirrels, nesting birds (or other wildlife) are present prior to the clearing of surface for commencement of mining.

- Worker/employee desert tortoise education program provided prior to working onsite;
- Disturbance shall be confined to the smallest practical areas;
- Vehicle speeds shall not exceed 25 miles per hour onsite;
- Cross-country travel with motorized vehicles outside of the project area by project personnel is prohibited;
- Vehicles and equipment parked shall be inspected immediately prior to being moved;
- To the extent possible, new disturbances on undisturbed areas shall be scheduled when tortoises are inactive (most active from April to May and September to October);
- All trash and food items shall be promptly contained within closed, common raven-proofed containers; and
- Dogs or other pets shall be prohibited at the work site.

GDG will be regularly monitoring the interior and exterior of the fence line to ensure no wildlife become trapped in the fencing. Further, GDG's biological consulting firm will be conducting regular site reviews and advise to ensure GDG is compliant to all Federal, State, and County biological monitoring guidelines.

Figure 2-1 Desert Tortoise guard design (Standard)

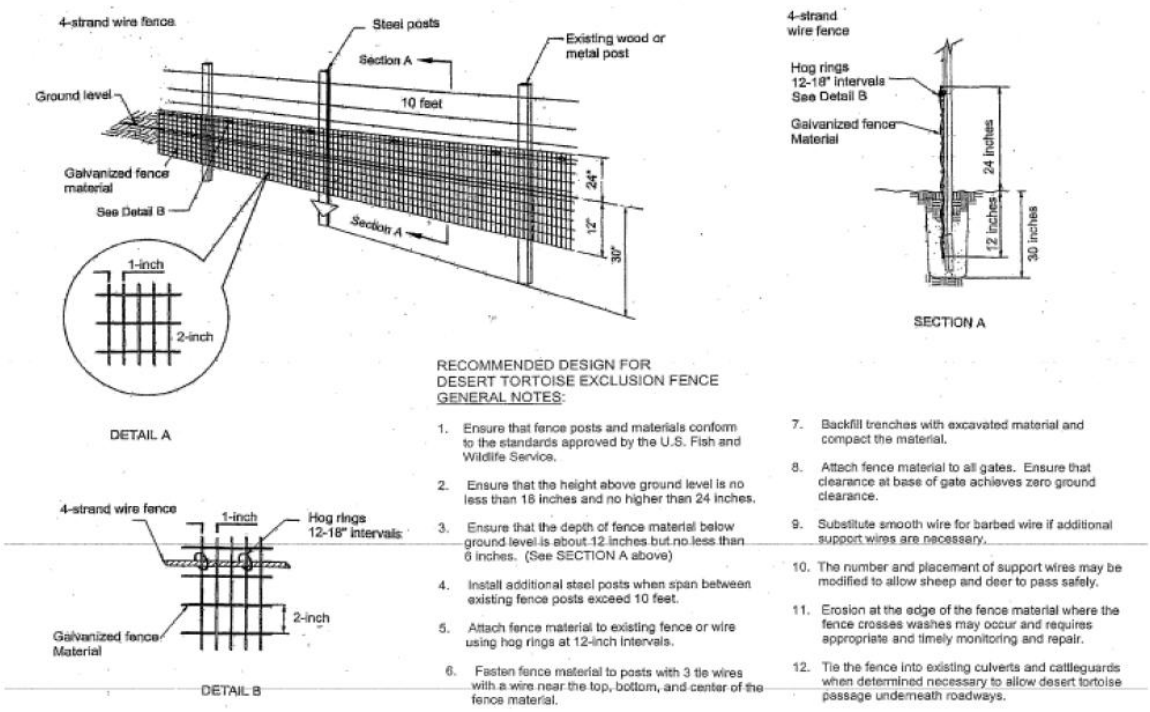
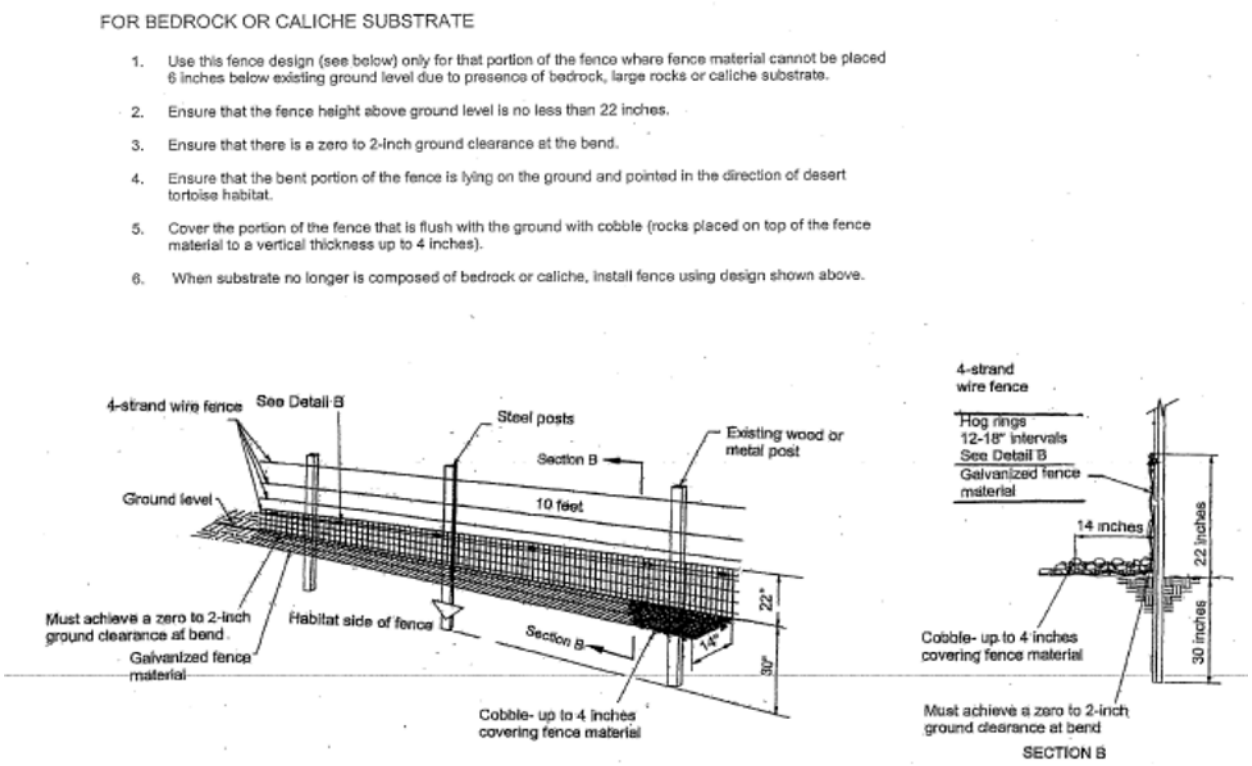


Figure 2-2 Example Desert Tortoise guard design for Impenetrable Substrates



2.4.3.2 Mohave Ground Squirrel

The Mohave ground squirrel (MGS) is a BLM-sensitive species that is listed as threatened at the state but not the federal level. According to the CNDDB, the species inhabits ”open desert scrub, alkali scrub and Joshua tree woodland. Also feeds in annual grasslands. Restricted to Mojave Desert. Prefers sandy to gravelly soils, avoids rocky areas. Uses burrows at base of shrubs for cover. Nests are in burrows” (CDFW 2022a; CDFW 2022b).

A protocol-level survey was conducted for the MGS on the northern portion of the in 2021 and in the southern portion of the site in April 2022. Both surveys included live-trapping and wildlife camera trapping. No MGSs were trapped within the Project site during the protocol survey conducted in 2021 and 2022.

One MGS ground squirrel was live-trapped on April 15, 2022 off the project site, on private property, where the biologists appear to have inadvertently trespassed on private property between the Eastern and Western proposed pits, confirming presence of the species near the project site. A habitat assessment showed that the Project site and surrounding environment has numerous food plants and substrates suitable for MGS.

2.4.4 CRITICAL HABITAT

Under the federal Endangered Species Act, “Critical Habitat” can be designated and refers to specific areas within the geographical range of a species at the time it is listed that include the

physical or biological features that are essential to the survival and eventual recovery of that species.

The project site is not located within federally designated Critical Habitat. The closest Critical Habitat designation is located south of the proposed mine footprints for Mojave desert tortoise. Therefore, no loss or adverse modification of federally designated Critical Habitat will occur from execution of the proposed project. A map showing the location of the project to the Desert Tortoise Critical Habitat is outlined in Figure 2-3 below.

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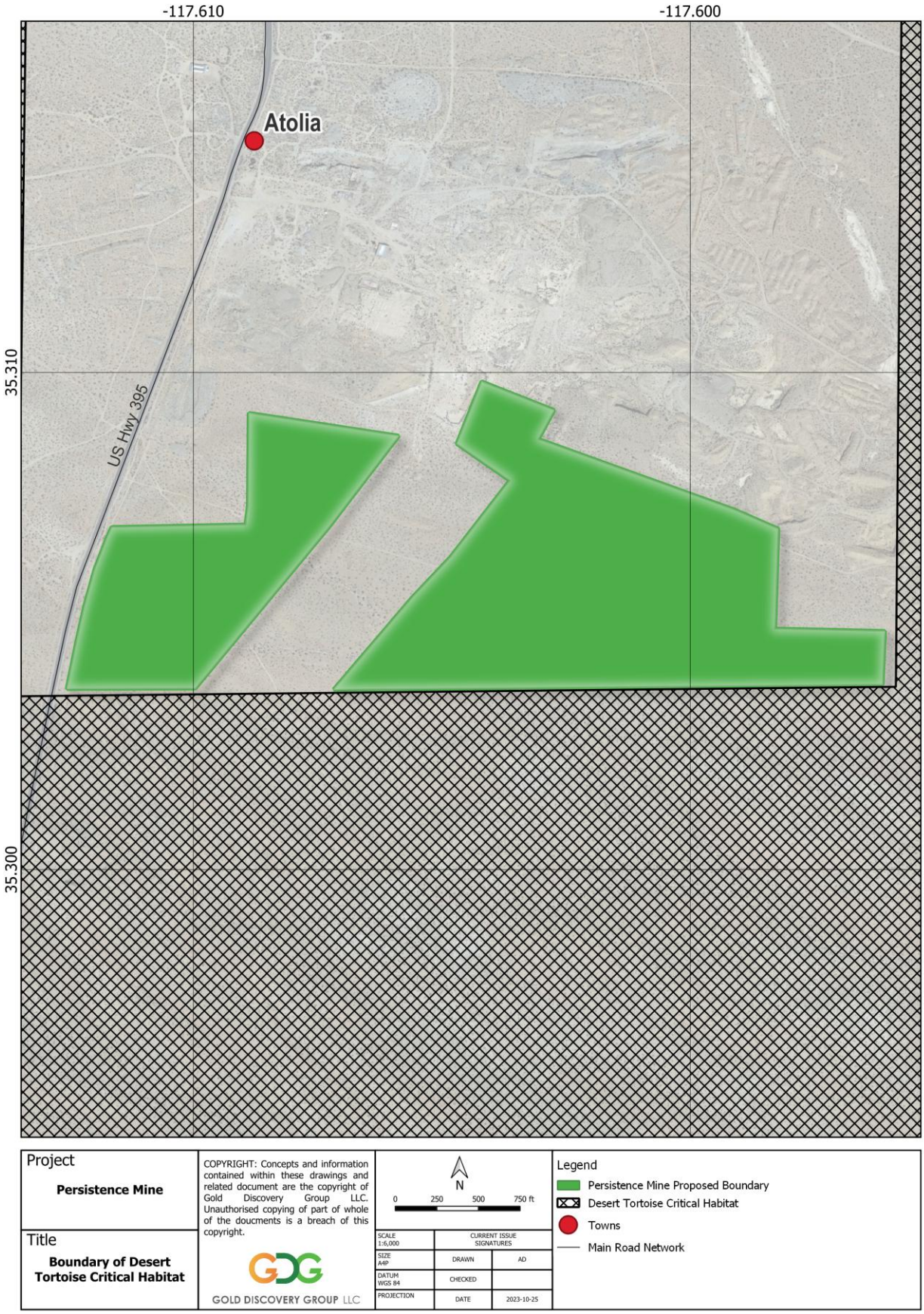
Figure 2-3 Project area relative to Desert Tortoise Habitat



2.5 RECLAMATION

GDG proposes to reclaim the Persistence Mine to meet SMARA requirements implemented by the County that will minimize impacts to the surrounding environment and provide public safety. The objectives of this Reclamation Plan are to:

- Reduce environmental impacts from mining operations;
- Reclaim to a usable condition for post-mining end uses which will include Open Space and Resource Conservation;
- Backfill pit with available material and revegetate disturbed areas to return biological productivity and to minimize aesthetic impacts; and
- Reclaim the site as necessary to eliminate hazards to public health and safety.

Because of the phased nature of the mining development, reclamation concurrent with mining only can occur to a limited degree for safety and logistical reasons. Concurrent reclamation starts with the initiation of mining and development of new mine areas, access or new stockpiles and includes the following:

- Pre-development plant surveys to mark specific plants for salvaging;
- Salvaging seeds and scraping surface flora for mulching and stockpiling;
- Stockpile available surface soil/sediments for future revegetation in separate identified stockpiles, water sprayed to create a crust;
- Using a portion of the mine pit footprint for out of pit stockpiling;
- During operations, sloping and grading of mine and stockpile slopes for safety, slope stability, and erosion control as required by visual inspection;
- Treating the pit as a typical strip mine. As the depth of the mineralization is up to 24’ or bedrock (whichever is first), this lateral expanse of target mining allows for effective backfill (low wall) while progressing the mining face (highwall);
- Ripping of any compacted areas and roads developed by GDG that are to be reclaimed prior to revegetation;
- Covering disturbed areas with salvaged soil and sediment and previously mulched vegetation to aid in revegetation where available;
- Revegetation – imprinting seeds and broadcast seeding followed by covering seed with layer of soil or sediment by pulling rakes, chains or screens over the broad cast seeded area;
- Upon completion of mining, remaining equipment, any structures, and internal roads not needed for site access will be reclaimed; and
- Monitoring and remediation until success criteria achieved.

Reclamation will include the removal of all equipment, any structures, and debris from the site. Any remaining stockpiles will be backfilled into the pit and graded for positive drainage where possible. Compacted surfaces will be loosened by mechanical means and the entire site, onsite roads, stockpile areas, and the pit footprint, will be reseeded with stored mulch, scavenged seeds or native plant species.

The Persistence Mine will cover approximately 126 disturbed acres which will be reclaimed except for the access road, drainage channel, and internal mine roads needed for access for revegetation and site maintenance (about 5 acres not to be revegetated).

Because the pit will be backfilled, there will be no steep slopes remaining. If the pit is not completely backfilled, any perimeter slopes will be filled to 2H:1V. If needed, a protective berm will be maintained around the pit rim and shall be posted with warning signs of steep slope hazard.

The stockpiles and any remaining tailings or ore will be pushed back into the pit. The stockpile areas graded and ripped as needed, covered with salvaged soil, mulch, and revegetated.

The access roads will be left onsite for use during revegetation and monitoring activities and for overall future site access and public safety as shown on the Reclamation Plan. Roads not needed for site and mine access will have the surface ripped and covered with available soil and revegetated unless this road was a pre-existing BLM road (Figure 1-2).

2.6 REVEGETATION

2.6.1 REVEGETATION

To implement revegetation, it is recommended that all native seeds be used during the revegetation effort. Therefore, native seed should be collected onsite or from similar areas of undisturbed Mojavean Desert scrub habitat located adjacent to the active mine site. If needed to augment seed collection, native seeds may be purchased from commercial suppliers. GDG plans to scrape and mulch the vegetation to keep this mulch material for effective seed capture and can be stockpiled.

The following procedures will be implemented prior to an area being cleared or developed:

- Salvage re-locatable plants and cuttings for re-planting to available reclamation areas;
- Scrape and mulch trees for effective seed capture; and
- Stockpile available surface material for use as a seed bed and bank in separate identified stockpiles seeded.

It should be noted that GDG currently employs a local former landscaper who is familiar with the practices of desert landscaping and specifics on propagating the Creosote bushes.

2.6.2 PLANT PALETTE

The seeds to be used for revegetation purposes include species that are either present on the site already (from mulch) or are present in the surrounding area as part of the creosote bush plant community. The proposed plant palette is based on native species found in this plant community in the area, not just the species identified in the plant transects. The list may be revised based on the information collected from the reference site at the time of revegetation. While the shrubs will eventually dominate a habitat type, the forbs and annuals provide early successional species that stabilize the soil and help shelter slower-growing woody shrubs. See Table 2-1 for proposed species to be seeded onsite.

Table 2-1 Proposed native plant species for seeding

Scientific name	Common name	Pounds Per Acre
Ambrosia dumosa	White bursage	2.50
Ambrosia salsola	Cheesebush	2.50
Amsinckia tessellate	Fiddleneck	0.25
Larrea tridentata	Creosote bush	3.00
Phacelia distans	Phacelia	0.25
	Total pounds per acre	**8.50**

2.6.3 SITE PREPARATION

The following procedures will be implemented for site preparation and seeding:

- Secure the site from unauthorized impacts;
- Remove trash, equipment, and debris;
- Remove non-native invasive plant species;
- Rip or scarify compacted areas including closed roads to a 0.5-foot minimum depth with surface rills and furrows left to aid in water and wind-blown seed collection;
- Place soils that have been stockpiled partially mixed with underlying sediment material;
- Seed with locally native species either collected (mulched) or purchased commercially as needed and revegetate per methods described below and as listed in Table 2-1;
- Stake or flag reclaimed areas to eliminate additional disturbance;
- Monitoring and maintenance; and
- Application of remedial activities, if necessary, including but not limited to additional seeding and planting with mycorrhizal, plant protection and change of seed mix.

2.6.4 SEEDING

Seeds will be distributed throughout an area scheduled for revegetation during the rainy season, generally between October 1 and January 30, or during a suitable period based on weather forecasts and rainfall.

Broadcasting of seeds will be conducted by hand and therefore should not occur when there are detectable winds that might carry seed away from its intended location. Seed should be broadcast twice: first, half of the seed should be spread while moving in one direction, and then the other half of the seed should be spread while moving perpendicular to the original direction. Seeds will be hand raked or mechanically covered by a tractor with a chain attachment.

Seed can be mixed with wheat bran or another approved substitute to aid in application and the prevention of seed segregation. In addition, mycorrhizal fungi can be applied to the seeds where necessary, particularly in highly disturbed areas where plants may otherwise have difficulty growing. The appropriate mixing ratio of the seed to the binder and/or mycorrhizae will be determined as needed and if used.

2.6.5 IRRIGATION

The revegetation planned for the site utilizes native seeds. The average precipitation in the area should be sufficient for seed germination and root establishment of native species. Irrigation will

be only conducted by hand as needed (up to 3 years) to allow the salvaged plants to receive adequate moisture to become established but to not create a dependence on artificial irrigation.

2.6.6 FERTILIZATION

All revegetation will utilize native seeds tolerant to existing soil conditions and no fertilization will be used.

2.6.7 NON-NATIVE INVASIVE WEED CONTROL

The purpose of the non-native invasive species control plan is to reduce or limit the occurrence of non-native invasive plant species that may invade the site where active and natural revegetation is taking place. Non-native invasive species (weeds) can compete with native plant species for available moisture and nutrients and consequently interfere with revegetation of the site.

All non-native populations, if they become established, should be removed prior to revegetation. Manual clearing would be the suggested method. All efforts to remove non-native species will be overseen by a qualified Biologist to ensure the level effort addresses the issue. The Biologist will ensure all non-native, exotic, or invasive plant material is gathered into appropriate storage containers (drawstring plastic trash bags are acceptable), removed from the Site, and deposited at an approved disposal facility (a landfill is acceptable) to prevent the introduction and establishment of those species to new areas.

The occurrence of non-native species onsite after revegetation shall be monitored by visual inspection semi-annually for the first two years and then annually thereafter. The goal is to prevent non-native invasive species from becoming established and depositing seeds in revegetated areas. Reports of inspections and weed control implementation shall be part of the revegetation monitoring as detailed and kept on file by the GDG.

2.6.8 SUCCESS CRITERIA

Composition of the native Creosote scrub plant community will be determined in a vegetation baseline study prior to ground disturbing works. From this, vegetation composition data will define a series of performance standards or success criteria. Success criteria for native perennial shrub cover will be based on 45% of baseline values, while species density and species diversity will be based on 40% of baselines values.

Fulfillment of the performance standards is expected to indicate that revegetated areas are progressing toward the long-term goal of becoming a functioning, self-sustaining creosote scrub plant community.

2.6.9 REVEGETATION MONITORING AND REMEDIATION

Revegetation monitoring will be conducted for three purposes: 1) to ensure that the site preparation, seeding and weed eradication follows the Revegetation Plan (implementation monitoring), 2) to evaluate native plant establishment and vigor, and to identify and make recommendations for correcting problems (qualitative monitoring) and 3) to quantitatively

measure development of the Creosote bush scrub habitat (quantitative monitoring) to determine its progress with respect to the established success criteria.

The success of the revegetation effort will be measured primarily by the analysis of the quantitatively collected data compared to the success criteria. The Annual Revegetation Report will be prepared to summarize revegetation and monitoring efforts over the past year and to assess the results of revegetation on the disturbed areas of the site. Monitoring will continue until success criteria have been achieved.

2.7 CLEANUP

At the completion of mining activities, clean-up, backfilling, and revegetation will be conducted within three years of the termination of mining. All equipment and structures will be removed within one year and will be recycled, and/or disposed of at an appropriate landfill site (e.g., Johannesburg or Ridgecrest Landfill). Excess material stockpiles will be used for backfilling and regraded for positive drainage (where possible), scarified, and revegetated. Upon completion of successful criteria, the perimeter fencing and Desert Tortoise fencing will then be removed.

There are currently no wells onsite to be closed. If any developed on-site wells, portals, shafts, tunnels or openings remain on the reclamation site after mining and backfilling, they will be either closed, or gated and protected from public entry but preserved for bat and other wildlife if appropriate with County consultation.

2.8 POST RECLAMATION AND FUTURE MINING

The reclaimed site will allow for future exploration and development of additional resources located on unpatented claims beneath and outside of the backfilled pits. The reclaimed site will not preclude or necessitate any future mining activities or surface modification.

2.9 PONDS AND WASTES

Tailing waste (which will be washed sediments) will be backfilled into the pits. Any development of ponds required for onsite water storage ponds will be allowed to drain naturally (or pumped dry if lined), lining removed (if used), and remediated as if it was a mining pit. The are no toxins or hazardous chemicals used in the sediment washing process proposed.

2.10 SOILS

No soils information from the Natural Resources Conservation Service is available for this location of San Bernardino County. However, the soils observed during biological surveys were sandy and friable. Geological investigations from surface to bedrock show the material to be geological the same. Therefore, the backfill material is anticipated to act the same as the current surface material.

2.11 DRAINAGE AND EROSION CONTROL

Due to the sediments material and low rainfall (less than 8 inches/year – source: https://www.bestplaces.net/climate/zip-code/california/red_mountain/93558) the site has little

potential for erosion and sedimentation. Control of surface drainage, erosion, and sedimentation of the operations involves the following primary components:

- Limiting surface disturbance to the minimum area required for active operations;
- Diverting drainages and runoff from flowing into the mine pit and into natural drainages down gradient; and
- Stabilizing disturbed areas through backfilling, regrading, replacement of soils, revegetation, re-establishing drainages, and erosion control practices.

All operations onsite will comply with a SWPPP to be updated periodically with mine site development and implementation of storm water BMPs. The mine will be cut down to bedrock and precipitation falling within the mine will be allowed to flow into the mine and percolate or evaporate during operations. After backfilling the pit, drainages will be re-established to flow through the site to natural drainages down gradient which are already established onsite. The diversion channel will be left in place.

Long-term stabilization or reclamation will generally involve final backfilling of the pit, grading disturbed areas, establishing effective drainage, placement of soil, and revegetation. Following reclamation, surface runoff will flow into natural drainages.

2.12 PUBLIC SAFETY

All equipment and debris will be removed from the site upon project completion. Access to the site will be controlled with locked gates, signage, and blocked secondary access roads. The pit will be backfilled and stockpiles removed for the backfill material; therefore, no steep slopes will remain onsite.

Mine areas will have warning signs every 500 feet, dirt roads not used will be blocked or closed, and safety berms six feet in height will be constructed along any remaining pit rims where the public could access. Any unauthorized roads will be blocked or closed permanently at the property boundary pending BLM approval and guidance.

Numerous portals, shafts, tunnels or openings located in the planned operations area will be “mined” out reducing public safety concerns. Any portals, shafts, tunnels or openings that remain on the mining site after mining and backfilling, will be either closed or gated and protected from public entry but preserved for bat and other wildlife if appropriate with County consultation.

2.13 MONITORING AND MAINTENANCE

Monitoring will include both site monitoring of access control, trash dumping and other forms of human disturbances, as well as biological monitoring of revegetation progress. Site monitoring of human use (access and off-road vehicle use) includes quarterly inspection by GDG personal to check access control and signs. Biological monitoring will be conducted to qualitatively and quantitatively evaluate overall conditions of the revegetated site with respect to native plant conditions, weed growth and control effectiveness as detailed in Section 2.6 above.

SMARA requires annual reporting of Mining and Reclamation activities and an annual inspection by the County, the lead agency. The reports are filed with the State Division of Mine Reclamation and the County. Revegetated areas will be monitored over a 3-year period or until success criteria

is achieved following initial seeding and/or planting. Data on plant species diversity, cover, survival and vigor will be collected on revegetated sites and compared to baseline data from undisturbed sites to evaluate project success and documented in an annual report.

Monitoring and maintenance of reclamation is an ongoing responsibility of GOG. The project site will be inspected annually by the County.

In addition, CEQA requires adoption of a reporting and monitoring program for the conditions of approval of a project that are intended to mitigate or avoid significant adverse environmental effects. The County program is intended to ensure compliance with mitigation measures throughout the life of the approved Project. The program will identify the conditions of approval that act as mitigation measures and will outline who is responsible for implementation and verification for each measure.

2.14 RECLAMATION FINANCIAL ASSURANCE

Once the proposed reclamation plan is approved by San Bernardino County, GOG will post a reclamation financial assurance in an amount sufficient to pay for the cost of reclamation for the first year of planned operations and estimated area disturbance as outlined in Section 2. The reclamation financial assurance shall be reviewed by the County annually as required by SMARA. San Bernardino County is the lead agency for SMARA compliance and will review the Reclamation Assurance and inspect the mine site annually.

STATEMENT OF RESPONSIBILITY

The statement of responsibility for the reclamation of the site (below) will be signed by GDG's representative and will be included as a separate form upon project approval.

I, the undersigned, hereby agree to accept full responsibility for reclamation of all mined lands as described and submitted herein and in conformance with the applicable requirements of Articles 1 and 9 (commencing with Sections 3500 et. seq. and 3700 et. seq., respectively) of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, the Surface Mining and Reclamation Act commencing with Section 2710 et. seq., and with any modifications requested by the administering agency as conditions of approval.

Signed this 6 day of November, 2023 by:

Signature: Sean P. Tucker Title: MANAGER

Printed Name: SEAN P. TUCKER

3. GEOLOGY

3.1 GEOLOGY

The Randsburg area is located in the Mojave Desert of southern California, within the Rand Mountains. The region is part of the Mojave-Sonora Megashear, a major tectonic boundary that separates the North American Plate from the Pacific Plate. The Megashear is characterized by a complex system of faults and shear zones that have been active since the Mesozoic Era.

More locally, the Randsburg area is situated along the Garlock Fault, a major east-west trending fault that marks the boundary between the Mojave Desert and the Transverse Ranges. The Garlock Fault is a right-lateral strike-slip fault that has been active since the Late Jurassic. It is part of a larger system of faults that extends from the Gulf of California to the San Andreas Fault. The fault has a total displacement of over 100 km and has been responsible for the formation of the Rand Mountains.

The Rand Mountains are part of the Transverse Ranges, a series of mountain ranges that run perpendicular to the California coastline. The Rand Mountains are composed of a sequence of metamorphic and igneous rocks that have been subjected to intense deformation and metamorphism. The oldest rocks in the area are the Rand Schist, a sequence of metasedimentary rocks that have been intruded by granitic rocks of the Rand Pluton.

The Rand Schist is a complex sequence of rocks that includes phyllite, schist, quartzite, and marble. The schistosity in the Rand Schist is the result of intense deformation and metamorphism that occurred during the Late Jurassic. The Rand Pluton is a large granitic intrusion that was emplaced during the Late Jurassic. The pluton is composed of biotite granite, quartz monzonite, and granodiorite. The Rand Pluton is part of a larger suite of granitic rocks that intruded the Rand Schist and other rocks in the area.

The granitic rocks are thought to have formed as a result of magmatic activity associated with the subduction of the Farallon Plate beneath the North American Plate. The Atolia Formation is a sequence of volcanic and sedimentary rocks that overlies the Rand Schist and other rocks in the area. The Atolia Formation includes rhyolite, andesite, tuff, and sandstone. The Atolia Formation is intruded by a series of granitic plutons, including the Atolia Pluton and the Quartz Monzonite Pluton. These plutons are thought to have formed during the Late Cretaceous as a result of magmatic activity associated with the subduction of the Farallon Plate beneath the North American Plate.

The Randsburg area has a complex structural history that is intimately related to the tectonic stresses associated with the Mojave-Sonora Megashear. The area has been subjected to a series of deformational events that have resulted in the development of a complex system of faults and shear zones. These faults and shear zones have played a major role in the formation of the mineral deposits in the area. The uplift and down thrown bedrock elevations due these major structural events has developed microbasins for sediment infill. These infills have developed known mineralized sediment traps (placer) such as Atolia Moore, Spud Patch, Johannesburg, and now the Persistence Mine.

3.2 MINERALIZATION

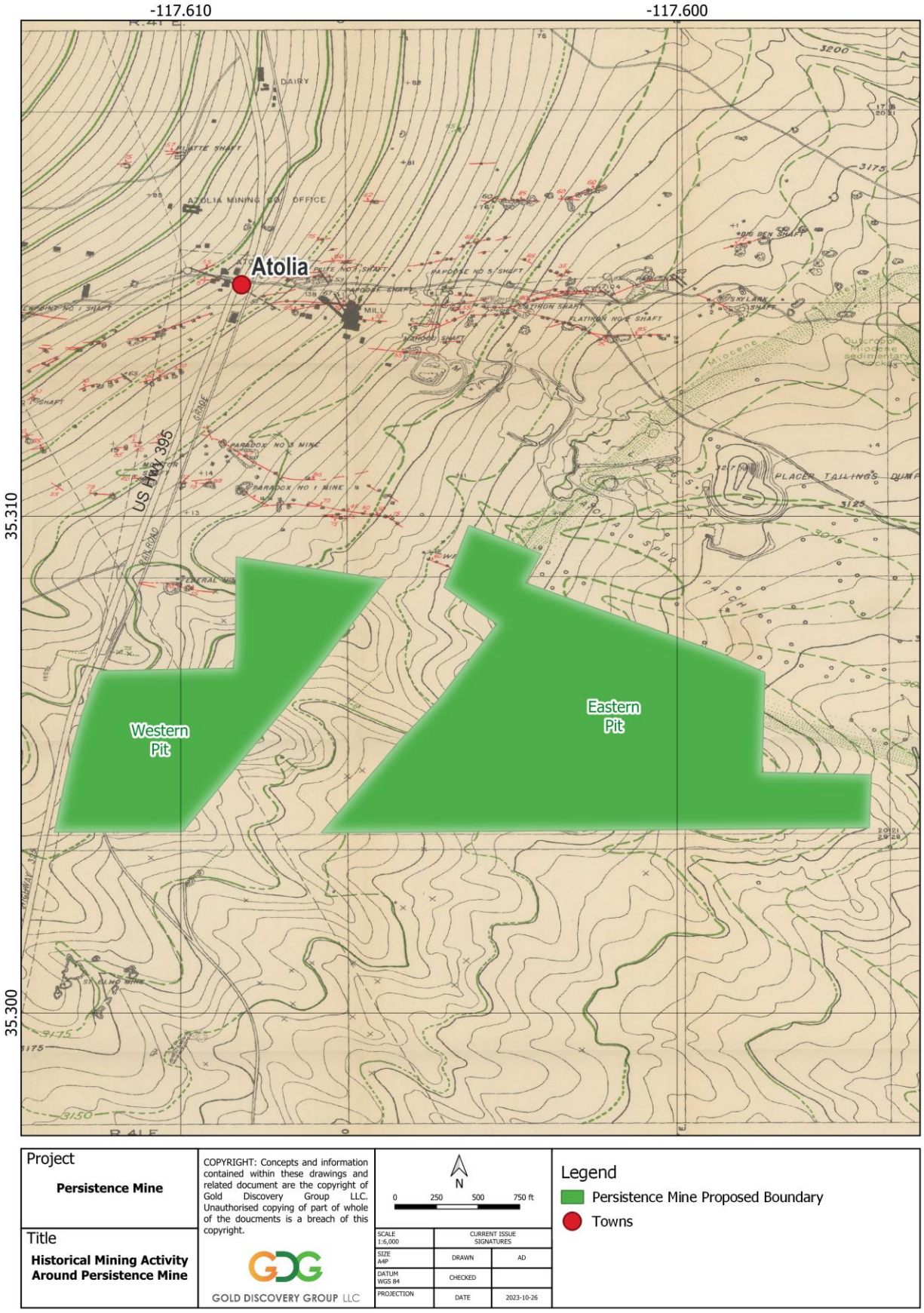
Gold is interpreted to shed primarily from the sub-cropping units of the historical Atolia tungsten-gold bearing veins. Influence of gold from Yellow Aster, Baltic, Lamont, and Kelly lodes which reside along the Rand Range is also likely to be contributing the gold content within these sediments. The mine area encompasses sediment accumulating depressions at the foothills of these elevated zones, immediately downhill of the basement high of the historical Papoose Mine in Atolia. A graphical representation of this is outlined in Figure 3-1.

Moderately developed alluvial horizons are evident in the walls of historical workings with duricrust/calcrete zones indicating variation in the sedimentary source feed energy environment. This is ideal targeting for the recharging of alluvial gold in the stratigraphic sequence and targeting higher energy event horizons synonymous with gold deposition. However, observations of mineralization is dominated by low influence of concentration mechanisms such as water, which is typical of desert placer mineralization.

Gold is present as free gold and amenable to recovery with traditional gravity concentration methods. GDG's work on testing recovery shows that gold is over 90% recoverable from the host sediments using water only.

GOLD DISCOVERY GROUP LLC

Figure 3-1 Persistence Mine and historical map showing extent of workings in the Atolia area



4. HYDROGEOLOGY

Water in the project area is managed by the Mojave Water Agency and water is available for purchase from the Rand Communities Water District. Two historical hydrogeological studies on Cuddeback (dry) Lake note the presence of water at depth amenable to pumping and use for processing. Several historical wells are known in the area with increasing depth of water westward towards the project and away from Cuddyback Lake.

4.1 IN-SITU HYDROLOGY

On site drilling has not intercepted water in the sediments above bedrock to date. The maximum drilling depth is 135' in an area immediately east of the project area which continued to return dry cuttings. There is anticipated to be no influence on any water table from the proposed mining considering the water table has not be intersected within the 24' range.

4.2 METEORIC HYDROLOGY

The project area experiences less than 8 inches of rainfall per year. Within the pits, run-off from onsite precipitation will be allowed to flow into the pits and will be pumped into GDG's water storage ponds for use in operation. While there are two small washes that cross the Western and Eastern pit areas, these are considered low risk as per the FEMA flood zone mapping (i.e. minimal flood hazard). There will be no diverting of these washes, they will be allowed to flow into the pit in sufficient rain events and provide additional water for GDG's sediment processing wash plant.

4.3 WATER SOURCES AND LOSS

All processing of sediments and dust suppression will be using site/storage water. This water does not need to be processed or any additives added for use in recovering the gold from the sediments. Water will be sourced from a well that currently exists on GDG's Two Dr Peppers Mill Site, or potentially a future well to be drilled on GDG's existing Two Dr Peppers Mill Site, or Root Beer Float Mill Site, which will need to be permitted with the BLM (and/or the county as required) and/or purchased from the Rand Communities Water District as needed.

Losses from water storage ponds or processing will be allowed to seep back into the sediments and return to ground in the area (which is its origin). This process of loss will also act as a filter of any fine sediment suspended in water.

5. REFERENCES, ACRONYMS, AND GLOSSARY

5.1 REFERENCES

San Bernardino County Wide Policy Plan (November 2020).

Surface Mining and Reclamation Act (SMARA); California Department of Conservation, State Mines and Geology Board, January 2020.

5.2 ACRONYMS

AMSL- above mean sea level

BLM - Bureau of Land Management

BMP - Best Management Practices

CARB - California Air Resources Board's

CUPA - Certified Unified Program Agency

GDG - Gold Discovery Group LLC

HMBP - Hazardous Materials Business Plan

LOM - life of mine

MDAQMD - Mojave Desert Air Quality Management District

MGS - Mojave ground squirrel

SPCC Plan - Spill Prevention Control and Countermeasure Plan

SWPPP - Storm Water Pollution Prevention Plan

5.3 GLOSSARY OF TERMS

Bench: Terrace or levelled area breaking the continuity of a slope. For the Persistence Mine, the benches will be 25 feet wide inter-bench slope of approximately 50°.

Berm: An elongated earthen structure which acts as a barrier; e.g., to make it difficult for a vehicle or ORV to cross along the rim of a quarry/pit or along a haul road, or to redirect the flow of water.

California Environmental Quality Act (CEQA): Policies enacted in 1970, and subsequently amended, the intent of which is the maintenance of a quality environment for the people of California now and in the future.

Endangered species: A species whose prospects of survival and reproduction in the wild are in immediate jeopardy from one or more causes.

Hazardous material: Substance which, because of its potential for corrosivity, toxicity, ignitability, chemical reactivity, or explosiveness, may cause injury to persons or damage to property.

Hazardous waste: Defined in Section 1004(5) of the federal Resource Conservation and Recovery Act (RCRA) as, "…a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (b) pose a substantial present or potential hazard to human health or the environmental when improperly treated, stored, transported, or disposed of, or otherwise managed."

Hydrogeology: The study of surface and subsurface water.

Ore body: A generally continuous mass of ore distinct from the surrounding rock.

Overburden: Material which does not meet quality specifications and other rock types encountered during excavations which will be hauled directly to overburden stockpiles.

Rare species: A species, which, although not presently threatened with extinction, is in such small numbers throughout its range that it may become endangered if its present environment worsens.

Reclamation: The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations (SMARA).

Reclamation Plan: A restoration plan for the stabilization and recovery of a mine site after cessation of mining operations for another use; generally open space or other low intensity use.

Revegetation: Establishment of native vegetation on lands that have been disturbed.

Regional Water Quality Control Board (RWQCB): Agency which administers the requirements of the California Administrative Code, Title 23, Division 3, Chapter 15 to ensure the highest possible water quality consistent with all demands.

Sensitive species: A plant or animal species, which is recognized by the government or by a conservation group, as being depleted, rare, threatened, or endangered.

Threatened species: Species, which, although not presently threatened with extinction, are likely to become endangered in the foreseeable future in the absence of special protection and management efforts.

Water table: The upper water level of a body of groundwater.

6. SMARA CROSS REFERENCE MATRIX

Persistence Mine Reclamation Plan

Including reference to:

- ARTICLE 1. GENERAL PROVISIONS. SECTION 2710 et seq.
- ARTICLE 2. DEFINITIONS. SECTION 2725 et seq.
- ARTICLE 3. DISTRICT COMMITTEES. SECTION 2740 – 2741
- ARTICLE 4. STATE POLICY FOR THE RECLAMATION OF MINED LANDS. SECTION 2755 et seq. ARTICLE 5. RECLAMATION PLANS AND THE CONDUCT OF SURFACE MINING OPERATIONS.
- SECTION 2770 et seq., as amended
- CCR TITLE 14 (REGISTER 85, No. 18-5-4-83) CHAPTER 8. MINING AND GEOLOGY
- SUBCHAPTER 1. STATE MINING AND GEOLOGY BOARD
- ARTICLE 1. SURFACE MINING AND RECLAMATION PRACTIVE. SECTION 3500 et seq. ARTICLE 9. RECLAMATION STANDARDS. SECTION 3700 et seq.

SMARA/CCR SECTION	DESCRIPTION	N/A	PAGE(S)	SECTION(S)
MINING OPERATIONS AND CLOSURE				
SMARA 2770.5	100-year flood, Caltrans contact	X		
SMARA 2772 (c) (1)	Name and Address of operator/agent.		1	1.0
SMARA 2772 (c) (2)	Quantity & type of minerals to be mined.		5	1.0, 1.1
SMARA 2772 (c) (3)	Initiation and termination date.		1	1.0
SMARA 2772 (c) (4)	Maximum anticipated depth of mining.		1	1.1.2
SMARA 2772 (c) (5)	Description, including map with boundaries, topographic details, geology, streams, roads, utilities.		1-5, 25	1.0, 1.1, 1.4, 3.0
SMARA 2772 (c) (6)	Mining plan and time, schedule for reclamation (concurrent or phased reclamation).		1-5, 18, 23	1.0, 1.1, 2.5, 2.13
SMARA 2772 (c) (7)	Proposed subsequent use.		22	2.8
SMARA 2772 (c) (8)	Description of reclamation measures adequate for proposed end use.		18, 21	2.5, 2.6.8
SMARA 2772 (c) (8) (a)	Description of containment control and mine waste disposal.		4	1.2
SMARA 2772 (c) (8) (b)	Rehabilitation of stream banks/beds to minimize erosion		5	1.4
SMARA 2772 (c) (9)	Impact of reclamation on future mining.		22	2.8
SMARA 2772 (c) (10)	Applicant statement accepting responsibility for reclamation per the reclamation plan.		24	2.14

SMARA 2773 (a)	Water quality monitoring plan specific to property.		22, 23	2.9, 2.13
SMARA 2773 (a)	Sediment and erosion control monitoring plan specific to property.		5	1.4
SMARA 2773 (a)	Revegetation plan specific to property. Monitoring Plan.		19	2.6
SMARA 2773.1	Performance (financial) assurances.		24	2.14
SMARA 2777	Amended reclamation plans required prior to substantial deviations to approved plans.	X		
CCR 3502 (b) (1)	Environmental setting and impact of reclamation on surrounding land uses. (Identify sensitive species, wildlife habitat, sensitive natural communities, e.g., wetlands, riparian zones, etc.).		9, 10-16	2.3, 2.4
CCR 3502 (b) (2)	Public health and safety (exposure).		23	2.12
CCR 3502 (b) (3)	Slopes: critical gradient, consider physical properties and landscaping.		1, 18	1.1.2, 2.5
CCR 3502 (b) (4)	Fill materials in conformance with current engineering practice.	X		
CCR 3502 (b) (5)	Disposition of old equipment		22	2.7
CCR 3502 (b) (6)	Temporary stream and water diversions shown.		5	1.4
CCR 3503 (a) (1)	Removal of vegetation and overburden preceding mining kept to a minimum.		5, 19	1.1, 2.6
CCR 3503 (a) (2)	Overburden stockpiles managed to minimize water and wind erosion.	X		
CCR 3503 (a) (3)	Erosion control facilities (dikes, ditches, etc.) as necessary.	X		
CCR 3503 (b) (1)	Settling ponds (sedimentation and water quality).		22	2.9
CCR 3503 (b) (2)	Prevent siltation of groundwater recharge areas.		22, 28	2.9, 4.0
CCR 3503 (c)	Protection of fish and wildlife habitat (all reasonable measures).		10-16	2.4; App. A
CCR 3503 (d)	Disposal of mine waste and overburden (stable-no natural drainage restrictions without suitable provisions for diversion).	X		
CCR 3503 (e)	Erosion and drainage (grading to drain to natural courses or interior basins).		18	2.5
CCR 3503 (f)	Resoiling (fine material on top plus mulches).		19	2.6
CCR 3503 (g)	Revegetation and plant survival (use available research).		19	2.6
CCR 3703 (a)	Sensitive species conserved or mitigated		9-16	2.3, 2.4
CCR 3703 (b)	Wildlife habitat at least as good as pre-project, if approved end use is habitat.		9-16	2.3, 2.4
CCR 3703 (c)	Wetlands avoided or mitigated at 1:1 minimum	X		

CCR 3704 (a)	For urban use, fill compacted in accordance with UBC or local grading ordinance.	X		
CCR 3704 (b)	For resource conservation, compare to standard for that end use		18-21	2.5, 2.6
CCR 3704 (c)	Mine waste stockpiled to facilitate phased reclamation and separate from growth media.	X		
CCR 3704 (d)	Final reclamation fill slopes not exceed 2:1, except when engineering and revegetation analysis allow.		18	2.5
CCR 3704 (e)	Final landforms or fills conform with surrounding topography or end use.		18, 22, 23	2.5, 2.9, 2.13
CCR 3704 (f)	Cut slopes have minimum factor of safety for end use and conform with surrounding topography.	X		
CCR 3704 (g)	Piles or dumps not placed in wetlands without mitigation.	X		
CCR 3705 (a)	Vegetative cover, suitable to end use, self-sustaining. Baseline studies documenting cover, density and species richness.		19-21	2.6
CCR 3705 (b)	Test plots if success has not been proven previously	X		
CCR 3705 (c)	Decompaction of site.		18-21	2.5, 2.6
CCR 3705 (d)	Roads stripped of road base materials, resoiled and revegetated, unless exempted.		18-21	2.5, 2.6
CCR 3705 (e)	Soil altered or other than native topsoil, required soil analysis. Amend if necessary.		19-21	2.6
CCR 3705 (f)	Temporary access not bladed. Barriers installed.	X		
CCR 3705 (g)	Use native plant species, unless exotic species meet end use.		19-21	2.6
CCR 3705 (h)	Plant during correct season.		19-21	2.6
CCR 3705 (i)	Erosion control and irrigation, when necessary.		19-21	2.6
CCR 3705 (j)	If irrigated, demonstrate self-sustaining without for two- year minimum.	X		
CCR 3705 (k)	Weeds managed.		21	2.6.7
CCR 3705 (l)	Plant protection measures, fencing, caging.	X		
CCR 3705 (m)	Success quantified by cover, density and species-richness. Standards proposed in plan. Sample method set forth in plan and sample size provides 80 percent confidence level, as minimum.		21	2.6.8
CCR 3706 (a)	Mining and reclamation to protect downstream beneficial uses.		9, 23	2.1, 2.2, 2.12
CCR 3706 (b)	Water quality, recharge, and groundwater storage shall not be diminished, except as allowed by plan.		5	1.3

CCR 3706 (c)	Erosion and sedimentation controlled during all phases as per RWQCB/SWRCB.		5	1.4
CCR 3706 (d)	Surface runoff and drainage controlled and methods designed for not less than 20 year/1 hour intensity storm event.		8	1.4.1, 1.4.2
CCR 3706 (e)	Altered drainages shall not cause increased erosion or sedimentation.		5	1.4
CCR 3706 (f)	Stream diversions constructed in accordance with DFG 1603, EPA 404, Sec. 10 Rivers and Harbors.	X		
CCR 3706 (g)	All temporary diversions eventually removed.		18	2.5
CCR 3707 (a)	Return prime ag to prime ag, unless exempted.	X		
CCR 3707 (b)	Segregate and replace topsoil by horizon.	X		
CCR 3707 (c)	Productivity rates equal pre- project or similar site for two consecutive years. Rates set forth in plan.	X		
CCR 3707 (d)	Fertilizers and amendments not contaminate water.	X		
CCR 3708	Other ag capable of sustaining crops of area.	X		
CCR 3709 (a)	Equipment stored in designated area and waste disposed of according to ordinance.		4, 22	1.2, 2.7
CCR 3709 (b)	Structures and equipment dismantled and removed.		22	2.7
CCR 3710 (a)	Surface and groundwater protected.		5, 22, 28	1.4, 2.9, 2.11, 4.0
CCR 3710 (a)	Surface and groundwater projected in accordance with Porter Cologne and Clean Water Acts (RWQCB/SWRCB).	X		
CCR 3710 (b)	In-stream in accordance with CFG 1600, EPA 404, and Sec. 10 Rivers and Harbors.	X		
CCR 3710 (c)	In-stream channel elevations and bank erosion evaluated annually using extraction quantities, cross-sections, and aerial photos.	X		
CCR 3710 (d)	In-stream mining activities shall not cause fish to become entrapped in pools or in off- channel pits. California Fish and Game Code section 1600.	X		
CCR 3711(a)	All salvageable topsoil removed. Topsoil and vegetation removal not proceed mining by more than one year.		19-21	2.6
CCR 3711 (b)	Topsoil resources mapped prior to stripping, location of stockpiles on map. Topsoil and growth media in separate stockpiles.		19-21	2.6

CCR 3711 (c)	Soil salvage and phases set forth in plan, minimize disturbance, designed to achieve revegetation success.		19-21	2.6
CCR 3711 (d)	Topsoiling phased ASAP. Stockpiles not to be disturbed until needed. Stockpiles clearly identified and planted with vegetation or otherwise protected.	X		
CCR 3711 (e)	Topsoil redistributed in stable		19-21	2.6
CCR 3712	Waste and tailings, and waste disposal governed by SWRCB (Article 7, Chapter 15, Title 23, CCR).		4, 5, 22	1.2, 1.3, 1.4, 2.9
CCR 3713 (a)	Drill holes, water wells, monitoring wells abandoned in accordance with laws.		22	2.7
CCR 3713 (b)	All portals, shafts, tunnels or openings, gated or protected from public entry, but preserve access for wildlife.		22	2.7

EXHIBIT F

Plan of Operations and Environmental Assessment

—Plan of Operations—
For
Activity under the Surface Management Regulations at 43 CFR 3809

The regulations at 43 CFR 3809.401(b) require you, the operator, to describe the proposed operations at a level of detail sufficient for the BLM to determine that your operation would prevent unnecessary and undue degradation. The Plan of Operations is to be filed in the BLM field office with jurisdiction over the land involved. The Plan of Operations does not need to be on a particular form, but must address the information required by 43 CFR 3809.401(b) as outlined below. This format has been prepared to assist small or medium scale operators in addressing the content requirements for a Plan of Operations. Use of this worksheet is voluntary.

