Initial Study/
Mitigated Negative Declaration
and
Environmental Assessment

Long Valley Mineral Mining Site – Mining Operations Permit Application Reclamation Plan Application

May 2009

PREPARED BY:

Mono County Community Development Department
Post Office Box 347
Mammoth Lakes, CA 93546
(760) 924-1807

INITIAL STUDY

I. INTRODUCTION

The National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) requires public agencies to consider the effects that development projects will have on the environment. This environmental document is a joint Initial Study/Mitigated Negative Declaration and Environmental Assessment was prepared as a joint federal/state environmental document, as encouraged by NEPA regulations [40 CFR 1506.2 (c)] and CEQA Guidelines 15226).

The Mono County Community Development Department has prepared an Initial Study and Environmental Assessment to identify potential environmental impacts related to this project. The following environmental impacts and proposed mitigation measures have been developed by Staff and reviewed with the applicant to mitigate potential project impacts. Significant environmental effects are not anticipated, if the project is carried out in accordance with the mitigation measures proposed for the project.

The **Mono County Master Environmental Assessment** (MEA) and the Inyo National Forest Plan Land Resource Management Plan (1988), along with site-specific special studies, was used as the primary reference source in reviewing and making the following environmental determinations. Additional references, including the site-specific special studies, are listed at the end of this document. The MEA is available for review at the Mono County Community Development Department offices.

II. PROJECT INFORMATION

1. Project Title:
Long Valley Mineral Mining Site (LVMMS)—
Mining Operations Permit Application & Reclamation Plan Application

2. Lead Agency Contact Information:
Mono County Community Development Department
P.O. Box 347
Mammoth Lakes, CA 93546

Gerry LeFrancois, Principal Planner
(760) 924-1810
glefrancois@mono.ca.gov

3. **Project Applicant Contact Information:**
   Town of Mammoth Lakes
   P.O. Box 1609
   Mammoth Lakes, CA 93546

   Ray Jarvis, Director of Public Works
   (760)934-8989
   rjarvis@ci.mammoth-lakes.ca.us

4. **Property Owner Contact Information:**
   US Forest Service, Inyo National Forest
   Mammoth/Mono Lake Ranger District
   P.O. Box 148 – 2500 Highway 203
   Mammoth Lakes, California 93546
   (760) 873-2400

5. **Project Location:**
   The project site (APN 37-13-12 and APN 37-13-13) is located in the Long Valley area of Mono County, California, adjacent to Airport Road, approximately 7 miles east of the Town of Mammoth Lakes and approximately 1500 feet northeast of the Mammoth Yosemite Airport (T4S, R28E, Sections 1-2, MDB&M) (see Figure 1)

6. **General Plan Land Use Designation/Zoning:**
   Industrial (I)

7. **Description of Project**: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary):

   Overview of Proposed Action
   The Long Valley Mineral Mining Site (LVMMS) is on public land managed by the US Forest Service, Inyo National Forest. The site has been used for over 40 years for mining aggregate materials and for disposal of clean construction debris from the Town of Mammoth Lakes, Mono County, and portions of Inyo County. The disposal of clean materials is used to backfill the pit area, which provides preliminary reclamation of the existing open pit.

   The Town of Mammoth Lakes is proposing to expand the pit area at the site and manage the site for the use of the Town and Mono County. Reclamation of the pit will occur concurrently with mining under an existing Special Use Permit

issued by the Forest Service. The proposed end land use is grazing and wildlife habitat.

Agreement for the Management of the LVMMS

The Town of Mammoth Lakes, the US Forest Service (Inyo National Forest), and Mono County will prepare an agreement for the management and operational responsibilities of each entity.

Mining Operations Permit Application—Proposed Mining Operations

The proposed project is described in the Scenery Management Evaluation prepared for the site by the US Forest Service:

> "The Town of Mammoth Lakes (TML) has submitted a proposal to conduct mining operations on approximately 10 acres of land (5 acres existing disturbance and 5 acres new disturbance) at the Long Valley Mineral Material Site (LVMMS). The proposed mining activities will push back the pit wall by 200 feet on the northwest portion of the pit, consume approximately 5.0 acres of land, and be completed over a 20 year period. The LVMMS is located ~1500 feet northeast of the Mammoth Yosemite Airport in Mono County, CA (T4S, R28E, Sections 1-2, MDB&M). The pit is approximately 40 acres in size and has three main uses: the southeast portion of the pit is the *backfilling* area used for reclamation; the northwest portion of the pit is used for *mining* borrow materials for public works maintenance and projects throughout the county; and between these two areas is the *material storage area*. Over the next 20 years it is anticipated that approximately 20-30 acres will be backfilled and planted with native species to return the southeast portion of the pit to productive rangeland in the backfilling program. The additional 5 acres of disturbance from the proposed operation will be reclaimed under a California SMARA reclamation plan, with all slopes <3:1, and re-seeded with a native species specified by the Forest Botanist.

Over the next 20 years, approximately 166,600 cubic yards of materials may be removed from the site. Equipment on-site will include a portable guard shack, a portable toilet, a front end loader, a stationary sorter, excavators and haul trucks. The excavators and haul trucks will be provided by each agency using the site (Town, County). Access to the site will be from 7:30 a.m. until 5:00 p.m, Monday through Friday, from May through November. No electric power or propane will be used in the mining operation. There will be no processing on-site, other than use of a stationary sorter. Any water needed for dust control will be trucked on-site and dispersed from a water truck