Part 1 – Operator Information

You must identify the operator responsible for conducting the proposed activity. If the operator is a corporation or other business entity, then a corporate business entity point of contact must be identified. You must notify the BLM in writing within 30 days of any change of operator or business entity point of contact or in the mailing address of either.

Name(s): Gold Discovery Group LLC	Point of Contact (*if operator is a business entity)*: Sean P. Tucker
Mailing Address: 2549 Eastbluff Drive, Suite B-499 Newport Beach, CA 92660	Mailing Address:
Phone Number: 310-990-6179 Fax Number:	Phone Number: Fax Number:
Email address (*optional)*: sean@golddiscoverygroup.com	Email address (*optional)*:
Taxpayer Identification Number (*for an individual, this is your social security number)*: 85-3374451	
Unpatented Mining Claims (*list the name and BLM serial number(s) of any unpatented mining claim(s) where disturbance would occur)*: CA101921235 (Tux 18), CA101921234 (Tux 5), CA101921231 (Tux 20), CA101921236 (Tux 25)	
Other Federal, State, or Local Authorizations (*list any other permits or licenses you have either applied for or been issued for this project)*: San Bernardino County Reclamation Plan under SMARA	

Part 2 – Description of Operations and Reclamation

You must provide a complete description of all equipment, devices, or practices you propose to use during operations. The type of information required is listed below. You only need to address those items applicable to your operations. Attach maps and additional sheets as needed.

Project Area Maps (*Check project feature and show on attached maps or drawings*):	NA Exploration location NA Drill site/drill hole location(s) ✓ Access routes, new and existing ✓ Mineral process facility layout ✓ Mining areas/underground workings ✓ Waste rock/tailing location ✓ Support facilities/building location/utility service ___Other:
Operating Plans, including preliminary or conceptual designs and cross sections (*Address applicable project feature, attach design information, and provide a narrative explaining how operations are to be conducted*.)	✓ Mining areas/underground workings ✓ Mineral processing facilities ✓ Waste rock/tailings disposal ✓ Water management plans ✓ Rock characterization and handling plans ✓ Quality assurance plans ✓ Access route construction and use ✓ Pipelines, power lines, or utility services ___Other:

Operating Plan (*Describe your operating plan. Attach additional sheets/maps where necessary.*)

Description of the operation:

Gold Discovery Group LLC (GDG) is planning to extract desert placer style gold from semi to unconsolidated sands and silts (sediments) from placer mining claims in the Atolia area (**Figure 1**). This operation is referred to as the Persistence Mine by GDG. These sediments have been tested and show economic gold grades for surface mining extraction down to a tested depth of 24' covering an area of ~ 125-acres east of Highway 395 (see **Figure 1** and **Figure 2**). The operation capacity proposed in this Plan of Operations is to support up to 96,400 Cu Yd/Month run of mine (ROM) operation (note ramping up to 96,400 after month 4). Operations are anticipated to be undertaken over a 33-month period.

Mining will be by surface pit extraction with a single excavator and wheel loader. Excavation passes will be in 12' increments with a total of two passes to extract to 24' depth or to bedrock, whichever comes first. Batter angles on pit edges will be targeting 30 degrees but reduced if pit walls are not stable based on frequent GDG site inspections. All pit crests will have berms established. Considering the low

depth of the pit floor, it's expected that more aggressive pit walls can be achieved. Historical mining in the adjacent area to the north still has wall exposures today, which are near vertical, and in excellent condition. These walls would be more than 75 years old, based on the previous Atolia operations in the 1930s and 1940s. Reference photos can be seen in **Figure 3**. GDG's developed pit will be regularly assessed during mining operations and adjusted as needed.

The operation will be excavator mined or trammed with a wheel loader as the evolving layout of the pit progresses into a grizzly feeder and skid-mounted gravity concentrator unit. Details of the equipment selection are below. All oversize material will be wheel loaded back into the pit void as backfill to the mining sequence. Some initial out-of-pit dumping will be required to open up enough void space to allow the start of backfilling. This out-of-pit dumping will still be within the 125-acre footprint proposed for the Persistence Mine. While double-handling will happen, this reduces GDG's reclamation footprint.

Concentrate material will be removed from the wash plant sluice runs during clean outs which will be every 2-3 days. This concentrate will be wet but not saturated, and it will be placed into 44 or 55-gallon drums on the back of a utility vehicle or a pull trailer. This single utility vehicle will be completing transport of the concentrate as required every 2-3 days to GDG's commercial property in Johannesburg. The concentrate weight from cleanout will be ~2,500lbs. The concentrate inside the drums will be further refined with a SWECO classifier, Macon T-150, and eventually find its way onto a shaking table at GDG's commercial property in Johannesburg. GDG intends to make dore bars with the gold from the shaking table and ship to a smelter of GDG's choice for the final smelting process to produce .9999 gold bars. No cyanide is proposed to be used for the extraction of gold, as the final gold product will be refined on a water/gravity shaking table.

Equipment:

Preliminary planned equipment list includes the following:

- Mining equipment
    - Cat 340 Excavator (or similar) with a 3 cu yd bucket with the option to expand to two 340 units if required;
    - Cat 336 Excavator (or similar) with a 2 cu yd bucket;
    - Cat 980 Wheel loader (or similar) with an 8.75 cu yd bucket with the option to expand to two 980 units if required;
    - Lighting plants (diesel – up to 4) as needed for low light and night shift;
    - Cat D8 Dozer for scraping the surface;
    - Mulching unit for vegetation for seed gathering and stockpiling;
    - Utility truck for maintenance and refueling;
    - Pickup truck and employee transport and refueling;
    - Water truck (4,000 gallon) for run of mine water usage from Two Dr Peppers or Root Beer Float Mill Site Claims; and
    - Trailer mounted 525-gallon water tank with sprayer bar for dust control.
- Processing
    - Macon SD-600 wash plant for material processing (wash plant);
    - Macon Grizzly Feeder to suit SD-600 and run from the SD-600 generator;
    - 17 cu yard hopper and stacker belt;
    - Pumps as required to establish water circuits on site; and

    - Waterlines as required to supply the wash plant and connection to storage ponds.
- Site office and other
    - Travel trailer (including bathroom and kitchen) used for breakroom, security, and site office to be moved around the site as required;
    - Diesel generators to run pumps, wash plant, office trailer, and other power requirements; and
    - 2 x 40ft storage containers on site temporarily for equipment, spares, etc.
- Exploration equipment
    - Dietrich D-120 Auger Drill Rig (model year 2000) and associated tooling.
- Mill Sites
    - Two Dr Peppers or Root Beer Float generators, a 5,000-gallon water tank, submersible and booster pumps, and electrical, which is offsite from the Persistence Mine.

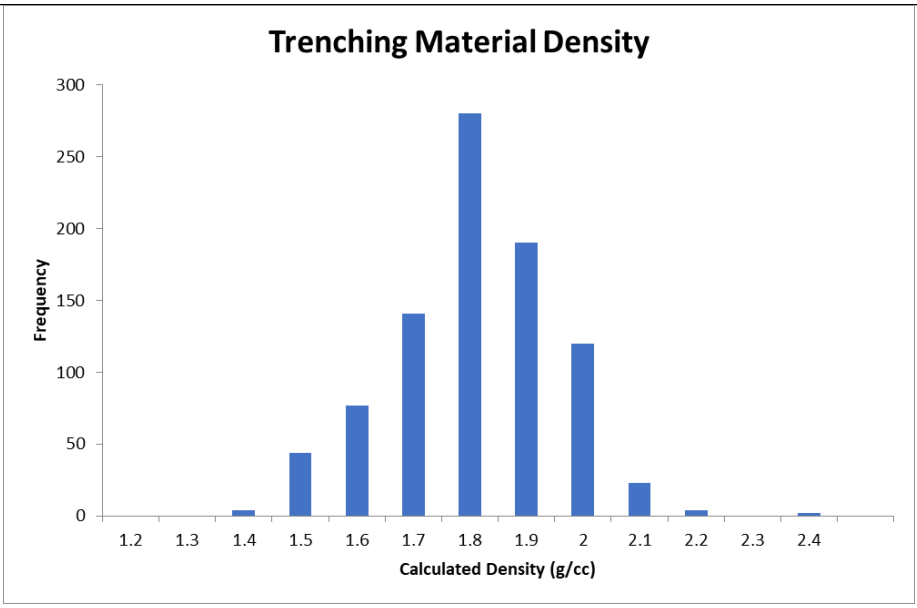
All equipment will be mobile except the wash plant and storage containers. The SD-600 wash plant and grizzly feeder are both skid-mounted and can be moved with the mining equipment. The storage containers will be stationary for the duration of the operation.

Preliminary Pit designs and site layout:

As a design criterion for the outline of the mining area, a ~50ft minimum (70ft average) offset from the GDG placer claims boundary has been applied. As shown in **Figure 2**, the mining area is split into two main extents: the Western and the Eastern Pits. Not all the area will be mined as GDG has a working geology and block model of the area for economic assessment. Details for these pits are outlined in **Table 1** for material > cut-off grade (cut-off grade subject to change with economic conditions). GDG has extensively tested the density of the material. The following density data is presented in the histogram below. Surprisingly, the material is denser than typical unconsolidated sands with a distributed average of 1.8g/cc. A plan map showing cross-section locations is provided in **Figure 4**, and cross sections (vertical exaggeration) of Western and Eastern Pit are shown in **Figures 5** and **Figure 6**, respectively.

Table 1: Mining area design details.

	Western Pit	Eastern Pit
Volume (cubic yards)	434,500	2,430,400
Mass (short tons)	782,000	4,374,800
Maximum Pit depth (feet)	24 (average 8)	24
Target wall batter angle (degrees)	30	30



Water sourcing for mining and processing:

GDG anticipates that it will require up to 1.4 million gallons of water per month. This water is primarily for wash plant operations to make up losses in its alluvial wash plant circuit (and settling ponds). Twenty thousand gallons of the 1.4 million gallons estimated above are designated for on-site dust suppression using a 525-gallon, mobile water tank with sprayer bars (trailer-mounted), or a 4,000-gallon water truck with sprayer bars. Potable water will be brought to the site daily for field crews sufficient for their needs during the 12-hour shifts.

GDG will construct water storage ponds on site to support the wash plant operations. As all the ground GDG has explored to date has shown to be mineralized and economically viable, GDG will begin operations by excavating the settling ponds, stockpiling the material, and establishing the initial plant site. GDG will be constructing ponds to hold approximately 0.95 million gallons of water. This will allow up to 5 hours of pond retention time for sediments to settle and clean the water for continuous wash plant operations. GDG anticipates between 5-7% water loss on the proposed pond structures. The ponds will be lined with bentonite or a geomembrane. The 1.4 million gallons required by the operation per month will be trucked into the mine site with approximately 6-7 'water runs' per shift with a 4,000-gallon water truck. Therefore, at any one time, GDG anticipates up to 1-1.2 million gallons of water to be stored on site based on ongoing, real-time water losses during operations.

Water for the operation is proposed from three (3) options. Water is primarily used for running the wash plant for mineral processing, but will also be available as required for dust suppression. These three (3) options are:

Option 1: GDG currently has an existing Mill Site "Two Dr Peppers" (Two Dr Peppers – CA106365225), which contains an Industrial Zoned, Kern County permitted water well within its 4-acre footprint. This well has a robust water source and clean water sufficient to support GDG's mining operations. The infrastructure GDG intends to install on Two Dr Peppers includes:

- The option to develop a future 10-inch well between 700-800ft deep (estimated) with a 160 gpm submersible pump and 40 hp motor;
- A fenced facility currently estimated at 75ft long x 45ft wide which will have two remote controlled access gates to enter;
- A poly surface surge tank of 5,000 gallons;
- Diesel generator to power the submersible pump, booster pump, gates, and automatic shut-off;
- Related piping, transfer pumps, overhead fill point, valves, as required; and
- 1,000-gallon diesel nurse tank for the generator and booster pump requirements.

Proposed access from the Two Dr Peppers to the Persistence Mine Boundary:

- North along R110 for 0.16 miles;
- Turn eastward on R112 for 2.58 miles;
- Turn northward on Goler Road for 0.40 miles;
- Turn eastward on Garlock Road for 1.22 miles;
- Turn southward on US Hwy 395 for 10.55 miles;
- Exit US Hwy 395 eastward and northward on RM109 for 0.29 miles; and
- Turn eastward on RM0078 for 0.18 miles to the Persistence Mine boundary.

Option 2: GDG has staked a new Mill Site Claim, called "Root Beer Float" (Root Beer Foat), which is situated 1,400 feet north of Two Dr Peppers and will be a backup option for Two Dr Peppers. Root Beer Float is closer to Garlock Road and outside of Desert Tortoise Critical Habitat.

Root Beer Float is a 4-acre mill site claim, and the proposed access from the Root Beer Float to the Persistence Mine Boundary is:

- Turn eastward on Garlock Road for 3.89 miles;
- Turn southward on US Hwy 395 for 10.55 miles;
- Exit US Hwy 395 eastward and northward on RM109 for 0.29 miles; and
- Turn eastward on RM0078 for 0.18 miles to the Persistence Mine boundary.

Both Option 1 and Option 2 are shown in **Figure 7**.

Option 3: GDG will look to purchase water from the Rand Communities Water District (RCWD) and truck the water down to the site if Options 1 and 2 are insufficient. RCWD has provided GDG with a "Will Serve Letter" stating that the RCWD will sell water to GDG and that RCWD can easily support the Persistence Mine's water needs for the life of the Persistence Mine.

Water management plans:

Auger drilling for orebody knowledge to date has shown no water intercepts across the Persistence Mine. Therefore, it's not expected that water will be an issue outside of rainfall events. The development of an onsite water storage pond in the west of the mining area will house water required for any dust control and primarily material processing. This location is chosen due to its shallow bedrock depth (~8 feet), where the Rand Schist is encountered and understood to be impermeable. The storage ponds will be lined with bentonite or a geomembrane to ensure the water is retained for an appropriate period for operations.

Within the pits, run-off from onsite precipitation will be allowed to flow into the pits. A safety berm 6 feet high will be constructed around the pits during operations, which will also serve to restrict any runoff from flowing down out of the excavation areas. While there are two small washes that cross the western and eastern pit areas (**Figure 8**), these are considered low risk as per the FEMA flood zone mapping (i.e., area identified as minimal flood hazard). There will be no diverting of these washes; they will be allowed to flow into the pit during rain events, and the water will be utilized by GDG. GDG will ensure that no water from the active pit will overflow during high rain events. They will be pumped into on-site water storage ponds.

Rock characterization and handling plans:

Hollow Stem Auger drilling of the area (**Figure 4**) has consistently intersected unconsolidated (to semi-cemented), dry, moderately sorted sands. Sands are observed with pebble to cobble size inclusions, which are regular but not consistent, and some clay bands are also noted. Drilling to date has been based on a 3" diameter spoon and deemed representative as the particle size distribution from screening, intercepted material during drilling (field observations), and consistent depth of drilling to target depth being achieved (**Figure 4** and **Figure 9**) indicates a relatively homogeneous material profile.

Samples in the mining area have been consistently dry down to a 24' target depth, indicating that water horizons are not expected to be intersected.

Bedrock observations are of the Rand Schist with relatively low saprock horizon development. The western end of the mining area is therefore suitable for excavation for water storage ponds (after initial processing of material for gold extraction) as the Schist is likely to be highly impermeable.

Quality assurance plans:

Orebody Knowledge:

Drilling with a Hollow Stem Auger on ~250 feet drillhole centers over the proposed mining area has provided sufficient orebody information to determine variability in the orebody. This has been further tested with two trenches where material has been excavated and processed through a scale wash plant to confirm the presence and recovery of gold.

Mining:

GDG is being advised by leading expert exploration, processing, and mining consultancy firms to a level of detail required to understand all aspects of the operation. This includes sensitivity analysis around grades, processing requirements, and mining sequences.

Environment and heritage:

GDG has been in close discussions with stakeholders from the environmental (flora, fauna, dust, etc.) and cultural communities to ensure the project is void of any important site observations. This includes the completion of:

- Several fauna surveys covering Desert Tortoise, Kit Fox, Western Burrowing Owl, and American Badger have been completed;
- Botanical survey with no special status plants encountered; and

- Cultural surveys, which found no significant sites within the Persistence Mine footprint, proposed Water Supply Wells, or that the Persistence Mine or the nearby GDG placer claims qualify as part of the Rand Historic Mining Complex. (Provided to BLM Ridgecrest Office from ECorp [Class 3 study and record searches] in Q4 2021 and supplemented by Applied Earthwork in Q4 2022).

In conjunction with these surveys, GDG has strategically hired (on staff) a former landscaping professional with over 20 years' experience, who lives locally to the project. This employee is well-accustomed to the vegetation styles/systems in the western Mojave region and also has specific knowledge of appropriate handling, transplanting, and preservation of Creosote Bushes (which are the main vegetation type over the mining area).

Reclamation:

The GDG mine plan includes sequential in-pit dumping once the required void space is created for daily operations. This reduces the amount of out-of-pit dumping, which will in turn limit the amount of reclamation required under SMARA. In addition, GDG has submitted a Reclamation Plan to San Bernardino County and will subsequently post a financial assurance bond for the proposed operations once San Bernardino County provides that amount to GDG upon final review and approval of our Reclamation Plan application. A copy of the Reclamation Plan is provided under separate cover.

Spill contingency plans:

All refuse generated at the Project would be disposed of off-site in an authorized off-site landfill facility, consistent with all applicable federal, state, and local regulations.

The hazardous materials and petroleum products utilized at the Project are anticipated to include diesel fuel, gasoline, a liquid propane tank, lubricating oils and grease, and hydraulic oil stored in vehicles. Approximately 1,200 gallons of diesel fuel and 20 gallons of gasoline would be stored in fuel delivery systems on vehicles and mining equipment at any one time. All hazardous and non-hazardous containers would be properly labeled and managed in accordance with all applicable state and federal laws, regulations, and guidelines.

Diesel refueling would be conducted from vehicle-mounted fuel cells and/or a mobile refueling vehicle, which will have a spill kit on board for any diesel spills that may occur. Equipment maintenance would take place utilizing mobile maintenance trucks. No permanent storage of fuels is proposed for the Persistence Mine. Refueling of any equipment will only be conducted during daylight hours or within suitable lighting from light towers if at night. All site personnel involved in fuel-handling would be trained in the operation and maintenance of equipment as per the manufacturer's specifications to prevent discharges.

In addition, 200 gallons of lubricating grease, 200 gallons of lubricating oil, and 100 gallons of hydraulic oil would be stored in vehicles to be utilized as necessary for mine equipment operations and maintenance. The liquid propane tank (approximately 20 gallons) would supply natural gas to the work trailer parked on site for the duration of the Project.

If a reportable quantity of hazardous materials or petroleum products is spilled, the spill would be contained and cleaned up and the appropriate federal, state, and local agencies would be notified as required. If any products are spilled during operation that are less than the reportable quantity, the product would be promptly cleaned up and any contaminated material would be removed from the site and disposed of at an approved off-site facility in accordance with all applicable federal, state, and local laws.

No hazardous or toxic waste, oil, or lubricants would be disposed of on public lands. All waste would be collected in approved trash bins/containers with lids and would be disposed of off-site in an approved landfill. Hazardous materials would be transported according to applicable regulatory guidelines.

GDG will be using Ridgecrest Septic to empty the black and grey water tanks as needed for the trailer.

Pursuant to 43 CFR 8365.1-1(b)(3) and 43 CFR 3809.420(b)(5) and (6), no sewage, petroleum products, or refuse would be dumped from any trailer or vehicle on the Project site.

A general schedule of operations from start through closure:

Mining operation shifts are anticipated to be 2 x 12-hour shifts per day, 6 days a week, Monday 6am – Sunday 6am. Operations will be conducted during night hours once the project is sufficiently established (6 nights per week, anticipated to commence after 4 months of operation).

A preliminary schedule for the operation is shown in **Figure 10**. The planned timeframe including development and reclamation is up to 69 months from successful grant of all Federal, State and County permit approvals and access to equipment rental.

GDG plans to run day shifts only for the first 2 months to establish the plant performance and general flow of the operation. Between months 3 and 4, GDG will establish night shifts as appropriate and monitor the progress. The ramp-up period will also allow GDG to stagger employee recruitment for the mine, as well as ensure all forms of employee training are staggered and fully completed.

A summary of the anticipated volume throughput breakdown by month is:

- Month 1: 20,000 cubic yards – day shift only;
- Month 2: 25,000 cubic yards – day shift only;
- Month 3: 35,000 cubic yards – commence staggered night shifts;
- Month 4: 55,000 cubic yards – further establish night shifts;
- Month 5 through 32: 96,400 cubic yards – full planned capacity; and
- Month 33: 30,700 cubic yards – wind down and likely day shifts only.

While the life of mine (LOM) pit shells encompass the full pit extents, GDG will be working the areas in blocks or strips. The operation can be considered in two phases. Phase 1 would be an initial box cut and stockpile of material around the SD-600 wash plant pad site (**Figure 11**). This material would be stockpiled for processing once the pit is excavated to bedrock, and the void filled with water for tailings management, a settling pond, and freshwater circulation. This location is likely to remain as presented as these areas were the richest from the GDG trenching program.

Phase 2 (shown here in **Figure 12**) is a representation of the sequential block or strip mining and relocation of the active water storage pond and wash plant pad. **Figure 12** shows that the original Boxcut is depleted and backfilled and that the new water storage pond is progressing with active mining. Land bridges will be left to ensure the stability of active water and tailings storage. The ability to scavenge these land bridges once the backfill is dried will be undertaken to ensure maximum resource recovery. The progression and development of Phase 2 will be evaluated and refined during GDG's ramp up phase.

Plans for all access roads, water supply pipelines, and power or utility services:

Access to the mining area will be off Highway 395 along BLM Open, Limited, and Closed roads, as well as private property access. The road types and anticipated access are shown in **Figure 13**. The road will be used primarily for light vehicles only with the occasional 'low-boy' truck to deliver and remove heavy mining equipment at the start, end, and for any off-site maintenance, and water truck as required.

No water supply pipelines are required, as all water requirements will be met via Options 1, 2, and 3 outlined in this Plan of Operations.

No power is required on site as all lighting and plant (including wash plant) will run on diesel and solar power where possible. No utility services are required on-site as all maintenance will be mobile, remote, or based in downtown Johannesburg, CA.

Reclamation Plan (*provide a reclamation plan to meet the standards in 43 CFR 3809.420. Include a description of the equipment, devices, and practices you will use. Address the applicable components in the right column.*)	✗ Drill hole plugging procedures ✓ Closure of mine openings and reclamation ✓ Regrading and reshaping plans ✓ Isolation & control of acid-forming/toxic materials ✓ Topsoil salvage, handling, and replacement ✓ Vegetation reestablishment/weed control ✓ Wildlife habitat/riparian area rehabilitation ✓ Removal/stabilization of buildings & support facilities ✓ Post-closure management ✓ Pit backfilling feasibility where pits are to be left open (*Address economic, environmental and safety factors*) ___Other:

Reclamation Plan (*Describe how you will complete your reclamation plan. Attach additional sheets/maps as needed.*)

A detailed Reclamation Plan has been prepared and submitted to San Bernardino County to support the application of the Persistence Mine. This Reclamation Plan is provided under separate cover to this Plan and is a complete account of the proposed reclamation under SMARA.

Schedule of Operations (*Provide a schedule from project start-up through final closure. Identify major phases such as development, mining, processing, and reclamation. Operations with open-ended or undefined schedules cannot be accepted.*)

Please see **Figure 10** for the project schedule.

Part 3 – Monitoring Plan

You must provide a plan to monitor the effects of your operation. The monitoring plan should be designed to do the following: (1) demonstrate compliance with the Plan of Operations and other environmental regulations, (2) provide early detection of potential problems, and (3) supply information that will assist with any needed corrective actions. The scope of monitoring depends on the location and complexity of the operation. Generally, exploration activity requires little or no monitoring, while certain mining activities may need comprehensive monitoring plans. Monitoring plans should avoid duplication by incorporating other state or federal monitoring requirements.

Resource Conditions to Monitor (*Indicate the conditions you propose to monitor.)*	✓ Surface or groundwater quality/quantity ✓ Air quality ✓ Vegetation or reclamation conditions NA Process facility containment performance ✓ Stability conditions ✓ Wildlife mortality ✓ Noise or light levels ____Other (include state requirements):
Monitoring Plan Elements (*For each resource or condition monitored address these elements*.)	NA Type and location of monitoring devices NA Sampling parameters and frequency NA Analytical methods NA Reporting Procedures NA Adverse monitoring result thresholds & procedures ____Other:

Monitoring Plan (*Describe your monitoring plan(s). Attach additional sheets/maps where needed.*)

Water:

No water is anticipated to be intercepted during operation, and with the material, it's unlikely the pit will hold any water from the limited rainfall the area receives. However, any water that is pumped from the pit into the dam, and the dam levels during operation, will be monitored to ensure sufficient capacity for standard operating capacity.

Dust:

The Mojave Desert Air Quality Management District (MDAQMD) provided advice to GDG regarding triggers for dust issues related to the presence of extensive visible dust. GDG discussed the contents of this Plan of Operations with Alan De Salvio, Deputy Director of the MDAQMD on the 7th October 2021. Alan did not see any requirement for any dust permit or control measures. GDG will, however, monitor the presence of visible dust and if required follow up with MDAQMD on any actions required to ensure compliance.

Vegetation:

No monitoring of vegetation will be conducted during the mining operation. See Part 2 for vegetation handling and reclamation.

Stability Conditions:

See the pit design and constraints. No monitoring required as the planned progression and design will have only active mining (or transition to backfill) faces. No long-term or dormant faces are planned.

Wildlife Mortality:

A pre-construction survey will take place prior to any ground disturbing activity and installation of all perimeter and desert tortoise temporary fencing. In addition, a desert tortoise, nesting birds, and Mohave Ground Squirrel clearance survey will be conducted after all fencing is installed to ensure that no desert tortoises, birds, or Mohave Ground Squirrels have entered the site from the time the pre-construction survey and fence installation took place:

- Temporary Desert Tortoise fencing to be installed in two phases that will encompass the Western pit and the Eastern pit:
    - A pre-construction fence line clearance survey will be conducted to install perimeter and Temporary Desert Tortoise Fencing (this will be classed as the first disturbance);
    - Installation of the Temporary Desert Tortoise Fencing and standard Desert Tortoise guards (for access into the fenced area) will be completed within 2 weeks of the pre-construction fencing survey. This Temporary Desert Tortoise Fencing design will follow the fencing design recommendations by the U.S Fish and Wildlife Service in the Desert Tortoise (Mojave Population) Field Manual (December 2009). An example of the Temporary Desert Tortoise Fencing and Desert Tortoise Guard is shown in **Figure 14** (standard exclusion fencing) and **Figure 15** (for impenetrable substrate, if encountered), respectively; and
    - Once fencing is installed, conduct an interior clearance survey to ensure no Desert Tortoises, Kit Foxes, Mohave Ground Squirrels, nesting birds (or other wildlife) are present prior to the clearing of the surface for commencement of mining.

GDG will regularly monitor the interior and exterior of the fence line to ensure that no wildlife becomes trapped in the fencing. Further, GDG's biological consulting firm will conduct regular site reviews and provide advice to ensure GDG complies with all Federal, State, and County biological monitoring guidelines.

Vehicles will be parked inside fences to eliminate the possibility of Desert Tortoises seeking shade refuge under vehicles.

Based on the existing fauna surveys GDG has a good understanding of the presence of any wildlife in the operation area. GDG will maintain staff training for snake handling and desert tortoise awareness training, and monitor the presence of any wildlife. In the event wildlife inhibits the operation, GDG will consult with the appropriate federal, state and local agencies to ensure wildlife is adequately protected or translocated. GDG will keep a register of wildlife encounters and the nature of the encounter and report to the BLM Ridgecrest Field Office at the end of each quarter for BLM to understand the operations impact, if any.

Noise and light:

Noise and lighting are not expected to be a significant impact to humans and wildlife in the area. It's isolated away from any residential buildings, and no blasting will be used on site. The closest observable residents to the mine are ~3 miles in Red Mountain, which is slightly over a rise. limiting the projection of any noise and sound. GDG will monitor and engage with the community, but no official method of monitoring will be installed.

GDG's planned lighting solution for night shifts includes solar charged or diesel powered (or both) trailer mounted mobile lighting tower plants. GDG is assuming that 4 light towers at an anticipated 4,200W will be required. Two light towers will be up to 25ft tall, and the other two up to 30ft tower height. The taller lights will be used around the wash plant to ensure sufficient downward facing illumination in and around the feed hoppers. The shorter two will be used as required at the dig face to allow sufficient lighting as required for excavation and in-pit maneuvering. All tower lighting plants are vertical mast towers with shields on the rear of the light head so lighting emission is limited to the direction they are pointing. All lights will be pointed in a downward facing direction as well as to limit any adverse effects to birds, or owls, etc. GDG will only use lighting where needed and will use the lowest possible light settings and warm light settings while adhering to worker safety and visual needs of the Project.

Part 4 – Interim Management Plan

All Plans of Operations must include an Interim Management Plan that describes how the project area will be managed during periods of temporary closure (including periods of seasonal closure).

Interim Management Plan Elements (*Address each of these elements.*)	✓ Schedule of anticipated periods of closure NA Provisions to notify the BLM of unplanned or extended closures ✓ Measures to stabilize excavations and workings NA Measures to isolate or control toxic materials ✓ Provisions to store or remove equipment, supplies, or structures ✓ Measures to maintain the project area in a safe and clean condition ✓ Plans for monitoring site conditions during non-operation ___Other:
Reclamation Cost Estimate (*Attach additional sheets/maps where needed.*) No planned closure is scheduled in GDG's operation of the mine. Mining will be continuous for the full cycle period outlined in **Figure 10**. For any unforeseen closures that might occur, GDG will already be erecting appropriate warning signs of excavations in the area, plus the installment of sediment fencing (or similar) to ensure no wildlife can access the interior of the fencing perimeter. As all the equipment proposed for this operation is mobile, any equipment on site will be removed and held in storage in Johannesburg (GDG operations headquarters), as well as all rubbish removed. Rubbish removal will be an ongoing effort by GDG to ensure the operation is clean and tidy. This includes general employee and contractor refuse, as well as any maintenance or operational refuse resulting from normal operations and maintenance. No toxic materials are anticipated to be intercepted, so no interim management of this is required. And excavations will have appropriate batter angles on pit walls to ensure they are stable for a suitable period. Images in **Figure 3** show how stable the large excavations adjacent to GDG are, and that the proposed GDG excavations are only to a depth of 24 feet.	

Part 5 – Reclamation Cost Estimate

A reclamation cost estimate (RCE) is required to process your plan of operations (43 CFR 3809.401(d)). The RCE may be submitted with the Plan of Operations, or later at a time to be determined between you and the BLM. The following are general RCE requirements. The BLM is available to assist you in developing the cost estimate.

Reclamation Cost Estimate Elements (*Account for each of these cost elements.*)	NA The RCE must cover the Reclamation Plan at any point in the project life. NA Calculate the RCE based on the BLM's cost to contract for the reclamation. NA Include all equipment use, supplies, labor, and power in direct costs. NA Include fluid management of any mill process solutions in direct costs. NA Allow for a contingency cost (10% of direct costs). NA Allow for a contractor profit (10% of direct costs). NA Include contractor liability insurance (1.5% of total labor cost). NA For direct costs over $100,000 add 3% for payment and performance bonds. ___Add 12% of direct costs for BLM contract administration and indirect costs.

Reclamation Cost Estimate (*Attach additional sheets/maps where needed.*)

As this project is located in San Bernardino County, GDG is seeking additional advice on reclamation requirements from the county to ensure the plan outlined here (and associated costs) will be appropriate for both the BLM and San Bernardino County.

Once the proposed Reclamation Plan is approved by San Bernardino County, GDG will post a reclamation financial assurance in an amount sufficient to pay for the cost of reclamation for the first year of planned operations and estimated area disturbance as outlined in the Reclamation Plan submitted to San Bernardino County. The reclamation financial assurance shall be reviewed by the County annually as required by SMARA. San Bernardino County is the lead agency for SMARA compliance and will review the Reclamation Assurance and inspect the mine site annually. While the BLM includes reclamation for any one point in time, the annual inspections and first year reclamation costs set out by the county will be sufficient given the progressive rehabilitation proposed by GDG.

The proposed Plan of Operations is submitted on this date by:

July 29, 2025

(Signature of operator or agent) Date

(Signature of co-operator or agent) Date

Additional Processing Information

Within 30 calendar days of receiving your proposed Plan of Operations, the BLM will review the submitted material and notify you: 1) that your Plan of Operations is complete, that is, it meets the content requirements under 43 CFR 3809.401(b); or 2)that your Plan does not contain a complete description of the proposed operations, specifying what information is missing or incomplete; or 3) that your Plan of Operations is complete but the BLM cannot process the Plan until certain additional steps are taken which could include you providing adequate baseline data, the BLM conducting an environmental review, or the BLM consulting with various entities such as the State or Indian tribes.

Once a Plan of Operations is determined to be complete, an environmental analysis is prepared. The environmental analysis and/or complete Plan of Operations is available for public comment for not less than 30 days. The processing of a Plan of Operations that requires the preparation of an environmental impact statement (EIS) is subject to the cost recovery provisions of the regulations. The BLM will notify you immediately if it is determined your Plan of Operations falls within the cost recovery requirements.

Upon completing review of your Plan of Operations, including environmental analysis, consultation, and consideration of public comments, the BLM will issue a decision that: 1) approves the Plan of Operations basically as submitted; or 2) approves the Plan of Operations subject to changes or conditions needed to prevent unnecessary or undue degradation; or 3) disapproves or withholds approval of the Plan of Operations, listing the reason for not approving the Plan. The decision to approve or deny a Plan of Operations can be appealed to the BLM State Director or directly to the Interior Board of Land Appeals (IBLA).

Even after receiving a decision approving your Plan of Operations, you must not begin surface disturbing activity until you have provided a financial guarantee in the amount of the approved reclamation cost estimate to the BLM State Office and received a decision from that office that the financial guarantee instrument has been accepted.

It should be noted that approval of a Plan of Operations by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claim involved in the operation. In addition, you are responsible for obtaining any use rights or local, state, or Federal permits, licenses, or reviews that may be required for your operation.

A Plan of Operations proposing use and occupancy of the public lands, such as full- or part—time residence or the construction, presence, or maintenance of temporary or permanent structures, must also obtain concurrence under the regulations at 43 CFR 3715 that the use or occupancy is reasonably incident to the prospecting, mining, or processing operations.

Figure 1: Persistence Mine Regional Location

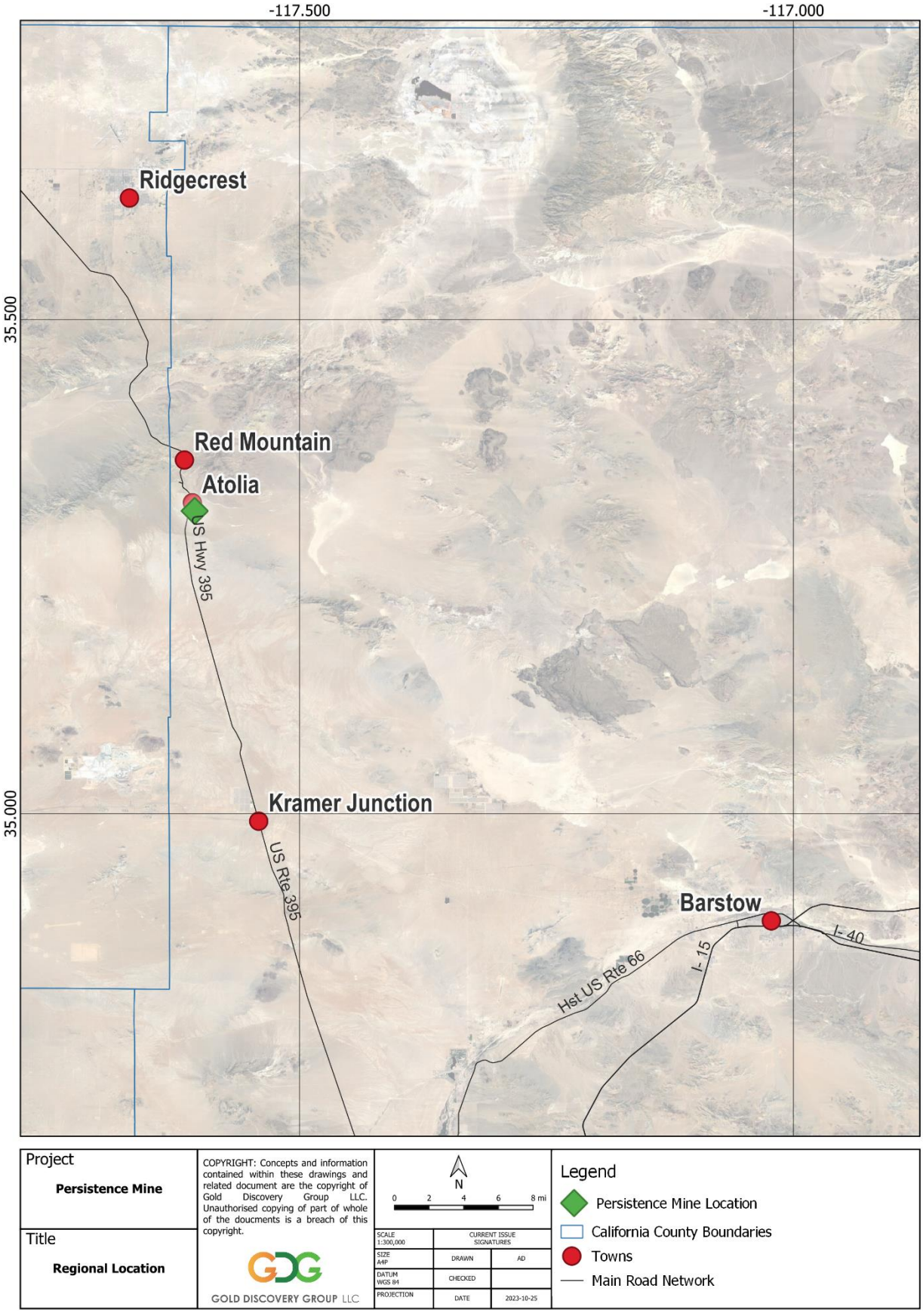


Figure 2: Detailed Project Location and GDG Claims

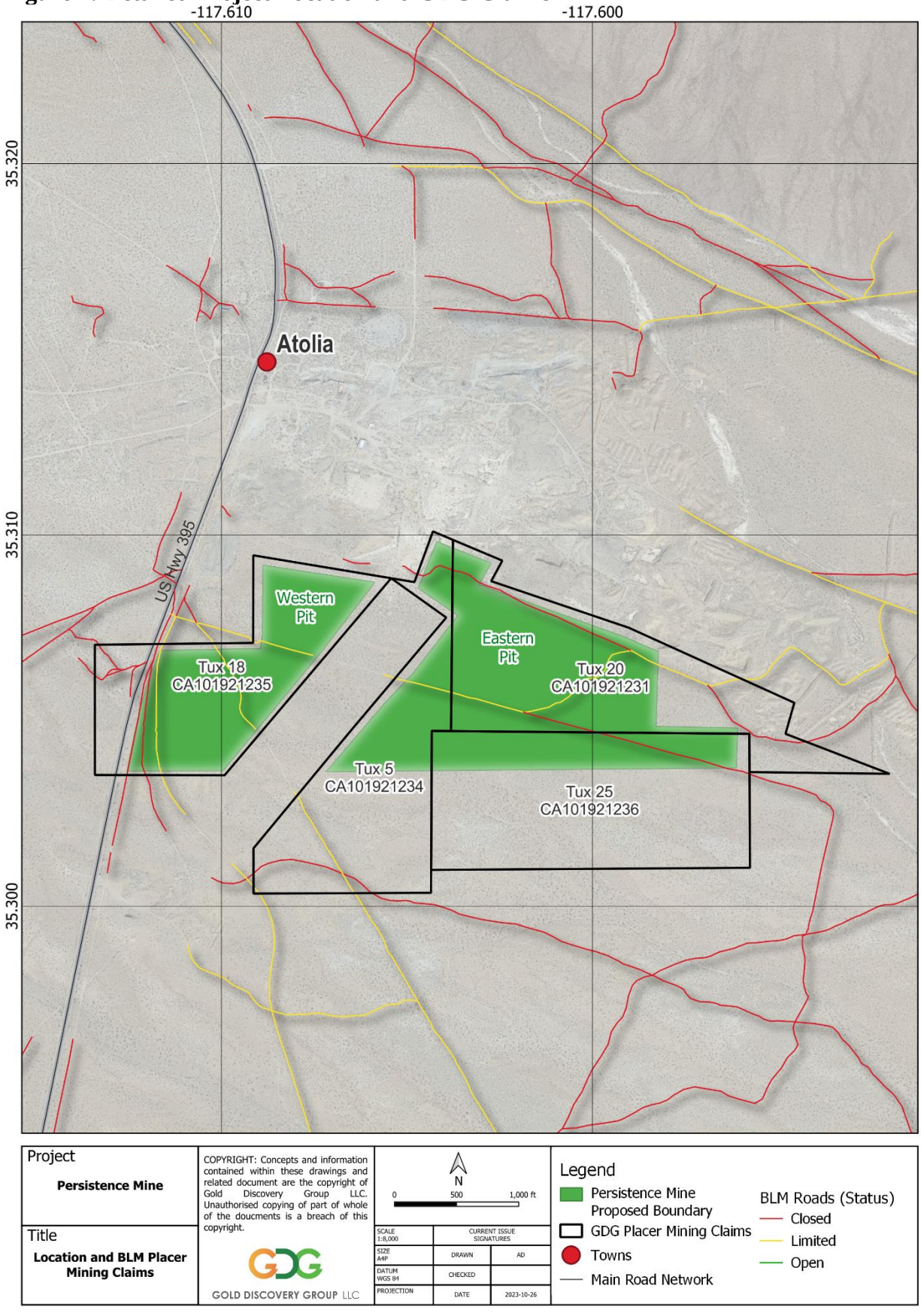


Figure 3: Example of previously abandoned workings adjacent to GDG mining area

Figure 4: GDG Drillhole locations and Cross Section layout

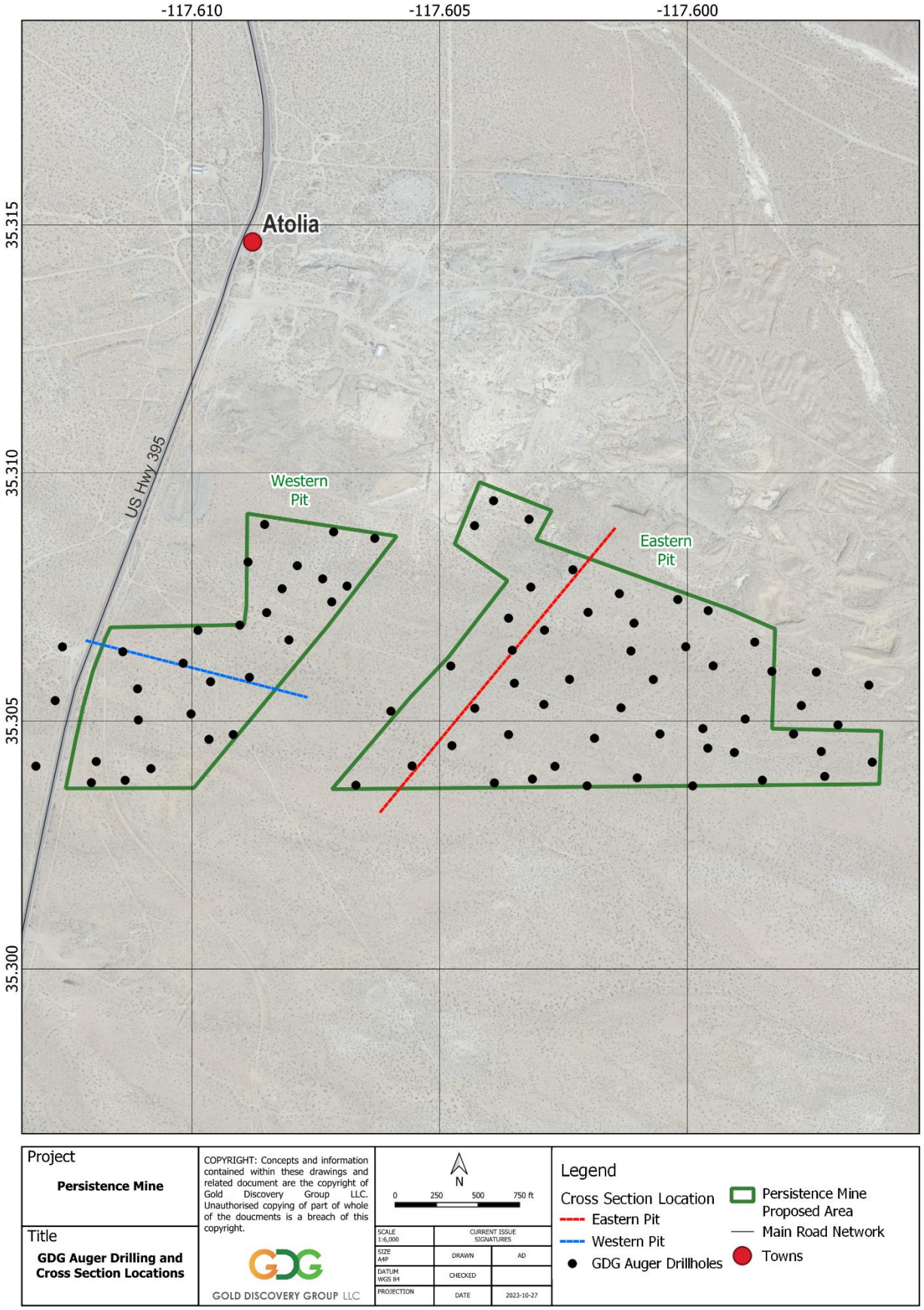


Figure 5: Western Pit Model Cross Section.

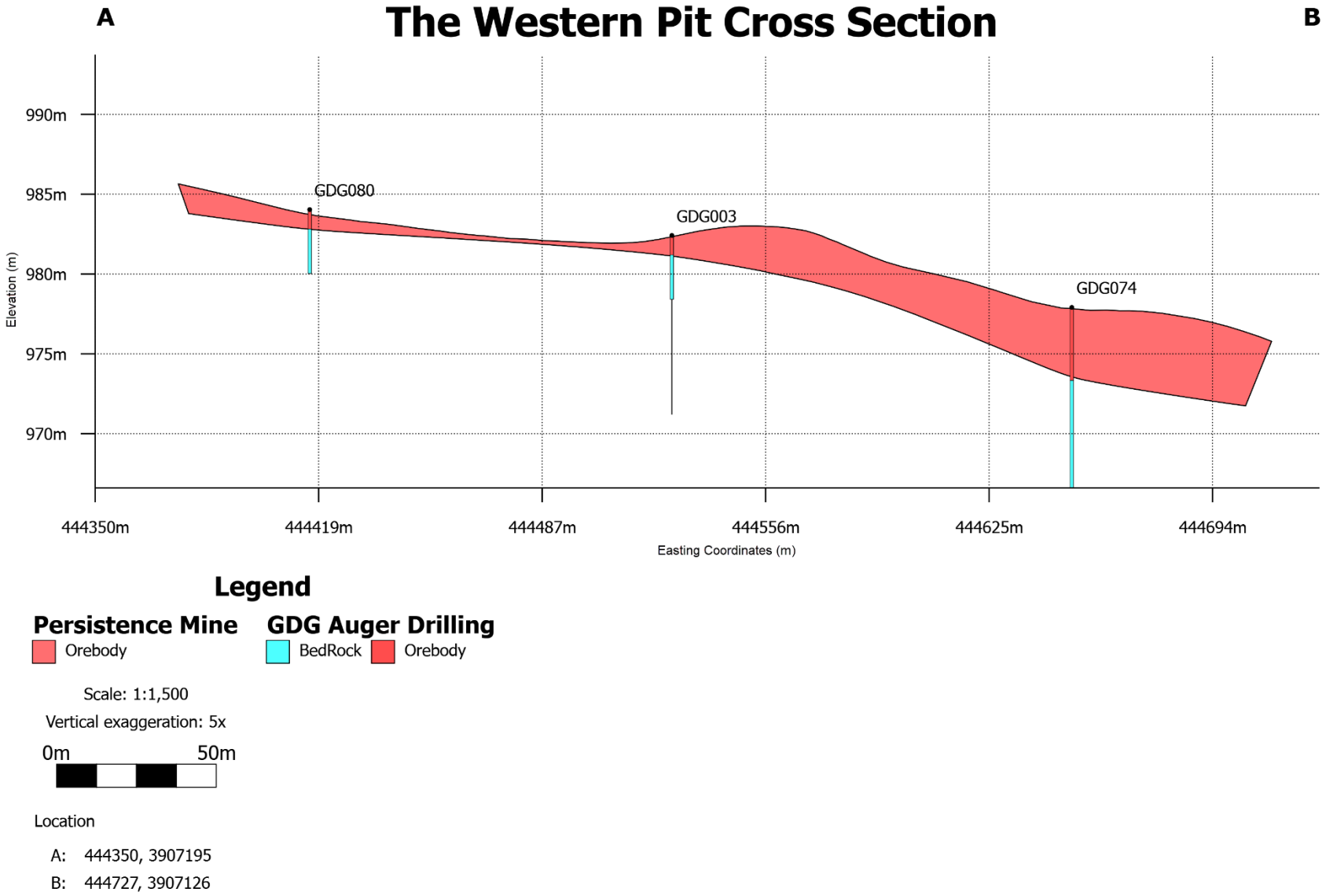


Figure 6: Eastern Pit Model Cross Section.

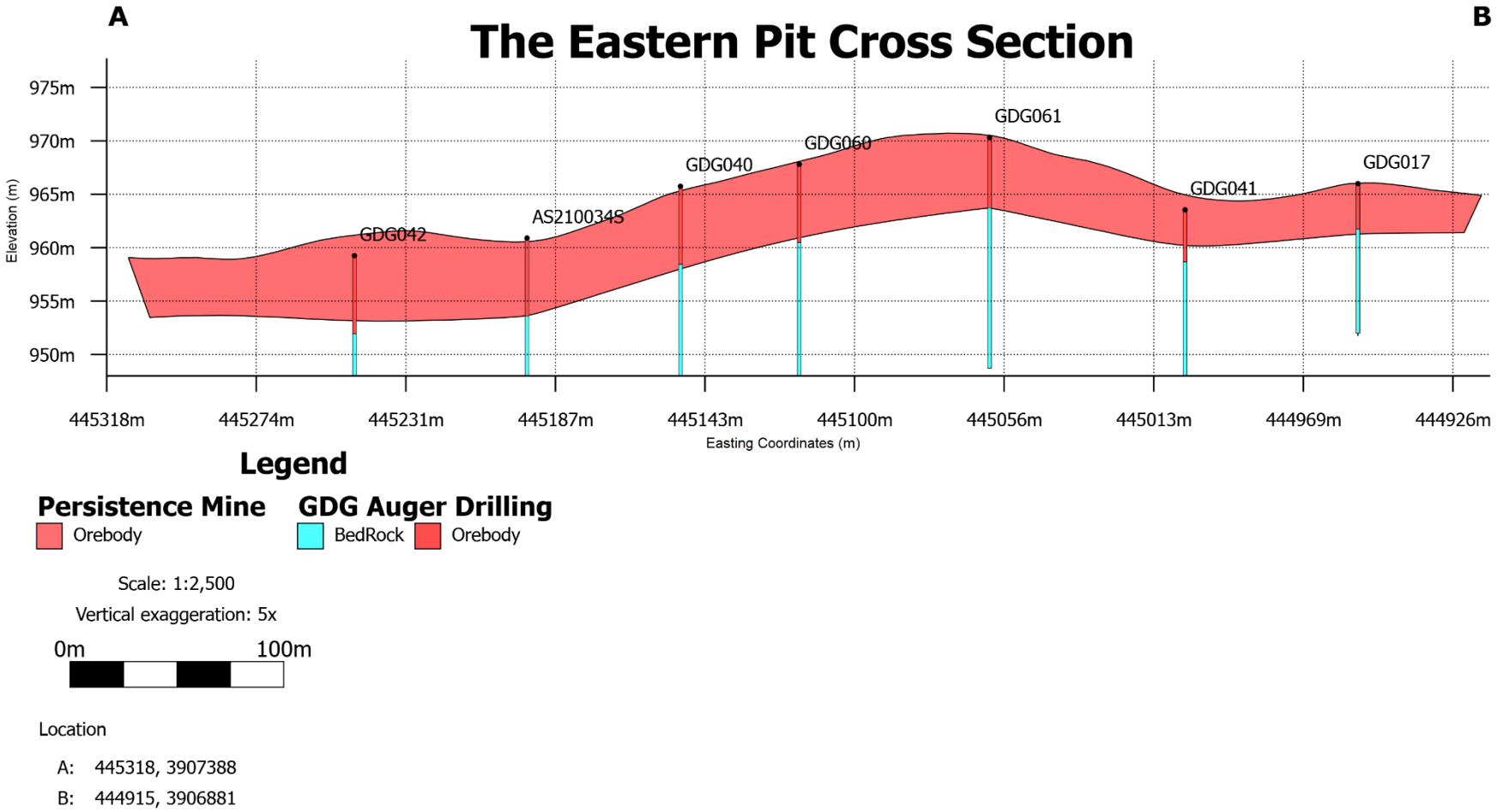


Figure 7: Proposed Option 1 and 2 Water Access Routes from Two Dr Peppers and Root Beer Float

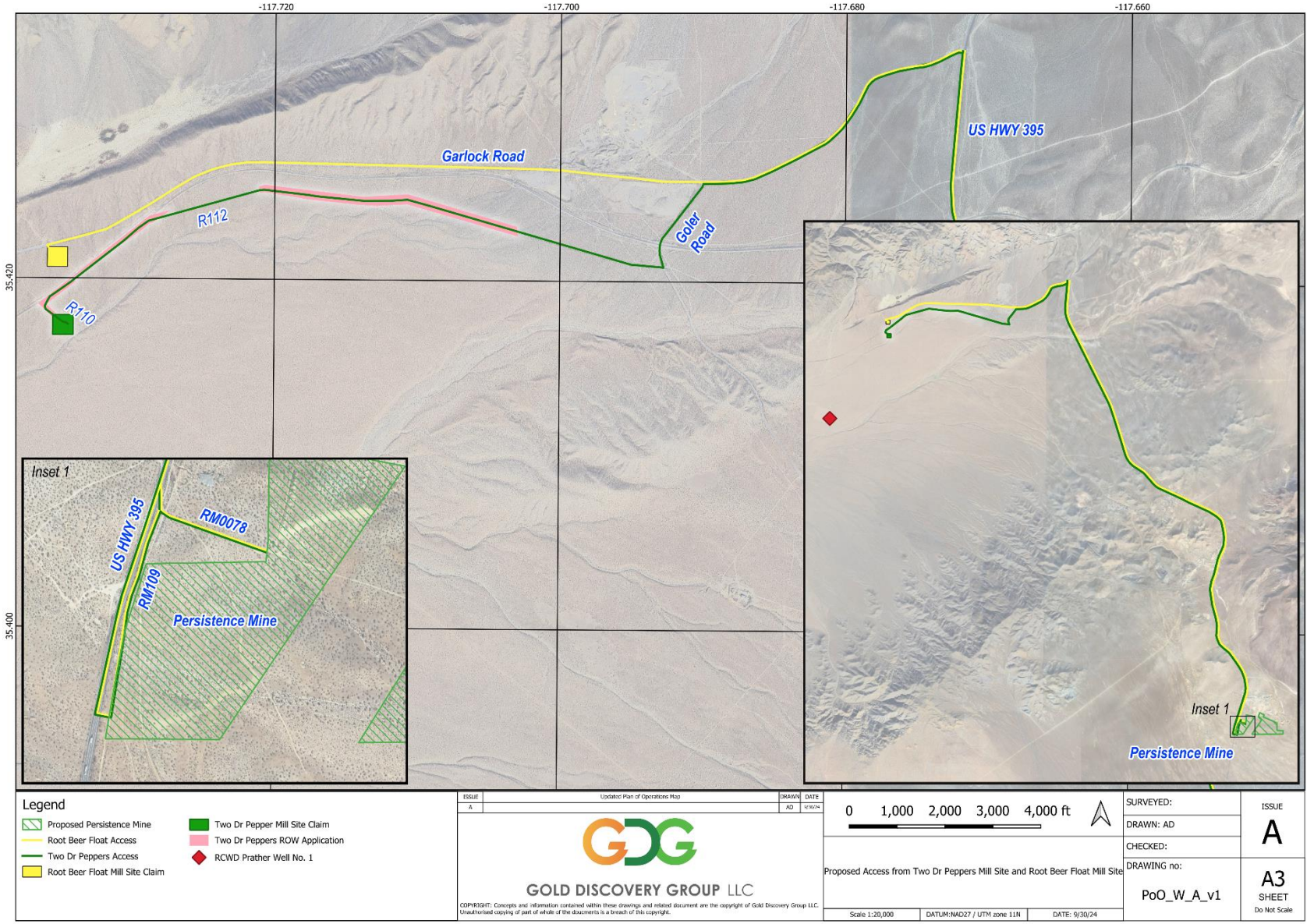
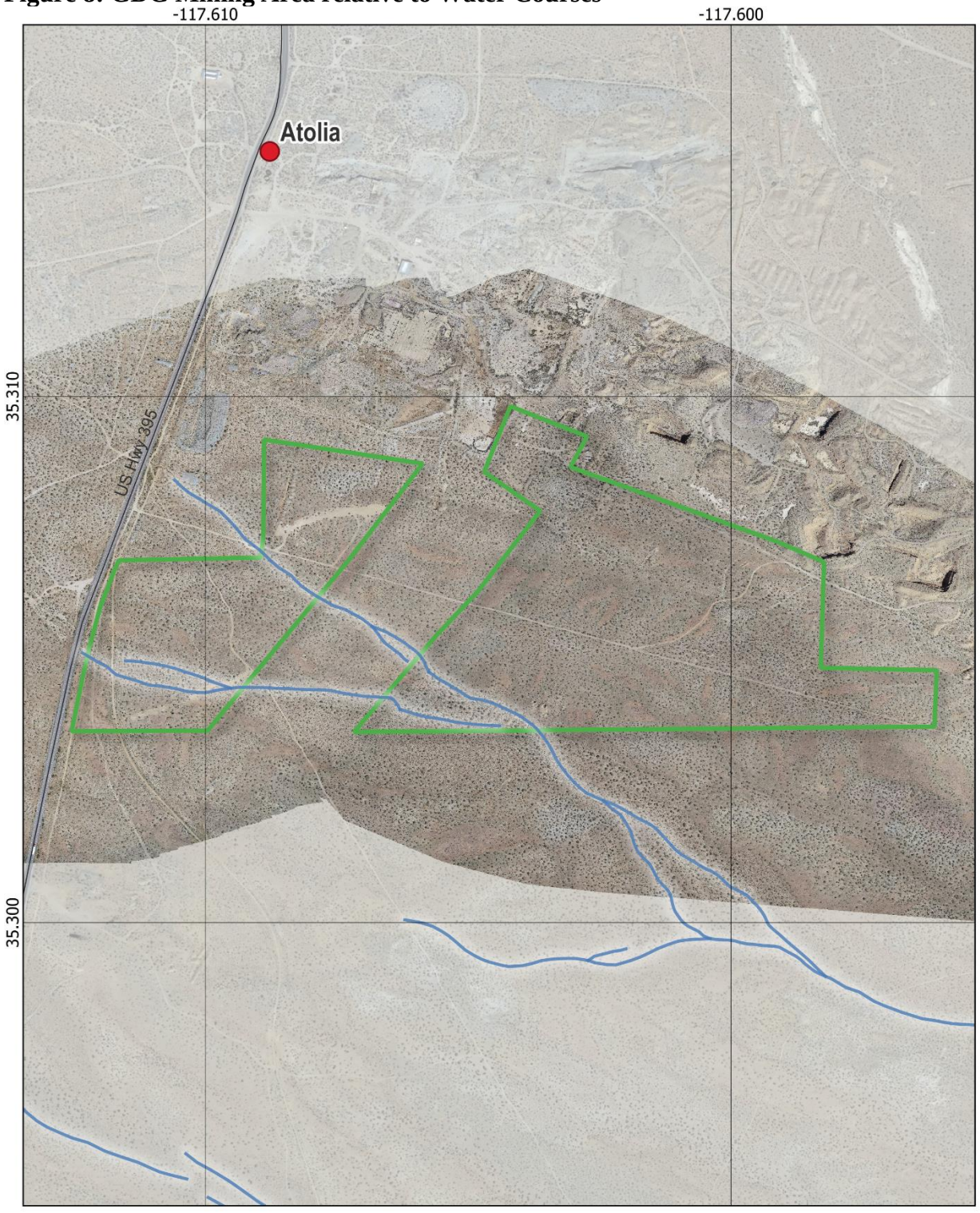


Figure 8: GDG Mining Area relative to Water Courses



Project **Persistence Mine** Title **Mapped Wash Locations**	COPYRIGHT: Concepts and information contained within these drawings and related document are the copyright of Gold Discovery Group LLC. Unauthorised copying of part of whole of the doucments is a breach of this copyright. GOLD DISCOVERY GROUP LLC	N 0 250 500 750 ft SCALE 1:6,000 / CURRENT ISSUE SIGNATURES SIZE A4P / DRAWN / AD DATUM WGS 84 / CHECKED PROJECTION / DATE / 2023-10-25	Legend Persistence Mine Proposed Boundary Mapped Dry Washes Towns Main Road Network

Figure 9: GDG Drillhole Total Depth (up to target depth 24')

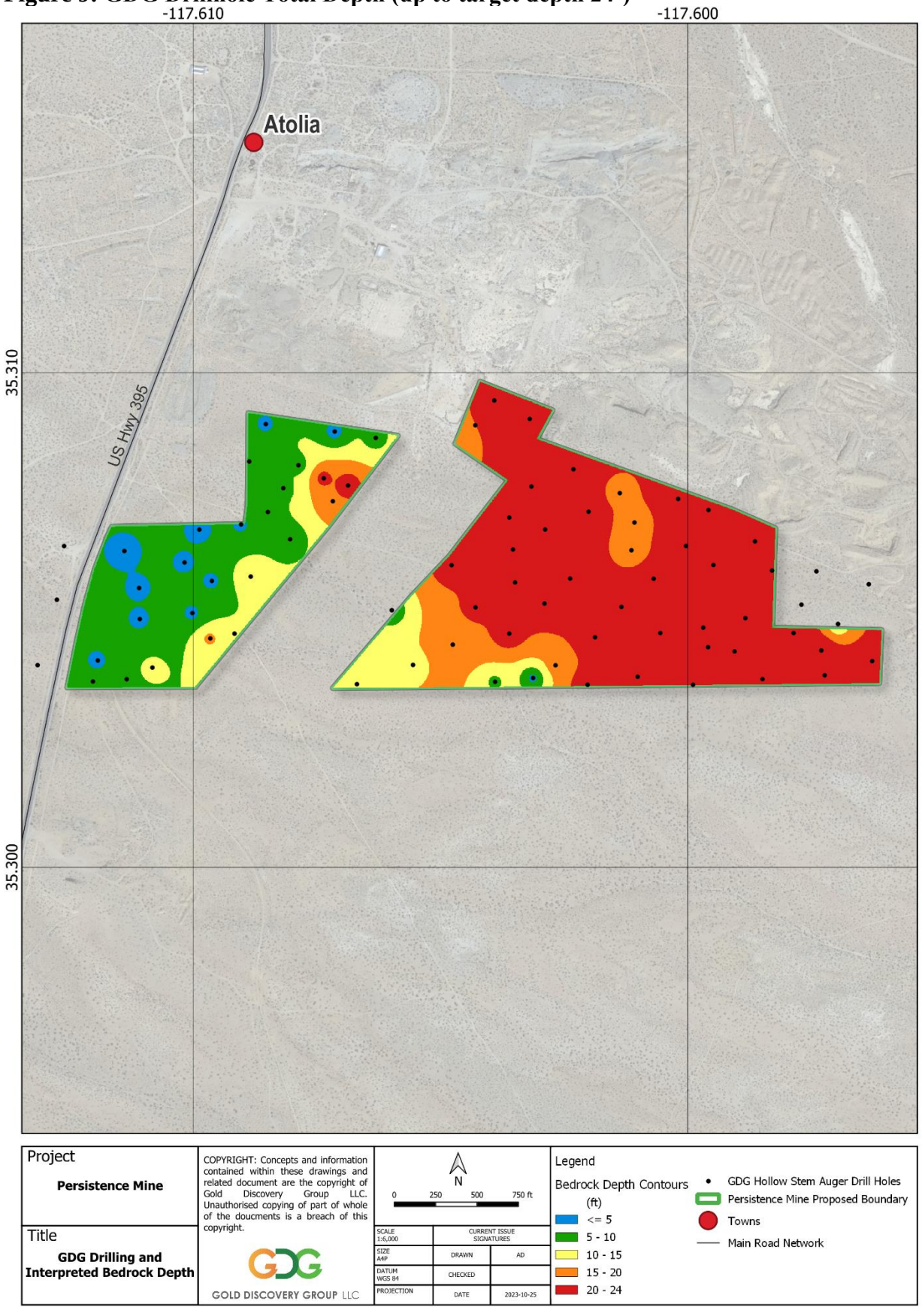


Figure 10: Preliminary Project Schedule

Stage	Stage Details	Month 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	Month 18
Development	Biological clearance surveys	SURVEY AND FENCING INSTALLATION																	
	Development of access road	ACCESS																	
	Commissioning of processing plant		PROCESSING PLANT																
	Setup of temporary structures on site	TEMPORARY SITE STRUCTURES																	
	Water Storage Development		BOXCUT AND WATER STORAGE																
Mining Phase 1	Western Pit		MINING OF WESTERN PIT (5.33 months)																
Mining Phase 2	Eastern Pit					MINING OF EASTERN PIT (11.22 months)													
Site Closure																			CLOSE OFF ACCESS TO RECLAIMED PITS
Reclamation						PARTIAL RECLAIM OF WESTERN PIT												RECLAMATION OF WESTERN & EASTERN PIT AS PER PLAN OF OPERATIONS	

Stage	Stage Details	Month 1	2	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33	34	35 36 37 38 39 40 41 42 43 44 45	Month 46
Development	Biological clearance surveys	SURVEY AND FENCING INSTALLATION					
	Development of access road	ACCESS					
	Commissioning of processing plant		PROCESSING PLANT				
	Setup of temporary structures on site	TEMPORARY SITE STRUCTURES					
	Water Storage Development		BOXCUT AND WATER STORAGE				
Mining Phase 1	Western Pit		MINING OF WESTERN PIT (8.33 months)				
Mining Phase 2	Eastern Pit			MINING OF EASTERN PIT (24.67 months)			
Site Closure					SHUT DOWN WASHPLANT AND REMOVE FROM SITE		
Reclamation				PARTIAL RECLAIM OF WESTERN PIT		RECLAMATION OF WESTERN & EASTERN PIT AS PER PLAN OF OPERATIONS	
Revegetation							ESTABLISH REHABILITATION MONITORING

Figure 11: Phase 1 site layout

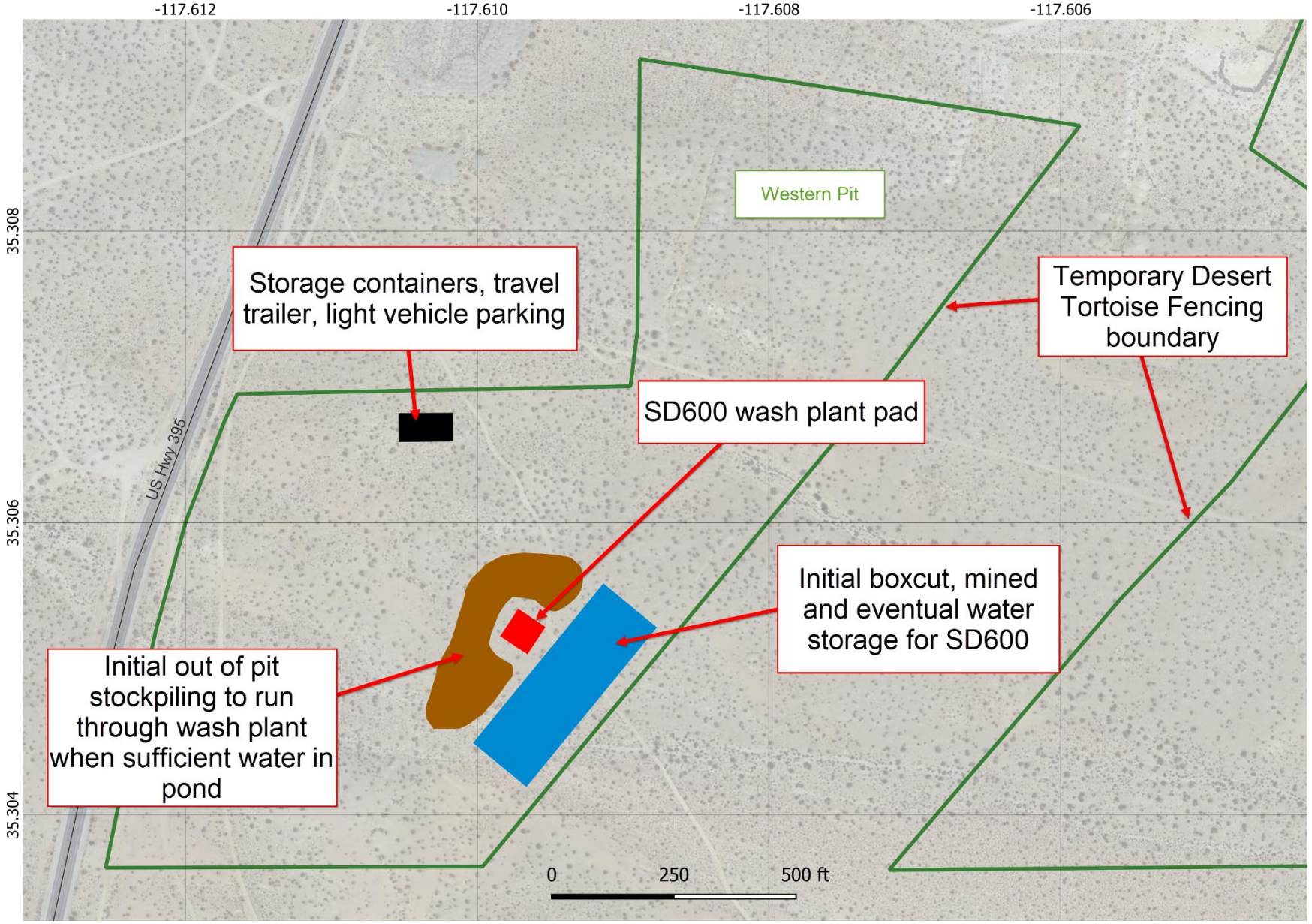


Figure 12: Phase 2 (and onward) site layout (ideal)

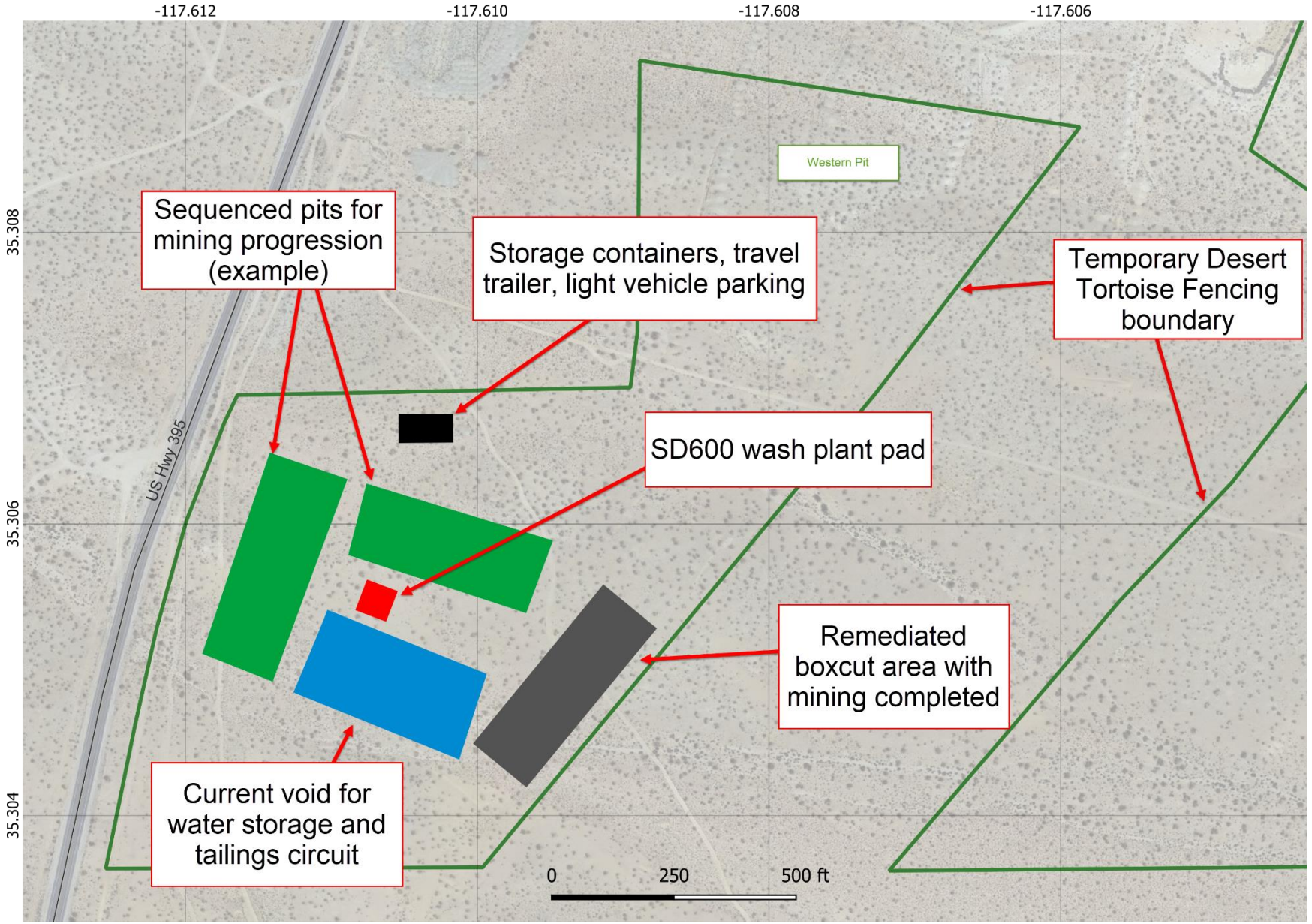


Figure 13: Site Access and Pit Layout

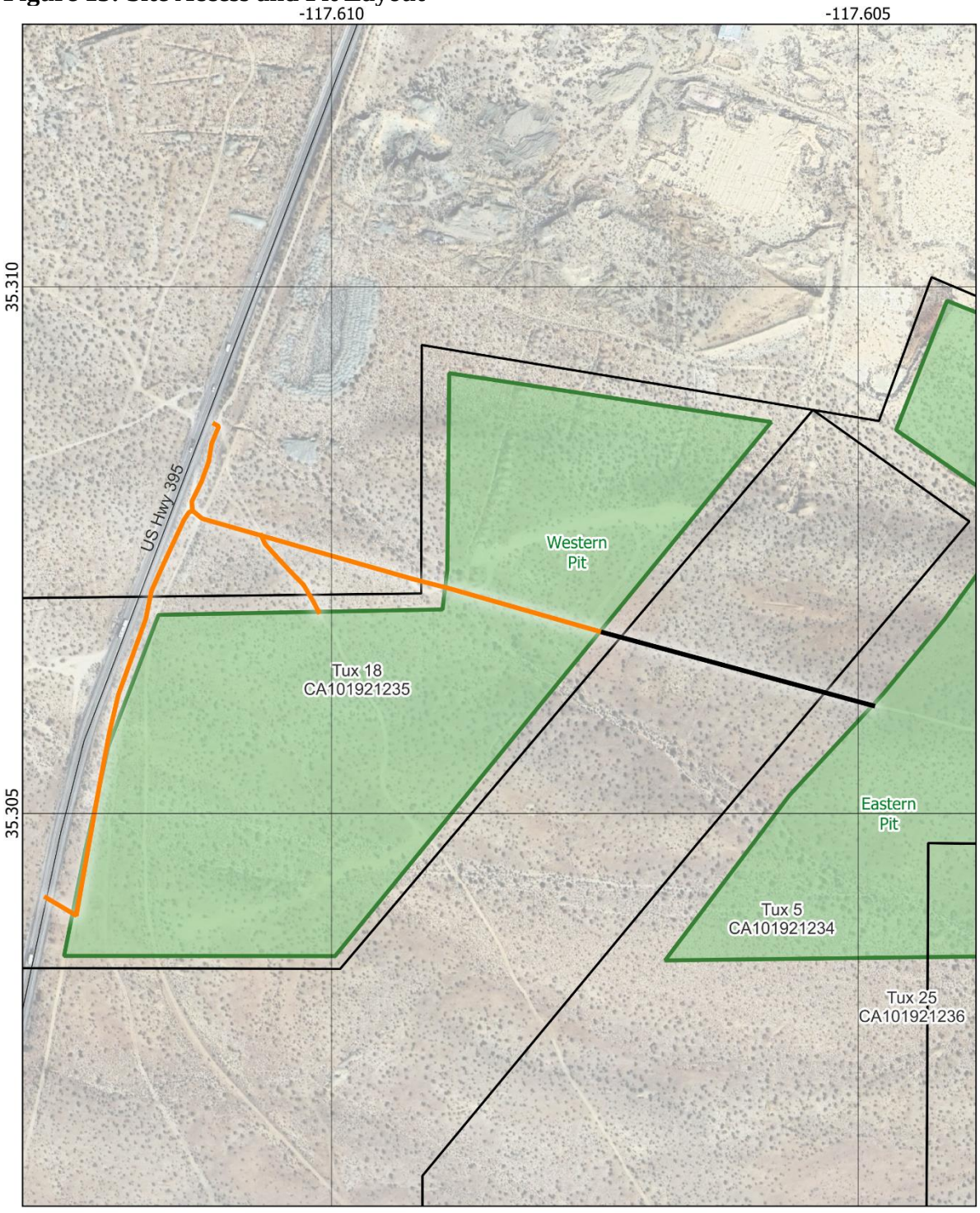
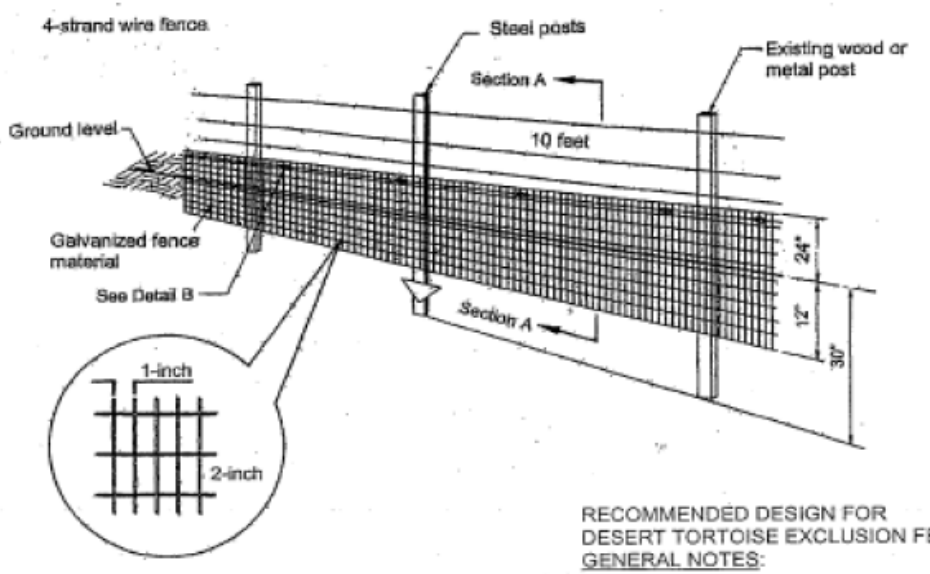
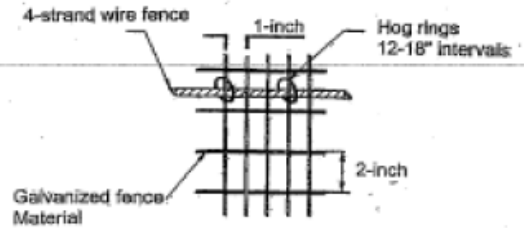


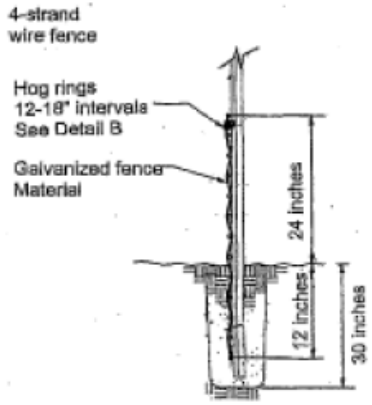
Figure 14: Desert Tortoise guard design (Standard)



DETAIL A



DETAIL B



SECTION A

RECOMMENDED DESIGN FOR DESERT TORTOISE EXCLUSION FENCE

GENERAL NOTES:

1. Ensure that fence posts and materials conform to the standards approved by the U.S. Fish and Wildlife Service.
2. Ensure that the height above ground level is no less than 18 inches and no higher than 24 inches.
3. Ensure that the depth of fence material below ground level is about 12 inches but no less than 6 inches. (See SECTION A above)
4. Install additional steel posts when span between existing fence posts exceed 10 feet.
5. Attach fence material to existing fence or wire using hog rings at 12-inch intervals.
6. Fasten fence material to posts with 3 tie wires with a wire near the top, bottom, and center of the fence material.
7. Backfill trenches with excavated material and compact the material.
8. Attach fence material to all gates. Ensure that clearance at base of gate achieves zero ground clearance.
9. Substitute smooth wire for barbed wire if additional support wires are necessary.
10. The number and placement of support wires may be modified to allow sheep and deer to pass safely.
11. Erosion at the edge of the fence material where the fence crosses washes may occur and requires appropriate and timely monitoring and repair.
12. Tie the fence into existing culverts and cattleguards when determined necessary to allow desert tortoise passage underneath roadways.

Figure 15: Example Desert Tortoise guard design for Impenetrable Substrates

FOR BEDROCK OR CALICHE SUBSTRATE

1. Use this fence design (see below) only for that portion of the fence where fence material cannot be placed 6 inches below existing ground level due to presence of bedrock, large rocks or caliche substrate.
2. Ensure that the fence height above ground level is no less than 22 inches.
3. Ensure that there is a zero to 2-inch ground clearance at the bend.
4. Ensure that the bent portion of the fence is lying on the ground and pointed in the direction of desert tortoise habitat.
5. Cover the portion of the fence that is flush with the ground with cobble (rocks placed on top of the fence material to a vertical thickness up to 4 inches).
6. When substrate no longer is composed of bedrock or caliche, install fence using design shown above.

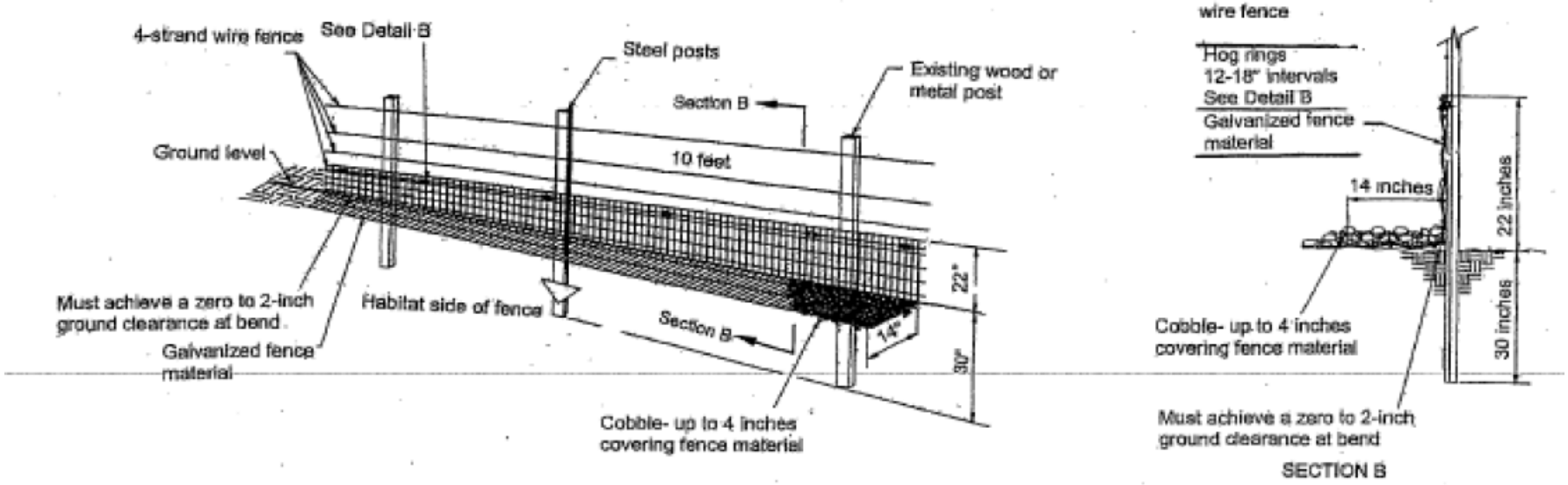


EXHIBIT G

Desert Tortoise Absence Survey

June 18, 2024

GOLD DISCOVERY GROUP LLC
Sean P. Tucker, Manager
2549 Eastbluff Drive
Suite B-499
Newport Beach, California 92660

SUBJECT: **Results of a Desert Tortoise (*Gopherus agassizii*) Presence/Absence Survey for Gold Discovery Group's Persistence Mine Project Located in Unincorporated San Bernardino County, California**

Introduction

This report contains the findings of ELMT Consulting's (ELMT) desert tortoise presence/absence survey for Gold Discovery Group's Persistence Mine project (project site or site) located in the unincorporated area of Atolia, in San Bernardino County, California. The survey was conducted by biologists Travis J. McGill, Jacob H. Lloyd Davies, and Rachael A. Lyons on April 18, 2024, to document the presence/absence of desert tortoise within the boundaries of the survey area.

Project Location

The project site is generally located north of State Route 58, east of United States Route 395, south of State Route 178, and west of State Route 127 in unincorporated San Bernardino County, California. The site is depicted on the Red Mountain quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map within Section 20 of Township 30 South, Range 41 East. Specifically, the project site is bounded to the west by an easement along United States Route 395 and is located west of Cuddeback Dry Lake and directly south of the former Atolia Tungsten Mine. Refer to Exhibits 1-3 in Attachment A.

Project Description

Gold Discovery Group LLC has submitted a Plan of Operations to the Bureau of Land Management case file number: CACA10633367 for the Persistence Mine, which is a proposed 126-acre placer mining operation using only water and gravity recoverable methods to extract gold from the material on site near the former town of Atolia, California in western San Bernardino County, California. The Proposed Action also involves concurrent reclamation as Gold Discovery Group LLC advances its mining operation sequence.

Methodology

The potential presence of Mojave desert tortoise requires that biologists conduct focused surveys/pedestrian transects covering the project's action area in order to determine the presence or absence of desert tortoise within the action area (U.S. Fish and Wildlife Service [USFWS], 2018). The action area is defined as all areas to be directly or indirectly affected by the project (50 CFR §402.02). For this project, the action area includes the limits of disturbance and all areas that have the potential to be indirectly impacted by the

proposed project. Site characteristics including topography, presence of suitable habitat, and human disturbance were utilized to determine the lateral extent of the action area beyond the project footprint. The proposed action area was determined to be confined to the 126.2 acres proposed Persistence Mine site. For consistency, the action area is hereafter referred to as the survey area. Since the development footprint is less than 200 hectares (500 acres) in size, the Small Project Field Survey Protocol was used to determine the presence/absence of desert tortoise.

Desert Tortoise Presence/Absence Surveys

Transects were oriented north to south across the survey area and were spaced at 10-meter (33 feet) intervals throughout all suitable habitat to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All transects were walked at a pace that allowed for careful/detailed observation along transect routes and the immediate vicinity.

ELMT biologists conducted a 100 percent coverage survey from 0730 to 1130 hours on April 18, 2024, which falls within the desert tortoise's most active periods (April through May and September through October). Weather conditions during the survey included clear skies, calm wind conditions, and temperatures ranging from 54 to 72 degrees Fahrenheit. If present, any live desert tortoises and/or signs of (burrows, scat, carapace, drinking depressions) were recorded on USFWS pre-project survey field data sheets and marked using a Garmin GPSMap 64 Global Positioning System (GPS).

All burrows observed were thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration were recorded on field data sheets, when observed. In addition, each burrow, when observed, was photographed and given a class rating to describe the overall status and condition of the burrow.

Desert Tortoise

The Mojave population of the desert tortoise was listed as Threatened on April 2, 1990 and a recovery plan was published in June 1994 (revised May 2011) to describe a strategy for recovering the Mojave population of the desert tortoise including the identification of five recovery units, recommendations for a system of Desert Wildlife Management Areas (DWMAs) within the recovery units, and development and implementation of specific recovery actions, especially within DWMAs. The establishment of recovery units and DWMAs was intended to facilitate an ecosystem approach to land management and desert tortoise recovery. Based on the 2018 Revised Recovery Plan, **the survey area** is located within the Western Mojave Recovery Unit but **is not located within any designated DWMAs**. **The project site itself is not located within designated Desert Tortoise Critical Habitat**; however, designated Critical Habitat is present immediately south of the southern boundary, and east and west of the site (refer to Exhibit 4, *Critical Habitat*). **No desert tortoise have been recorded on the project site**. It should be noted that the nearest CNDDB observation for desert tortoise is located approximately 7.6 miles to the southwest and was recorded in 2005.

The Mojave population of the desert tortoise inhabits areas north and west of the Colorado River in the Mojave Desert of California, Nevada, Arizona, and southwestern Utah, and in the Sonoran Desert in California. Throughout the majority of the Mojave Desert, desert tortoises occur most commonly on gentle

sloping soils characterized by an even mix of sand and gravel and sparsely vegetated low-growing vegetation where there is abundant inter-shrub space. Typical habitat for the Mojave desert tortoise has been characterized as creosote bush scrub below 5,500 feet in elevation with a high diversity of perennial and ephemeral plants. The dominant shrub commonly associated with desert tortoise habitat is creosote bush (*Larrea tridentata*); however, other shrubs including burrobush (*Ambrosia dumosa*), Mojave yucca (*Yucca schidigera*), cheesebush (*Ambrosia salsola*), and Mojave prickly-pear (*Opuntia mojavensis*) also provide suitable habitat. The desert tortoise spends 95 percent of its life underground and will opportunistically utilize burrows of various lengths, deep caves, rock and caliche crevices, or overhangs for cover. Therefore, a moderately friable soil is required to allow for burrow construction and ensure that burrows do not collapse.

Site Conditions

The project site occurs in an area dominated by natural landscapes with scattered industrial land use areas present. The dominant land use type in the vicinity of site is former materials extraction operations and associated remnant "ghost towns." Presently, the site is bounded to the north by the former Atolia Tungsten Mine, to the west by United States Route 395, and to the east and south by unoccupied open spaces. In addition, a network of unpaved access roads and remnant haul roads traverses the site and adjacent areas.

On-site topography consists of rolling hills, low valleys, and flats, and generally slopes from west to east at an approximate elevation of 3,090 to 3,235 feet above mean sea level. Further topographic relief is present in the form of discarded fill and slag piles and exploratory trenches and pits.

Based on the NRCS USDA Web Soil Survey, soils underlying the project site and immediate vicinity are not mapped to family detail, and the Web Soil Survey identifies the site as being underlain by Cajon-Arizo and Randsburg-Muroc soil complexes. The majority of soils on-site persists in relatively natural states except those areas that were previously impacted by materials extraction activities, exploratory mining, and access road installation and maintenance.

One (1) plant community, Mojavean desert scrub, was observed within the boundaries of the project site. In addition, the site also supports one (1) land cover type that would be classified as disturbed.

The Mojavean desert scrub plant community supported by the project site supports a diverse shrub layer and robust herbaceous layer, consistent with other undeveloped/undisturbed plant communities nearby. Vegetative cover is usually consistent to sometimes sparse, and often features dense patches of herbaceous annuals in depressional features. Dominant shrubs supported in this plant community include creosote, burrobush, and cheesebush, which are commonly associated with desert tortoise, in addition to hairy goldenhead (*Acamptopappus sphaerocephalus*), cattle spinach (*Atriplex polycarpa*), spinescale saltbush (*Atriplex spinifera*), black brush (*Coleogyne ramosissima*), silver cholla (*Cylindropuntia echinocarpa*), Acton encelia (*Encelia actoni*), Cooper goldenbush (*Ericameria cooperi*), turpentine brush (*Ericameria laricifolia*), common rabbitbrush (*Ericameria nauseosa*), green rabbitbrush (*Ericameria teretifolia*), California buckwheat (*Eriogonum fasciculatum*), Weston's buckwheat (*Eriogonum nudum*), starry bedstraw (*Galium stellatum*), hop sage (*Grayia spinosa*), winter fat (*Krascheninnikovia lanata*), Anderson thornbush (*Lycium andersonii*), Cooper's box thorn (*Lycium cooperi*), Mojave indigo bush (*Psorothamnus arborescens*), Mexican bladder sage (*Scutellaria mexicana*), little leaf horsebrush (*Tetradymia glabrata*), Mojave cottonthorn (*Tetradymia stenolepis*). Common herbaceous species observed in the Mojavean desert

scrub plant community include devil's lettuce (*Amsinckia tessellata*), Mojave suncup (*Camissonia campestris*), Booth's evening primrose (*Eremothera boothii*), desert woollystar (*Eriastrum eremicum*), flatcrown buckwheat (*Eriogonum deflexum*), Pringle's woolly sunflower (*Eriophyllum pringlei*), redstem filaree (*Erodium cicutarium*), whitemargin sandmat (*Euphorbia albomarginata*), snake's-head (*Malacothrix coulteri*), desert dandelion (*Malacothrix glabrata*), lacy phacelia (*Phacelia tanacetifolia*).

Disturbed portions of the site are sometimes barren to sometimes sparse according to the degree and frequency of associated anthropogenic disturbance. The limited vegetation supported by the disturbed portions of the site primarily consists of annual herbaceous, with some especially hardy perennial species present.

Survey Results

Despite a systematic 100% visual survey of the project site, no live desert tortoises, potential desert tortoise burrows, or signs of desert tortoises were observed within the survey area. The estimated desert tortoise abundance is directly proportional to the number of tortoises observed above ground. Since no live desert tortoises were observed during the surveys, the estimated number of desert tortoises within the survey area is zero.

Conclusion and Recommendations

Since no live desert tortoises, potential desert tortoise burrows, or signs of desert tortoises were observed during the presence/absence survey, it was determined that the desert tortoise is absent from the project site. Even though desert tortoise were not detected within the survey area during the presence/absence survey, a pre-construction clearance survey is recommended to be conducted during the other pre-construction clearance surveys to ensure desert tortoise continue to remain absent from the project site prior to the commencement of ground disturbing activities.

Please do not hesitate to contact Tom McGill at (951) 285-6014 or tmcgill@elmtconsulting.com or Travis McGill at (909) 816-1646 or travismcgill@elmtconsulting.com should you have any questions or require further information.

Sincerely,

Thomas J. McGill, Ph.D.
Managing Director

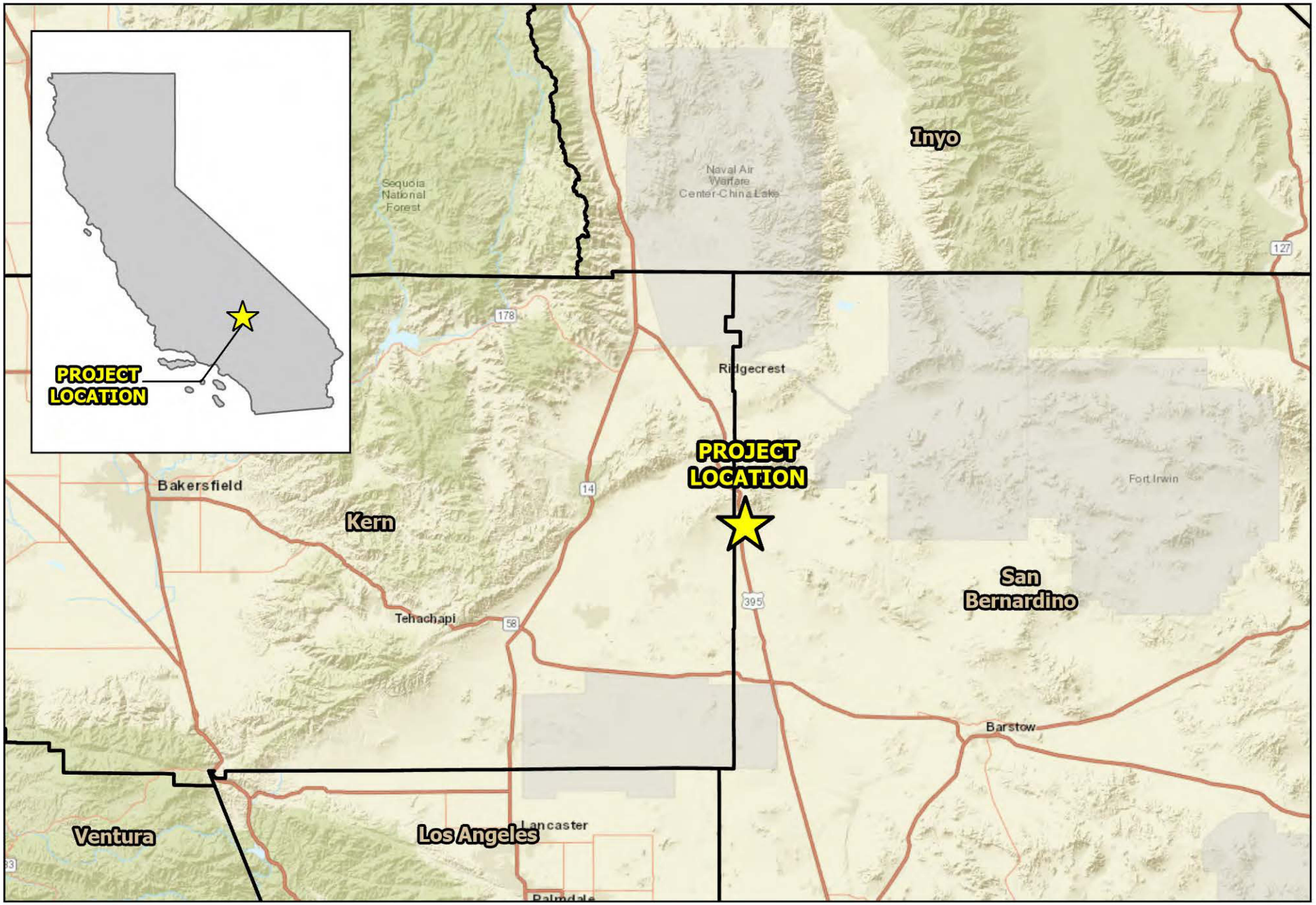
Travis J. McGill
Director

Attachments:

A. *Project Exhibits*
B. *Site Photographs*

Attachment A

Project Exhibits



ELMT CONSULTING

N

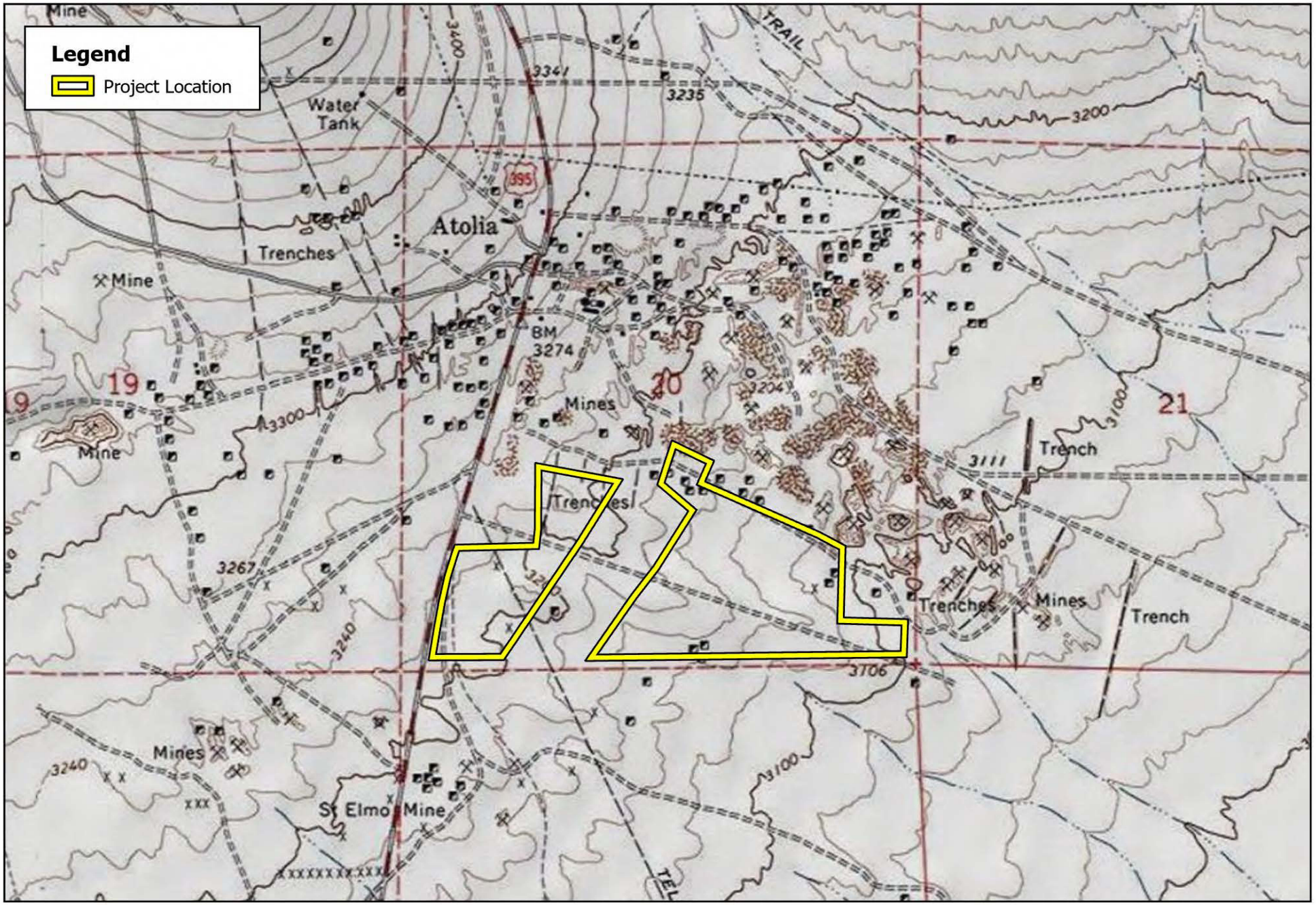
0 12.5 25 50 Miles

Source: Google Street Map, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Regional Vicinity

Exhibit 1



ELMT CONSULTING

N

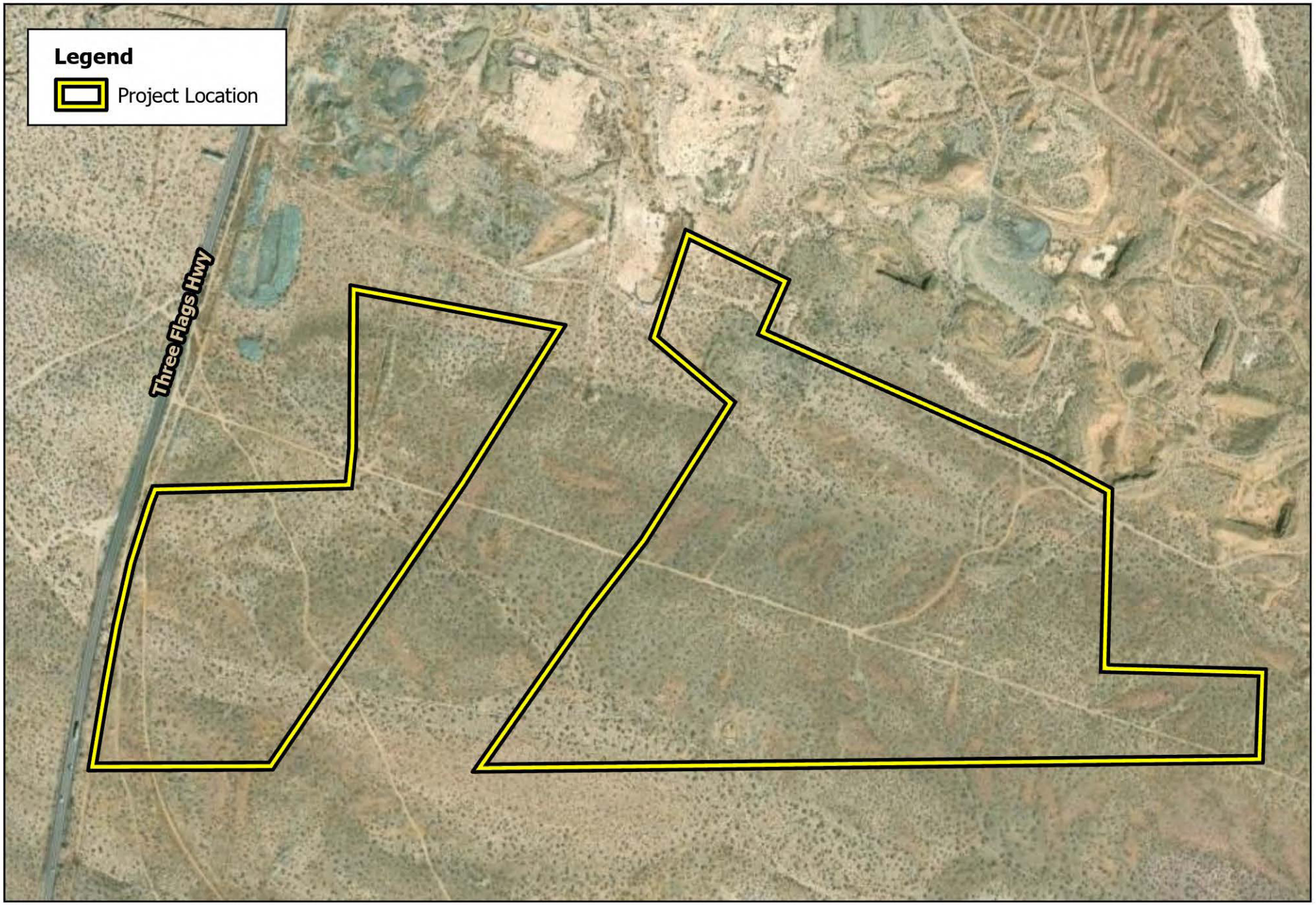
0 1,000 2,000 4,000 US Feet

Source: USGS Topographic Map, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Site Vicinity

Exhibit 2



ELMT CONSULTING

N

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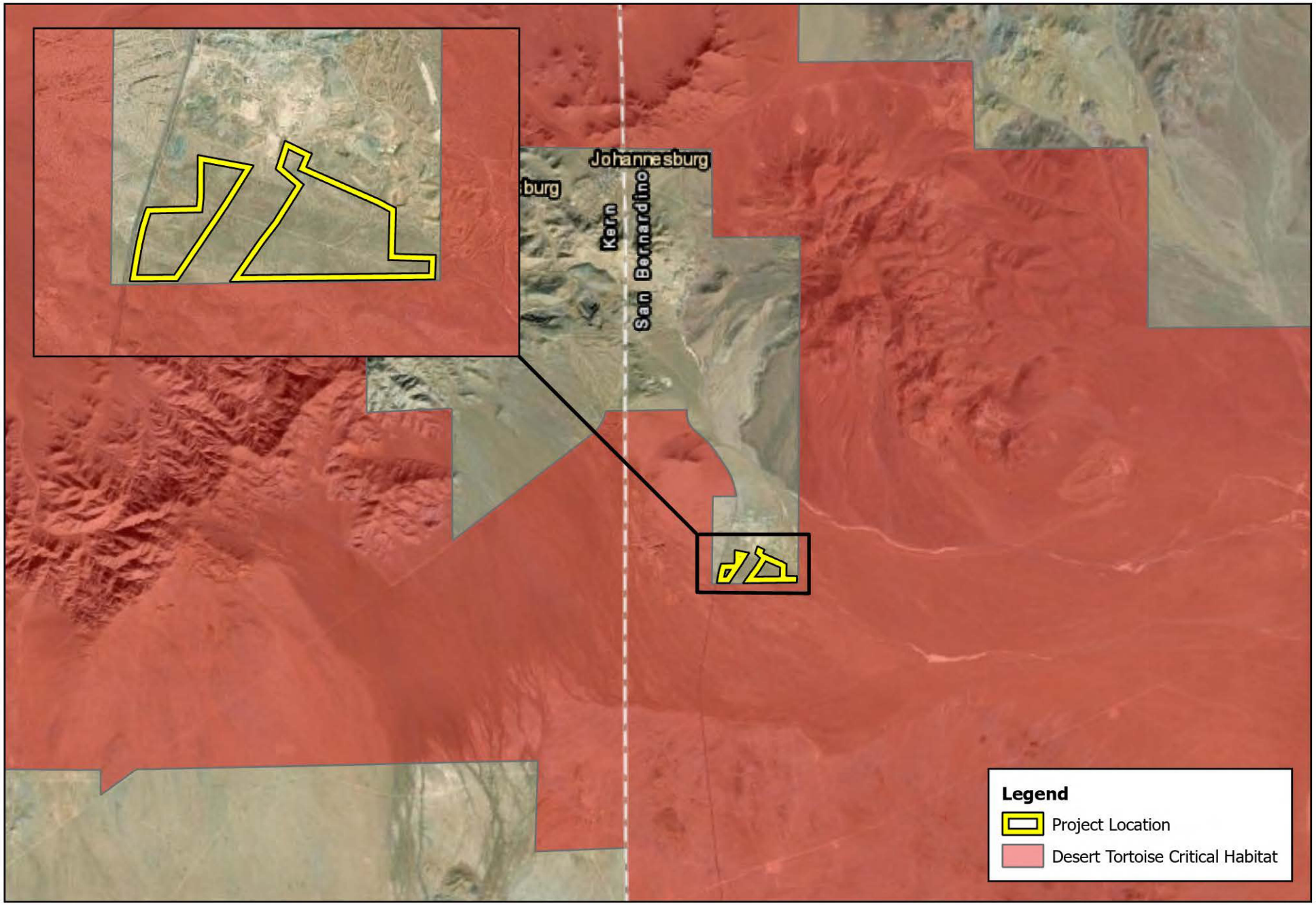
Source: ESRI Aerial Imagery, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Project Site

Exhibit 3



ELMT CONSULTING

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Source: ESRI Aerial Imagery, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Critical Habitat

Exhibit 4

Attachment B

Site Photographs

Photograph 1: From the northern boundary of the westernmost site, looking south.

Photograph 2: From the western boundary of the westernmost site, looking east.

Photograph 3: From the southwest corner of the westernmost site, looking north along the western boundary and an unnamed dirt access road.

Photograph 4: From the southwest corner of the westernmost site, looking east along the southern boundary.

Photograph 5: From the southeast corner of the westernmost site, looking north along the eastern boundary.

Photograph 6: From the southeast corner of the westernmost site, looking west along the southern boundary.

Photograph 7: From the northwest corner of the easternmost site, looking east along the northern boundary.

Photograph 8: From the northwest corner of the easternmost site, looking south along the western boundary.

Photograph 9: From the northeast corner of the easternmost site, looking south along the eastern boundary.

Photograph 10: From the northeast corner of the easternmost site, looking west along the northern boundary.

Photograph 11: From the southeast corner of the easternmost site, looking north along the eastern boundary.

Photograph 12: From the southeast corner of the easternmost site, looking west along the southern boundary.

Photograph 13: From the southwest corner of the easternmost site, looking east along the southern boundary.

Photograph 14: Small mammal burrow observed onsite.

Photograph 14: One of the remnant pits from historic mining operations, located in the northeast region of the project site.

EXHIBIT H

Burrowing Owl Focused Survey

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

SAN BERNARDINO COUNTY, CALIFORNIA

RED MOUNTAIN USGS 7.5-MINUTE TOPOGRAPHIC QUADRANGLES
SECTION 20 OF TOWNSHIP 30 SOUTH, RANGE 41 EAST

Burrowing Owl Focused Survey Report

Prepared For:

Gold Discovery Group, LLC
2549 Eastbluff Dirce, Suite B-499
Newport Beach, California 92660
Contact: *Sean P. Tucker*

Prepared By:

ELMT Consulting, Inc.
2201 N. Grand Avenue #10098
Santa Ana, California 92711
Contact: *Travis McGill*

July 2024

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

SAN BERNARDINO COUNTY, CALIFORNIA

Burrowing Owl Focused Survey Report

The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.

Travis J. McGill
Director

Thomas J. McGill, Ph.D.
Managing Director

July 2024

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1.1 Project Location 1

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APPENDIX

Appendix A Site Photographs

Appendix B Fauna Compendium

Section 1 Introduction

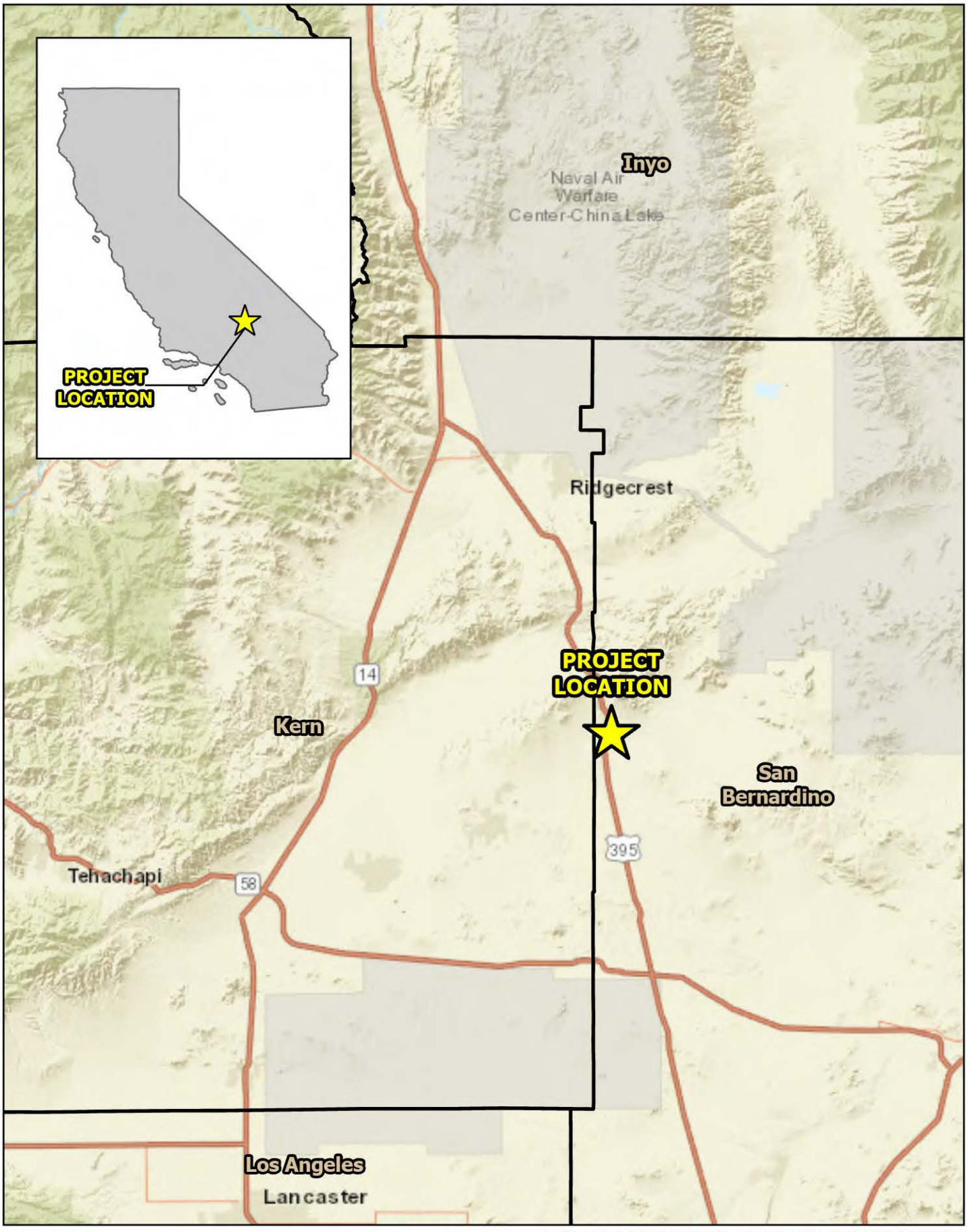
ELMT Consulting (ELMT) conducted a focused burrowing owl (*Athene cunicularia*) survey for Gold Discovery Group's proposed Persistence Mine project located in unincorporated San Bernardino County, California. Biologists Travis J. McGill, Jacob H. Lloyd Davies, Rachael A. Lyons, and Megan E. Peukert surveyed the project site in accordance with the survey protocols listed in the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation. The focused burrowing owl surveys were conducted on February 28, April 18, and May 22, June 19, 2024, within all suitable habitat. The surveys were conducted to document the presence/absence of burrowing owl on the project site.

1.1 PROJECT LOCATION

The project site is generally located north of State Route 58, east of United States Route 395, south of State Route 178, and west of State Route 127 in unincorporated San Bernardino County, California (Exhibit 1, *Regional Vicinity*). The site is depicted on the Red Mountain quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map within Section 20 of Township 30 South, Range 41 East (Exhibit 2, *Site Vicinity*). Specifically, the project site is bounded to the west by an easement along United States Route 395 and is located west of Cuddeback Dry Lake and directly south of the former Atolia Tungsten Mine (Exhibit 3, *Project Site*).

1.2 PROJECT DESCRIPTION

Gold Discovery Group LLC has submitted a Plan of Operations to the Bureau of Land Management case file number: CACA10633367 for the Persistence Mine, which is a proposed 126-acre placer mining operation using only water and gravity recoverable methods to extract gold from the material on site near the former town of Atolia, California in western San Bernardino County, California. The Proposed Action also involves concurrent reclamation as Gold Discovery Group LLC advances its mining operation sequence.



ELMT CONSULTING

N

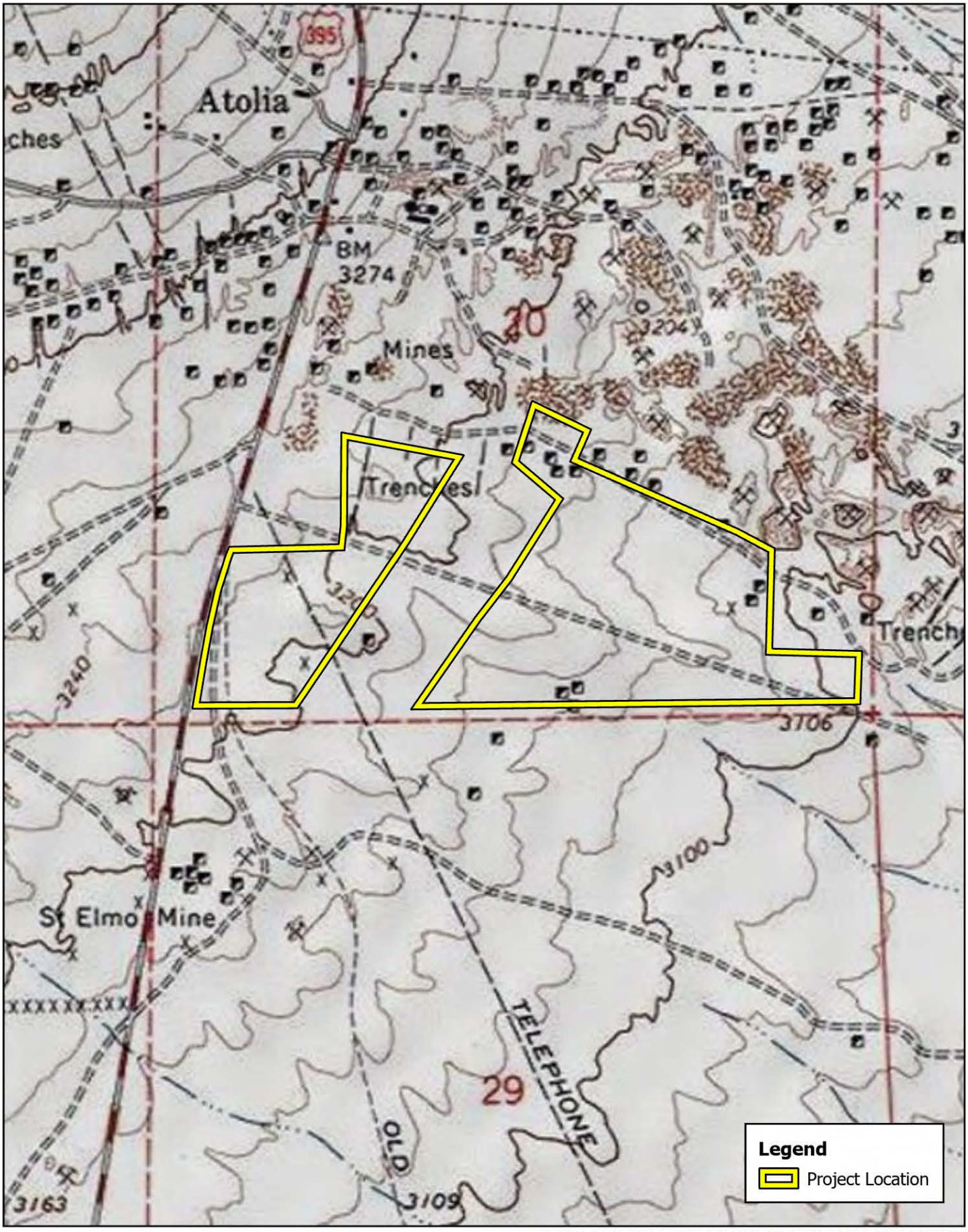
0 5 10 20 Miles

Source: Google Street Map, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Regional Vicinity

Exhibit 1



ELMT CONSULTING

N

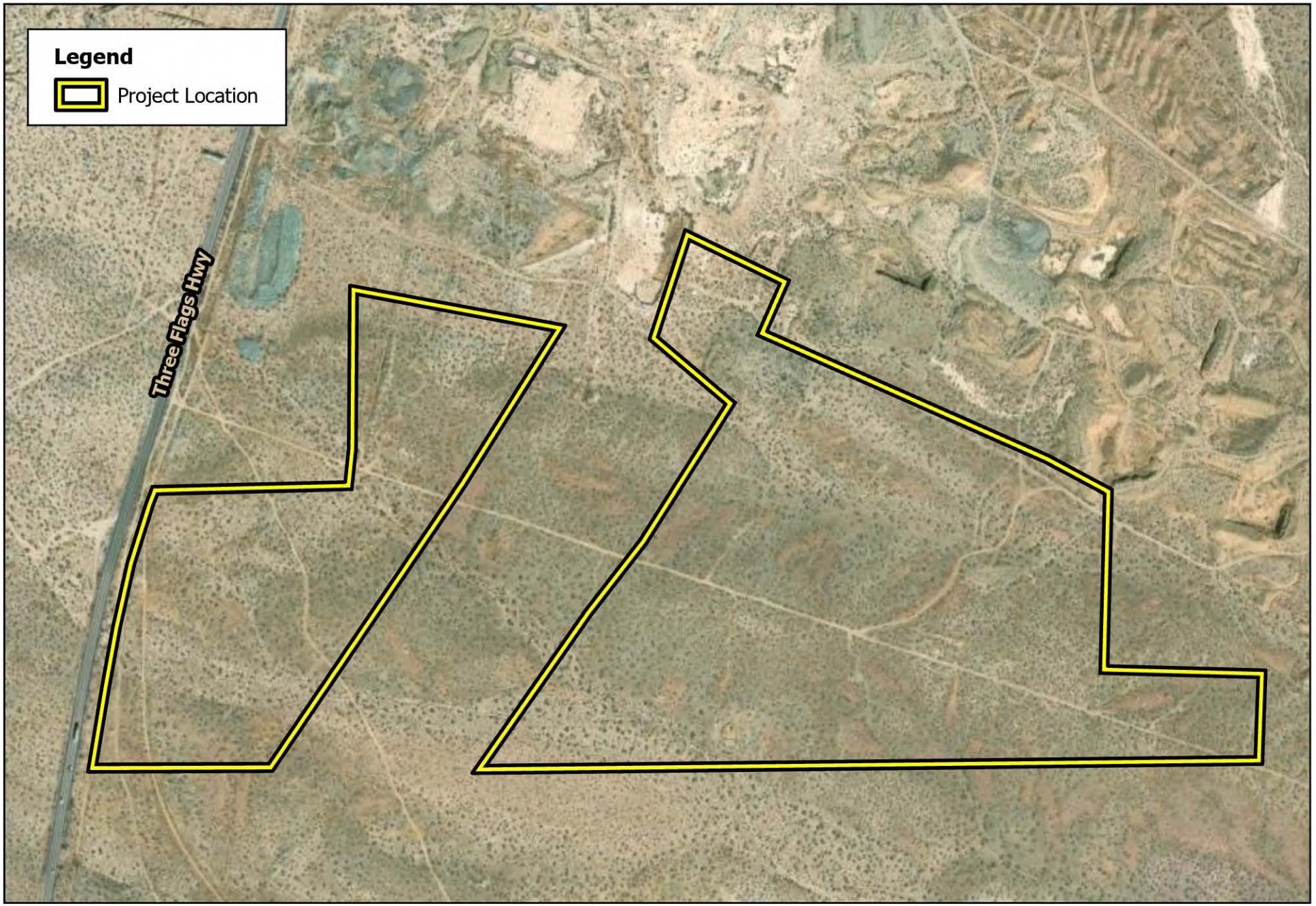
0 500 1,000 2,000 Feet

Source: USGS Topographic Map, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Site Vicinity

Exhibit 2



ELMT CONSULTING

N

0 450 900 1,800 US Feet

Source: ESRI Aerial Imagery, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Project Site

Exhibit 3

Section 2 Species Background

2.1 SPECIES BACKGROUND

The burrowing owl is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with well-drained, level to gently-sloping areas characterized by sparse vegetation and bare ground (Haug and Didiuk 1993; Dechant et al. 1999). Burrowing owls are dependent upon the presence of fossorial mammals, such as ground squirrels (*Otospermophilus beecheyi*), whose burrows are used for roosting and nesting (Haug and Didiuk 1993). The presence or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drain pipes, stand-pipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. Large, hard objects at burrow entrances stabilize the entrance from collapse and may inhibit excavation by predators.

Burrowing owls have crepuscular (dawn and dusk) hunting habits but are often observed perched in or near the burrow entrance during the day. They prey upon invertebrates and small vertebrates (Thomsen 1971) through low vegetation which allows for foraging visibility. The nesting season occurs between February 1 and August 31. Burrowing owl in California may migrate southerly, but often remain in the breeding area during the non-breeding period.

The burrowing owl was once abundant and widely distributed within coastal southern California, but it has declined precipitously in counties such as Los Angeles, Orange, San Diego, Riverside, and San Bernardino. A petition was filed to list the California population of the western burrowing owl as an Endangered or Threatened species (Center for Biological Diversity 2003); however, the California Department of Fish and Wildlife (CDFW) declined to list the burrowing owl as either endangered or threatened. The CDFW currently lists the burrowing owl as a California Species of Special Concern.

2.2 REGULATORY FRAMEWORK

The burrowing owl is a resident and migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918. The MBTA reflects agreements made between the U.S., England, Mexico, the former Soviet Union, and Japan to protect all of North America's migratory bird populations. The MBTA protects migratory bird nests from possession, sale, purchase, barter, transport, import and export, and collection. The other prohibitions of the MBTA - capture, pursue, hunt, and kill - are inapplicable to nests. The regulatory definition of take, as defined in Title 50 C.F.R. part 10.12, means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to hunt, shoot, wound, kill, trap, capture, or collect. Only the verb "collect" applies to nests. It is illegal to collect, possess, and by any means transfer possession of any migratory bird nest. The MBTA prohibits the destruction of a nest when it contains birds or eggs, and no possession shall occur during the destruction (United States Fish and Wildlife Service, Migratory Bird Permit Memorandum, April 15, 2003). Certain exceptions to this prohibition are included in 50 C.F.R. section 21. Pursuant to CDFW Code section 3513, the

Department enforces the MBTA consistent with rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.

Additionally, burrowing owl is protected under Sections 3503, 3503.3, 3511, and 3513 of the CDFW Code which prohibit the take, possession, or destruction of birds, their nests or eggs. Implementation of the take provisions requires that project-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (March 1 - August 15, annually). CDFW Code Section 3503.5 protects birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks and owls, including burrowing owls) which makes it unlawful to take, possess, or destroy their nest or eggs.

CDFW's 2012 Staff Report on Burrowing Owl Mitigation offers long-term assurances for conservation of this species in exchange for biologically appropriate levels of incidental take and/or habitat loss as defined in the approved plan. California's NCCP Act (FGC §2800 et seq.) governs such plans at the state level, and was designed to conserve species, natural communities, ecosystems, and ecological processes across a jurisdiction or a collection of jurisdictions. Complementary federal HCPs are governed by the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C.§ 1531 et seq.) (ESA). Regional conservation plans (and certain other landscape-level conservation and management plans), may provide conservation for unlisted as well as listed species. Because the geographic scope of NCCPs and HCPs may span many hundreds of thousands of acres, these planning tools have the potential to play a significant role in conservation of burrowing owls, and grasslands and other habitats.

Guidelines for the Implementation of the California Environmental Quality Act (CEQA) provide that a species be considered as endangered or "rare" regardless of appearance on a formal list for the purposes of the CEQA (Guidelines, Section 15380, subsections b and d). CEQA requires a mandatory finding of significance if impacts to threatened or endangered species are likely to occur (Sections 21001(c), 21083. Guidelines 15380, 15064, 15065). Avoidance or mitigation must be presented to reduce impacts to less than significant levels.

Section 3 Methodology

General weather conditions during each of the surveys were suitable for detections of burrowing owls. The weather during the surveys consisted of cloudy to clear skies with minimal wind, and temperatures ranging from 60 to 89 degrees Fahrenheit (^{o}F). Surveys are not accepted if they are conducted during rain, high winds (> 20 mph), dense fog, or temperatures over 90^{o}F. The protocol survey for burrowing owl requires a systematic survey of all areas that provide suitable habitat plus a 150-meter (approximately 500 feet) zone of influence (survey area) on all sides of suitable habitat, where applicable (Exhibit 4, *Survey Area and Suitable Habitat*).

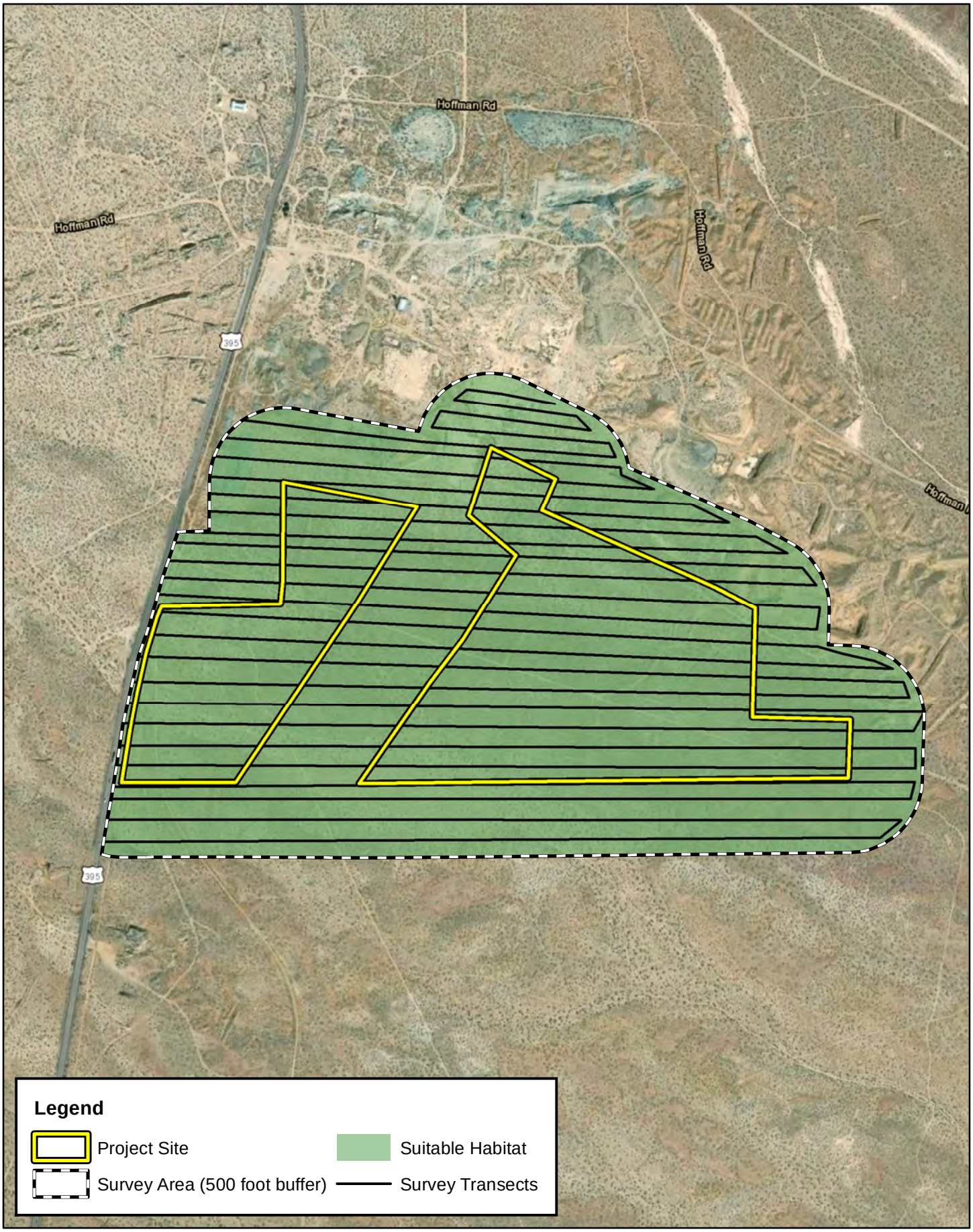
Survey transects on the project site were oriented north to south and were conducted at a maximum of 30-meter (approximately 100 feet) intervals to ensure 100% visual coverage of all areas in suitable habitat on the project site and within the survey area. The focused burrowing owl surveys were conducted during the recognized timeframe (the breeding season is typically March through August) in the morning one hour before sunrise to two hours after sunrise.

Suitable burrows/sites, including rock piles and non-natural substrates, were thoroughly examined for signs of presence. All burrows encountered were examined for shape, scat, pellets, white-wash, feathers, tracks, and prey remains. The location of all suitable burrowing owl habitat, potential owl burrows, burrowing owl sign, and any owls observed were recorded and mapped, with a hand-held GPS unit, if observed. Methods to detect presence of burrowing owls included direct observation, aural detection, and signs of presence. Binoculars were used to observe distant birds and their activity around potential nesting habitat. During the focused surveys, the survey area was assessed on foot by qualified biologists Travis J. McGill, Jacob H. Lloyd Davies, Rachael A. Lyons, and Megan E. Peukert, who are knowledgeable in the habitats and behavior of burrowing owls.

Four focused burrowing owl surveys were conducted on February 28, April 18, and May 22, June 19, 2024. All surveys were completed between 0600 and 1100. The surveys were conducted to document the presence/absence of burrowing owl on the project site. Refer to Table 1, *Survey Data*, for a summary of the survey dates and times, personnel, weather conditions, and general findings.

Table 1: Survey Data

Survey No.	Survey Date	Surveyor	Time	Temperature (˚F)	Cloud Cover	Wind Speed (mph)	Burrowing Owl Detected On-Site
1	2/28/24	Jacob H. Lloyd Davies, Rachael A. Lyons and Megan E. Peukert	0600-1000	60-66	0%	1-5	No
2	4/18/24	Travis J. McGill and Jacob H. Lloyd Davies	0100-1100	70-89	0%	1-5	No
3	5/22/24	Travis J. McGill and Jacob H. Lloyd Davies	0600-1030	68-87	0%	1-5	No
4	6/19/24	Rachael A. Lyons and Megan E. Peukert	0630-1030	69-88	0%	1-5	No



ELMT CONSULTING

0 250 500 1,000
Feet

Source: ESRI Aerial Imagery, Riverside County

GOLD DISCOVERY GROUPS PERSISTENCE MINE

Survey Area and Suitable Habitat

Exhibit 4

Section 4 Results

4.1 EXISTING CONDITIONS

The project site occurs in an area dominated by natural landscapes with scattered industrial land use areas present. The dominant land use type in the vicinity of site is former materials extraction operations and associated remnant "ghost towns." Presently, the site is bounded to the north by the former Atolia Tungsten Mine, to the west by United States Route 395, and to the east and south by unoccupied open spaces. In addition, a network of unpaved access roads and remnant haul roads traverses the site and adjacent areas.

On-site topography consists of rolling hills, low valleys, and flats, and generally slopes from west to east at an approximate elevation of 3,090 to 3,235 feet above mean sea level. Further topographic relief is present in the form of discarded fill and slag piles and exploratory trenches and pits.

Based on the NRCS USDA Web Soil Survey, soils underlying the project site and immediate vicinity are not mapped to family detail, and the Web Soil Survey identifies the site as being underlain by Cajon-Arizo and Randsburg-Muroc soil complexes. The majority of soils on-site persists in relatively natural states except those areas that were previously impacted by materials extraction activities, exploratory mining, and access road installation and maintenance.

One (1) plant community, Mojavean desert scrub, was observed within the boundaries of the project site. In addition, the site also supports one (1) land cover type that would be classified as disturbed.

The Mojavean desert scrub plant community supported by the project site supports a diverse shrub layer and robust herbaceous layer, consistent with other undeveloped/undisturbed plant communities nearby. Vegetative cover is usually consistent to sometimes sparse, and often features dense patches of herbaceous annuals in depressional features. Dominant shrubs supported in this plant community include creosote, burrobush, and cheesebush, which are commonly associated with desert tortoise, in addition to hairy goldenhead (*Acamptopappus sphaerocephalus*), cattle spinach (*Atriplex polycarpa*), spinescale saltbush (*Atriplex spinifera*), black brush (*Coleogyne ramosissima*), silver cholla (*Cylindropuntia echinocarpa*), Acton encelia (*Encelia actoni*), Cooper goldenbush (*Ericameria cooperi*), turpentine brush (*Ericameria laricifolia*), common rabbitbrush (*Ericameria nauseosa*), green rabbitbrush (*Ericameria teretifolia*), California buckwheat (*Eriogonum fasciculatum*), Weston's buckwheat (*Eriogonum nudum*), starry bedstraw (*Galium stellatum*), hop sage (*Grayia spinosa*), winter fat (*Krascheninnikovia lanata*), Anderson thornbush (*Lycium andersonii*), Cooper's box thorn (*Lycium cooperi*), Mojave indigo bush (*Psorothamnus arborescens*), Mexican bladder sage (*Scutellaria mexicana*), little leaf horsebrush (*Tetradymia glabrata*), Mojave cottonthorn (*Tetradymia stenolepis*). Common herbaceous species observed in the Mojavean desert scrub plant community include devil's lettuce (*Amsinckia tessellata*), Mojave suncup (*Camissonia campestris*), Booth's evening primrose (*Eremothera boothii*), desert woollystar (*Eriastrum eremicum*), flatcrown buckwheat (*Eriogonum deflexum*), Pringle's woolly sunflower (*Eriophyllum pringlei*), redstem filaree (*Erodium cicutarium*), whitemargin sandmat (*Euphorbia albomarginata*), snake's-head (*Malacothrix coulteri*), desert dandelion (*Malacothrix glabrata*), lacy phacelia (*Phacelia tanacetifolia*).

Disturbed portions of the site are sometimes barren to sometimes sparse according to the degree and frequency of associated anthropogenic disturbance. The limited vegetation supported by the disturbed portions of the site primarily consists of annual herbaceous, with some especially hardy perennial species present.

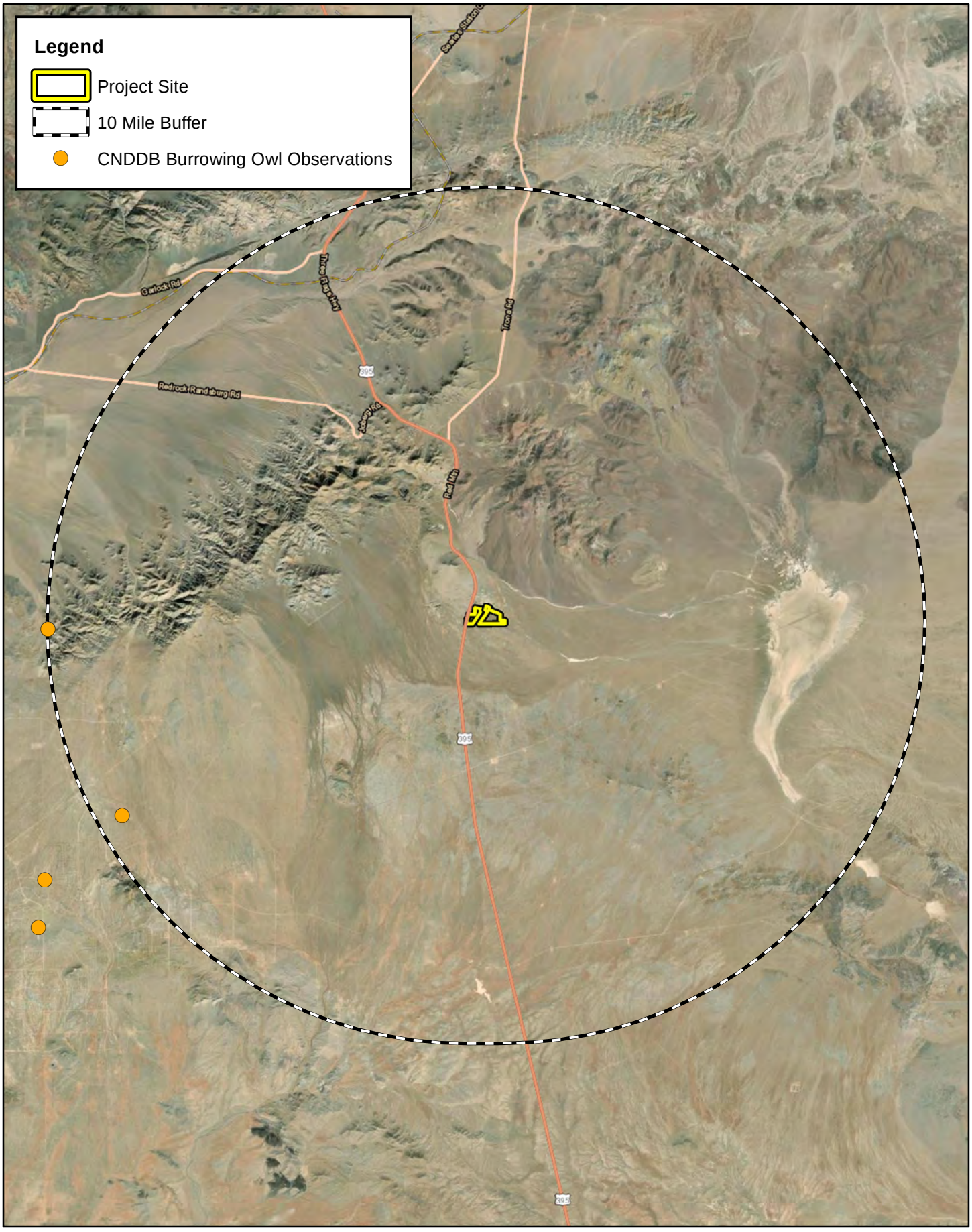
Based on a review of CDFW's California Natural Diversity Database (CNDDB) no burrowing owl observations have been recorded within 5 miles of the project site. The nearest recorded observation of burrowing owl to the site occurred approximately 9.5 miles to the southeast of the site. Refer to Exhibit 5, *CNDDB Burrowing Owl Observations.*

4.2 BURROWING OWL FOCUSED SURVEY

Numerous fossorial mammal burrows were observed; however, the majority were unsuitable for use by burrowing owl as they were either too small or situated directly beneath dense brush. Such burrows were observed to be associated with white-tailed antelope ground squirrel (*Ammospermophilus leucurus*) or black-tailed jackrabbit (*Lepus californicus*), and/or small mammals.

Avian species observed during the field investigation include black-throated sparrow (*Amphispiza bilineata*), bell's sparrow (*Artemisiospiza belli*), ash-throated flycatcher (*Myiarchus cinerascens*), common raven (*Corvus corax*), horned lark (*Eremophila alpestris actia*), say's phoebe (*Sayornis saya*), California towhee (*Melozone crissalis*), red-tailed hawk (*Buteo jamaicensis*), house finch (*Haemorhous mexicanus*), yellow-rumped warbler (*Setophaga coronata*), western meadowlark (*Sturnella neglecta*), mourning dove (*Zenaida macroura*), white-crowned sparrow (*Zonotrichia leucophrys*).

Despite a systematic search of the project site, no burrowing owls or sign (pellets, feathers, castings, or whitewash) were observed on or within 500 feet of the project site during the focused surveys.



ELMT CONSULTING

0 1.25 2.5 5 Miles

Source: ESRI Aerial Imagery, CDFW CNDDB, San Bernardino County

GOLD DISCOVERY GROUPS PERSISTENCE MINE

CNDDB BUOW Observations

Exhibit 5

Section 5 Conclusion and Recommendations

Based on the results of the 2024 burrowing owl focused surveys, no burrowing owls or evidence of recent or historic use by burrowing owls were observed on the project site. As a result, burrowing owls are presumed to be absent from the project site.

To ensure burrowing owl remain absent from the project site, it is recommended that a pre-construction clearance survey be conducted in accordance with CDFWs 2012 Staff Report on Burrowing Owl Mitigation prior to any ground disturbing activities. If burrowing owls are determined to remain absent from the project site during the pre-construction clearance survey, no further review will be needed.

However, if burrowing owls are found to occupy the project site during the pre-construction clearance survey, a burrowing owl relocation plan will need to be prepared and approval by CDFW prior to the commencement of any ground disturbing activities. The burrowing owl relocation plan shall outline recommended methods proposed to relocate the burrowing owls from the project site and provide measures that will be implemented for the maintenance, monitoring, and reporting of the relocated burrowing owls to increase chances of survivorship and better ensure compliance with CDFW guidelines. This plan should be implemented during the non-breeding season, and prior to seasonal rains to promote the best outcome for conservation of the burrowing owl.

Section 6 References

California Burrowing Owl Consortium, 1993. *Burrowing Owl Survey Protocol and Mitigation Guidelines.* Accessed on the internet at: www.dfg.ca.gov/wildlife/nongame/docs/boconsortium.pdf

California Department of Fish and Wildlife (CDFW). 2023. RareFind 5, California Natural Diversity Data Base, California. Data Base report on threatened, endangered, rare or otherwise sensitive species and communities for the Perris 7.5-minute USGS quadrangle.

California Department of Fish and Wildlife (CDFW), 2012. *Staff Report on Burrowing Owl Mitigation*.

Coulombe, H.N. 1971. *Behavior and population ecology of the burrowing owl* (*Speotyto cunicularia) in the Imperial Valley of California.* Condor 73: 162-176.

Environmental Programs Department. (2006, March 29). *Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area.* http://www.wrc-rca.org/mshcp-species-survey-protocols/

Haug, E.A., B.A. Millsap, and M.S. Martell. 1993. Burrowing Owl (*Speotyto cunicularia*). In: A. Poole and F. Gill, editors, Birds of North America, No. 61. Philadelphia: The Academy of Natural Science; Washington DC: The American Ornithologists' Union.

Ramsen, Jr., J.V. 1978. *Bird Species of Special Concern in California*. Non-game Wildlife Investigations. Wildlife Management Branch Administrative Report No78-1. Report prepared for California Department of Fish and Game

Appendix A Site Photographs

Photograph 1: From the northern boundary of the westernmost site, looking south.

Photograph 2: From the western boundary of the westernmost site, looking east.

Photograph 3: From the southwest corner of the westernmost site, looking north along the western boundary and an unnamed dirt access road.

Photograph 4: From the southwest corner of the westernmost site, looking east along the southern boundary.

Photograph 5: From the southeast corner of the westernmost site, looking north along the eastern boundary.

Photograph 6: From the southeast corner of the westernmost site, looking west along the southern boundary.

Photograph 7: From the northwest corner of the easternmost site, looking east along the northern boundary.

Photograph 8: From the northwest corner of the easternmost site, looking south along the western boundary.

Photograph 9: From the northeast corner of the easternmost site, looking south along the eastern boundary.

Photograph 10: From the northeast corner of the easternmost site, looking west along the northern boundary.

Photograph 11: From the southeast corner of the easternmost site, looking north along the eastern boundary.

Photograph 12: From the southeast corner of the easternmost site, looking west along the southern boundary.

Photograph 13: From the southwest corner of the easternmost site, looking east along the southern boundary.

Photograph 14: One of the remnant pits from historic mining operations, located in the northeast region of the project site. Suitable burrowing owl burrow, with not sign of use.

Appendix B Fauna Compendium

FAMILY/SPECIES NAME	COMMON NAME
AVES (Birds)	
Amphispiza bilineata	black-throated sparrow
Artemisiospiza belli	bell's sparrow
Buteo jamaicensis	red-tailed hawk
Corvus corax	common raven
Eremophila alpestris actia	horned lark
Haemorhous mexicanus	house finch
Melozone crissalis	California towhee
Myiarchus cinerascens	ash-throated flycatcher
Sayornis saya	Say's phoebe
Setophaga coronate	yellow-rumped warbler
Sturnella neglecta	western meadowlark
Zenaida macroura	mourning dove
Zonotrichia leucophrys	white-crowned sparrow
MAMMALIA (MAMMALS)	
Ammospermophilus leucurus	white-tailed antelope ground squirrel
Canis latrans	coyote
Lepus californicus	black-tailed jackrabbit
Sylvilagus audubonii	desert cottontail
Otospermophilus beecheyi	California ground squirrel
REPTILIA (REPTILES)	
Sceloporus occidentalis longipes	Great Basin fence lizard

EXHIBIT I

Endangered Plant Survey

SOUTH ENVIRONMENTAL
2061 N. Los Robles Avenue, Ste. 205 Pasadena, California 91104 / www.southenvironmental.com

May 26, 2025

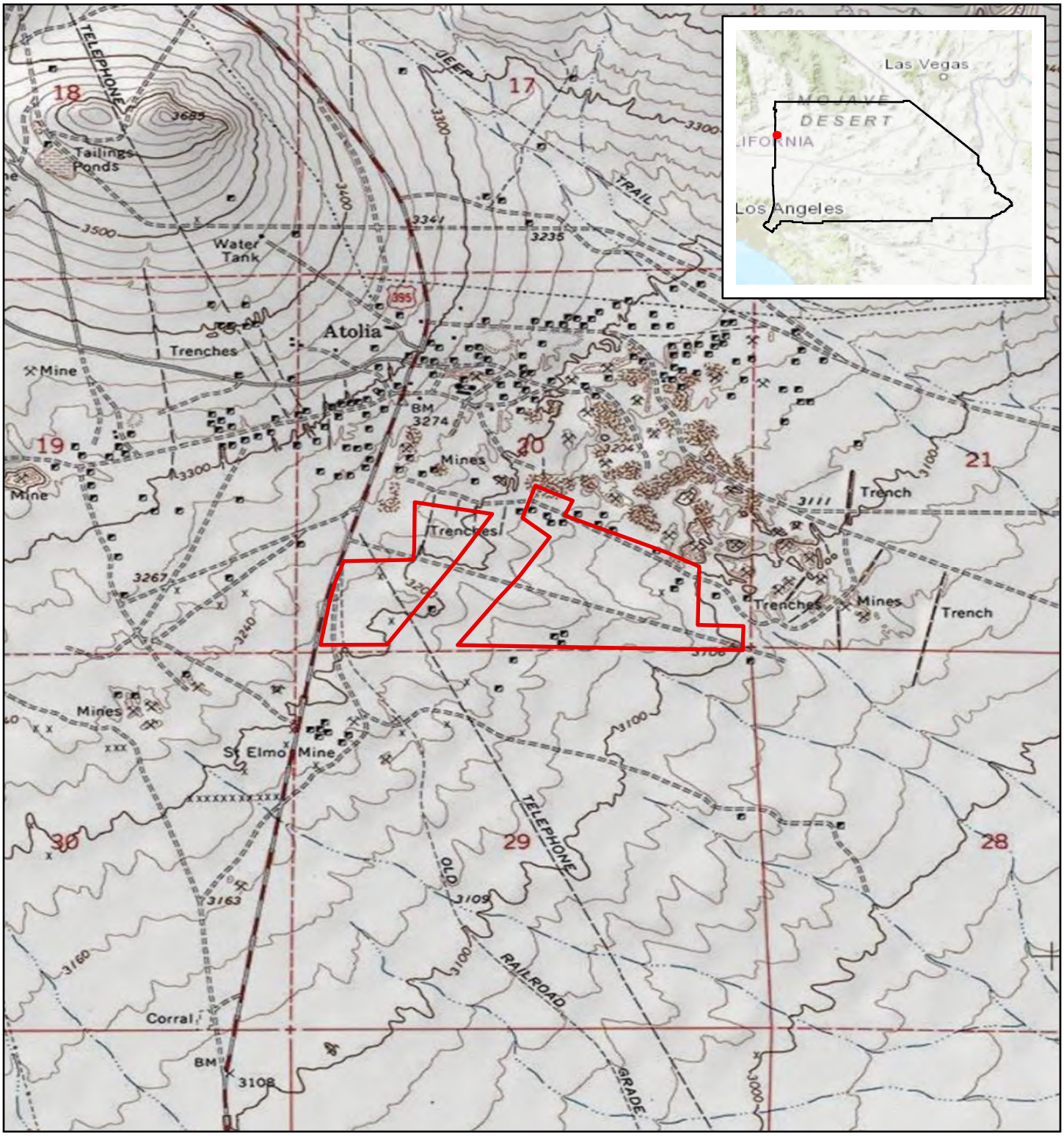
Sean P. Tucker
Gold Discovery Group LLC
2549 Eastbluff Drive, Suite B-499
Newport Beach, California 92660
Phone: 310-990-6179
Email: sean@golddiscoverygroup.com

RE: Rare, Threatened, and Endangered ("Special-Status") Plant Survey on 128-Acres Proposed Mining Project South of Red Mountain in San Bernardino County, California

Dear Sean:

This letter includes the results of a special-status plant survey on an 128-acres proposed mining site (project site) south of the town of Atolia in San Bernardino County, California (attached Figure 1 and Figure 2). The proposed project includes surface mining for minerals throughout the project site that consists of using machines to dig into the ground, sand, soil, and rock to identify concentrations of minerals and then extract them. The main goal of the survey was to identify rare, threatened, and endangered ("special-status") species on the 128-acres proposed mining site. The survey was conducted by South Environmental biologists Matthew South, Lucas South, and Meagan Stebbings on the western survey area on April 28, 2025 and on the eastern survey area on April 29 and 30, 2025.

The survey was conducted based on federal and national criteria of government agencies including those of the U.S. Fish and Wildlife and California Department of Fish and Wildlife that evaluate the conservation status of plants in the region and their geographical natural occurrence. When applicable, standard survey methods supported by state and federal agencies were followed. The survey involved plant observation along a series of transects during which plants were identified and recorded. Plants that could not be identified in the field were collected and identified in the laboratory. A complete list of all species recorded on the site and a brief description of the plant community including dominant species and important is included in the report.



Source: ESRI USA Topo Maps and World Topo Map accessed June 2022

Gold Discovery Group Project

Figure 1. Regional Location

Survey Area - 128-acres

0 1,000 2,000 Feet

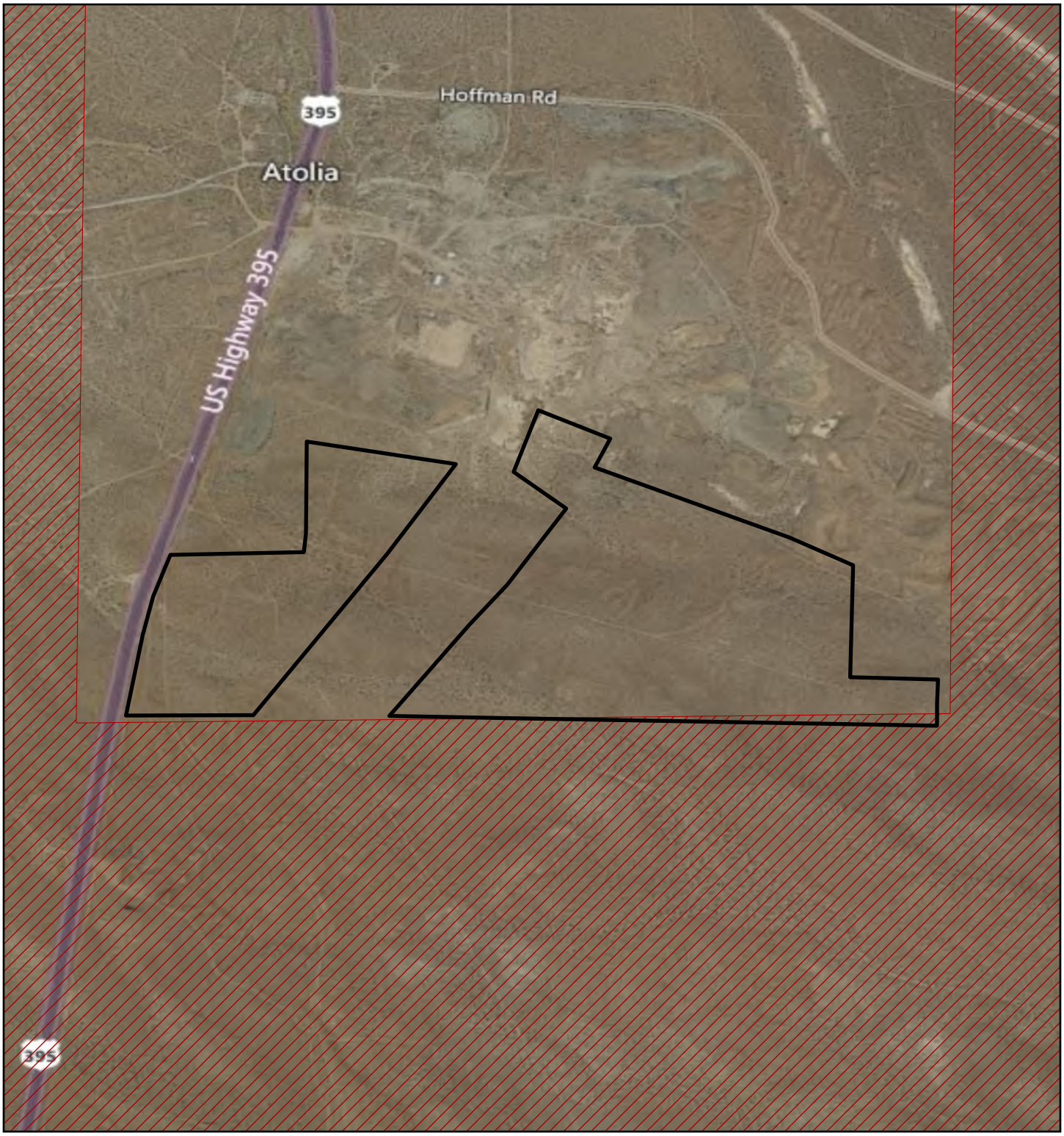
Scale: 1:24,000

N

The Survey Area is in an unincorporated area of San Bernardino County, California on the USGS Red Mountain quadrangle map in Section 20 of Township 30 South (T30S) North and Range 41 East (R41E)

Center Coordinate (Decimal Degrees):
Latitude: 35.3063454N Longitude: -117.6013587W

SOUTH ENVIRONMENTAL



Source: BING Aerial Basemap accessed 2022

Gold Discovery Group Project

Figure 2. Project Vicinity

0 500 1,000 Feet

N

Desert Tortoise Critical Habitat

Survey Area - 128-acres

SOUTH ENVIRONMENTAL

Project Site Description

The survey area includes the entire 128-acres project site consisting of an eastern survey area and a western survey area that are separated by 600-feet and located immediately east of US Highway 395 and south of the abandoned mining town of Atolia in an unincorporated area of San Bernardino County. The survey area is less than a mile east of the border with Kern County within the United States Geological Service (USGS) Red Mountain 7.5 minute quad and within Section 20 of Township 30 South and Range 41 East at a center coordinate (decimal degrees) of 35.304600 North, -117.605804 West. The survey area is set within an undeveloped area immediately south of an existing mining operation that has entirely developed the areas to the north. Abandoned mineshafts and old mining pits occur frequently on the survey area but it is relatively undisturbed. Photographs of the survey area are in the attached Photograph Exhibit.

Topography and Rainfall

The survey area has undulating hills with a gentle slope toward the east and at an elevation of 3,225 feet on the western edge of the western area and 3,090 feet on the eastern edge of the eastern area. The average annual rainfall in Atolia, California is 5.67-inches per year with the wettest months in January through May. This area of California has had below average rainfall in 2021 and in 2022 according to the National Centers for Environmental Information.

Soils

No soils information if available for this location of San Bernardino County (USDA/NRCS 2025). However, the soils observed during the survey were sandy, friable, and suitable for burrowing species.

Plant Communities

A creosote bush — white bursage scrub (*Larrea tridentata — Ambrosia dumosa* Scrub) as described by the Manual of California Vegetation Online (CNPS 2025a) occurs across the survey area. This is an upland desert scrub community where shrubs and annual herbs dominate with a lesser presence of perennial herbs. According to the CNPS, the community is found on "washes and rills, alluvial fans, bajadas, valleys, basins, upland slopes, mesas, and erosional highland" in areas with soils that are primarily "well-drained, alluvial, colluvial, or sandy." It is found at an elevation of 800-5250-ft amsl (CNPS 2025a). The community is classified by the CDFW with a ranking at the state level of "5" (S5) and at the global level of "5" (G5) and therefore is not considered a sensitive natural community. Only communities with a classification of 3 or less at

either the state or global level are a sensitive natural community. The community covers approximately 67% of the Mojave desert (Thomas 2004).

In this community on the survey area, creosote bush is co-dominant with white bursage. Other important shrub species include rayless goldenhead, cheesebush, silver cholla, Anderson thornbush, and catclaw acacia. The shrub canopy was between 2-5-feet in height and had an absolute cover of 10-30%. At the ground level there was a predominance of forbs including bristly fiddleneck, Arabian grass, common goldfields, redstem stork's bill, and desert woollystar. Important grasses observed were the non-native Arabian grass and brome. Forbs were 1-1.5 feet in height and had a ground cover of 20-40%.

Methodology

Literature Review

The California Native Plant Society (CNPS) and the California Department of Fish and Wildlife (CDFW) are the primary authorities in the State of California for recording and tracking endangered, threatened, and rare plants (i.e., special-status) in the state. The CNPS "Inventory of Rare Plants" online (CNPS 2025) and the CDFW California Natural Diversity Database (CNDDB) online (CDFW 2025a) are query tools that identify rare, endangered, and threatened plants and their occurrence based on the U.S. Geological Survey (USGS) 7.5-minute topographic quadrangles for the state. Basic information is provided for each special-status plant species including conservation status, local areas of occurrence, macro and micro habitat, elevation range, and blooming period. Plants considered by the CNPS and CDFW to be rare, threatened, and endangered species are based on specific criteria of state and federal legislation and are summarized in **Appendix B**. The geographic location of occurrences of special-status plants can also be queried directly through the Biogeographic Information and Observation System (BIOS) online (CDFW 2025b).

For the survey, both databases were queried for special-status plants that have previously been recorded in the Red Mountain 7.5" quad that the project site is located within, and the eight surrounding USGS 7.5" quads: Klinker Mountain, El Paso Peaks, Johannesburg, Boron NE, Boron NW, West of Black Hills, Cuddeback Lake, and Freemont Peak. Following the online queries, the rare, threatened, and endangered species identified in each query were combined into a comprehensive list for the region. These species were considered as potential special-status species to occur on the survey site. Next, an additional assessment was conducted to determine their potential to occur on the survey area based on specific habitat and micro-habitat requirements for the species and their occurrences in the area in relation to the survey area. Based on this assessment, the special-status species were designated a "none", "low", "medium", or "high" potential to occur on the project site (**Appendix B**).

Field Survey

The survey of the western survey area was conducted on April 28, 2025 by biologists Matthew South, Lucas South, and Meagan Stebbings. The survey of the eastern survey area was conducted on April 29 and 30, 2025 by biologists Lucas South and Meagan Stebbings. The surveys were conducted under the following weather conditions:

- April 28, 2025. 62-77F, calm winds (5 mph), mostly sunny
- April 29, 2025. 77-82F, high winds (10-20 mph), mostly sunny
- April 30, 2025. 70-80F, calm winds (5 mph), partly sunny

Complete 100% coverage of the entire survey area was surveyed using 10-meter belt transect oriented north-south.

Surveys were conducted according to the CDFW March 20, 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*, the CNPS *Botanical Survey Guidelines*, and the USFWS July 2002 *General Rare Plant Survey Guidelines*. The field portion of the survey consisted of three days of botanical exploration in mid-Spring (April 28-30, 2025) at the site. During the survey botanists traversing the survey area on foot in north-south belt transects with each surveyor separated by approximately 10-meters. During this time all plant species encountered were either identified at the time or a sample was collected in the form of photographs and plant material and the species were identified in the lab.

The survey followed the standard botanical protocol for special-status species survey of identifying all plant species encountered. Although the goal was to identify all plant species, field surveyors placed a special emphasis on discovery of the special-status species identified in the literature search with the potential to occur on the site. Species identification in the lab and to a lesser degree the field involved using digital photos and comparing them with taxonomically-related species from the area and using the botanical keys, diagrams, and descriptions in *The Jepson Desert Manual* (Baldwin et al. 2002) and *The Jepson Manual of Vascular Plants of California* (Baldwin et al. 2012).

Results

Literature Review

The querying of the CNPS and CDFW online databases for rare, threatened, and endangered plant species in the region resulted in the identification of 12 species with the potential to occur in the

region. Using the online BIOS, no special-status plant species have been recorded for the survey area in the past (CDFW 2022b). Further analysis of the potential for these species to occur at the site based on habitat and recorded occurrences within the immediate area identified 2 of the 12 species with a medium potential to occur: **Barstow woolly sunflower** and **red rock poppy**.

Data to assess the potential to occur on the site was lacking for three species: Mojave spineflower (*Chorizanthe spinosa*), solitary blazing star (*Mentzelia eremophila*), and Mojave fish-hook cactus (*Sclerocactus polyancistrus*). For these three species neither databases indicated microhabitat nor geographic occurrences for the species. Therefore, their assessment was characterized as "insufficient data." A brief discussion of the conservation status and potential to exist on the survey site of the Barstow woolly sunflower and red rock poppy follows:

- **Barstow wooly sunflower** (*Eriophyllum mohavense*): The species does not have an endangered or threatened classification at either the federal or state level. It has a California Rare Plant Ranking of 1B.2 indicating the species is rare throughout its entire range and is moderately threatened in California. The species inhabits chenopod scrub, Mojavean desert scrub and playas. It blooms from March to May and is found between 1640 and 3150-ft above mean sea level (amsl). The project site has Mojavean desert scrub and there here have been several occurrences in the immediate area. **Medium potential to occur**

- **Rock poppy** (*Eschscholzia minutiflora* ssp. *twisselmannii*): The species does not have an endangered or threatened classification at either the federal or state level. It has a California Rare Plant Ranking of 1B.2 indicating the species is rare throughout its entire range and is moderately threatened in California. The species inhabits Mojavean desert scrub and playas. It blooms from March to May and is found between 2230 and 4035-ft amsl. The project site has Mojavean desert scrub and there here have been several occurrences in the immediate area. **Medium potential to occur**

Survey Results

Species identified in the field or in the laboratory for the site over three days of surveying are listed in Table 1. No special-status plants were observed on the site. A total of 40 vascular plant species most of which are species native to California were identified. Most of the species were annual herbs and shrubs with only a few perennial herbs and no trees or vines identified. No special-status species identified through the literature search and listed in Attachment B were recorded and identified either in the field or laboratory. Important genera for which more than one species are included were *Ambrosia, Chorizanthe, Ericameria, Eriogonum, Lycium, Malacothrix, Mentzelia, and Tetradymia*. Photos of the survey area and of specific common plants are in **Attachment A**.

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Table 1. List of plant species at the Gold Discovery Group site in Atolia, California.

Common name	Scientific name	Habit	Native/Non-Native
white bursage	*Ambrosia dumosa*	Shrub	Native
cheesebush	*Ambrosia salsola*	Shrub	Native
bristly fiddleneck	*Amsinckia tessellata*	Annual herb	Native
Layne milkvetch	*Astragalus layneae*	Perennial herb	Native
Brome	*Bromus* sp.	Annual grass	Non-native
Kern suncup	*Camissonia kernensis*	Annual herb	Native
Fremont's pincushion	*Chaenactis fremontii*	Annual herb	Native
silver cholla	*Cylindropuntia echinocarpa*	Shrub	Native
desert suncup	*Eremothera boothii* ssp. *desertorum*	Annual herb	Native
Cooper's goldenbush	*Ericameria cooperii*	Shrub	Native
rubber rabbitbrush	*Ericameria nauseosa*	Shrub	Native
Desert trumpet	*Eriogonum inflatum*	Annual herb	Native
spotted wild buckwheat	*Eriogonum maculatum*	Annual herb	Native
Thomas's wild buckwheat	*Eriogonum thomasii*	Annual herb	Native
Little desert trumpet	*Eriogonum trichopes*	Annual herb	Native
Pringle's woolly sunflower	*Eriophyllum pringlei*	Annual herb	Native
redstem stork's-bill	*Erodium cicutarium*	Annual herb	Non-native
little gold poppy	*Eschscholzia minutiflora*	Annual herb	Native
whitemargin sandmat	*Euphorbia albomarginata*	Perennial herb	Native
creosote bush	*Larrea tridentata*	Shrub	Native
small-ray goldfields	*Lasthenia microglossa*	Annual herb	Native
Anderson thornbush	*Lycium andersonii*	Shrub	Native
peach-thorn	*Lycium cooperi*	Shrub	Native
desert dandelion	*Malacothrix glabrata*	Annual herb	Native
whitestem blazingstar	*Mentzelia albicaulis*	Annual herb	Native
wishbone bush	*Mirabilis laevis*	Perennial herb	Native
desert needlegrass	*Pappostipa speciosa*	Perennial grass	Native
lacy phacelia	*Phacelia tanacetifolia*	Annual herb	Native
Mojave indigo bush	*Psorothamnus arborescens*	Shrub	Native
Arabian grass	*Schismus arabicus*	Annual herb	Non-native
catclaw acacia	*Senegalia greggii*	Shrub	Native
littleleaf horsebrush	*Tetradymia glabrata*	Shrub	Native
Mojave cottonthorn	*Tetradymia stenolepis*	Shrub	Native
Mojave aster	*Xylorhiza tortifolia*	Perennial herb	Native

Conclusion

No special-status plants were observed during the survey. A literature review initially identified 12 special-status plant species with the potential to occur in the region. Of these 12 species, 2 — Barstow wooly sunflower and rock poppy — were assessed with a medium potential to occur on the site based on its macro and micro habitat characteristics and occurrences in the immediate area. For three other species, there was insufficient information to make a reasonable assessment of their potential to occur on the site. A field survey conducted over three days in late-April and early-May resulted in the identification of 34 plant taxon made up primarily of shrubs and annual herbs. Based on the dominance of plants observed, the community on the area was assessed as *Creosote Bush and White Bursage Scrub*, which is not considered a sensitive natural community by the CDFW. Of the 34 plants identified to genus or species none of them were assessed to be

special-status species. In sum, the botanical survey indicated the presence of a common natural community and no special-status species.

If you have any questions regarding the information in this report, please contact Matthew South by email: msouth@southenvironmental.com or by mobile phone: 303-818-3632.

Sincerely,

Matthew R. South

List of Attachments

1. **Attachment A**. Special-Status Species Analysis

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Appendix A:
Special-Status Species Analysis

Special-Status Species Analysis

Special-status plant species are those plants that, because of their recognized rarity or vulnerability to various causes of habitat loss or population decline, are recognized by federal, state, or other agencies as under threat from human-associated developments. Some of these species receive specific protection that is defined by federal or state endangered species legislation. Others have been designated as special-status based on adopted policies and expertise of state resource agencies or organizations with acknowledged expertise, or policies adopted by local governmental agencies such as counties, cities, and special districts to meet local conservation objectives. Special-status species include:

- Plants or wildlife listed or proposed for listing as threatened or endangered, or are candidates for possible future listing as threatened or endangered, under the federal Endangered Species Act or the California Endangered Species Act;

- Plants or wildlife that meet the definitions of rare or endangered under CEQA Guidelines Section 15380.

- Plants or wildlife covered under an adopted NCCP/HCP;

- Plants considered by the California Native Plant Society (CNPS) to be rare, threatened, or endangered (List 1A, 1B and 2 plants) in California;

- Plants listed by the CNPS as plants in which there is limited information about distribution (List 3);

- Plants listed as rare under the California Native Plant Protection Act (Fish and Game Code 1900 et seq.);

Federally-Protected Status

All references to Federally-protected species in this BRA include the most current published status or candidate category to which each species has been assigned by USFWS. For purposes of this assessment the following acronyms are used for Federal status species, as applicable:

FE Federally-listed as Endangered
FT Federally-listed as Threatened
FPE Federally proposed for listing as Endangered
FPT Federally proposed for listing as Threatened
FPD Federally proposed for delisting
FC Federal candidate species (former C1 species)

State-Protected Status

For the purposes of this BRA, the following acronyms are used for State status species, as applicable:

SE State-listed as Endangered
ST State-listed as Threatened
SR State-listed as Rare
SCE State candidate for listing as Endangered
SCT State candidate for listing as Threatened
SFP State Fully Protected
SSC California Species of Special Concern

California Rare Plant Rank

The CNPS is a private plant conservation organization dedicated to the monitoring and protection of special-status species in California. CNPS has compiled an inventory comprised of the information focusing on geographic distribution and qualitative characterization of Rare, Threatened, or Endangered vascular plant species of California (CNPS 2018). The list serves as the candidate list for listing as Threatened and Endangered by CDFW. CNPS has developed six categories of rarity known as the California Rare Plant Rank (CRPR), of which Ranks 1A, 1B, 2A, and 2B are particularly considered sensitive:

Rank 1A Presumed extinct in California.
Rank 1B Plants Rare, Threatened, or Endangered in California and elsewhere.
Rank 2A Presumed extinct in California, but more common elsewhere.
Rank 2B Plants Rare, Threatened, or Endangered in California, but more common elsewhere.
Rank 3 Plants about which we need more information – a review list.
Rank 4 Plants of limited distribution – a watch list.

The CNPS recently added "threat ranks" which parallel the ranks used by the CNDDB. These ranks are added as a decimal code after the CNPS List (e.g., Rank 1B.1). The threat codes are as follows:

.1 Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat);
.2 Moderately threatened in California (20-80% occurrences threatened);
.3 Not very threatened in California (<20% of occurrences threatened or no current threats known).

Potential to Occur Assessment

Special-status species that are **present** or are **high** or **medium** potential to occur within the parcel are a based on one or more of the following:

- the direct observation of the species within the parcel during any field survey;
- a record reported in the CNDDB; and
- the parcel is within known distribution of a species and contains appropriate habitat.
- present means the species is known to occur, high potential indicates the habitat is ideal and near known occurrences of the species, and medium indicates that the habitat may be less than ideal due to some lacking element but still usable by the species and within the known range.

Special-status species that are **low** potential) to occur are based on one of the following:

- the parcel has the general habitat types but lacks necessary habitat elements such as suitable microhabitat or soils; or
- the parcel is outside the known elevation range or distribution of the species, and has otherwise suitable habitats;

Special-status species that have no potential to occur on the parcel are labeled as **none** due to the absence of suitable habitat.

Special-status species with a potential to occur on the survey area are listed below.

Scientific Name	Common Name	Life Form	CRPR	CESA	FESA	Blooming Period	Elevation Range (ft)	Habitat	Micro Habitat	Potential to Occur on Site
Camissonia kernensis ssp. *kernensis*	Kern County evening-primrose	annual herb	4.3	None	None	Mar-May	2590 - 6990	Chaparral, Joshua tree "woodland", Pinyon and juniper woodland	Granitic, Gravelly (sometimes), Sandy (sometimes)	**None**. The survey site lacks the habitat the species requires.
Canbya candida	white pygmy-poppy	annual herb	4.2	None	None	Mar-Jun	1970 - 4790	Joshua tree "woodland", Mojavean desert scrub, Pinyon and juniper woodland	Granitic, Gravelly, Sandy	**Low**. The survey site has Mojavean desert scrub and is sandy and gravelly; however, there is only one occurrence of the species according to the CNDDB and it is not in the immediate area.
Chorizanthe spinosa	Mojave spineflower	annual herb	4.2	None	None	Mar-Jul	20 -4265	Chenopod scrub, Joshua tree "woodland", Mojavean desert scrub, Playas	Alkaline (sometimes)	**Insufficient Data**. The survey site has Mojavean desert scrub. No information was available through the CNDDB or CNPS regarding microhabitat or occurrences.
Cryptantha clokeyi	Clokey's cryptantha	annual herb	1B.2	None	None	Apr	2380 - 4480	Mojavean desert scrub		**Low**: The survey site has Mojavean desert scrub; there is only one occurrence of the species according to the CNDDB in the immediate area.
Cymopterus deserticola	desert cymopterus	perennial herb	1B.2	None	None	Mar-May	2065 - 4920	Joshua tree "woodland", Mojavean desert scrub	Sandy	**Low**: The survey site has Mojavean desert scrub and is sandy; there is only one occurrence of the species according to the CNDDB in the immediate area.

Scientific Name	Common Name	Life Form	CRPR	CESA	FESA	Blooming Period	Elevation Range (ft)	Habitat	Micro Habitat	Potential to Occur on Site
Eremothera boothii ssp. *boothii*	Booth's evening-primrose	annual herb	2B.3	None	None	Apr-Sep	2675 - 7875	Joshua tree "woodland", Pinyon and juniper woodland		**None**. The survey site lacks the habitat the species requires.
Eriophyllum mohavense	Barstow woolly sunflower	annual herb	1B.2	None	None	Mar-May	1640 - 3150	Chenopod scrub, Mojavean desert scrub, Playas		**Medium**. The survey site has Mojavean desert scrub; according to the CNDDB the species has occurred in several places in the immediate area.
Erythranthe rhodopetra	Red Rock Canyon monkeyflower	annual herb	1B.1	None	None	Mar-Apr	2000 - 3000	Mojavean desert scrub	Sandy, Washes	**Low**. The survey site has Mojavean desert scrub; however, there is only one occurrence of the species according to the CNDDB in the immediate area.
Eschscholzia minutiflora ssp. *twisselmannii*	Red Rock poppy	annual herb	1B.2	None	None	Mar-May	2230 - 4035	Mojavean desert scrub		**Medium**. The survey site has Mojavean desert scrub; according to the CNDDB the species has occurred in several places in the immediate area.
Hecastocleis shockleyi	prickle-leaf	perennial evergreen shrub	3	None	None	May-Jul	3935 - 7220	Chenopod scrub, Mojavean desert scrub	Carbonate (often), Rocky, Slopes, Washes	**None**. The survey site has Mojavean desert scrub; however, it is below the elevation range of the species.
Mentzelia eremophila	solitary blazing star	annual herb	4.2	None	None	Mar-May	2295 - 4005	Mojavean desert scrub		**Insufficient Data**. The survey site has Mojavean desert scrub. No information was available through the CNDDB or CNPS regarding microhabitat or occurrences.

Scientific Name	Common Name	Life Form	CRPR	CESA	FESA	Blooming Period	Elevation Range (ft)	Habitat	Micro Habitat	Potential to Occur on Site
Sclerocactus polyancistrus	Mojave fish-hook cactus	perennial stem	4.2	None	None	Apr-Jul	2100 - 7610	Great Basin scrub, Joshua tree "woodland", Mojavean desert scrub		**Insufficient Data**. The survey site has Mojavean desert scrub. No information was available through the CNDDB or CNPS regarding microhabitat or occurrences.

June 18, 2024

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SUBJECT: **Results of a Desert Tortoise (*Gopherus agassizii*) Presence/Absence Survey for Gold Discovery Group's Persistence Mine Project Located in Unincorporated San Bernardino County, California**

Introduction

This report contains the findings of ELMT Consulting's (ELMT) desert tortoise presence/absence survey for Gold Discovery Group's Persistence Mine project (project site or site) located in the unincorporated area of Atolia, in San Bernardino County, California. The survey was conducted by biologists Travis J. McGill, Jacob H. Lloyd Davies, and Rachael A. Lyons on April 18, 2024, to document the presence/absence of desert tortoise within the boundaries of the survey area.

Project Location

The project site is generally located north of State Route 58, east of United States Route 395, south of State Route 178, and west of State Route 127 in unincorporated San Bernardino County, California. The site is depicted on the Red Mountain quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map within Section 20 of Township 30 South, Range 41 East. Specifically, the project site is bounded to the west by an easement along United States Route 395 and is located west of Cuddeback Dry Lake and directly south of the former Atolia Tungsten Mine. Refer to Exhibits 1-3 in Attachment A.

Project Description

Gold Discovery Group LLC has submitted a Plan of Operations to the Bureau of Land Management case file number: CACA10633367 for the Persistence Mine, which is a proposed 126-acre placer mining operation using only water and gravity recoverable methods to extract gold from the material on site near the former town of Atolia, California in western San Bernardino County, California. The Proposed Action also involves concurrent reclamation as Gold Discovery Group LLC advances its mining operation sequence.

Methodology

The potential presence of Mojave desert tortoise requires that biologists conduct focused surveys/pedestrian transects covering the project's action area in order to determine the presence or absence of desert tortoise within the action area (U.S. Fish and Wildlife Service [USFWS], 2018). The action area is defined as all areas to be directly or indirectly affected by the project (50 CFR §402.02). For this project, the action area includes the limits of disturbance and all areas that have the potential to be indirectly impacted by the

proposed project. Site characteristics including topography, presence of suitable habitat, and human disturbance were utilized to determine the lateral extent of the action area beyond the project footprint. The proposed action area was determined to be confined to the 126.2 acres proposed Persistence Mine site. For consistency, the action area is hereafter referred to as the survey area. Since the development footprint is less than 200 hectares (500 acres) in size, the Small Project Field Survey Protocol was used to determine the presence/absence of desert tortoise.

Desert Tortoise Presence/Absence Surveys

Transects were oriented north to south across the survey area and were spaced at 10-meter (33 feet) intervals throughout all suitable habitat to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All transects were walked at a pace that allowed for careful/detailed observation along transect routes and the immediate vicinity.

ELMT biologists conducted a 100 percent coverage survey from 0730 to 1130 hours on April 18, 2024, which falls within the desert tortoise's most active periods (April through May and September through October). Weather conditions during the survey included clear skies, calm wind conditions, and temperatures ranging from 54 to 72 degrees Fahrenheit. If present, any live desert tortoises and/or signs of (burrows, scat, carapace, drinking depressions) were recorded on USFWS pre-project survey field data sheets and marked using a Garmin GPSMap 64 Global Positioning System (GPS).

All burrows observed were thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration were recorded on field data sheets, when observed. In addition, each burrow, when observed, was photographed and given a class rating to describe the overall status and condition of the burrow.

Desert Tortoise

The Mojave population of the desert tortoise was listed as Threatened on April 2, 1990 and a recovery plan was published in June 1994 (revised May 2011) to describe a strategy for recovering the Mojave population of the desert tortoise including the identification of five recovery units, recommendations for a system of Desert Wildlife Management Areas (DWMAs) within the recovery units, and development and implementation of specific recovery actions, especially within DWMAs. The establishment of recovery units and DWMAs was intended to facilitate an ecosystem approach to land management and desert tortoise recovery. Based on the 2018 Revised Recovery Plan, **the survey area** is located within the Western Mojave Recovery Unit but **is not located within any designated DWMAs**. **The project site itself is not located within designated Desert Tortoise Critical Habitat**; however, designated Critical Habitat is present immediately south of the southern boundary, and east and west of the site (refer to Exhibit 4, *Critical Habitat*). **No desert tortoise have been recorded on the project site**. It should be noted that the nearest CNDDB observation for desert tortoise is located approximately 7.6 miles to the southwest and was recorded in 2005.

The Mojave population of the desert tortoise inhabits areas north and west of the Colorado River in the Mojave Desert of California, Nevada, Arizona, and southwestern Utah, and in the Sonoran Desert in California. Throughout the majority of the Mojave Desert, desert tortoises occur most commonly on gentle

sloping soils characterized by an even mix of sand and gravel and sparsely vegetated low-growing vegetation where there is abundant inter-shrub space. Typical habitat for the Mojave desert tortoise has been characterized as creosote bush scrub below 5,500 feet in elevation with a high diversity of perennial and ephemeral plants. The dominant shrub commonly associated with desert tortoise habitat is creosote bush (*Larrea tridentata*); however, other shrubs including burrobush (*Ambrosia dumosa*), Mojave yucca (*Yucca schidigera*), cheesebush (*Ambrosia salsola*), and Mojave prickly-pear (*Opuntia mojavensis*) also provide suitable habitat. The desert tortoise spends 95 percent of its life underground and will opportunistically utilize burrows of various lengths, deep caves, rock and caliche crevices, or overhangs for cover. Therefore, a moderately friable soil is required to allow for burrow construction and ensure that burrows do not collapse.

Site Conditions

The project site occurs in an area dominated by natural landscapes with scattered industrial land use areas present. The dominant land use type in the vicinity of site is former materials extraction operations and associated remnant "ghost towns." Presently, the site is bounded to the north by the former Atolia Tungsten Mine, to the west by United States Route 395, and to the east and south by unoccupied open spaces. In addition, a network of unpaved access roads and remnant haul roads traverses the site and adjacent areas.

On-site topography consists of rolling hills, low valleys, and flats, and generally slopes from west to east at an approximate elevation of 3,090 to 3,235 feet above mean sea level. Further topographic relief is present in the form of discarded fill and slag piles and exploratory trenches and pits.

Based on the NRCS USDA Web Soil Survey, soils underlying the project site and immediate vicinity are not mapped to family detail, and the Web Soil Survey identifies the site as being underlain by Cajon-Arizo and Randsburg-Muroc soil complexes. The majority of soils on-site persists in relatively natural states except those areas that were previously impacted by materials extraction activities, exploratory mining, and access road installation and maintenance.

One (1) plant community, Mojavean desert scrub, was observed within the boundaries of the project site. In addition, the site also supports one (1) land cover type that would be classified as disturbed.

The Mojavean desert scrub plant community supported by the project site supports a diverse shrub layer and robust herbaceous layer, consistent with other undeveloped/undisturbed plant communities nearby. Vegetative cover is usually consistent to sometimes sparse, and often features dense patches of herbaceous annuals in depressional features. Dominant shrubs supported in this plant community include creosote, burrobush, and cheesebush, which are commonly associated with desert tortoise, in addition to hairy goldenhead (*Acamptopappus sphaerocephalus*), cattle spinach (*Atriplex polycarpa*), spinescale saltbush (*Atriplex spinifera*), black brush (*Coleogyne ramosissima*), silver cholla (*Cylindropuntia echinocarpa*), Acton encelia (*Encelia actoni*), Cooper goldenbush (*Ericameria cooperi*), turpentine brush (*Ericameria laricifolia*), common rabbitbrush (*Ericameria nauseosa*), green rabbitbrush (*Ericameria teretifolia*), California buckwheat (*Eriogonum fasciculatum*), Weston's buckwheat (*Eriogonum nudum*), starry bedstraw (*Galium stellatum*), hop sage (*Grayia spinosa*), winter fat (*Krascheninnikovia lanata*), Anderson thornbush (*Lycium andersonii*), Cooper's box thorn (*Lycium cooperi*), Mojave indigo bush (*Psorothamnus arborescens*), Mexican bladder sage (*Scutellaria mexicana*), little leaf horsebrush (*Tetradymia glabrata*), Mojave cottonthorn (*Tetradymia stenolepis*). Common herbaceous species observed in the Mojavean desert

scrub plant community include devil's lettuce (*Amsinckia tessellata*), Mojave suncup (*Camissonia campestris*), Booth's evening primrose (*Eremothera boothii*), desert woollystar (*Eriastrum eremicum*), flatcrown buckwheat (*Eriogonum deflexum*), Pringle's woolly sunflower (*Eriophyllum pringlei*), redstem filaree (*Erodium cicutarium*), whitemargin sandmat (*Euphorbia albomarginata*), snake's-head (*Malacothrix coulteri*), desert dandelion (*Malacothrix glabrata*), lacy phacelia (*Phacelia tanacetifolia*).

Disturbed portions of the site are sometimes barren to sometimes sparse according to the degree and frequency of associated anthropogenic disturbance. The limited vegetation supported by the disturbed portions of the site primarily consists of annual herbaceous, with some especially hardy perennial species present.

Survey Results

Despite a systematic 100% visual survey of the project site, no live desert tortoises, potential desert tortoise burrows, or signs of desert tortoises were observed within the survey area. The estimated desert tortoise abundance is directly proportional to the number of tortoises observed above ground. Since no live desert tortoises were observed during the surveys, the estimated number of desert tortoises within the survey area is zero.

Conclusion and Recommendations

Since no live desert tortoises, potential desert tortoise burrows, or signs of desert tortoises were observed during the presence/absence survey, it was determined that the desert tortoise is absent from the project site. Even though desert tortoise were not detected within the survey area during the presence/absence survey, a pre-construction clearance survey is recommended to be conducted during the other pre-construction clearance surveys to ensure desert tortoise continue to remain absent from the project site prior to the commencement of ground disturbing activities.

Please do not hesitate to contact Tom McGill at (951) 285-6014 or tmcgill@elmtconsulting.com or Travis McGill at (909) 816-1646 or travismcgill@elmtconsulting.com should you have any questions or require further information.

Sincerely,

Thomas J. McGill, Ph.D.
Managing Director

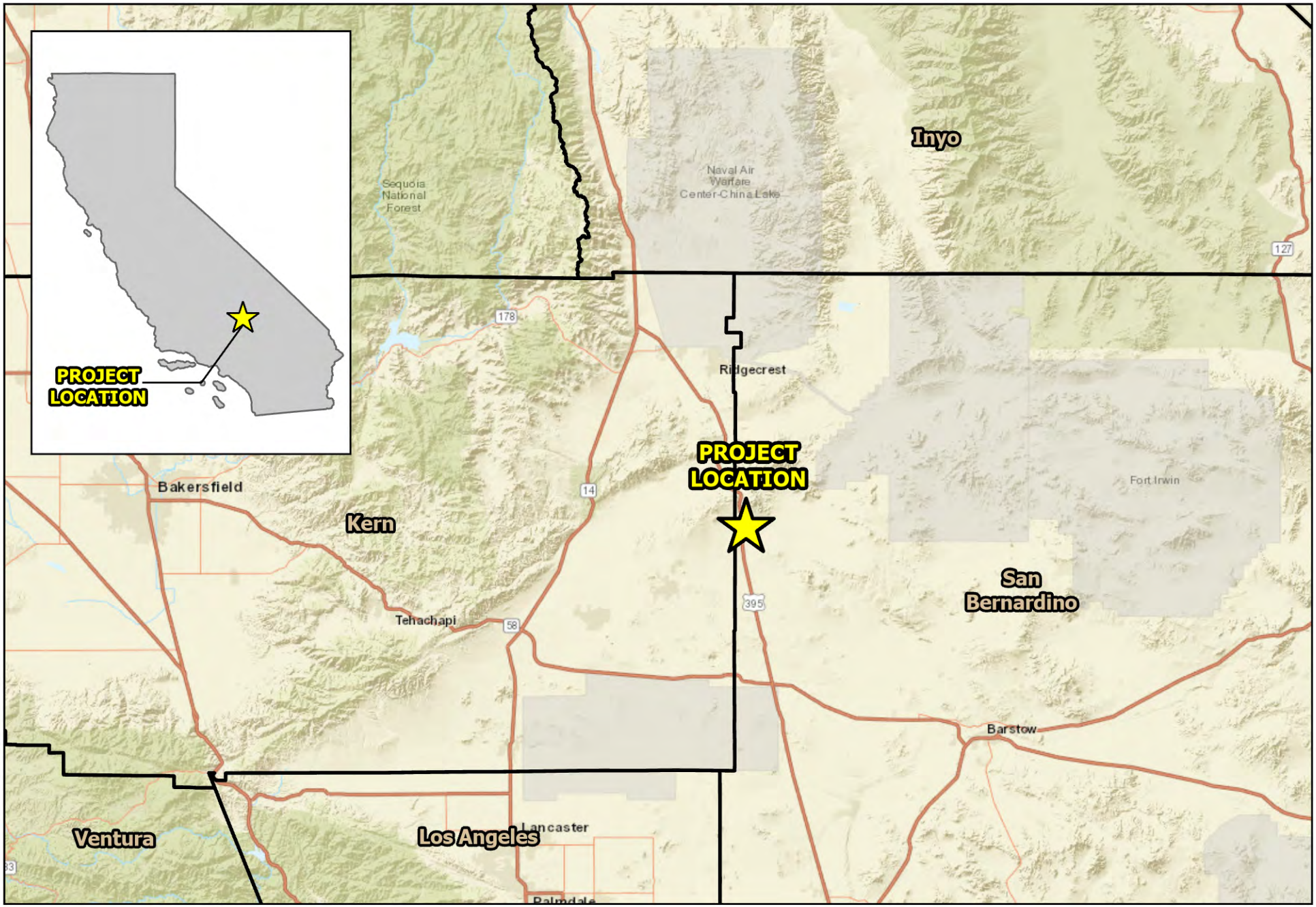
Travis J. McGill
Director

Attachments:

A. *Project Exhibits*
B. *Site Photographs*

Attachment A

Project Exhibits



ELMT CONSULTING

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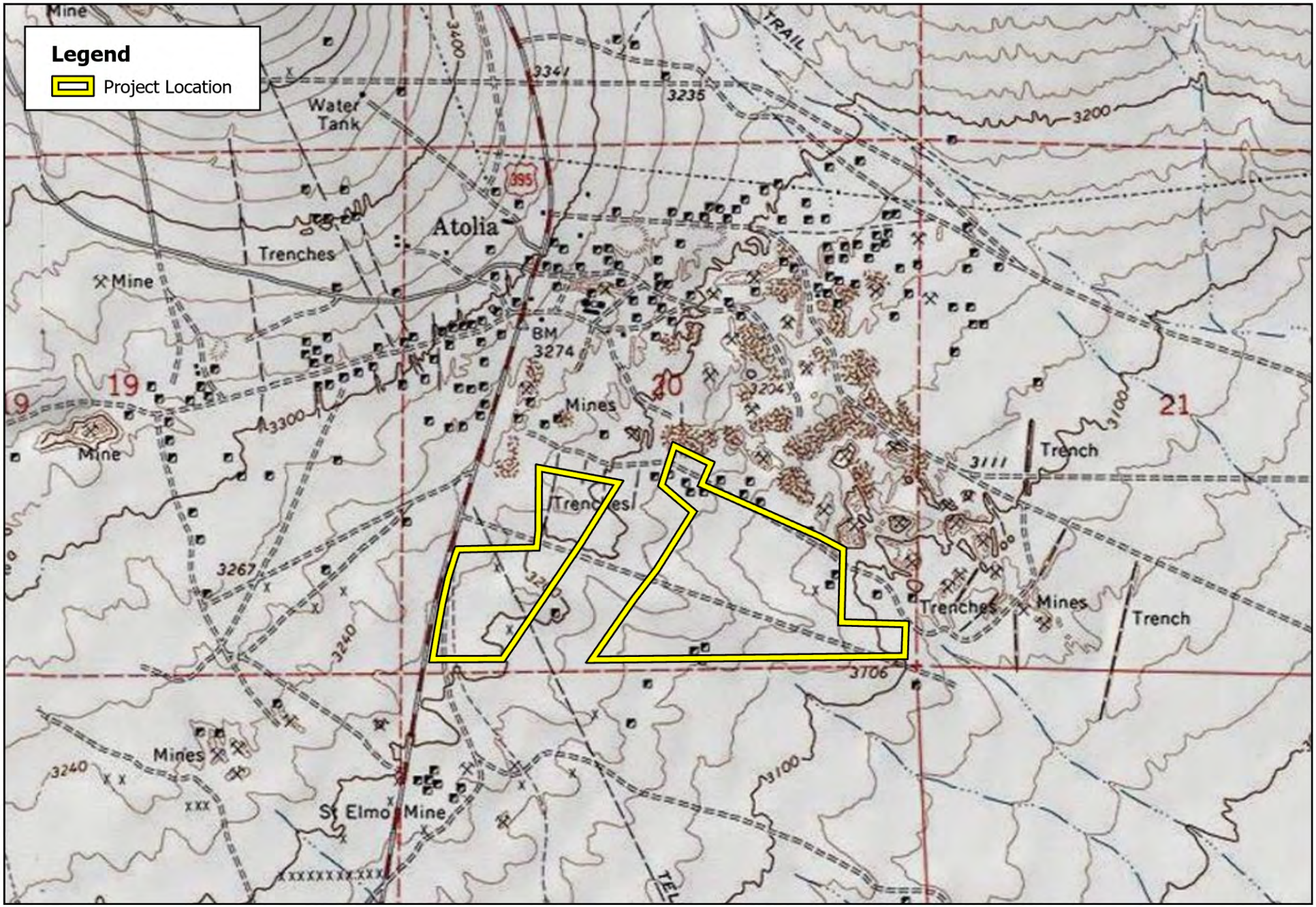
0 12.5 25 50 Miles

Source: Google Street Map, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Regional Vicinity

Exhibit 1



ELMT CONSULTING

N

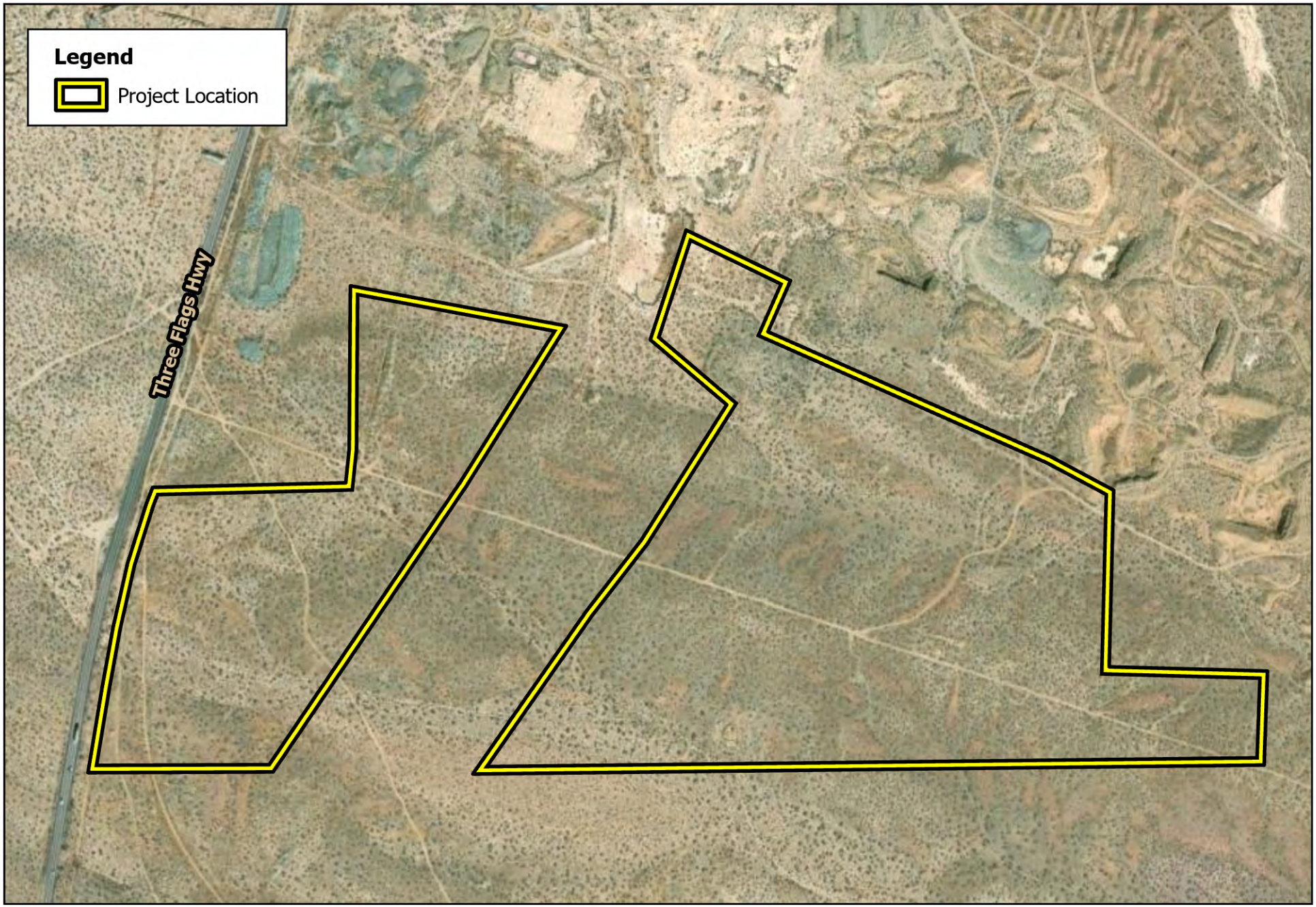
0 1,000 2,000 4,000 US Feet

Source: USGS Topographic Map, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Site Vicinity

Exhibit 2



ELMT CONSULTING

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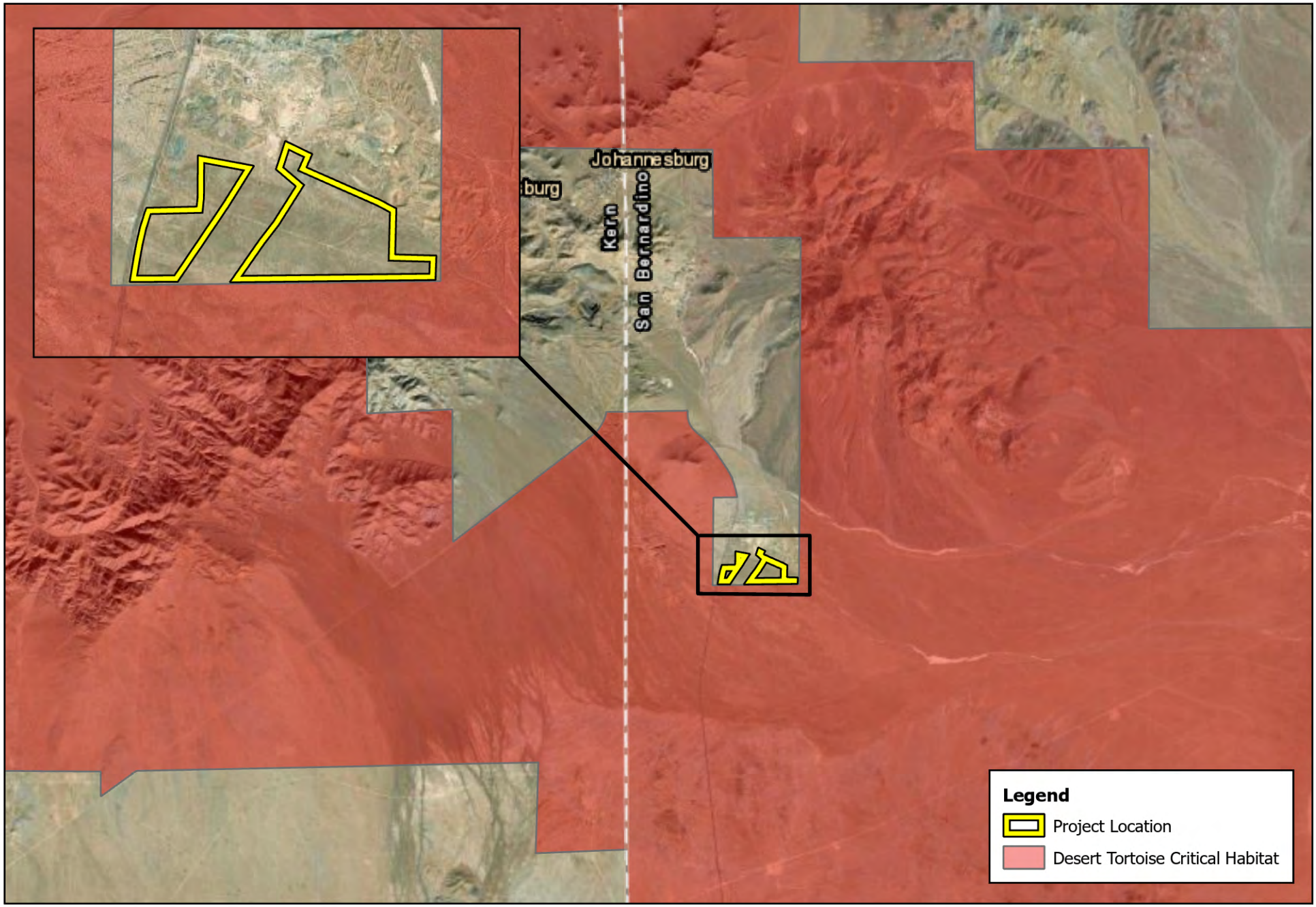
Source: ESRI Aerial Imagery, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Project Site

Exhibit 3



ELMT CONSULTING

N

0 6,637.5 13,275 26,550 US Feet

Source: ESRI Aerial Imagery, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Critical Habitat

Exhibit 4

Attachment B

Site Photographs

Photograph 1: From the northern boundary of the westernmost site, looking south.

Photograph 2: From the western boundary of the westernmost site, looking east.

Photograph 3: From the southwest corner of the westernmost site, looking north along the western boundary and an unnamed dirt access road.

Photograph 4: From the southwest corner of the westernmost site, looking east along the southern boundary.

Photograph 5: From the southeast corner of the westernmost site, looking north along the eastern boundary.

Photograph 6: From the southeast corner of the westernmost site, looking west along the southern boundary.

Photograph 7: From the northwest corner of the easternmost site, looking east along the northern boundary.

Photograph 8: From the northwest corner of the easternmost site, looking south along the western boundary.

Photograph 9: From the northeast corner of the easternmost site, looking south along the eastern boundary.

Photograph 10: From the northeast corner of the easternmost site, looking west along the northern boundary.

Photograph 11: From the southeast corner of the easternmost site, looking north along the eastern boundary.

Photograph 12: From the southeast corner of the easternmost site, looking west along the southern boundary.

Photograph 13: From the southwest corner of the easternmost site, looking east along the southern boundary.

Photograph 14: Small mammal burrow observed onsite.

Photograph 14: One of the remnant pits from historic mining operations, located in the northeast region of the project site.

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

SAN BERNARDINO COUNTY, CALIFORNIA

RED MOUNTAIN USGS 7.5-MINUTE TOPOGRAPHIC QUADRANGLES
SECTION 20 OF TOWNSHIP 30 SOUTH, RANGE 41 EAST

Burrowing Owl Focused Survey Report

Prepared For:

Gold Discovery Group, LLC
2549 Eastbluff Dirce, Suite B-499
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Prepared By:

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July 2024

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

SAN BERNARDINO COUNTY, CALIFORNIA

Burrowing Owl Focused Survey Report

The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.

Travis J. McGill
Director

Thomas J. McGill, Ph.D.
Managing Director

July 2024

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1.1 Project Location 1

1.2 Project Description 1

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APPENDIX

Appendix A Site Photographs

Appendix B Fauna Compendium

Section 1 Introduction

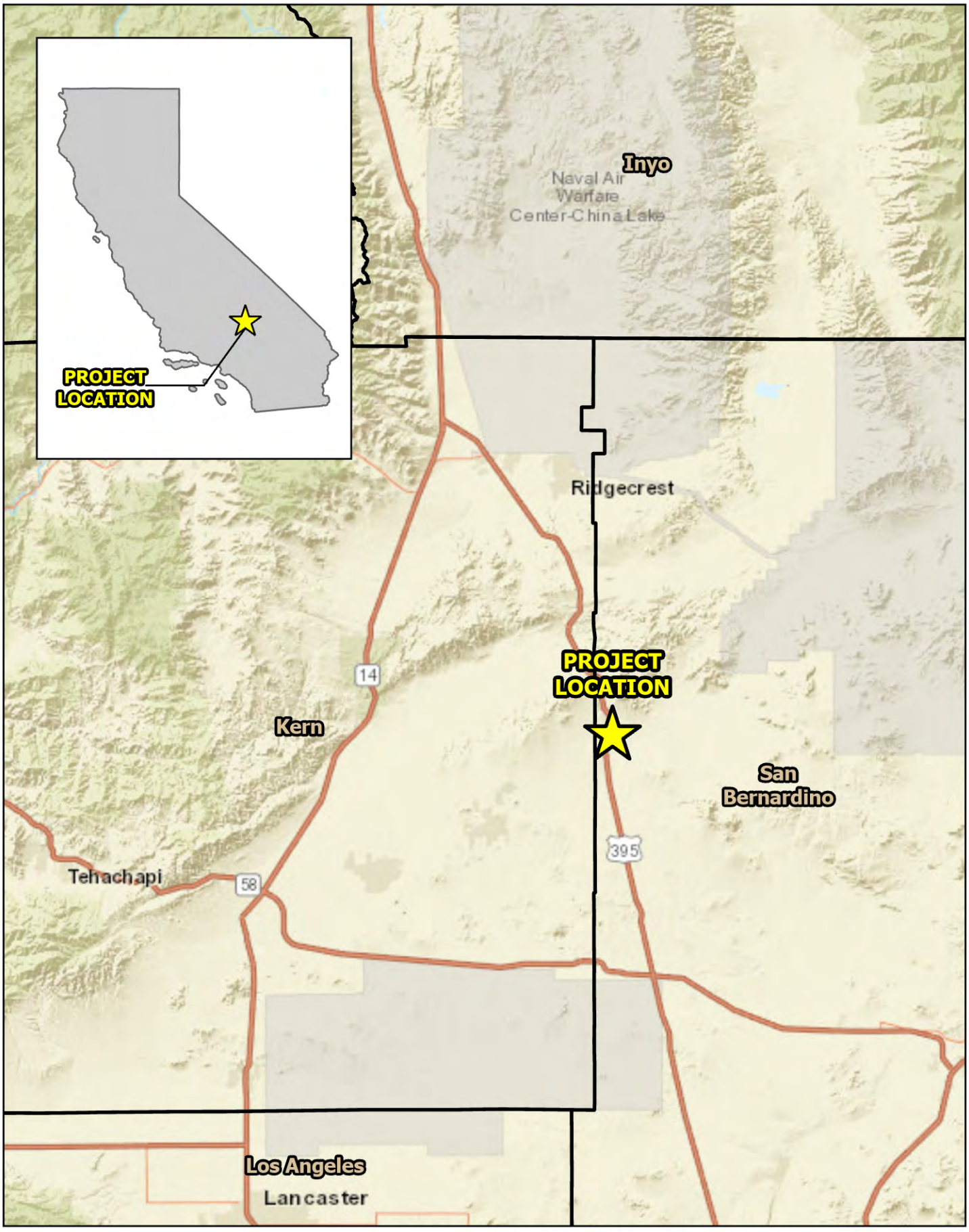
ELMT Consulting (ELMT) conducted a focused burrowing owl (*Athene cunicularia*) survey for Gold Discovery Group's proposed Persistence Mine project located in unincorporated San Bernardino County, California. Biologists Travis J. McGill, Jacob H. Lloyd Davies, Rachael A. Lyons, and Megan E. Peukert surveyed the project site in accordance with the survey protocols listed in the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation. The focused burrowing owl surveys were conducted on February 28, April 18, and May 22, June 19, 2024, within all suitable habitat. The surveys were conducted to document the presence/absence of burrowing owl on the project site.

1.1 PROJECT LOCATION

The project site is generally located north of State Route 58, east of United States Route 395, south of State Route 178, and west of State Route 127 in unincorporated San Bernardino County, California (Exhibit 1, *Regional Vicinity*). The site is depicted on the Red Mountain quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map within Section 20 of Township 30 South, Range 41 East (Exhibit 2, *Site Vicinity*). Specifically, the project site is bounded to the west by an easement along United States Route 395 and is located west of Cuddeback Dry Lake and directly south of the former Atolia Tungsten Mine (Exhibit 3, *Project Site*).

1.2 PROJECT DESCRIPTION

Gold Discovery Group LLC has submitted a Plan of Operations to the Bureau of Land Management case file number: CACA10633367 for the Persistence Mine, which is a proposed 126-acre placer mining operation using only water and gravity recoverable methods to extract gold from the material on site near the former town of Atolia, California in western San Bernardino County, California. The Proposed Action also involves concurrent reclamation as Gold Discovery Group LLC advances its mining operation sequence.



ELMT CONSULTING

N

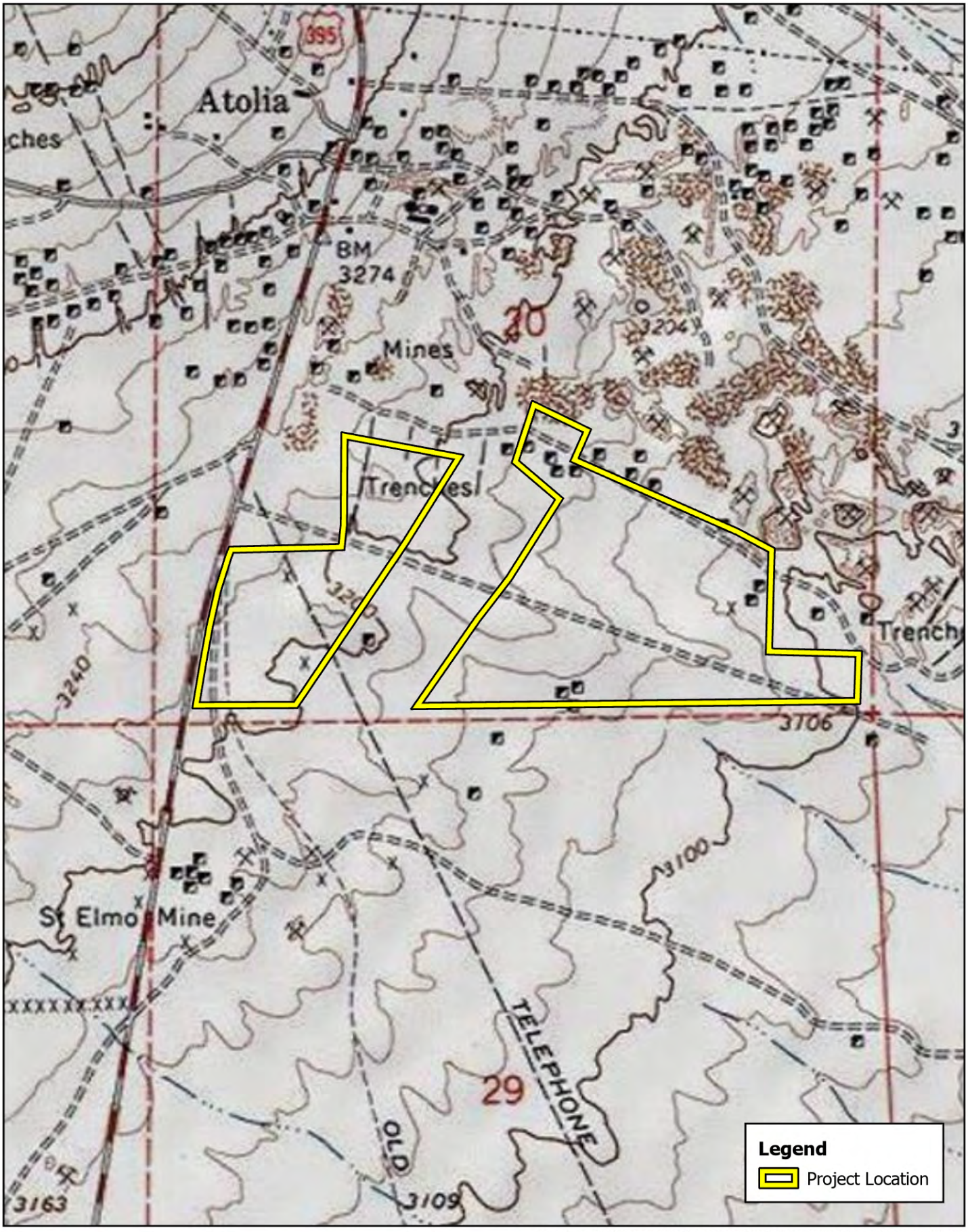
0 5 10 20 Miles

Source: Google Street Map, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Regional Vicinity

Exhibit 1



ELMT CONSULTING

N

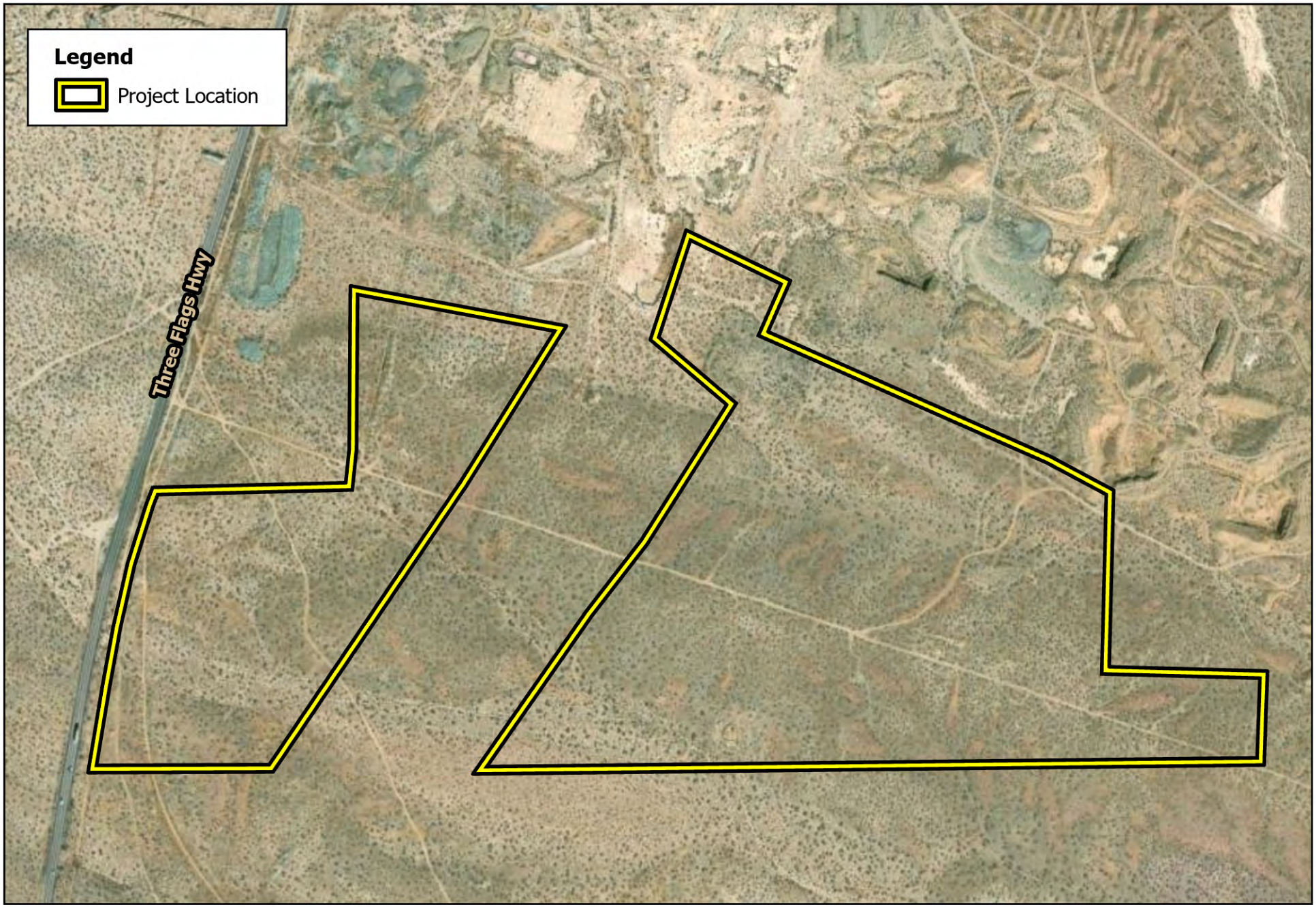
0 500 1,000 2,000 Feet

Source: USGS Topographic Map, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Site Vicinity

Exhibit 2



ELMT CONSULTING

N

0 450 900 1,800 US Feet

Source: ESRI Aerial Imagery, County of San Bernardino

GOLD DISCOVERY GROUP'S PERSISTENCE MINE

Project Site

Exhibit 3

Section 2 Species Background

2.1 SPECIES BACKGROUND

The burrowing owl is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with well-drained, level to gently-sloping areas characterized by sparse vegetation and bare ground (Haug and Didiuk 1993; Dechant et al. 1999). Burrowing owls are dependent upon the presence of fossorial mammals, such as ground squirrels (*Otospermophilus beecheyi*), whose burrows are used for roosting and nesting (Haug and Didiuk 1993). The presence or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drain pipes, stand-pipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. Large, hard objects at burrow entrances stabilize the entrance from collapse and may inhibit excavation by predators.

Burrowing owls have crepuscular (dawn and dusk) hunting habits but are often observed perched in or near the burrow entrance during the day. They prey upon invertebrates and small vertebrates (Thomsen 1971) through low vegetation which allows for foraging visibility. The nesting season occurs between February 1 and August 31. Burrowing owl in California may migrate southerly, but often remain in the breeding area during the non-breeding period.

The burrowing owl was once abundant and widely distributed within coastal southern California, but it has declined precipitously in counties such as Los Angeles, Orange, San Diego, Riverside, and San Bernardino. A petition was filed to list the California population of the western burrowing owl as an Endangered or Threatened species (Center for Biological Diversity 2003); however, the California Department of Fish and Wildlife (CDFW) declined to list the burrowing owl as either endangered or threatened. The CDFW currently lists the burrowing owl as a California Species of Special Concern.

2.2 REGULATORY FRAMEWORK

The burrowing owl is a resident and migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918. The MBTA reflects agreements made between the U.S., England, Mexico, the former Soviet Union, and Japan to protect all of North America's migratory bird populations. The MBTA protects migratory bird nests from possession, sale, purchase, barter, transport, import and export, and collection. The other prohibitions of the MBTA - capture, pursue, hunt, and kill - are inapplicable to nests. The regulatory definition of take, as defined in Title 50 C.F.R. part 10.12, means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to hunt, shoot, wound, kill, trap, capture, or collect. Only the verb "collect" applies to nests. It is illegal to collect, possess, and by any means transfer possession of any migratory bird nest. The MBTA prohibits the destruction of a nest when it contains birds or eggs, and no possession shall occur during the destruction (United States Fish and Wildlife Service, Migratory Bird Permit Memorandum, April 15, 2003). Certain exceptions to this prohibition are included in 50 C.F.R. section 21. Pursuant to CDFW Code section 3513, the

Department enforces the MBTA consistent with rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.

Additionally, burrowing owl is protected under Sections 3503, 3503.3, 3511, and 3513 of the CDFW Code which prohibit the take, possession, or destruction of birds, their nests or eggs. Implementation of the take provisions requires that project-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (March 1 - August 15, annually). CDFW Code Section 3503.5 protects birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks and owls, including burrowing owls) which makes it unlawful to take, possess, or destroy their nest or eggs.

CDFW's 2012 Staff Report on Burrowing Owl Mitigation offers long-term assurances for conservation of this species in exchange for biologically appropriate levels of incidental take and/or habitat loss as defined in the approved plan. California's NCCP Act (FGC §2800 et seq.) governs such plans at the state level, and was designed to conserve species, natural communities, ecosystems, and ecological processes across a jurisdiction or a collection of jurisdictions. Complementary federal HCPs are governed by the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C.§ 1531 et seq.) (ESA). Regional conservation plans (and certain other landscape-level conservation and management plans), may provide conservation for unlisted as well as listed species. Because the geographic scope of NCCPs and HCPs may span many hundreds of thousands of acres, these planning tools have the potential to play a significant role in conservation of burrowing owls, and grasslands and other habitats.

Guidelines for the Implementation of the California Environmental Quality Act (CEQA) provide that a species be considered as endangered or "rare" regardless of appearance on a formal list for the purposes of the CEQA (Guidelines, Section 15380, subsections b and d). CEQA requires a mandatory finding of significance if impacts to threatened or endangered species are likely to occur (Sections 21001(c), 21083. Guidelines 15380, 15064, 15065). Avoidance or mitigation must be presented to reduce impacts to less than significant levels.

Section 3 Methodology

General weather conditions during each of the surveys were suitable for detections of burrowing owls. The weather during the surveys consisted of cloudy to clear skies with minimal wind, and temperatures ranging from 60 to 89 degrees Fahrenheit (^{o}F). Surveys are not accepted if they are conducted during rain, high winds (> 20 mph), dense fog, or temperatures over 90^{o}F. The protocol survey for burrowing owl requires a systematic survey of all areas that provide suitable habitat plus a 150-meter (approximately 500 feet) zone of influence (survey area) on all sides of suitable habitat, where applicable (Exhibit 4, *Survey Area and Suitable Habitat*).

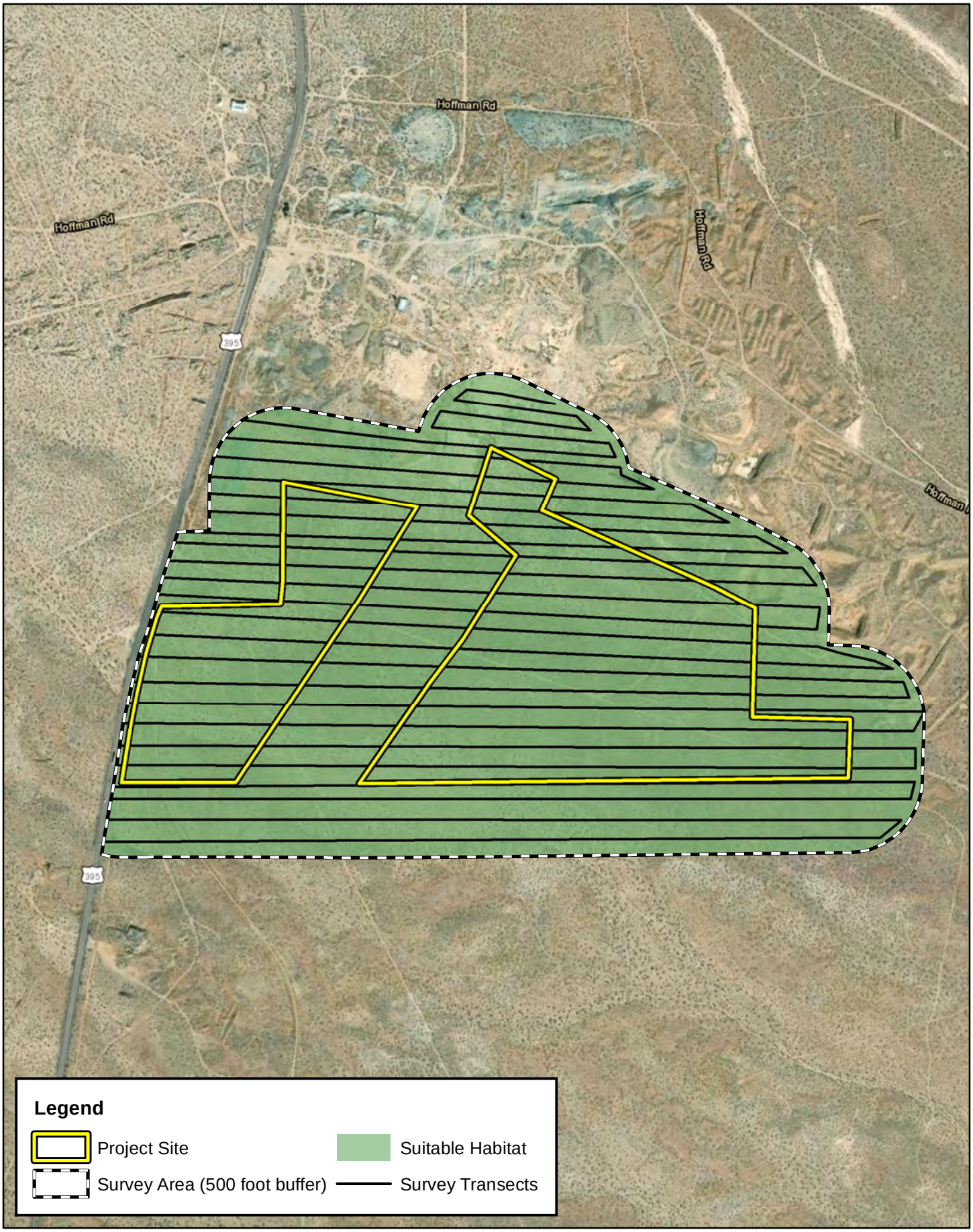
Survey transects on the project site were oriented north to south and were conducted at a maximum of 30-meter (approximately 100 feet) intervals to ensure 100% visual coverage of all areas in suitable habitat on the project site and within the survey area. The focused burrowing owl surveys were conducted during the recognized timeframe (the breeding season is typically March through August) in the morning one hour before sunrise to two hours after sunrise.

Suitable burrows/sites, including rock piles and non-natural substrates, were thoroughly examined for signs of presence. All burrows encountered were examined for shape, scat, pellets, white-wash, feathers, tracks, and prey remains. The location of all suitable burrowing owl habitat, potential owl burrows, burrowing owl sign, and any owls observed were recorded and mapped, with a hand-held GPS unit, if observed. Methods to detect presence of burrowing owls included direct observation, aural detection, and signs of presence. Binoculars were used to observe distant birds and their activity around potential nesting habitat. During the focused surveys, the survey area was assessed on foot by qualified biologists Travis J. McGill, Jacob H. Lloyd Davies, Rachael A. Lyons, and Megan E. Peukert, who are knowledgeable in the habitats and behavior of burrowing owls.

Four focused burrowing owl surveys were conducted on February 28, April 18, and May 22, June 19, 2024. All surveys were completed between 0600 and 1100. The surveys were conducted to document the presence/absence of burrowing owl on the project site. Refer to Table 1, *Survey Data*, for a summary of the survey dates and times, personnel, weather conditions, and general findings.

Table 1: Survey Data

Survey No.	Survey Date	Surveyor	Time	Temperature (˚F)	Cloud Cover	Wind Speed (mph)	Burrowing Owl Detected On-Site
1	2/28/24	Jacob H. Lloyd Davies, Rachael A. Lyons and Megan E. Peukert	0600-1000	60-66	0%	1-5	No
2	4/18/24	Travis J. McGill and Jacob H. Lloyd Davies	0100-1100	70-89	0%	1-5	No
3	5/22/24	Travis J. McGill and Jacob H. Lloyd Davies	0600-1030	68-87	0%	1-5	No
4	6/19/24	Rachael A. Lyons and Megan E. Peukert	0630-1030	69-88	0%	1-5	No



ELMT CONSULTING

0 250 500 1,000
Feet

Source: ESRI Aerial Imagery, Riverside County

GOLD DISCOVERY GROUPS PERSISTENCE MINE

Survey Area and Suitable Habitat

Exhibit 4

Section 4 Results

4.1 EXISTING CONDITIONS

The project site occurs in an area dominated by natural landscapes with scattered industrial land use areas present. The dominant land use type in the vicinity of site is former materials extraction operations and associated remnant "ghost towns." Presently, the site is bounded to the north by the former Atolia Tungsten Mine, to the west by United States Route 395, and to the east and south by unoccupied open spaces. In addition, a network of unpaved access roads and remnant haul roads traverses the site and adjacent areas.

On-site topography consists of rolling hills, low valleys, and flats, and generally slopes from west to east at an approximate elevation of 3,090 to 3,235 feet above mean sea level. Further topographic relief is present in the form of discarded fill and slag piles and exploratory trenches and pits.

Based on the NRCS USDA Web Soil Survey, soils underlying the project site and immediate vicinity are not mapped to family detail, and the Web Soil Survey identifies the site as being underlain by Cajon-Arizo and Randsburg-Muroc soil complexes. The majority of soils on-site persists in relatively natural states except those areas that were previously impacted by materials extraction activities, exploratory mining, and access road installation and maintenance.

One (1) plant community, Mojavean desert scrub, was observed within the boundaries of the project site. In addition, the site also supports one (1) land cover type that would be classified as disturbed.

The Mojavean desert scrub plant community supported by the project site supports a diverse shrub layer and robust herbaceous layer, consistent with other undeveloped/undisturbed plant communities nearby. Vegetative cover is usually consistent to sometimes sparse, and often features dense patches of herbaceous annuals in depressional features. Dominant shrubs supported in this plant community include creosote, burrobush, and cheesebush, which are commonly associated with desert tortoise, in addition to hairy goldenhead (*Acamptopappus sphaerocephalus*), cattle spinach (*Atriplex polycarpa*), spinescale saltbush (*Atriplex spinifera*), black brush (*Coleogyne ramosissima*), silver cholla (*Cylindropuntia echinocarpa*), Acton encelia (*Encelia actoni*), Cooper goldenbush (*Ericameria cooperi*), turpentine brush (*Ericameria laricifolia*), common rabbitbrush (*Ericameria nauseosa*), green rabbitbrush (*Ericameria teretifolia*), California buckwheat (*Eriogonum fasciculatum*), Weston's buckwheat (*Eriogonum nudum*), starry bedstraw (*Galium stellatum*), hop sage (*Grayia spinosa*), winter fat (*Krascheninnikovia lanata*), Anderson thornbush (*Lycium andersonii*), Cooper's box thorn (*Lycium cooperi*), Mojave indigo bush (*Psorothamnus arborescens*), Mexican bladder sage (*Scutellaria mexicana*), little leaf horsebrush (*Tetradymia glabrata*), Mojave cottonthorn (*Tetradymia stenolepis*). Common herbaceous species observed in the Mojavean desert scrub plant community include devil's lettuce (*Amsinckia tessellata*), Mojave suncup (*Camissonia campestris*), Booth's evening primrose (*Eremothera boothii*), desert woollystar (*Eriastrum eremicum*), flatcrown buckwheat (*Eriogonum deflexum*), Pringle's woolly sunflower (*Eriophyllum pringlei*), redstem filaree (*Erodium cicutarium*), whitemargin sandmat (*Euphorbia albomarginata*), snake's-head (*Malacothrix coulteri*), desert dandelion (*Malacothrix glabrata*), lacy phacelia (*Phacelia tanacetifolia*).

Disturbed portions of the site are sometimes barren to sometimes sparse according to the degree and frequency of associated anthropogenic disturbance. The limited vegetation supported by the disturbed portions of the site primarily consists of annual herbaceous, with some especially hardy perennial species present.

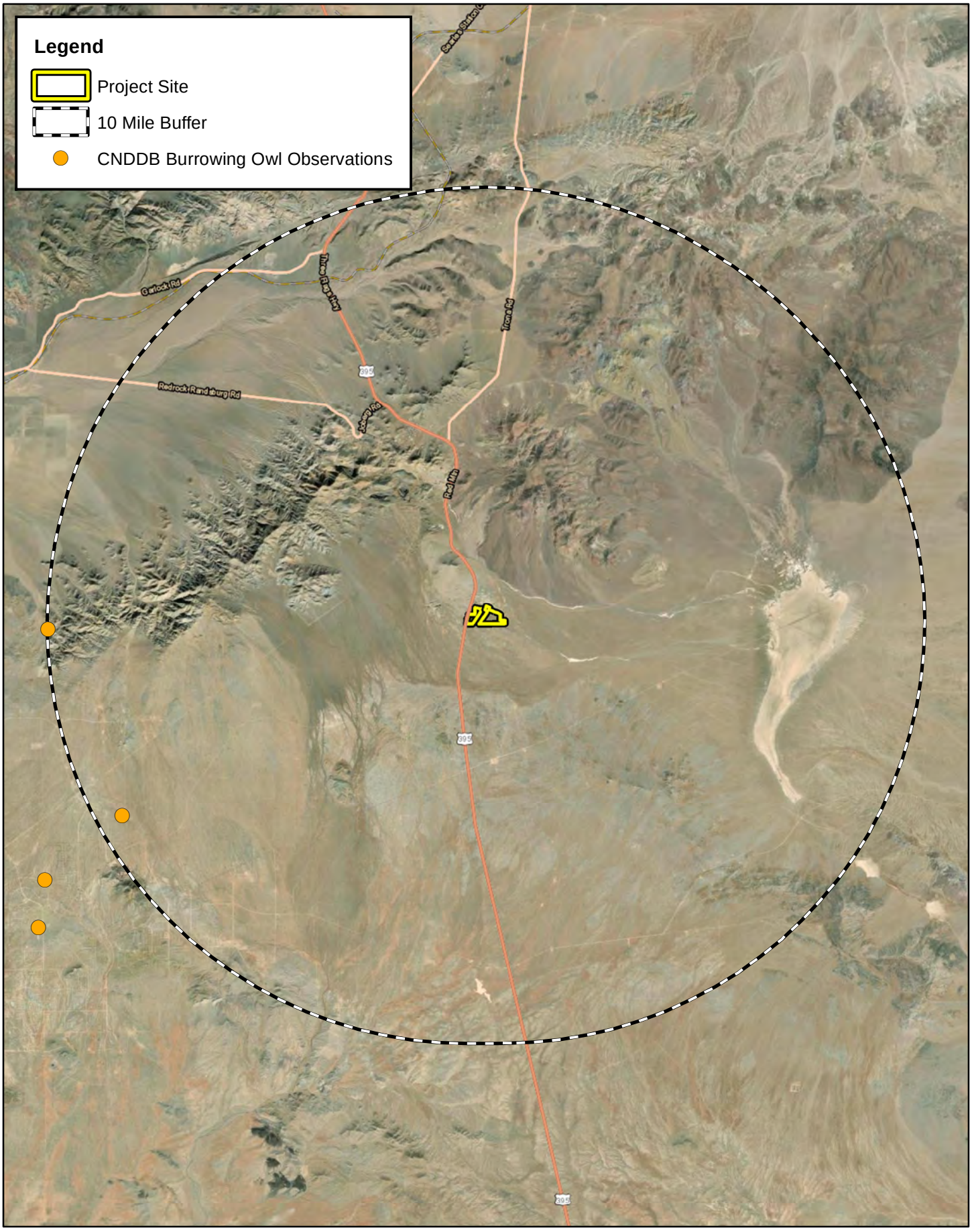
Based on a review of CDFW's California Natural Diversity Database (CNDDB) no burrowing owl observations have been recorded within 5 miles of the project site. The nearest recorded observation of burrowing owl to the site occurred approximately 9.5 miles to the southeast of the site. Refer to Exhibit 5, *CNDDB Burrowing Owl Observations.*

4.2 BURROWING OWL FOCUSED SURVEY

Numerous fossorial mammal burrows were observed; however, the majority were unsuitable for use by burrowing owl as they were either too small or situated directly beneath dense brush. Such burrows were observed to be associated with white-tailed antelope ground squirrel (*Ammospermophilus leucurus*) or black-tailed jackrabbit (*Lepus californicus*), and/or small mammals.

Avian species observed during the field investigation include black-throated sparrow (*Amphispiza bilineata*), bell's sparrow (*Artemisiospiza belli*), ash-throated flycatcher (*Myiarchus cinerascens*), common raven (*Corvus corax*), horned lark (*Eremophila alpestris actia*), say's phoebe (*Sayornis saya*), California towhee (*Melozone crissalis*), red-tailed hawk (*Buteo jamaicensis*), house finch (*Haemorhous mexicanus*), yellow-rumped warbler (*Setophaga coronata*), western meadowlark (*Sturnella neglecta*), mourning dove (*Zenaida macroura*), white-crowned sparrow (*Zonotrichia leucophrys*).

Despite a systematic search of the project site, no burrowing owls or sign (pellets, feathers, castings, or whitewash) were observed on or within 500 feet of the project site during the focused surveys.



ELMT CONSULTING

0 1.25 2.5 5 Miles

Source: ESRI Aerial Imagery, CDFW CNDDB, San Bernardino County

GOLD DISCOVERY GROUPS PERSISTENCE MINE

CNDDB BUOW Observations

Exhibit 5

Section 5 Conclusion and Recommendations

Based on the results of the 2024 burrowing owl focused surveys, no burrowing owls or evidence of recent or historic use by burrowing owls were observed on the project site. As a result, burrowing owls are presumed to be absent from the project site.

To ensure burrowing owl remain absent from the project site, it is recommended that a pre-construction clearance survey be conducted in accordance with CDFWs 2012 Staff Report on Burrowing Owl Mitigation prior to any ground disturbing activities. If burrowing owls are determined to remain absent from the project site during the pre-construction clearance survey, no further review will be needed.

However, if burrowing owls are found to occupy the project site during the pre-construction clearance survey, a burrowing owl relocation plan will need to be prepared and approval by CDFW prior to the commencement of any ground disturbing activities. The burrowing owl relocation plan shall outline recommended methods proposed to relocate the burrowing owls from the project site and provide measures that will be implemented for the maintenance, monitoring, and reporting of the relocated burrowing owls to increase chances of survivorship and better ensure compliance with CDFW guidelines. This plan should be implemented during the non-breeding season, and prior to seasonal rains to promote the best outcome for conservation of the burrowing owl.

Section 6 References

California Burrowing Owl Consortium, 1993. *Burrowing Owl Survey Protocol and Mitigation Guidelines.* Accessed on the internet at: www.dfg.ca.gov/wildlife/nongame/docs/boconsortium.pdf

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Ramsen, Jr., J.V. 1978. *Bird Species of Special Concern in California*. Non-game Wildlife Investigations. Wildlife Management Branch Administrative Report No78-1. Report prepared for California Department of Fish and Game

Appendix A Site Photographs

Photograph 1: From the northern boundary of the westernmost site, looking south.

Photograph 2: From the western boundary of the westernmost site, looking east.

Photograph 3: From the southwest corner of the westernmost site, looking north along the western boundary and an unnamed dirt access road.

Photograph 4: From the southwest corner of the westernmost site, looking east along the southern boundary.

Photograph 5: From the southeast corner of the westernmost site, looking north along the eastern boundary.

Photograph 6: From the southeast corner of the westernmost site, looking west along the southern boundary.

Photograph 7: From the northwest corner of the easternmost site, looking east along the northern boundary.

Photograph 8: From the northwest corner of the easternmost site, looking south along the western boundary.

Photograph 9: From the northeast corner of the easternmost site, looking south along the eastern boundary.

Photograph 10: From the northeast corner of the easternmost site, looking west along the northern boundary.

Photograph 11: From the southeast corner of the easternmost site, looking north along the eastern boundary.

Photograph 12: From the southeast corner of the easternmost site, looking west along the southern boundary.

Photograph 13: From the southwest corner of the easternmost site, looking east along the southern boundary.

Photograph 14: One of the remnant pits from historic mining operations, located in the northeast region of the project site. Suitable burrowing owl burrow, with not sign of use.

Appendix B Fauna Compendium

FAMILY/SPECIES NAME	COMMON NAME
AVES (Birds)	
Amphispiza bilineata	black-throated sparrow
Artemisiospiza belli	bell's sparrow
Buteo jamaicensis	red-tailed hawk
Corvus corax	common raven
Eremophila alpestris actia	horned lark
Haemorhous mexicanus	house finch
Melozone crissalis	California towhee
Myiarchus cinerascens	ash-throated flycatcher
Sayornis saya	Say's phoebe
Setophaga coronate	yellow-rumped warbler
Sturnella neglecta	western meadowlark
Zenaida macroura	mourning dove
Zonotrichia leucophrys	white-crowned sparrow
MAMMALIA (MAMMALS)	
Ammospermophilus leucurus	white-tailed antelope ground squirrel
Canis latrans	coyote
Lepus californicus	black-tailed jackrabbit
Sylvilagus audubonii	desert cottontail
Otospermophilus beecheyi	California ground squirrel
REPTILIA (REPTILES)	
Sceloporus occidentalis longipes	Great Basin fence lizard

EXHIBIT J

California Department of Fish and Wildlife Letter dated August 15, 2025

Docusign Envelope ID: FDF1BBA1-D10D-4D77-8301-D57685778521

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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

August 15, 2025
Sent via email

Derek Newland
Planner
San Bernardino County (Land Use Services)
385 N. Arrowhead Ave, 1st Floor
San Bernardino, CA 92415

Dear Derek Newland:

Persistence Mine Reclamation Plan (PROJECT)
Mitigated Negative Declaration (MND)
SCH# 2025070443

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from San Bernardino County, Land Use Services (County) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

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

CDFW ROLE

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

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

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CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), and the Project proponent may seek related take authorization as provided by the Fish and Game Code. California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill".

PROJECT DESCRIPTION SUMMARY

Proponent: Gold Discovery Group, LLC

Objective: The objective of the Project is to conduct placer mining activities. Mining will be conducted by the Gold Discovery Group, LLC on public lands administered by the Bureau of Land Management (BLM). Mining activities would consist of extracting gold and silver from consolidated to semi consolidated sands and silts by producing two open pits within a Project site of approximately 125.5 acres. The open pits would be developed in two phases, phase 1 includes creating a wash plant pad site and the initial box cut of the open pits and phase 2 includes continued block or strip mining of the two open pits. Once mining activities are concluded, reclamation would occur by backfilling the open pits and through restoration of the impacted areas. Water for mining operations may come from an existing well or the Project proponent would develop two wells off site that would cause a disturbance of 0.56 acres.

Location: The Project is located in County of San Bernardino on Assessor Parcel Number (APN) 0503-341-01 and APN 0503-081-13 at latitude 35.303921 and longitude -117.608991. The Project is 6.3 miles south of Johannesburg, directly east of U.S. 395, approximately 7 miles west of Cuddeback Lake, and approximately 21 miles north of Kramer Junction.

Timeframe: The Project is expected to have mining activities occur for 33 months and reclamation activities to occur as long as needed to meet requirements set by the County and BLM.

COMMENTS AND RECOMMENDATIONS

The majority of the mitigation measures provided, while appreciated, mainly adhere to the BLM Conservation Management Actions (CMA). While this may be mandated for exploration in federal lands, the Project proponent also has the responsibility to comply with state laws. CDFW recommends that the Project proponent consider state

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regulations for fish and wildlife (biological resources) under the California Fish and Game Code. Additionally, considering the scope of the Project and potential impacts to several CESA-listed species (see comments below), CDFW requests that the Project proponent contact CDFW to discuss a CESA Incidental Take Permit (ITP). CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on biological resources.

COMMENT #1: Mohave Ground Squirrel (*Xerospermophilus mohavensis*)

Section: Biological Resources, Page #28 and 52

Issue: Mohave ground squirrel is a threatened species under CESA. While the MND conducted focused surveys for desert tortoise and burrowing owl and included those surveys with the MND, the MND does not provide much of an impact assessment for Mohave ground squirrel. The MND simply provides the results of CNDDB. In 2022, CDFW consulted on the trapping for Mohave ground squirrel at the Project site and Mohave squirrel was detected on site. It was CDFW's understanding that the Project would proceed with an ITP request for Mohave ground squirrel. CDFW is concerned that the mitigation measures for Mohave ground squirrel do not consider obtaining a CESA ITP and instead propose to flag burrows for avoidance. As proposed, CDFW is concerned that mitigation measures will not fully avoid impacts to Mohave ground squirrel and thus result in take. In fact**,** mitigation measures LUPA-BIO-IFS-39 and LUPA-BIO-IFS-41 propose to move Mohave squirrel out of harm's way without a CESA ITP.

Specific impact: Presence of Mohave ground squirrel was detected on the Project site through trapping in 2022 and the Project site is likely occupied by Mohave squirrel. Additionally, mitigation measures LUPA-BIO-IFS-39 and LUPA-BIO-IFS-41 propose to handle individuals, which would result in take.

Why impact would occur: The Project was previously determined to be occupied by Mohave ground squirrel and the Project will impact 125.5 acres of Mohave ground squirrel habitat through the construction of a mine, mining activities, and reclamation of the mine.

Evidence impact would be significant: The Project will impact 125.5 acres of habitat for Mohave ground squirrel. CDFW considers the direct and indirect take of Mohave ground squirrel and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant, which would occur through a CESA ITP.

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Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions (additions are in **bold** and deletions are in ~~strikethrough~~) to LUPA-BIO-IFS-39 and for inclusion in the final MND. Additionally, CDFW determined LUPA-BIO-IFS-41 is not needed since LUPA-BIO-IFS-39 includes similar requirements:

Mitigation Measure Biological Resource (LUPA-BIO-IFS-39):

LUPA-BIO-IFS-39: During the typical active Mohave ground squirrel season (February 1 through August 31), **a qualified biologist shall** conduct **camera, trapping, and visual** ~~clearance~~ surveys throughout the **Project** site **and 300-foot buffer**~~,~~ ~~immediately~~ prior to initial ground disturbance in ~~the areas depicted in Appendix D~~ **consultation with CDFW and in accordance with the California Department of Fish and Wildlife Mohave Ground Squirrel Survey Guidelines (CDFW 2023)**. ~~In the cleared areas, perform monitoring to determine if squirrels have entered cleared areas. Contain ground disturbance to within areas cleared of squirrels.~~ ~~Detected occurrences of Mohave ground squirrel will be flagged and~~ **If Mohave ground squirrel is detected through surveys the Project proponent shall fully** avoid~~ed~~ **impacts to Mohave ground squirrel and report it to CDFW or should obtain a CESA ITP if impacts are unavoidable**~~, with a minimum avoidance area of 50 feet, until the squirrels have moved out of harm's way~~. ~~A designated biologist may also actively move squirrels out of harm's way~~.

• ~~How the Project would comply with the CMA: Preconstruction surveys would occur prior to any surface disturbing activities as outlined in the measures in the Plan, and this CMA would be implemented if necessary in coordination with the BLM. Implementing this measure would identify the species' presence to enable the proponent to avoid impacts on this species.~~

~~**Mitigation Measure Biological Resource (LUPA-BIO-IFS-41):**~~

~~**LUPA-BIO-IFS-41**: For any ground-disturbing (e.g., vegetation removal, earthwork, trenching) activities, occurrences of Mohave ground squirrel will be flagged and avoided, with a minimum avoidance area of 50 feet, until the squirrels have moved out of harm's way. A designated biologist may also actively move squirrels out of harm's way.~~
~~• How the Project would comply with the CMA: Preconstruction surveys would occur prior to any surface disturbing activities as outlined in the measures in the Plan, and this CMA would be implemented if necessary in coordination with the BLM. Implementing this measure would identify the species' presence to enable the proponent to avoid impacts on this species.~~

COMMENT #2: Desert Tortoise (*Gopherus agassizii*)

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Section: Biological Resources, Page #9, 29-30, 34, 48-50, 56, 98

Issue: Desert tortoise is an endangered species under CESA. CDFW appreciates that focused surveys according to protocol were performed for desert tortoise and that results were provided with the MND. While no live desert tortoises, potential desert tortoise burrows, or signs of desert tortoises were observed, mitigation measure LUPA-BIO-IFS-4 proposes installation of desert tortoise exclusionary fencing and moving desert tortoise out of harm's way. CDFW recommends that installation of exclusionary fencing and handling of desert tortoise only occur with proper authorization, including authorization from CDFW through a CESA ITP.

Specific impact: Project construction and related mining and reclamation activities may cause direct take of desert tortoise and indirect take in the form of reducing habitat and species movement.

Why impact would occur: Suitable habitat for desert tortoise is present on-site, including creosote bush (*Larrea tridentata*) and white bursage (*Ambrosia dumosa*) and data from CNDDB indicates occurrence of desert tortoise within 2 miles from the Project. Additionally, documents that were previously submitted to CEQAnet and are now withdrawn indicated that desert tortoise was considered present onsite. Furthermore, as CDFW discussed earlier, the Project proposes desert tortoise translocation and exclusionary fencing, which would require take authorization from CDFW.

Evidence impact would be significant: Desert tortoise was recently uplisted from a threatened to endangered species under CESA, signifying the continued need to conserve the species and the importance to avoid impacts to the species and its habitat. CDFW considers the take of a listed species and loss of the species habitat as a significant impact, unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions for inclusion in the final MND (additions are in **bold** and deletions are in ~~strikethrough~~) and proposes LUPA-BIO-DT-1 for adoption in the final MND:

Mitigation Measure Biological Resource (LUPA-BIO-IFS-4):

LUPA-BIO-IFS-4: ~~In areas where protocol and clearance surveys are required (see Appendix D),~~ **P**~~p~~rior to construction or commencement of any ~~long-term~~ activity ~~that is likely to adversely affect desert tortoises~~ **and following take authorization from CDFW (i.e., CESA ITP)**, desert tortoise exclusion fencing shall be installed around the perimeter of the activity footprint in accordance with the Desert Tortoise Field

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Manual (USFWS 2009) or most up-to- date USFWS protocol. Additionally, short-term desert tortoise exclusion fencing will be installed around short term construction and/or activity areas (e.g., staging areas, storage yards, excavations, and linear facilities), as appropriate, per the Desert Tortoise Field Manual (USFWS 2009) or most up- to-date USFWS protocol. **Prior to installation of exclusionary fencing, pre-construction clearance surveys shall be conducted using the methods described in the most recent United States Fish and Wildlife Service (USFWS) Desert Tortoise (Mojave Population) Field Manual. These surveys shall cover 100 percent of the Project area and a 50-foot buffer zone around the Project site. If any desert tortoise is found, it shall be allowed to move out of harm's way on its own violation or translocation of desert tortoise shall occur according to the CESA ITP.**

~~- Exemption from desert tortoise protocol survey requirements can be obtained from BLM, in coordination with USFWS, and CDFW as applicable, on a case-by-case basis if a designated biologist determines the activity site does not contain the elements of desert tortoise habitat, is unviable for occupancy, or if baseline studies inferred absence during the current or previous active season.~~

- Construction of desert tortoise exclusion fences will occur during the time of year when tortoise are less active in order to minimize impacts and to accommodate subsequent desert tortoise surveys. Any exemption or modification of desert tortoise exclusion fencing requirements will be based on the specifics of the activity and the site-specific population and habitat parameters **and with the approval of BLM and CDFW (an amendment to the CESA ITP may be needed)**. ~~Sites with low population density and disturbed, fragmented, or poor habitat are likely to be candidates for fencing requirement exemptions or modifications.~~ Substitute measures, such as on-site biological monitors in the place of the fencing requirement, may be required **by BLMD or CDFW**, as appropriate.

- After an area is fenced, and until desert tortoises are removed, the designated biologist is responsible for ensuring that desert tortoises are not being exposed to extreme temperatures or predators as a result of their pacing the fence. Remedies may include the use of shelter sites placed along the fence, immediate translocation, removal to a secure holding area, or other means determined by the BLM, USFWS, and CDFW, as applicable.

~~- Modification or elimination of the above requirement may also be approved if the activity design will allow retention of desert tortoise habitat within the footprint. if such a Modification is approved, modified protective measures may be required to minimize impacts to desert tortoises that may reside within the activity area.~~

- Immediately prior to desert tortoise exclusion fence construction, a designated biologist will conduct a clearance survey of the fence alignment to ~~clear~~ **ensure** desert tortoises **are absent** from the proposed fence line's path.

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- All desert tortoise exclusion fencing will incorporate desert tortoise proof gates or other approved barriers to prevent access of desert tortoises to work sites through access road entry points.
- Following installation, long-term desert tortoise exclusion fencing will be inspected for damage quarterly and within 48 hours of a surface flow of water due to a rain event **or winds** that may damage the fencing.
- All damage to long-term or short-term desert tortoise exclusion fencing will be immediately blocked to prevent desert tortoise access and repaired within 72 hours.

~~• How the Project would comply with the CMA: GDG's Plan of Operations describes the implementation of temporary desert tortoise exclusion fencing and other monitoring measures, which will be in accordance with current USFWS protocol. The Project will comply with the CMA. Implementing this measure would avoid impacts on this species~~

Mitigation Measure Biological Resource (LUPA-BIO-IFS-5):

LUPA-BIO-IFS-5: Following the clearance surveys within sites that are fenced with long-term desert tortoise exclusion fencing, a designated biologist will monitor initial clearing and grading activities to ensure that desert tortoises missed during the initial clearance survey are moved from harm's way. A designated biologist will inspect construction pipes, culverts, or similar structures: (a) with a diameter greater than 3 inches, (b) stored for one or more nights, (c) less than 8 inches aboveground and (d) within desert tortoise habitat (such as, outside the long-term fenced area), before the materials are moved, buried, or capped. As an alternative, such materials shall be capped before storing outside the fenced area or placing on pipe racks. Pipes stored within the long-term fenced area after completing desert tortoise clearance surveys will not require inspection.

~~• How the Project would comply with the CMA: GDG's Plan of Operations describes the implementation of desert tortoise exclusion fencing and other monitoring measures which will be in accordance with current USFWS protocol. The Project will comply with the CMA. Implementing this measure would avoid impacts on this species~~

Mitigation Measure Biological Resource (LUPA-BIO-IFS-8):

LUPA-BIO-IFS-8: Personnel working on the Project, including personnel, contractors and all subcontractors shall i~~I~~nspect the ground under the vehicle for the presence of desert tortoise any time a vehicle or construction equipment is parked in desert tortoise habitat outside of areas fenced with desert tortoise exclusion fencing. If a desert tortoise is seen, it may move on its own. If it does not move within 15 minutes, a designated biologist **reviewed and approved by CDFW pursuant to the Project's CESA ITP** may remove and relocate the animal ~~to a safe location~~ **according to the Translocation Plan in the CESA ITP**.

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• ~~How the Project would comply with the CMA: GDG Plan of Operations includes this CMA and other monitoring measures to protect desert tortoises. The Project will comply with the CMA.~~

Mitigation Measure Biological Resource (LUPA-BIO-IFS-9):

LUPA-BIO-IFS-9: Vehicular traffic will not exceed 15 miles per hour within the areas ~~not cleared by protocol level surveys,~~ where **there is no exclusionary fencing and where** desert tortoise may be impacted.
• ~~How the Project would comply with the CMA: All activities for the Project where desert tortoises may be impacted will be within areas cleared by protocollevel surveys, such that additional speed limits are not anticipated to be needed. However, should vehicle traffic require access to areas not cleared by survey, the Project would comply with the CMA. Implementing this measure would avoid impacts on this species.~~

Mitigation Measure Biological Resource (LUPA-BIO-DT-1) (New):

An Incidental Take Permit (ITP) for desert tortoise *(Gopherus agassizii*) shall be obtained prior to initiation of ground disturbing activities. The Project proponent shall adhere to measures and conditions set forth within the ITP. Mitigation for direct and/or indirect impacts shall be fulfilled through conservation of suitable desert tortoise habitat through the purchase of mitigation bank credits or land acquisition as determined by CDFW in the ITP.

COMMENT #3: Burrowing Owl (*Athene cunicularia hypugaea*)

Section: Biological Resources, Page #27, 30, 51,

Issue: Burrowing owl is a candidate species protected under CESA. Mitigation measure LUPA-BIO-IFS-13 proposes passive relocation of burrowing owl through installation of one-way doors and LUPA-BIO-IFS-14 proposes active relocation, but these measures do not consider that relocation would need to be authorized by CDFW through a CESA ITP.

CDFW appreciates that focused breading season surveys for burrowing owl were conducted in 2024 that generally followed the 2012 Staff Report on Burrowing Owl Mitigation[2] (Staff Report). Although no burrowing owls or sign thereof were detected during these surveys, CDFW is concerned that during the lapse of time between the surveys and the time the Project may start, burrowing owl may be present either

[2] California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation.

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during the breeding season or wintering season due to the presence of suitable habitat on-site (i.e., burrows, sparge vegetation, suitable soils). As such, the Project has the potential to impact burrowing owl and under CESA impacts to burrowing owl should be either fully avoided or authorized by an ITP. For these reasons, if a lapse of 3 years or more occurs from when focused surveys (according to the Staff Report) were last conducted to when Project construction begins, CDFW recommends that breeding/wintering season surveys according to the Staff Report be conducted. If such surveys occurred within 3 years of Project initiation, CDFW recommends that a pre-construction burrowing owl survey be conducted to confirm presence/absence of the species.

Specific impact: The Project may result in take of burrowing owl through Project activities such as mine construction, mining operations, and mine reclamation. The Project has the potential to impact burrowing owl through the collapsing of burrows, entombment, displacement, direct take associated with vehicle and/or equipment strike(s) and mine reclamation, indirect take associated with Project activities such as attracting predators, reduction of habitat and habitat quality associated with the construction of the mine and mining activities. The Project as described will cause possible permanent and temporary impacts to burrowing owl foraging and nesting habitat.

Why impact would occur: While burrowing owls were not detected during breeding season surveys, the MND and additional documents state that suitable habitat for burrowing owl is present onsite; for example, sparse vegetation, rolling hills, burrows, and suitable soils. As such, burrowing could be present at the time of construction. Additionally, multiple burrowing owl occurrences are found near the Project site as reported in CNDDB. Furthermore, the mitigation measures propose relocation of burrowing owl, which should be authorized through a CESA ITP.

Evidence impact would be significant: Burrowing owls are regulated under Fish and Game Code section 3503.5 and 2050, the Migratory Bird Treaty Act, and are a CDFW Species of Special Concern (SSC). The Project, as described, may result in injury, direct mortality, indirect mortality, disruption of breeding behavior, and/or may reduce reproductive capacity of the species. While CDFW appreciates that the MND includes mitigation measures specific to burrowing owl, the measures as proposed would not fully avoid impacts to burrowing owl and could result in take. CDFW considers the direct and indirect take of burrowing owl, and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant, which would occur through a CESA ITP.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions for inclusion in the final

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MND (additions are in **bold** and deletions are in ~~strikethrough~~) to avoid, minimize, and mitigate impacts to burrowing owls:

Mitigation Measure Biological Resource (LUPA-BIO-IFS-12):

LUPA-BIO-IFS-12: If prior to Project initiation focused burrowing owls surveys per the 2012 Staff Report on Burrowing Owl Mitigation (Staff Report) have not been conducted within 3 years of commencement of Project activities, the Project proponent shall conduct focused surveys per the Staff Report. If focused surveys have been conducted within 3 years of Project initiation, the Project proponent shall conduct a pre-construction burrowing owl survey to confirm presence/absence of burrowing owl. If burrowing owls are present during any of the surveys, a designated biologist will conduct appropriate activity-specific biological monitoring to ensure **full** avoidance of occupied burrows~~ and establishment of the 656 feet (200 meter) setback to sufficiently minimize disturbance during the nesting period on all activity sites, when practical~~.
~~• How the Project would comply with the CMA: The project is partially within the DRECP species distribution model. However, occurrences of species or this species' nests have not been observed within the Project site. Pre-clearance surveys would be required prior to surface disturbance and if the species or active burrows are found in the Project site, this CMA would be implemented to the extent practicable or LUPA-BIO-IFS-13 would be alternatively implemented. Implementing this measure would identify the species' presence to enable the proponent to avoid impacts on this species.~~

Mitigation Measure Biological Resource (LUPA-BIO-IFS-13):

LUPA-BIO-IFS-13: If **active** burrows cannot be **fully** avoided on-site, **the Project proponent shall contact CDFW and should obtain a CESA ITP.** Passive burrow exclusion **shall only occur if a CESA ITP is obtained from CDFW and shall be conducted** by a **qualified** designated biologist through the use of one-way doors ~~will occur~~ according to the specifications in Appendix D or the most up-to-date agency BLM ~~or~~ **and** CDFW specifications **in the CESA ITP**. Before exclusion, there must be verification that burrows are empty as specified in Appendix D or the most up-to-date BLM **and** CDFW protocols **in the CESA ITP**. Confirmation **by a qualified designated biologist** that the burrow is not currently supporting nesting or fledgling activities is required prior to any burrow exclusions or excavations. **Additionally, the Project proponent shall provide compensatory mitigation for any impacts to burrowing owl and their habitat and fully mitigate those impacts as determined by CDFW in a CESA ITP.**
~~• How the Project would comply with the CMA: The Project is partially within the DRECP species distribution model. However, occurrences of species or this species' nests have not been observed within the Project site. Pre-clearance surveys would~~

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~~be required prior to surface disturbance, and if the species or active burrows are found in the Project site, this CMA would be implemented as needed. Implementing this measure would identify the species' presence to enable the proponent to avoid impacts on this species.~~

Mitigation Measure Biological Resource (LUPA-BIO-IFS-14):

LUPA-BIO-IFS-14: Activity-specific active translocation of burrowing owls may be considered, in coordination with CDFW **and with CDFW's approval though a CESA ITP**.

~~• How the Project would comply with the CMA: The Project is partially within the DRECP species distribution model. However, occurrences of species or this species' nests have not been observed within the Project site. Pre-clearance surveys would be required prior to surface disturbance and if the species or active burrows are found in the Project site, this CMA would be implemented as needed. Implementing this measure would identify the species' presence to enable the proponent to avoid impacts on this species.~~

Comment #4: Nesting Birds

Section #4.4 Biological Resources, Page #68, 69, 72, 73, 75-77

Issue: The MND minimally considers Project impacts to birds. This concerns CDFW, because all birds are protected by CDFW and migratory birds are also protected by the Migratory Bird Treaty Act of 1918.

Specific Impact: Project implementation could result in the loss of nesting and/or foraging habitat for (non-)passerine and raptor species that are protected under Fish and Game Code Sections 3503, 3503.5, and 3513 and/or the Migratory Bird Treaty Act.

Why impact would occur: Nesting avian species could be directly or indirectly impacted during construction and for the life of the Project through the removal of potential foraging habitat, loss of and/or modification of habitat features, construction or mining activities, installation of artificial lighting, creation of noise and vibration, and the removal of vegetation. Nest destruction, nest abandonment, behavioral disturbance, increased risk of predation, and degradation of suitable habitat could also lead to significant impacts to nesting avian species and local populations. The MND mentions the Project could host ground nesting birds during the nesting season, but specific measures for these impacts were not provided.

Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird,

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except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: Considering all of the above, CDFW offers the following measure for inclusion in the final MND:

Mitigation Measure Biological Resource (LUPA-BIO-BIRD-1) (NEW): Pre-Construction Nesting Bird Survey

All Project related activities shall be conducted outside of the typical nesting bird season (January 15 to August 31) to the maximum extent feasible. Regardless of the time of year, a qualified avian biologist shall conduct pre-construction nesting bird surveys at the appropriate time of day/night, during appropriate weather conditions no more than 3 days prior to the initiation of ground disturbing activities. The survey shall focus on all suitable nesting areas such as but not limited to: trees, shrubs, bare ground, burrows, cavities, and structures. If a nest is suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be confirmed based on observations. If a nest is observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for at least 1 hour. When an active nest is confirmed, the qualified avian biologist shall immediately establish a conservative buffer surrounding the nest based on their best professional judgement and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. The qualified avian biologist shall monitor the nest to determine the efficacy of the buffer and shall adjust the buffer accordingly if it is determined to have an adverse reaction. The qualified avian biologist shall monitor the nest daily the fledglings become independent of their nest, or the nest has failed.

Editorial Comments and/or Other Suggestions

Comment #5: Lake and Streambed Alteration Agreement

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According to the MND, there are shallow, dry, ephemeral stream channels that cross the Project site and CDFW confirmed the presence of streams through aerial imagery. According to the MND these features potentially fall under the jurisdiction of the California Regional Water Quality Control Board (RWQCB) and the CDFW and the Project proponent would obtain the requisite approvals from the RWQCB and CDFW for any impacts on state jurisdictional resources. CDFW hereby confirms that the streams located on the Project site are subject to Fish and Game Code section 1602, and CDFW recommends the Project proponent apply for a Lake and Streambed Alteration Agreement to authorize impacts to streams. As such, CDFW recommends the below revisions to BIO-27 (additions are in **bold** and deletions are in ~~strikethrough~~):

BIO-27: Before ground-disturbing activities begin, the Project proponent shall be responsible for obtaining approval ~~as needed~~ from the RWQCB, and~~/or the~~ CDFW for any **impacts to RWQCB/ACOE** jurisdictional water features **and Fish and Game Code section 1602 resources** ~~in the Project site~~. **Approval by CDFW shall occur through a Lake and Streambed Alteration Agreement.** Such approvals may require a jurisdictional ~~water preconstruction survey~~ **delineation** conducted by a biologist or regulatory specialist. The purpose of this~~ survey~~ is to confirm the extent of **RWQCB/ACOE** jurisdictional waters features and **Fish and Game Code section 1602 resources** as defined by state and federal law within the project footprint. These ~~survey~~ results would then be used by RWQCB and CDFW to calculate impact acreages and determine the amount of compensatory mitigation required by the proponent to offset the loss of wetland**/stream** functions and values.

COMMENT # 6: Crotch's Bumble Bee (*Bombus crotchii*)

Crotch's bumble bee is a candidate species protected under CESA, and the Project is within the range of Crotch's bumble bee. Additionally, the Project site contains buckwheat, phacelia, and poppy used by the species to forage. While CDFW is aware that CNDD does not contain nearby occurrences, CNDDB is not exhaustive in terms of the data it houses, nor is it an absence database. Thus, CDFW recommends that the final MND evaluate potential impacts to Crotch's bumble bee and avoids, minimizes, and mitigates Project impacts on Crotch's bumble bee. Project impacts to Crotch's bumble bee should be fully avoided or authorized through a CESA ITP. Considering the aforementioned, CDFW recommends the below measure:

Mitigation Measure Biological Resource (LUPA-BIO-BEE-1) (NEW):

The Project proponent shall conduct a Crotch's bumble bee habitat assessment consistent with the 2023 *Survey Considerations for Candidate Bumble Bee*

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***Species*[3] to evaluate the likelihood of Crotch's bumble bee occurring within and adjacent to the Project area. The habitat assessment shall be conducted by a qualified biologist knowledgeable of foraging, nesting, and/or overwintering habitat for Crotch's bumble bee.**

If the habitat assessment identifies suitable foraging, nesting, and/or overwintering habitat for Crotch's bumble bee, focused surveys shall be conducted within the Project area and within 100-feet of the Project area prior to the start of Project activities. Surveys shall be conducted using the survey guidance in the *2023 Survey Considerations for Candidate Bumble Bee Species*. If Crotch's bumble bee is detected, impacts to Crotch's bumble bee shall be fully avoided or a CESA ITP should be obtained.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources.

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[3] California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species

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Questions regarding this letter or further coordination should be directed to Steven Recinos, Environmental Scientist at 909-731-5954 or by email at Steven.Recinos@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Alisa Ellsworth
84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov

ATTACHMENTS

Attachment A: Mitigation Monitoring Reporting Plan

REFERENCES

California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation.
https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline=true

California Department of Fish and Wildlife. 2023. Mohave Ground Squirrel Survey Guidelines.

California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species

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Attachment A

Mitigation Monitoring and Reporting Plan

Biological Resources		
Mitigation Measure	**Implementation Schedule**	**Responsible Party**
LUPA-BIO-IFS-39: During the typical active Mohave ground squirrel season (February 1 through August 31), a qualified biologist shall conduct camera, trapping, and visual surveys throughout the Project site and 300-foot buffer prior to initial ground disturbance in consultation with CDFW and in accordance with the California Department of Fish and Wildlife Mohave Ground Squirrel Survey Guidelines (CDFW 2023). If Mohave ground squirrel is detected through surveys the Project proponent shall fully avoid impacts to Mohave ground squirrel and report it to CDFW or should obtain a CESA ITP if impacts are unavoidable.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist
LUPA-BIO-IFS-4: Prior to construction or commencement of any and following take authorization from CDFW (i.e., CESA ITP), desert tortoise exclusion fencing shall be installed around the perimeter of the activity footprint in accordance with the Desert Tortoise Field Manual (USFWS 2009) or most up-to- date USFWS protocol. Additionally, short-term desert tortoise exclusion fencing will be installed around short term construction and/or activity areas (e.g., staging areas, storage yards, excavations, and linear facilities), as appropriate, per the Desert	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

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Tortoise Field Manual (USFWS 2009) or most up-to-date USFWS protocol. Prior to installation of exclusionary fencing, pre-construction clearance surveys shall be conducted using the methods described in the most recent United States Fish and Wildlife Service (USFWS) Desert Tortoise (Mojave Population) Field Manual. These surveys shall cover 100 percent of the Project area and a 50-foot buffer zone around the Project site. If any desert tortoise is found, it shall be allowed to move out of harm's way on its own violation or translocation of desert tortoise shall occur according to the CESA ITP. - Construction of desert tortoise exclusion fences will occur during the time of year when tortoise are less active in order to minimize impacts and to accommodate subsequent desert tortoise surveys. Any exemption or modification of desert tortoise exclusion fencing requirements will be based on the specifics of the activity and the site-specific population and habitat parameters and with the approval of BLM and CDFW (an amendment to the CESA ITP may be needed). Substitute measures, such as on-site biological monitors in the place of the fencing requirement, may be required by BLM or CDFW, as appropriate. - After an area is fenced, and until desert tortoises are removed, the designated biologist is responsible for ensuring that desert tortoises are not being exposed to extreme temperatures or predators as a result of their pacing the fence. Remedies may include the use of shelter sites placed along the fence, immediate translocation, removal to a secure holding area, or other means determined by the BLM, USFWS, and CDFW, as applicable. - Immediately prior to desert tortoise exclusion fence construction, a designated biologist will conduct a clearance survey of the fence alignment to ensure desert tortoises are absent from the proposed fence line's path. - All desert tortoise exclusion fencing will incorporate desert tortoise proof gates or other		

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approved barriers to prevent access of desert tortoises to work sites through access road entry points. - Following installation, long-term desert tortoise exclusion fencing will be inspected for damage quarterly and within 48 hours of a surface flow of water due to a rain event or winds that may damage the fencing. - All damage to long-term or short-term desert tortoise exclusion fencing will be immediately blocked to prevent desert tortoise access and repaired within 72 hours.		
LUPA-BIO-IFS-5: Following the clearance surveys within sites that are fenced with long-term desert tortoise exclusion fencing, a designated biologist will monitor initial clearing and grading activities to ensure that desert tortoises missed during the initial clearance survey are moved from harm's way. A designated biologist will inspect construction pipes, culverts, or similar structures: (a) with a diameter greater than 3 inches, (b) stored for one or more nights, (c) less than 8 inches aboveground and (d) within desert tortoise habitat (such as, outside the long-term fenced area), before the materials are moved, buried, or capped. As an alternative, such materials shall be capped before storing outside the fenced area or placing on pipe racks. Pipes stored within the long-term fenced area after completing desert tortoise clearance surveys will not require inspection.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist
LUPA-BIO-IFS-8: Personnel working on the Project, including personnel, contractors and all subcontractors shall inspect the ground under the vehicle for the presence of desert tortoise any time a vehicle or construction equipment is parked in desert tortoise habitat outside of areas fenced with desert tortoise exclusion fencing. If a desert tortoise is seen, it	During Project activities	Project personnel

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may move on its own. If it does not move within 15 minutes, a designated biologist reviewed and approved by CDFW pursuant to the Project's CESA ITP may remove and relocate the animal according to the Translocation Plan in the CESA ITP.		
LUPA-BIO-IFS-9: Vehicular traffic will not exceed 15 miles per hour within the areas where there is no exclusionary fencing and where desert tortoise may be impacted.	During Project activities	Project personnel
LUPA-BIO-DT-1: An Incidental Take Permit (ITP) for desert tortoise *(Gopherus agassizii*) shall be obtained prior to initiation of ground disturbing activities. The Project proponent shall adhere to measures and conditions set forth within the ITP. Mitigation for direct and/or indirect impacts shall be fulfilled through conservation of suitable desert tortoise habitat through the purchase of mitigation bank credits or land acquisition as determined by CDFW in the ITP.	Prior to initiation of all ground disturbing activities	Project proponent
LUPA-BIO-IFS-12: If prior to Project initiation focused burrowing owls surveys per the 2012 Staff Report on Burrowing Owl Mitigation (Staff Report) have not been conducted within 3 years of commencement of Project activities, the Project proponent shall conduct focused surveys per the Staff Report. If focused surveys have been conducted within 3 years of Project initiation, the Project proponent shall conduct a pre-construction burrowing owl survey to confirm presence/absence of burrowing owl. If burrowing owls are present during any of the surveys, a designated biologist will conduct appropriate activity-specific biological monitoring to ensure full avoidance of occupied burrows.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

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LUPA-BIO-IFS-13: If active burrows cannot be fully avoided on-site, the Project proponent shall contact CDFW and should obtain a CESA ITP. Passive burrow exclusion shall only occur if a CESA ITP is obtained from CDFW and shall be conducted by a qualified designated biologist through the use of one-way doors according to the specifications in Appendix D or the most up-to-date agency BLM ~~or~~ and CDFW specifications in the CESA ITP. Before exclusion, there must be verification that burrows are empty as specified in Appendix D or the most up-to-date BLM and CDFW protocols in the CESA ITP. Confirmation by a qualified designated biologist that the burrow is not currently supporting nesting or fledgling activities is required prior to any burrow exclusions or excavations. Additionally, the Project proponent shall provide compensatory mitigation for any impacts to burrowing owl and their habitat and fully mitigate those impacts as determined by CDFW in a CESA ITP.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist
LUPA-BIO-IFS-14: Activity-specific active translocation of burrowing owls may be considered, in coordination with CDFW and with CDFW's approval though a CESA ITP.	Prior to initiation of all ground disturbing activities	Project proponent
LUPA-BIO-BIRD-1: All Project related activities shall be conducted outside of the typical nesting bird season (January 15 to August 31) to the maximum extent feasible. Regardless of the time of year, a qualified avian biologist shall conduct pre-construction nesting bird surveys at the appropriate time of day/night, during appropriate weather conditions no more than 3 days prior to the initiation of ground disturbing activities. The survey shall focus on all suitable nesting areas such as but not limited to: trees, shrubs, bare ground, burrows, cavities, and	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

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structures. If a nest is suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be confirmed based on observations. If a nest is observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for at least 1 hour. When an active nest is confirmed, the qualified avian biologist shall immediately establish a conservative buffer surrounding the nest based on their best professional judgement and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. The qualified avian biologist shall monitor the nest to determine the efficacy of the buffer and shall adjust the buffer accordingly if it is determined to have an adverse reaction. The qualified avian biologist shall monitor the nest daily the fledglings become independent of their nest, or the nest has failed.		
BIO-27: Before ground-disturbing activities begin, the Project proponent shall be responsible for obtaining approval from the RWQCB, and CDFW for any impacts to RWQCB/ACOE jurisdictional water features and Fish and Game Code section 1602 resources. Approval by CDFW shall occur through a Lake and Streambed Alteration Agreement. Such approvals may require a jurisdictional delineation conducted by a biologist or regulatory specialist. The purpose of this is to confirm the extent of RWQCB/ACOE jurisdictional waters features and Fish and Game Code section 1602 resources as defined by state and federal law within the project footprint. These results would then be used by RWQCB and CDFW to calculate impact acreages and determine the amount of compensatory mitigation required by the proponent to offset the loss of wetland/stream functions and values.	Prior to initiation of all ground disturbing activities	Project proponent

Docusign Envelope ID: FDF1BBA1-D10D-4D77-8301-D57685778521

LUPA-BIO-BEE-1: The Project proponent shall conduct a Crotch's bumble bee habitat assessment consistent with the 2023 *Survey Considerations for Candidate Bumble Bee Species* to evaluate the likelihood of Crotch's bumble bee occurring within and adjacent to the Project area. The habitat assessment shall be conducted by a qualified biologist knowledgeable of foraging, nesting, and/or overwintering habitat for Crotch's bumble bee. If the habitat assessment identifies suitable foraging, nesting, and/or overwintering habitat for Crotch's bumble bee, focused surveys shall be conducted within the Project area and within 100-feet of the Project area prior to the start of Project activities. Surveys shall be conducted using the survey guidance in the *2023 Survey Considerations for Candidate Bumble Bee Species*. If Crotch's bumble bee is detected, impacts to Crotch's bumble bee shall be fully avoided or a CESA ITP should be obtained.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

EXHIBIT K

Desert Tortoise Council, Mohave Ground Squirrel Conservation Council, and Desert Tortoise Preserve Committee letter dated August 18, 2025

DESERT TORTOISE COUNCIL
3807 Sierra Highway #6-4514
Acton, CA 93510
www.deserttortoise.org
eac@deserttortoise.org

DESERT TORTOISE PRESERVE COMMITTEE, INC.
P.O. Box 940
Ridgecrest, CA 93556
www.Tortoise-Tracks.org
roger.dale@tortoise-tracks.org

MOHAVE GROUND SQUIRREL CONSERVATION COUNCIL
P.O. Box 1660
Wrightwood, CA 92397
ed.larue@mgsconservation.org

Via email only

August 18, 2025

Derek Newland
County of San Bernardino
Land Use Services Department, Planning Division
385 N. Arrowhead Ave 1st Floor
San Bernardino, CA 92415-0187
derek.newland@lus.sbcounty.gov

Re: Persistence Mine Reclamation Plan Notice of Availability (NOA) and Notice of Intent (NOI) to Adopt an Initial Study/Mitigated Negative Declaration

Dear Mr. Newland,

The Desert Tortoise Council (DTC) is a non-profit organization comprising hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the DTC routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

The Desert Tortoise Preserve Committee (DTPC) is a non-profit organization formed in 1974 to promote the welfare of the desert tortoise in its native wild state. DTPC members share a deep concern for the continued preservation of the tortoise and its habitat in the southwestern deserts and are dedicated to the recovery and conservation of the desert tortoise and other rare and endangered species inhabiting the Mojave and western Sonoran deserts. The DTPC has a long track record of protecting desert tortoises and their habitat through land acquisition, preserve management, mitigation land banking, and educational outreach.

The Mohave Ground Squirrel Conservation Council (MGSCC) is a nonprofit organization established to assure the perpetual survival of viable populations of Mohave Ground Squirrels (MGS) throughout their historical range and any future expansion areas. The MGS, for the purposes of the MGSCC, means the mammal species known scientifically as *Xerospermophilus mohavensis*. Among our objectives pertinent to this letter is to support and to advocate for such legislative, policy, and conservation measures as will contribute to ensuring the continued survival of viable MGS populations, the connectivity of these populations, and the maintenance of their habitats in a natural condition.

Our physical and email addresses are provided above for your use when providing future correspondence to us. When given a choice, we prefer to receive emails for future correspondence, as mail delivered via the U.S. Postal Service may take several days to be delivered. Email is an "environmentally friendlier way" of receiving correspondence and documents rather than "snail mail."

The Mojave desert tortoise is among the top 50 species on the list of the world's most endangered tortoises and freshwater turtles. The International Union for Conservation of Nature's (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers the Mojave desert tortoise to be Critically Endangered (Berry et al. 2021), "… based on population reduction (decreasing density), habitat loss of over 80% over three generations (90 years), including past reductions and predicted future declines, as well as the effects of disease (upper respiratory tract disease/mycoplasmosis). *Gopherus agassizii* (sensu stricto) comprises tortoises in the most well-studied 30% of the larger range; this portion of the original range has seen the most human impacts and is where the largest past population losses have been documented. A recent rigorous rangewide population reassessment of *G. agassizii* (sensu stricto) has demonstrated continued adult population and density declines of about 90% over three generations (two in the past and one ongoing) in four of the five *G. agassizii* recovery units and inadequate recruitment with decreasing percentages of juveniles in all five recovery units."

This status, in part, prompted the DTC to join Defenders of Wildlife and DTPC to petition the California Fish and Game Commission in March 2020 to elevate the listing of the Mojave desert tortoise from Threatened to Endangered under the California Endangered Species Act (CESA) (Defenders of Wildlife et al. 2020). Importantly, following California Department of Fish and Wildlife's (CDFW) (2024a) status review, in their April 2024 meeting the California Fish and Game Commission voted unanimously to accept the CDFW's petition evaluation and recommendation to uplist the tortoise from threatened to endangered under the CESA based on the scientific data provided on the species' status, declining trend, numerous threats, and lack of effective recovery implementation and land management (CDFW 2024b). On July 15, 2025, the tortoise was officially uplisted to endangered status under the CESA.

On December 13, 2023[1], the MGSCC joined Defenders of Wildlife, DTPC, and Dr. Phillip Leitner in a petition to have the U.S. Fish and Wildlife Service (USFWS) federally list MGS as threatened and to designate critical habitat. On January 17, 2025, the USFWS published a 90-day finding in the Federal Register[2]. In that document, the USFWS determined that the petition to list the MGS under the Federal Endangered Species Act (FESA) presented substantial scientific and commercial information indicating that listing the MGS as an endangered or threatened species may be warranted, pending a 12-month status review. If the USFWS's 12-month finding is that the listing is warranted, then the species becomes a candidate for listing. With the issuance of this 90-day finding, the USFWS's next step is to conduct a status review of the MGS and publish a 12-month finding. That 12-month finding will declare that listing is warranted, not warranted, or warranted but precluded.

We appreciate that we were contacted directly by the San Bernardino County Planning Department (County) in an email on 8/1/2025 providing us with an opportunity to comment on this proposed project. We sincerely believe that we are providing additional, new information for desert tortoises, Mohave ground squirrel, and western burrowing owl (*Athene cunicularia hypugaea*) that will cause the County to reconsider its determination that no significant impacts will affect these three species because the mitigation to be implemented will reduce the direct, indirect, and cumulative impacts to a less than significant level. We include the burrowing owl because in October 2024, the California Fish and Game Commission unanimously approved naming the western burrowing owl as a candidate for potential listing as a protected species under CESA. As a candidate for potential listing, western burrowing owl is temporarily afforded the same protections as a state-listed endangered or threatened species under CESA. We believe that the County has not considered the information we provide below in its preliminary decision that no significant impacts may occur or that the the impacts can be mitigated in such a way as to avoid significant impacts to listed and other imperiled species.

From the summary document available at https://lus.sbcounty.gov/planning-home/environmental/desert-region/ we read the following: "The applicant proposes to extract gold from semi to unconsolidated gravels, sands, and silts (sediments located within placer mining claims managed by the BLM [Bureau of Land Management]. The sediments have been extensively tested and show economic gold grades suitable for surface mining extraction down to a tested depth of 24 feet, covering approximately 106 acres on 267 acres, across two non-contiguous pits. These two pits are referred to as the western and eastern pits. The proposed operation capacity is to process up to 96,000 cubic yards of material per month.

[1] https://www.dropbox.com/scl/fi/7h890e4r25ljpyyhvwq5c/Defenders-et-al.-MGS-Listing-Petition-12-13-23-FINAL.pdf?rlkey=f7ln6at8apxcovi8qgtr5g2qk&dl=0

[2] https://www.dropbox.com/scl/fi/iq0yvn5zd9mz5s7yn77wr/USFWS-finding-on-1-17-2025.pdf?rlkey=9arr6vzkq9td2ss9dggjln5nr&dl=0

"The project is on BLM land and requires BLM approval. The Reclamation Plan IS/MND incorporates the mitigation from the BLM Environmental Assessment. The project may have potential significant effects on wildlife and vegetation. Proposed mitigation involves certified licensed experts on-site monitoring pre-construction, construction and decommissioning activities, pre-construction surveys, fencing, seed collection, avoidance and setbacks. Please see the Section IV: Biological Resources of the IS/MND for full details of all Mitigation Measures."

Given the location of the proposed mining activities near Atolia, located approximately six miles south of Johannesburg in San Bernardino County, CA (APNs 0503-341-01 and 0503-081-13), the BLM Ridgecrest Field Office would serve as the responsible federal lead agency for this project. On August 13, 2025, a third party alerted us that the BLM posted an announcement for this project on its ePlanning website on July 31, 2025, but failed to contact DTC, which pointedly asked to be considered an Affected Interest for this project in our March 2023 letter. Herein, we are providing our comments to the BLM and expect to provide additional comments on the draft environmental assessment (DEA) by the comment deadline of September 2, 2025.

We suspect that this project is associated with a DEA issued by the BLM for Gold Discovery Group, LLC's (GDG or Proponent) plan of operations for drilling and gathering samples, for which the DTC commented in March 2023[3], wherein we specifically asked to be identified as an Affected Interest for this project (page 18). However, development of two mine sites on more than 106 acres [as per the summary; 125.5 acres as per the Initial Study/Mitigated Negative Declaration Environmental Checklist Form (IS/MND)] in suitable tortoise habitats is substantially different from drilling and exploratory activities, and definitely warrants its own DEA. Our many concerns expressed to the BLM in March 2023 have not likely been shared with the County, so we incorporate them by reference, provide the letter in the footnote, and request that the County address and analyze those concerns as they pertain to the current mining proposal with respect to the tortoise, MGS, and burrowing owl and their habitats.

Unless otherwise noted, the following page numbers refer to the 117-page IS/MND, dated July 2025. We note that, rather than 106 acres of impact given in the summary that the IS/MND reports that 125.5 acres would constitute the total surface disturbance (page 2), which we assume is the more accurate acreage. Note that, rather than provide an outline for the following comments, they appear sequentially as they appear in the IS/MND to enable the County, BLM, and Proponent to track our comments in the same order in which they are presented.

At the bottom of page 2 and top of page 3, we read "Construction and mining activities would occur for approximately 33 months, but reclamation monitoring would continue for as long as necessary to fulfill BLM and San Bernardino County reclamation requirements. Water for the Project would either be obtained from an existing well owned by Rand Communities Water District (RCWD), or GDG would develop two well sites with a total disturbance of 0.56 acres. The well sites would be located in Kern County and are not subject to permitting requirements of San Bernardino County." If these well sites are used, has Kern County Planning Department been alerted to their use, and if so, is Kern County requiring any environmental analysis of potential impacts?

[3] https://www.dropbox.com/scl/fi/6inx3q8q3dfjwlpz32vyw/Gold-Discovery-Group-EA-BLM-CA.6-18-2024.pdf?rlkey=0j5buicrr2mzhyhcydrqa6prh&dl=0

On page 28, the IS/MND states, "There are CNDDB [California Natural Diversity Data Base] records of Mohave ground squirrel observations *more than four miles* from the proposed open pit areas" [*emphasis added*]. It is important that the County understands that there is a wealth of information about MGS occurrence in the area that the Proponent has either not divulged or is unaware of. We believe that this existing information, which is apparently new to the County and the Proponent, must be described and analyzed under the California Environmental Quality Act (CEQA) and that the County require formal MGS trapping surveys of both sites (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975&inline) before there is any ground disturbance to avoid violating the CEQA and CESA.

Some information on MGS sightings in the project area should be included in the analysis of impacts to the MGS in the CEQA document:

- Several years ago, Ed LaRue found a juvenile MGS crushed on Cuddeback Road 3.5 miles south of the project site, which has been submitted to the CNDDB but apparently not yet published.
- Also, several years ago, MGS trapper, Rachel Woodard, observed an MGS struck by a vehicle on Highway 395 at the junction with Trona Road, approximately 3.5 miles north of the project site.
- Importantly, the following information was provided by an MGSCC Board member: "[One of our Board members] was scheduled to trap that location for the exploratory drilling phase in 2024, but the BLM made a determination that a presence/absence survey was not necessary. When we were contacted about the project, I was told that the site had been trapped in 2022 or 2023. I don't know by whom. An MGS was captured but apparently, it was trapped just off site because the grid was not established in the correct location." Given this observation, we recommend that the County pursue this issue with the Proponent to determine where the MGS was located, but certainly it amends the statement that the only records are more than four miles away.
- MGS were captured at UTM 446867/3904544 (NAD 83) on March 26, 2024, which is 1.9 miles southeast of the eastern mine site and 447375/3904522 on May 1, 2024, which is 2.0 miles southeast of the eastern mine site.
- In 2024, MGSCC performed live trapping in the area and caught a juvenile male MGS at UTM 444933/3903604, which is 2.0 miles south of the mine sites.
- In their study documenting MGS at camera locations stationed in 2021 and 2022 (Leitner and Leitner 2022), they observed between 81 and 351 MGS camera detections (the highest incidences reported) at the camera location nearest to Atolia, which was about four miles south of the proposed mines.

After assembling the above information, we received an email that a reproductive male MGS was captured on April 15, 2022 *between the two sites, approximately 200 feet east of the proposed western pit* (UTM 444644/3906948). Given this information, alone, we can conclude that MGS have recently occurred in at least the proposed western pit area and that protocol surveys are required to ascertain absence, unless CDFW considers this 2022 observation sufficient, in and of itself, to trigger the need for an ITP?

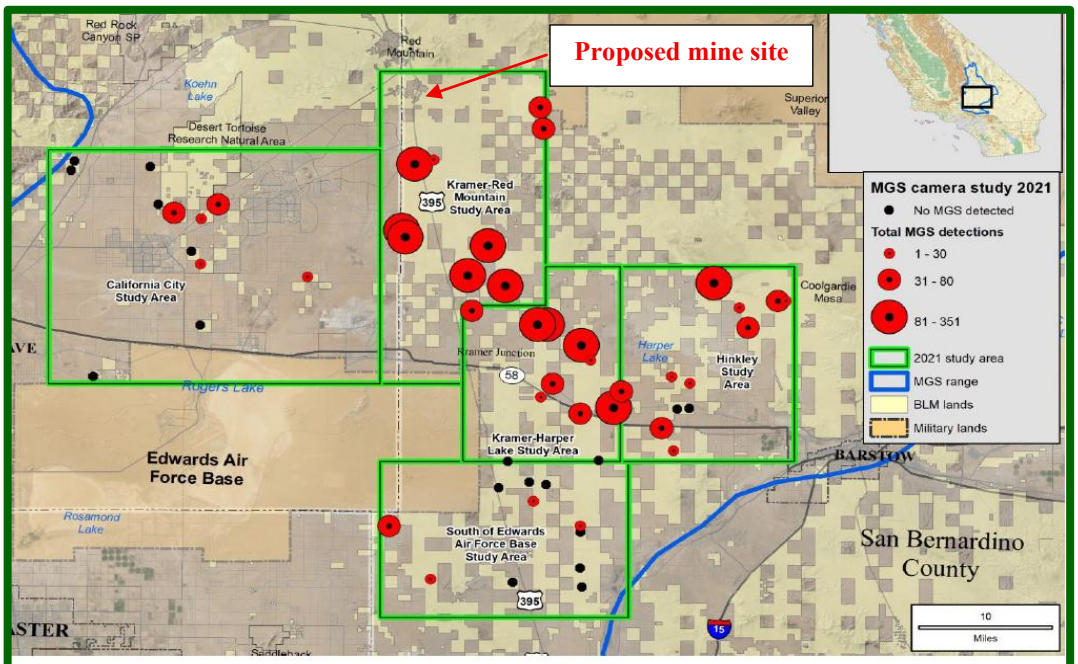


Figure 3. Overview of 2021 camera study results. Size of red dots indicates number of Mohave ground

It is the professional opinion of the MGSCC Board that the conclusion made by the County in the IS/MND of the absence of MGS from the proposed mine sites is due to the absence of protocol surveys rather than the absence of MGS. Given the location and available intact habitats as per Photos 1 and 2 on page 6 and new information given herein, MGSCC concludes that it is highly likely that MGS occurs within the mining impact footprint. In the absence of a protocol trapping survey, which is a CDFW requirement for this region, the County and Proponent cannot conclude the species is absent, regardless of BLM's suggestion that a survey is not needed.

On page 25, we see that there have been three desert tortoise surveys and one burrowing owl survey, but there is no mention of a formal MGS survey. Has the County required the proponent to perform protocol trapping surveys for MGS (CDFW 2023) within the proposed mining area to ensure that provisions under both CEQA and CESA will not be violated? We also note that only one of the three tortoise surveys reported on page 24 was made available at the County's website. Have tortoise signs been found during the other two surveys, which are not summarized in the ELMT Consulting (2024) document?

Given the location of the project and CDFW's current management requirements, which may be confirmed or refuted by CDFW biologists carbon copied in this letter, the mining proponent may (1) perform MGS protocol trapping surveys between March and July 2026 or thereafter with input from Region 4 of CDFW for grid configuration, and if no MGS are captured, have one year in which to perform ground disturbance, or (2) assume MGS are present and mitigate accordingly, which would likely require a minimum of 3:1 habitat compensation (e.g., for each acre of lost habitat, the proponent would acquire and manage in perpetuity three acres of MGS-occupied habitat) in a formal Section 2081 incidental take permit (ITP).

Until MGS protocol surveys are performed within the 125-acre impact area, with prior input from CDFW for grid configuration, we believe the IS/MND is erroneous in concluding that no significant impacts will adversely affect the MGS, which as a State-listed species under CESA may constitute a CEQA-significant impact especially when analyzed with the available data on MGS occurrence (Leitner 2021), population genetics and connectivity, occurrence of habitat, and direct and indirect impacts to habitat including climate change (Inman et al. 2016), and arrangement of habitats to form effective linkages among populations (Esque re al. 2013).

With regards to American badger, we read the following statement on page 28: "No observations of American badgers were made at the Project site and the burrows observed at the Project site during western burrowing owl surveys (ELMT 2024b) would be too small for American badgers." Badgers are rarely observed but can be identified by diagnostic foraging digs, so concluding they are absent because they were not observed is misleading and problematic. Similarly, finding badger dens is relatively infrequent compared to diagnostic digs, so dismissing burrows due to size is misleading and problematic. Given our experience in the area, badgers undoubtedly forage within the 125-acre impact footprint and should not be dismissed as having a "low potential to occur."

With regards to burrowing owl surveys mentioned on page 28, we read, "No observations of American badgers were made at the Project site and *the burrows observed at the Project site* during western burrowing owl surveys (ELMT 2024b) would be too small for American badgers" [*emphasis added*]. Page 30 then indicates, "The CNDDB records indicate that the nearest burrowing owl nests were observed approximately 9.5 miles southeast of the Project site. Burrowing owl surveys were conducted in 2024 at the Project site plus a 500-foot buffer. No burrowing owls or evidence of recent or historic use by burrowing owls were observed. In general, habitat in the Project site is shrub-dominated with few perennial herbs in the understory, which is marginally suitable for burrowing owls."

In contrast to these reported results, Circle Mountain Biological Consultants, Inc. (CMBC) has consistently found burrowing owl signs just north of Cuddeback Lake, located approximately 8.9 miles east of the subject properties in 2017, 2018, 2019, 2022 (CMBC 2022) and 2025. But more importantly, since the information provided above indicates that burrows were found but considered to be too small to accommodate badgers, CDFW's current policy is to require breeding bird surveys where there are suitable burrows for burrowing owls (CDFG 2012) even when no owl signs are found. We have carbon copied CDFW Region 4 personnel to confirm that it is prudent to conduct protocol breeding bird surveys for evidence of burrowing owl presence at the burrows found by ELMT Consulting before there is any ground disturbance.

Based on available information, the following statement on page 29 is incorrect: "Based on the Desert Tortoise Revised Recovery Plan (USFWS 2011), the Project site is located within the Western Mojave Recovery Unit but *is not located within designated desert tortoise critical habitat* [*emphasis added*]." The following image provided by the Ridgecrest Office of the BLM shows all the proposed drilling locations presumably associated with the proposed action. Our interpretation is that the two proposed sites correspond with the proposed drill sites shown south of Atolia. Whereas only those drill sites north of Atolia, which we understand are not part of the current proposal, are outside the Fremont-Kramer Area of Critical Environmental Concern (ACEC), all proposed drill sites south of Johannesburg are inside designated critical habitat (USFWS 1994).

Therefore, both proposed mine sites are inside designated critical habitat based on the following BLM map, noting that the green areas, which overlap the brown ACEC areas, signify critical habitat inside the square that otherwise excludes the mining district from the ACEC:

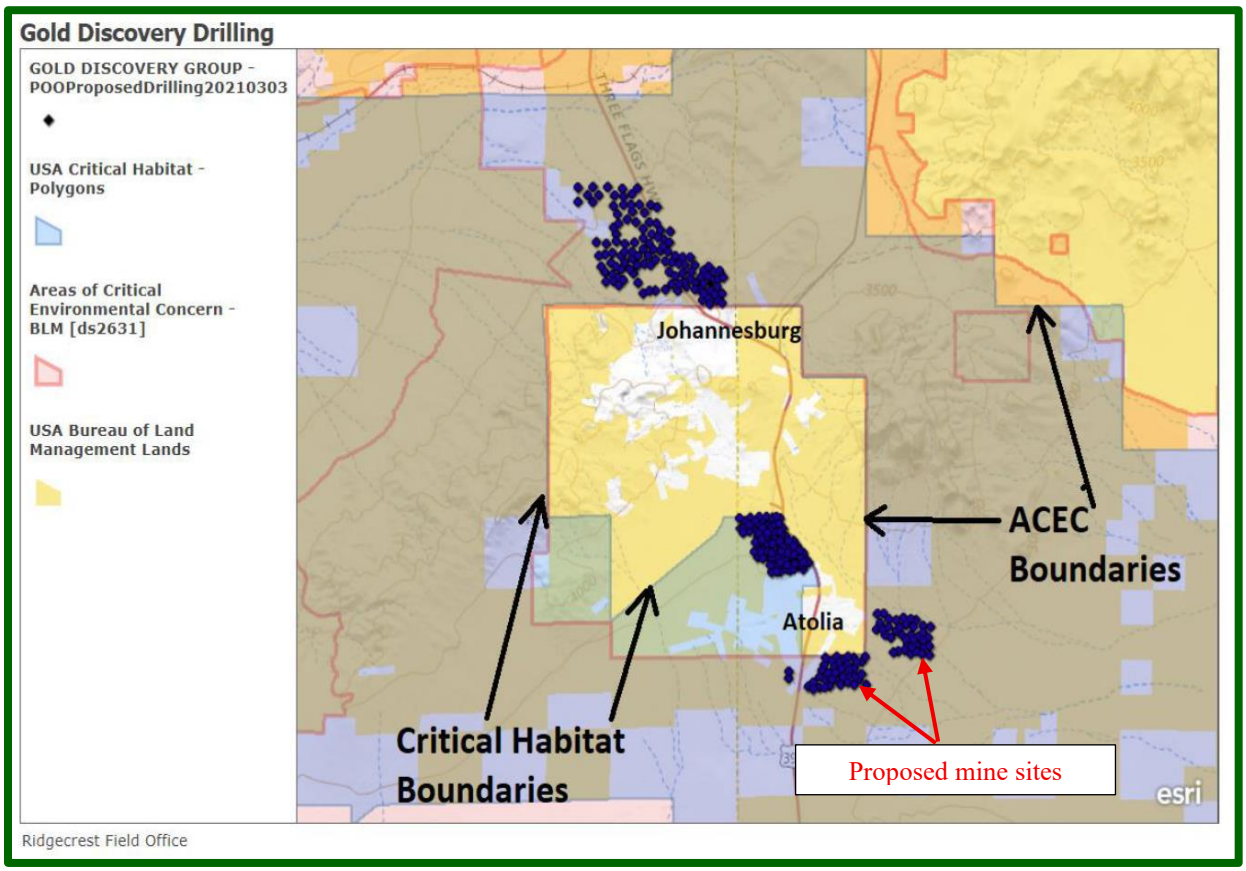


Figure 1. Relationship of drilling areas (black circles) to the Fremont-Kramer ACEC and Mojave Desert Tortoise Critical Habitat designated by the USFWS. The Kern – San Bernardino County boundary runs north-south through the middle of the figure.

Shifting to the June 23, 2024 ELMT Consulting (2024) report, we read on pages 1 and 2, "The action area is defined as all areas to be directly *or indirectly affected* by the project (50 CFR §402.02) [*emphasis added here and below with regards to indirect impacts*]. For this project, the action area includes the limits of disturbance and all areas that have the potential to be indirectly impacted by the proposed project. Site characteristics including topography, presence of suitable habitat, and human disturbance were utilized to determine the lateral extent of the action area beyond the project footprint. The proposed action area was determined to be confined to the 126.2 acres proposed Persistence Mine site."

As such, the action area is the same size as the direct impact area, which does not by any means consider indirect impacts to the resource issues that include the tortoise, MGS, and burrowing owl. This paragraph that describes the action area for the proposed project is flawed because it fails to include the indirect impacts to these resource issues, and there is no scientific information provided to support this statement, which makes it an unsupported opinion.

Here we offer scientific information that describes the expected indirect impacts of the mining activity. The Revised Recovery Plan (USFWS 2011) describes some of the indirect impacts to the tortoise/tortoise habitat from mining (e.g., introduction of toxins, fugitive dust and soil erosion, hazards from refuse left after use in a mining operation, creation of disturbance zones for invasive plant species to establish, and roads). Kim et al (2014) and particularly Chaffee and Berry (2006) have shown that windblown and waterborne (from rain) toxic contaminants may settle miles downwind of mining activities. Speaking specifically of the mining district in which the two mines would be located, Chaffee and Berry (2006) reported that plant anomalies for Arsenic, Antimony, and (or) Tungsten extended as far as about 15 kilometers [9.9 miles] eastwards from the present mining areas and soil anomalies for Mercury were found at least 6 kilometers [3.7 miles] from old tailing piles.

In addition, two ill and dying tortoises found on the lower and southern slopes of the Rand Mountains north of Atolia were salvaged and necropsied (Berry et al. 2024). The tortoises had the highest outlying keratin values for Aluminum and Arsenic of any tortoise salvaged because of illness and near death within the State. Further, they had measurable levels of Cadmium Chromium, Mercury, Manganese, Molybdenum and Vanadium. The tortoise with high levels of Arsenic was salvaged from an active gold mine. Remember, tortoises live on and in the ground, breath in particles on the ground and in burrows, and their scute tissues and scales touch the soils. They are breathing in contaminants where they occur.

Besides the above-mentioned indirect impacts from the proposed project, there are other indirect impacts to the tortoise and tortoise habitat that occur because of surface disturbance and should have been described and analyzed in the CEQA document. These include human activities that result in the destruction, degradation and/or fragmentation of tortoise habitat; surface disturbance and introduction of non-native invasive plant species via construction equipment, vehicles, and other sources; replacement of native forbs with high nutritional and water value with low nutritional non-native invasive grasses (Drake et al. 2016); increased occurrence of fire size, intensive, and frequency of human-caused wildfires from fuels provided by non-native invasive plant species (Brooks and Esque 2002); increased predation from substantially increased numbers of predators that utilize subsides of food, water, and nesting locations (Boarman 2003); and increased human access that provides opportunities for vandalism and collecting tortoises for pets (Lovich and Bainbridge 1999), and other impacts from the presence and use of roads (von Seckendorff Hoff and Marlow 2002, Peaden et al. 2017).

The primary reason for the substantial decline in the abundance and density of tortoise populations that has resulted in most populations with a density below the population viability threshold and low survival of juvenile tortoises is from (1) increased mortality caused by indirect impacts from human activities that are not analyzed in CEQA and National Environmental Policy Act (NEPA) environmental documents, and failure to require project proponents to implement effective mitigation to fully offset the indirect impacts.

Given the above information, we assume that the surveyors did not consult BLM, USFWS, or CDFW to determine using the best available scientific information what an adequate action area should have been for this project. Assuming that the BLM will require a Final DEA for this project, we recommend that the biological consultant coordinate a realistic action area with the BLM, USFWS, and CDFW and resurvey the entire action area, including the 125-acre mine sites, since it has been more than a year since tortoise surveys were initially performed.

We received an email from an anonymous source on August 14, 2025, that a Class 1 tortoise burrow was found between the two sites in the fall of 2021, in the same area as described for the reproductive male MGS reported on page 5, above. The "Class 1" designation means that the burrow was active and unambiguously assigned to a desert tortoise (i.e., Class 4 and 5 burrows may be occupied by tortoises but are not necessarily evidence they are present). This indicates that tortoises definitely occurred within several hundred feet of the site – and by extension given a tortoise's mobility, likely on the site – within several years of the ELMT survey.

Given this information, we recommend that a neutral, third-party surveyor who is qualified and approved by the USFWS (2009) and CDFW perform these new surveys. We note in a recent 2021 survey near Twentynine Palms that the Proponent's consultant failed to find tortoises on a site where both a hatchling tortoise and numerous other signs had been found on a portion of that same site 11 months earlier, erroneously concluding that tortoises were absent. The DTC's 2023 comment letter providing specific details are footnoted below[4].

Until adequate surveys are performed by experienced surveyors and within an action area determined using the extent of indirect impacts from the proposed action, we believe the IS/MND is premature and erroneous in concluding that no significant impacts will adversely affect the desert tortoise. We strongly recommend that the County revise its analysis of the indirect impacts to the tortoise in the Fremont-Kramer Tortoise Conservation Area (TCA) and the Western Mojave Recovery Unit using the currently available information on the demographic status and trend of the tortoise. We have attached "Demographic Status and Trend of the Mojave Desert Tortoise including the Western Mojave Recovery Unit" as an appendix to this letter to provide you with data on the population viability of the tortoise in Fremont-Kramer TCA where the proposed project would be located, the Western Mojave Recovery Unit, and rangewide for the tortoise. These data demonstrate that any additional impact to the tortoise or its habitat would have a significant impact on the survival of desert tortoises. The recent uplisting for the tortoise from Threatened to Endangered by the Commission as a result of the status review conducted by CDFW (2024a) provides supporting data that should be used in the analysis of the impacts of the proposed project on the tortoise.

With regards to mitigation measures listed on pages 32 and 33, we read for LUPA-BIO-2, "Required ~~**pre-**~~**clearance** surveys and continued monitoring would take place during stated phases of the Project by a BLM- **and CDFW-**approved biologist per the monitoring plan provided by GDG [Gold Discovery Group] in the Plan of Operations. ~~Further mitigation would not be necessary in addition to the monitoring plan~~. The project would comply with the CMA [Conservation Management Action]. Conducting preclearance surveys and monitoring during the Project would avoid impacts by identifying sensitive and protected species that require avoidance and minimization measures (individual measures are described in subsequent CMAs)." See the next paragraph for explanations of proposed revisions.

[4] https://www.dropbox.com/scl/fi/h8nmknaj31qchw8micfp4/Wonder-Inn-Hotel-Resort.2-10-2023.pdf?rlkey=be2kd3l41ati0z89ihh3oav6y&dl=0

Please note that "pre-clearance" as it regards surveys is not the technically correct term. Tortoise surveys include either "presence-absence surveys" (USFWS 2019) or "clearance surveys" (USFWS 2009). Whereas we assume that the term, "pre-clearance" surveys is a mistake and that "clearance" surveys are intended, it is important to use the correct term. Clearance surveys require that the impact area be surveyed twice along transects spaced at 5-meter intervals, constituting a single survey, and that at least two consecutive surveys be performed without finding any tortoises for the site to be considered devoid of tortoises. Note, also as given below, that if ANY tortoise sign is found during the clearance surveys, BLM consultation with both the USFWS and CDFW is required before ground disturbance may ensue. We note that the word, "clearance," is used appropriately on page 49.

Since the desert tortoise is both federally- and State-listed and the MGS is State-listed, and because the County is serving as the CEQA Lead Agency, not only the BLM **but also USFWS and the CDFW** must approve Authorized Biologists and/or Biological Monitors before any ground disturbing activities occur (see bold addition given above). Furthermore, since the IS/MND is predicated on the assumption that no desert tortoises, MGS, or western burrowing owls occur on the site, if ANY evidence of these three species is identified by agency-approved biologists and/or monitors, all mining activity potentially harming any of these three species should cease and both the USFWS and CDFW should be contacted to see if ITP(s), including habitat compensation, and/or Section 7 consultation are needed or other unforeseen protection measures implemented before mining activities continue. For this reason, the following sentence should be struck from the prescription or modified to reflect current management: "~~Further mitigation would not be necessary in addition to the monitoring plan~~." Note, too, that this requirement pertains to pre-mining activities, operations, and decommissioning, and habitat restoration, essentially for the life of the project.

As given on page 34, we appreciate that LUPA-BIO-5 will require a worker education awareness program (WEAP) that is to be administered to all project-related personnel. It is essential that the WEAP clearly inform all workers that observations of any tortoises, MGS, or burrowing owls are reported directly to the Authorized Biologist who will then be obligated to contact the BLM, USFWS, and CDFW.

With regards to LUPA-BIO-7 on page 36, we are pleased to provide the following resources to help accomplish successful arid lands restoration if the proposed mines are developed: Abella and Berry 2016 and Abella et al. 2023 (see the Literature Cited section for links to these and other cited documents).

With regards to LUPA-BIO-IFS-4 on page 49 concerning surveys, we read, "Exemption from desert tortoise protocol survey requirements can be obtained from BLM, in coordination with USFWS, and CDFW as applicable, on a case-by-case basis if a designated biologist determines the activity site does not contain the elements of desert tortoise habitat, is unviable for occupancy, or if baseline studies inferred absence during the current or previous active season." Given the information in the IS/MND, consultant's report (ELMT Consulting 2024), and the knowledge that given their mobility, tortoises are known to occur in even the most barren portions of mining sites, in tailing piles, and habitats otherwise "unviable for occupancy," we believe that this exemption should be removed from the plan of operations, BLM stipulations, and any other documents regulating mining activity. Again, there is no scientific foundation provided for this statement, which is not based on facts.

With regards to LUPA-BIO-IFS-4 on page 49 concerning fences, we recommend that the following paragraph be removed: "After an area is fenced, and until desert tortoises are removed, the designated biologist is responsible for ensuring that desert tortoises are not being exposed to extreme temperatures or predators as a result of their pacing the fence. Remedies may include the use of shelter sites placed along the fence, immediate translocation, removal to a secure holding area, or other means determined by the BLM, USFWS, and CDFW, as applicable." None of this information is pertinent for a project that is not agency-authorized for take of tortoises and MGS, including removing, handling, or translocating either species. These activities cannot be conducted lawfully without first obtaining an ITP from CDFW and a biological opinion from USFWS because the project located on BLM land requires authorization by BLM.

Consistent with other recommendations given herein, on page 50, the following prescription needs to be modified as take is not authorized for this project: "LUPA-BIO-IFS-5: Following the clearance surveys within sites that are fenced with long-term desert tortoise exclusion fencing, a designated biologist will monitor initial clearing and grading activities to ensure that desert tortoises missed during the initial clearance survey are ~~moved from harm's way~~ **not harmed, that clearing and grading activities cease, and that the tortoise is reported to the BLM and CDFW for guidance before activities resume**."

Similarly, the following statement needs to be removed from LUPA-BIO-IFS-8 on page 50, "If it [a tortoise] does not move within 15 minutes, a designated biologist may remove and relocate the animal to a safe location." This activity would be unauthorized take of a listed species under CESA and FESA, and take is not authorized through CEQA documents.

Please require that the Authorized Biologist, BLM, and CDFW be contacted if any tortoises, MGS, and/or burrowing owls are observed at well sites, on mine access roads, or any other mine feature associated with the proposed project for the life of the project to see if these circumstances warrant an incidental take permit or revised biological opinion.

Since both the County and the BLM would be authorizing mine development, it is appropriate that the plan of operations, BLM's stipulations, and any other pertinent regulatory documents clearly define whether a Section 10(a)(1)(B) ITP would be required due to County involvement or a Section 7 biological opinion would be required due to BLM's involvement. As written, the IS/MND is not clear as to which federal authorization would be required. We assume that a State 2081 permit would be required for any impacts to tortoises, MGS, or burrowing owls.

With regards to LUPA-BIO-IFS-12, 13, and 14 on pages 51 and 52 concerning western burrowing owl, it is our understanding that until which time the California Fish and Game Commission accepts or rejects the petition to list the species, burrowing owl must be treated as if were already listed under CESA. This means that an ITP specific for western burrowing owl would need to be issued to the Proponent by CDFW before any mining activity that would adversely affect the burrowing owl may occur.

As we have stated herein, to our knowledge the Proponent has not followed current management regarding MGS, which requires either a Section 2081 ITP or protocol trapping that confirms MGS absence on the site. As such, most of the following measures given on page 52 are inappropriate: "LUPA-BIO-IFS-39: During the typical active Mohave ground squirrel season (February 1 through August 31), conduct clearance surveys throughout the site, immediately prior to initial ground disturbance in the areas depicted in Appendix D. In the cleared areas, perform monitoring

to determine if squirrels have entered cleared areas. Contain ground disturbance to within areas cleared of squirrels. Detected occurrences of Mohave ground squirrel will be flagged and avoided, with a minimum avoidance area of 50 feet, until the squirrels have moved out of harm's way. A designated biologist may also actively move squirrels out of harm's way."

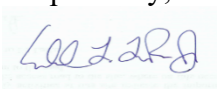
The fatal flaws associated with this prescription are that neither the CDFW nor the BLM have developed an approved clearance survey for the MGS, nor can MGS burrows be identified. Unlike the desert tortoise where clearance surveys are well defined (USFWS 2009), no methods exist for conducting MGS clearance surveys. Leitner and LaRue (2014) have demonstrated that MGS burrows cannot be differentiated from other rodent burrows, so there is no way to perform burrow surveys to flag and avoid such burrows or designate a "minimum avoidance area of 50 feet." There have been authorized efforts to remove MGS from solar sites using Sherman live traps, when MGS are detected above ground during clearance surveys by an authorized biologist or during initial ground disturbance activities by the biological monitor, but such trapping may only occur after a Section 2081 ITP has been issued. So, this entire prescription should be removed from the plan of operations and any other regulatory documents.

For the same reasons, LUPA-BIO-IFS-41 on page 52 also needs to be removed.

We appreciate this opportunity to provide the above comments and trust they will help protect tortoises and MGS during any resulting authorized activities. Herein, we reiterate that the DTC, DTPC, and MGSCC want to be identified as Affected Interests for this and all other projects funded, authorized, or carried out by the County or BLM that may affect desert tortoises and/or Mohave ground squirrels, respectively, and that any subsequent environmental documentation for this project is provided to us at the contact information listed above. Additionally, we request that you notify the DTC (eac@deserttortoise.org), DTPC (roger.dale@tortoise-tracks.org), and MGSCC (ed.larue@mgsconservation.org) of any future proposed projects that the County or BLM may authorize, fund, or carry out in the ranges of the desert tortoises and/or Mohave ground squirrel, respectively.

Please respond in an email that you have received this comment letter so we can be sure our concerns have been registered with the appropriate personnel and office for this Project.

Respectfully,



Edward L. LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson
Mohave Ground Squirrel Conservation Council, Ecosystems Advisory Committee, Chairperson

Roger Dale
Desert Tortoise Preserve Committee, President

Attachment: Appendix A: Demographic Status and Trend of the Mojave Desert Tortoise including the Western Mojave Recovery Unit

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Appendix A
Demographic Status and Trend of the Mojave Desert Tortoise
including the Western Mojave Recovery Unit

Status of the Population of the Mojave Desert Tortoise: The Council provides the following information for resource and land management agencies so that these data may be included and analyzed in their project and land management documents and aid them in making management decisions that affect the Mojave desert tortoise (tortoise).

There are 17 populations of Mojave desert tortoise described below that occur in Critical Habitat Units (CHUs) and Tortoise Conservation Areas (TCAs); 14 are on lands managed by the BLM; 8 of these are in the California Desert Conservation Area (CDCA).

As the primary land management entity in the range of the Mojave desert tortoise, the Bureau of Land Management's (BLM's) implementation of a conservation strategy for the Mojave desert tortoise in the CDCA through implementation of its Resource Management Plan and Amendments through 2014 has resulted in the following changes in the status for the tortoise throughout its range and in California from 2004 to 2014 (**Table 1**, **Table 2**; USFWS 2015, Allison and McLuckie 2018). The Council believes these data show that BLM and others have failed to implement an effective conservation strategy for the Mojave desert tortoise as described in the recovery plan (both USFWS 1994a and 2011), and have contributed to tortoise declines in density and abundance between 2004 to 2014 (**Table 1, Table 2**; USFWS 2015, Allison and McLuckie 2018) with declines or no improvement in population density from 2015 to 2024 (**Table 3**; USFWS 2016, 2018, 2019, 2020, 2022a, 2022b, 2025).

Important points from these tables include the following:

Change in Status for the Mojave Desert Tortoise Range-wide
● Ten of 17 populations of the Mojave desert tortoise declined from 2004 to 2014.

● Eleven of 17 populations of the Mojave desert tortoise are below the population viability threshold. These 11 populations represent 89.7 percent of the range-wide habitat in CHUs/TCAs.

Change in Status for the Western Mojave Recovery Unit – California
● This recovery unit had a 51 percent decline in tortoise density from 2004 to 2014.

● Tortoise populations in all three TCAs in this recovery unit have densities that are below viability.

Change in Status for the Superior-Cronese Tortoise Population in the Western Mojave Recovery Unit.
● The population in this recovery unit experienced declines in densities of 61 percent from 2004 to 2014. In addition, there was a 51 percent decline in tortoise abundance.

● This population has densities less than needed for population viability (USFWS 1994a).

Table 1. Summary of 10-year trend data for the 5 Recovery Units and 17 CHUs/TCAs for Mojave desert tortoise. The table includes the area of each Recovery Unit and CHU/TCA, percent of total habitat for each Recovery Unit and CHU/TCA, density (number of breeding adults/km^2 and standard errors = SE), and the percent change in population density between 2004 and 2014. Populations below the viable level of 3.9 breeding individuals/km^2 (10 breeding individuals per mi^2) (assumes a 1:1 sex ratio) or showing a decline from 2004 to 2014 are in red.

Recovery Unit: Designated Critical Habitat Unit[1]/Tortoise Conservation Area	**Surveyed area (km^2)**	**% of total habitat area in Recovery Unit & CHU/TCA**	**2014 density/km^2 (SE)**	**% 10-year change (2004–2014)**
Western Mojave, CA	**6,294**	**24.51**	**2.8 (1.0)**	**–50.7 decline**
Fremont-Kramer	2,347	9.14	2.6 (1.0)	–50.6 decline
Ord-Rodman	852	3.32	3.6 (1.4)	–56.5 decline
Superior-Cronese	3,094	12.05	2.4 (0.9)	–61.5 decline
Colorado Desert, CA	**11,663**	**45.42**	**4.0 (1.4)**	**–36.25 decline**
Chocolate Mtn AGR, CA	713	2.78	7.2 (2.8)	–29.77 decline
Chuckwalla, CA	2,818	10.97	3.3 (1.3)	–37.43 decline
Chemehuevi, CA	3,763	14.65	2.8 (1.1)	–64.70 decline
Fenner, CA	1,782	6.94	4.8 (1.9)	–52.86 decline
Joshua Tree, CA	1,152	4.49	3.7 (1.5)	+178.62 increase
Pinto Mtn, CA	508	1.98	2.4 (1.0)	–60.30 decline
Piute Valley, NV	927	3.61	5.3 (2.1)	+162.36 increase
Northeastern Mojave	**4,160**	**16.2**	**4.5 (1.9)**	**+325.62 increase**
Beaver Dam Slope, NV, UT, AZ	750	2.92	6.2 (2.4)	+370.33 increase
Coyote Spring, NV	960	3.74	4.0 (1.6)	+ 265.06 increase
Gold Butte, NV & AZ	1,607	6.26	2.7 (1.0)	+ 384.37 increase
Mormon Mesa, NV	844	3.29	6.4 (2.5)	+ 217.80 increase
Eastern Mojave, NV & CA	**3,446**	**13.42**	**1.9 (0.7)**	**–67.26 decline**
El Dorado Valley, NV	999	3.89	1.5 (0.6)	–61.14 decline
Ivanpah Valley, CA	2,447	9.53	2.3 (0.9)	–56.05 decline
Upper Virgin River	**115**	**0.45**	**15.3 (6.0)**	**–26.57 decline**
Red Cliffs Desert	115	0.45	15.3 (6.0)	–26.57 decline
Range-wide Area of CHUs - TCAs/Range-wide Change in Population Status	**25,678**	**100.00**		**–32.18 decline**

[1] U.S. Fish and Wildlife Service. 1994b. Endangered and threatened wildlife and plants; determination of critical habitat for the Mojave population of the desert tortoise. Federal Register 55(26):5820-5866. Washington, D.C.

Table 2. Estimated change in abundance of adult Mojave desert tortoises in each recovery unit between 2004 and 2014 (Allison and McLuckie 2018). Decreases in abundance are in red.

Recovery Unit	Modeled Habitat (km^2)	2004 Abundance	2014 Abundance	Change in Abundance	Percent Change in Abundance
Western Mojave	23,139	131,540	64,871	-66,668	-51%
Colorado Desert	18,024	103,675	66,097	-37,578	-36%
Northeastern Mojave	10,664	12,610	46,701	34,091	270%
Eastern Mojave	16,061	75,342	24,664	-50,679	-67%
Upper Virgin River	613	13,226	10,010	-3,216	-24%
Total	**68,501**	**336,393**	**212,343**	**-124,050**	**-37%**

Table 3. Summary of data for Agassiz's desert tortoise, *Gopherus agassizii* (=Mojave desert tortoise) from 2004 to 2024 for the 5 Recovery Units and 17 Critical Habitat Units (CHUs)/Tortoise Conservation Areas (TCAs). The table includes the area of each Recovery Unit and CHU/TCA, percent of total habitat for each Recovery Unit and CHU/TCA, density (number of breeding adults/km^2 and standard errors = SE), and percent change in population density between 2004-2014 (USFWS 2015). Populations below the viable level of 3.9 breeding individuals/km^2 (10 breeding individuals per mi^2) (assumes a 1:1 sex ratio) (USFWS 1994a, 2015) or showing a decline from 2004 to 2014 are in **red.**

Recovery Unit: Designated CHU/TCA &	% of total habitat area in Recovery Unit & CHU/TCA	2004 density/ km^2	2014 density/ km^2 (SE)	% 10-year change (2004–2014)	2015 density/ km^2	2016 density/ km^2	2017 density/ km^2	2018 density/ km^2	2019 density/ km^2	2020 density/ km^2	2021 density/ km^2	2024 density/ km^2
Western Mojave, CA	**24.51**		**2.8 (1.0)**	**–50.7 decline**								
Fremont-Kramer	9.14		2.6 (1.0)	–50.6 decline	4.5	No data	4.1	No data	2.7	1.7	No data	1.8
Ord-Rodman	3.32		3.6 (1.4)	–56.5 decline	No data	No data	3.9	2.5/3.4*	2.1/2.5*	No data	1.9/2.5*	2.7
Superior-Cronese	12.05		2.4 (0.9)	–61.5 decline	2.6	3.6	1.7	No data	1.9	No data	No data	No data
Colorado Desert, CA	**45.42**		**4.0 (1.4)**	**–36.25 decline**								
Chocolate Mtn AGR, CA	2.78		7.2 (2.8)	–29.77 decline	10.3	8.5	9.4	7.6	7.0	7.1	3.9	7.4
Chuckwalla, CA	10.97		3.3 (1.3)	–37.43 decline	No data	No data	4.3	No data	1.8	4.6	2.6	No data
Chemehuevi, CA	14.65		2.8 (1.1)	–64.70 decline	No data	1.7	No data	2.9	No data	4.0	No data	No data
Fenner, CA	6.94		4.8 (1.9)	–52.86 decline	No data	5.5	No data	6.0	2.8	No data	5.3	No data
Joshua Tree, CA	4.49		3.7 (1.5)	+178.62 increase	No data	2.6	3.6	No data	3.1	3.9	No data	No data
Pinto Mtn, CA	1.98		2.4 (1.0)	–60.30 decline	No data	2.1	2.3	No data	1.7	2.9	No data	No data
Piute Valley, NV	3.61		5.3 (2.1)	+162.36 increase	No data	4.0	5.9	No data	No data	No data	3.9	4.0

Northeastern Mojave AZ, NV, & UT	**16.2**		**4.5 (1.9)**	**+325.62 increase**								
Beaver Dam Slope, NV, UT, & AZ	2.92		6.2 (2.4)	+370.33 increase	No data	5.6	1.3	5.1	2.0	No data	No data	1.7
Coyote Spring, NV	3.74		4.0 (1.6)	+ 265.06 increase	No data	4.2	No data	No data	3.2	No data	No data	2.7
Gold Butte, NV & AZ	6.26		2.7 (1.0)	+ 384.37 increase	No data	No data	1.9	2.3	No data	No data	2.4	No data
Mormon Mesa, NV	3.29		6.4 (2.5)	+ 217.80 increase	No data	2.1	No data	3.6	No data	5.2	5.2	No data
Eastern Mojave, NV & CA	**13.42**		**1.9 (0.7)**	**–67.26 decline**								
El Dorado Valley, NV	3.89		1.5 (0.6)	–61.14 decline	No data	2.7	5.6	No data	2.3	No data	No data	
Ivanpah Valley, CA	9.53		2.3 (0.9)	–56.05 decline	1.9	No data	No data	3.7	2.6	No data	1.8	
Upper Virgin River, UT & AZ	**0.45**		**15.3 (6.0)**	**–26.57 decline**								
Red Cliffs Desert**	0.45	29.1 (21.4-39.6)**	15.3 (6.0)	–26.57 decline	15.0	No data	19.1	No data	17.2	No data	No data	17.5†
Rangewide Area of CHUs - TCAs/Rangewide Change in Population Status	**100.00**			**–32.18 decline**								

*This density includes the adult tortoises translocated from the expansion of the MCAGCC, that is resident adult tortoises and translocated adult tortoises.

**Methodology for collecting density data initiated in 1999.

†Results from 2023

Change in Status for the Mojave Desert Tortoise in California

- Eight of 10 populations of the Mojave desert tortoise in California declined from 29 to 64 percent from 2004 to 2014 with implementation of tortoise conservation measures in the Bureau of Land Management's Northern and Eastern Colorado Desert (NECO), Northern and Eastern Mojave Desert (NEMO), and Western Mojave Desert (WEMO) Plans.

- Eight of 10 populations of the Mojave desert tortoise in California are below the viability threshold for density. These eight populations represent 87.45 percent of the habitat in California that is in CHU/TCAs.

- The two viable populations of the Mojave desert tortoise in California are declining. If their rates of decline from 2004 to 2014 continue, these two populations will no longer be viable by about 2030.

Change in Status for the Mojave Desert Tortoise on BLM Land in California

- Eight of eight populations of Mojave desert tortoise on lands managed by the BLM in California declined from 2004 to 2014.

- Seven of eight populations of Mojave desert tortoise on lands managed by the BLM in California are no longer viable.

Change in Status for Mojave Desert Tortoise Populations in California that Are Moving toward Meeting Recovery Criteria

- The only population of Mojave desert tortoise in California that did not decline is on land managed by the National Park Service, which increased 178 percent from 2004 to 2014.

Important points to note from the data from 2015 to 2024 in Table 3 are:

Change in Status for the Mojave Desert Tortoise in the Western Mojave Recovery Unit:

- The density of tortoises continues to decline in the Western Mojave Recovery Unit
- The density of tortoises from 2015 to 2024 continues to fall below the density needed for population viability.

Change in Status for the Mojave Desert Tortoise in the Colorado Desert Recovery Unit:

- Many of the populations in this recovery unit have densities that are barely above the threshold for population viability.

Change in Status for the Mojave Desert Tortoise in the Northeastern Mojave Recovery Unit:

- Two of the three population with densities greater than needed for population viability declined to level below the minimum viability threshold.
- Three of the four populations in this recovery unit have densities below the minimum density needed for population viability.

Change in Status for the Mojave Desert Tortoise in the Eastern Mojave Recovery Unit:

- Both populations in this recovery unit have densities below the minimum density needed for population viability.

Change in Status for the Mojave Desert Tortoise in the Upper Virgin River Recovery Unit:
● The one population in this recovery unit is small and appears to have stable densities after declining for several years.

The Endangered Mojave Desert Tortoise: The Council believes that the Mojave desert tortoise meets the definition of an endangered species. In the FESA, Congress defined an "endangered species" as "any species which is in danger of extinction throughout all or a significant portion of its range…" In the California Endangered Species Act (CESA), the California legislature defined an "endangered species" as a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant, which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes (California Fish and Game Code § 2062). Because most of the populations of the Mojave desert tortoise were non-viable in 2014, most are declining, and the threats to the Mojave desert tortoise are numerous and have not been substantially reduced throughout the species' range, the Council believes the Mojave desert tortoise should be designated as an endangered species by the USFWS and California Fish and Game Commission. Despite claims by USFWS (Averill-Murray and Field 2023) that a large number of individuals of a listed species and an increasing population trend in part of the range of the species prohibits it from meeting the definitions of endangered, we are reminded that the tenants of conservation biology include numerous factors when determining population viability. The number of individuals present is one of a myriad of factors (e.g., species distribution and density, survival strategy, sex ratio, recruitment, genetics, threats including climate change, etc.) used to determine population viability. In addition, a review of all the available data does not show an increasing population trend (please see Tables 1 and 3).

Literature Cited in Appendix on Status and Trend of the Mojave Desert Tortoise

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EXHIBIT L

Applicant response to comment letters

CEDAR CREEK ASSOCIATES, INC.

To: San Bernardino County

From: Cedar Creek Associates Inc.

Date: August 21, 2025

Subject: **Response to Public Comments on the Persistence Mine IS/MND**

Response to Comments from CDFW:

General Response to Comments 1 through 4:

The County cannot change the language of Conservation Management Actions (CMAs) that the CDFW has suggested in their comment letter, because the CMAs are part of the published Desert Renewable Energy Conservation Plan authored by the Bureau of Land Management (BLM). The IS/MND is describing how the Project will conform to applicable CMAs; those CMAs are reprinted in the document followed by an explanation below each about how the Project conforms. However, the County will add to the mitigation measures for the Project that the Applicant will consult with CDFW if a Mojave Desert Tortoise, Mojave Ground Squirrel or burrowing owl have been identified on the Project site during the pre-construction, or clearance surveys as performed by an Authorized USFWS Biologist and obtain an Incidental Take Permit (ITP) if required by CDFW, in the event that avoidance of federal or state listed species cannot be achieved, as determined by a USFWS Authorized Biologist. Conformance with CMAs will note that handling of state listed species is prohibited without an ITP.

Additional response to Comment #1: The presence of the Mohave Ground Squirrel was not detected in the proposed Project area, but was detected near the area. The coordinates where the positive trap location was in April 2022 between the two pits, whereby the biologists appear to have inadvertently trespassed on private land. The final documentation for the Project will acknowledge the additional surveying done to show presence outside of the Project area.

Additional response to Comment #2: The Project does not propose desert tortoise translocation; the Applicant understands that handling of desert tortoise would require an ITP. Any desert tortoises found within the Project site would be allowed to leave the site unharmed before Project activities begin. Installing exclusion fencing around the Project site does not in itself trigger a requirement for an ITP.

Additional response to Comment #4: The Applicant has committed to pre-construction migratory bird nest surveys.

Response to Comment #5: The Applicant has already engaged with CDFW regarding the Notification process to consult with CDFW to determine if a Lake and Streambed Alteration Agreement will be required on any portion of the Project area. If the outcome of this consultation determines that a Lake and Streambed Alteration Agreement is needed, the Applicant will obtain a Lake and Streambed Alteration Agreement, as is already stated in the mitigation measures for the Project.

Response to Comment #6: Based on the sensitive plant data and vegetation data collected for the Project, the Project area does not provide overwintering habitat for the Crotch's bumble bee, but there could potentially be burrows and some flowering plant species that provide suitable habitat for the species. The County will therefore add a mitigation measure that where suitable habitat and likely or expected presence occurs in the Project area, if any, as determined by a qualified biologist knowledgeable of foraging, nesting and/or overwintering habitat for Crotch's bumble bee , the Applicant will conduct a survey for this species before any ground disturbing activities commence. If the Crotch's bumble bee is observed in the Project area, the Applicant will adopt measures to avoid Take, and if that is not possible, then Applicant will consult with CDFW to determine if an ITP for incidental take is required and if so, Applicant will apply for same. The Applicant will work in coordination with CDFW to develop the appropriate avoidance measures for the species based on the type of habitat occupied by the bee, if any is identified. Bee surveys in the Project area will be identified by a qualified biologist following CDFW's recommended survey protocols.

Response to Comments from the Desert Tortoise Council et al:

Comments from the Desert Tortoise Council include proposing language changes to CMAs. The County cannot change the language of CMAs suggested in the comment letter, because the CMAs are part of the published Desert Renewable Energy Conservation Plan authored by the BLM. The IS/MND is describing how the Project will conform to applicable CMAs; those CMAs are reprinted in the document followed by an explanation below each about how the Project conforms. However, the County will add to the mitigation measures for the Project that the Applicant must obtain an ITP in the event that avoidance of federal or state listed species cannot be achieved. Conformance with CMAs will note that handling of state listed species is prohibited without an ITP.

Other comments from the tri-party letter from the Desert Tortoise Council, Desert Tortoise Preserve Committee and Mohave Ground Squirrel Conservation Council are comparing the proposed Persistence Mine Project to exploration projects that were previously proposed by GDG, which were analyzed by BLM in 2023 (DOI-BLM-CA-D050-2023-0007-EA). Note that the footprint of the exploration projects analyzed in DOI-BLM-CA-D050-2023-0007-EA are not the same as the Persistence Mine project. The County reviewed the data specific to the Persistence Mine Project site, including new baseline data collected since the BLM's EA publication. Further responses to the Desert Tortoise Council, Desert Tortoise Preserve Committee and Mohave Ground Squirrel Conservation Council's comments by the County will be limited to the scope of the IS/MND for the Persistence Mine Project.

The remaining body of comments from the Desert Council, Desert Tortoise Preserve Committee and Mohave Ground Squirrel Conservation Council's are questioning the validity of baseline wildlife surveys completed for the Project while providing anecdotal or unpublished survey data to support the presumption that desert tortoises, burrowing owls, and Mohave ground squirrels might be present in the Project area and therefore, that impacts will occur and should be identified as significant by the County.

The Project area is known to be within Mohave ground squirrel habitat, and that it provides suitable habitat for burrowing owls and desert tortoises. Surveys to date for the Project area, which have been conducted by qualified biologists, have not confirmed the presence of Mohave ground squirrels, desert tortoises, or burrowing owls in the Project area. There are various records of the species near the Project area, reported in CNDBB and from the baseline surveys for the Project. The County and the Applicant acknowledge that Mohave ground squirrels, desert tortoises, and burrowing owls could

become present in the Project area, and have addressed this possibility by the commitment to conduct pre-disturbance clearance surveys for the species. GDG's EPMs include monitoring measures for desert tortoises which will be in accordance with USFWS protocols. The Applicant-committed EPMs and compliance with BLM's applicable CMAs to protect Mohave ground squirrel, desert tortoises, and burrowing owls, are required of the Project. If the Applicant cannot avoid Take of the species, as determined by a USFWS Authorized Biologist, then the Applicant will consult with CDFW to determine if an ITP will be required of the Applicant by CDFW.

EXHIBIT M

Public Comments

Peter S. Adams, Trustee
Frank P Adams 1979 Trusts
1085 Black Mountain Road
Hillsborough, CA 94010
650 868 8680
bcapsa@gmail.com

September 9, 2025

San Bernardino County Government Center
Chamber of Board of Supervisors
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415

Dear Honorable Board of Supervisors:

I am the Trustee for the Family Trust named above, and the Owner of 305 acres of patented mining claims and an additional 155 acres of unpatented claims, all about 2 miles North of the town of Randsburg, in Kern County. I've been working on developing my property for placer gold mining for about 40 years, while making my primary career in Northern California.

Mr. Tucker and his company Gold Discovery Group LLC are neighbors of mine and we are both in the mining development business. I first met Mr. Tucker in 2020. We have developed a strong bond over the past 5 years, discussing in detail the challenges that face all gold miners in the State of California, and making various arrangements to support each other's efforts

In my experience with Mr. Tucker, he is a unique person in the mining industry, for several reasons.

For one, he has high integrity. He is very clear about his plans and intentions, and follows through on whatever commitments he makes. A rare quality in Any industry. When he commits to do something, one can count on him to ensure it happens.

Secondly, Mr Tucker has a keen interest in environmental issues, and being a "good citizen" and volunteer in his local community. Mr Tucker has shared with me how he works closely with environmental interest groups to understand their concerns and properly mitigate them in his planned operations. For example, he and his employees have actively engaged the Desert Tortoise Council and the Desert Tortoise Preserve Committee over the past several years, and he has educated himself and his employees to be fully aware of the dangers the Mojave Desert Tortoise faces in the desert and how they all might assist in the arrest of their decline. In fact, Mr. Tucker's efforts to save the Mojave Desert Tortoise have been recognized by the Desert Tortoise Council as evidenced by their request to have Mr. Tucker be a guest speaker at their 50th Annual Symposium in Las Vegas this past February.

Mr Tucker also has a strong record of following through on his reclamation obligations from his operations so far. His team have drilled over 400 holes in our area near Johannesburg and near Atolia, and dug two sizeable trenches within the proposed Persistence Mine footprint. His reclamation of these 400 drill holes, access roads and trenches have more than met the requirements of his permits.

Mr. Tucker and his company are also Adopt-a-Highway volunteers for both San Bernardino and Kern Counties, volunteering to clean up a 4-mile stretch. They have also sponsored the Randsburg Old West Days for the past 2 years, providing free food to all attendees. Finally, Mr. Tucker with his family and employees, also took part in the spring cleanup of the Johannesburg city cemetery.

Mr Tucker and his company have applied for a Reclamation Plan and permit for the Persistence mine, to the Board of Supervisors. The Board should have every confidence that Mr Tucker and his company have the skillset and integrity to follow through with whatever commitments they will make in that Plan, in addition to bringing jobs, tax revenues and charitable benefits to San Bernardino County and the local community in and near Atolia.

Sincerely,

Peter S Adams

Peter S. Adams
Trustee

From: Randall Porter
To: Newland, Derek
Subject: Fw: Comments on MRP-2023-00001, Gold Discovery Group
Date: Monday, September 1, 2025 1:22:54 PM

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From: Randall Porter <randall_k_porter@yahoo.com>
To: derek.newland@lus.sbcouny.gov <derek.newland@lus.sbcouny.gov>
Sent: Monday, September 1, 2025 at 12:47:00 PM PDT
Subject: Comments on MRP-2023-00001, Gold Discovery Group

Mr. Newland:
Thank you for speaking with me. I have a few minor suggestions and comments on the GDG application.

1. The Department of Conservation states- "By way of a Memorandum of Understanding between the Department of Conservation, the Bureau of Land Management (BLM), and the U.S. Forest Service (USFS), have agreed that the statutes and regulations of SMARA are applicable to lands regulated by BLM and the USFS. Under the terms of the agreement, the local lead agency remains the lead agency and has the main responsibility to enforce the requirements of SMARA. The lead agency works cooperatively with the federal agencies to assure that the requirements of the local ordinances, state statutes and regulations and federal requirements are met. • Lead agency status cannot be delegated to the federal agency. • The local lead agency must require and approve (after review by the Department of Conservation) a reclamation plan and financial assurances. (Lead agencies may accept operation plans, reclamation plans and environmental studies that meet BLM and USFS, provided they meet the requirements of SMARA.) • ***The financial assurances must be payable to the appropriate federal agency, as well as to the lead agency and the Department of Conservation.*** • The local lead agency retains responsibility for annual inspections. For the mine operator: • Mining claims with the appropriate federal agency, and claim maintenance fees are still required. • Mine operators are still required to submit annual reports and annual reporting fees to the Department of Conservation."
This means the Surety Bond for GDG must name the Ridgecrest BLM Field Manager as well as San Bernardino County and California Dept. of Conservation.
See https://conservation.ca.gov/dmr/publications/Documents/SMARA%20FAQ.pdf

2. Sections 14 and 15 of annual Mining Report Form MRRC-2 require reporting the assessed value of the operation and the amount of gold/silver produced. This means GDG is required to submit form BOE-560-C to the San Bernardino County Assessor, and account for it to Dept of Conservation. You might wish to mention this in your SMARA approval.

3. SMARA lead agencies have traditionally felt that County governments do not have authority to do approve mine operations on federal land, and limit their CEQA analysis to reclamation only. Nonetheless, a California court HAS ruled that CEQA requires analysis for the effect of mining, and the CEQA analysis is incomplete otherwise. Please discuss the decision at https://hthglaw.com/california-court-clarifies-ceqa-review-mining-operations-federal-land/ with either the Dept of Conservation and/or your Counsel.

Good Luck!
Sincerely,

Randall Porter
BOX 3
Olancha CA 93549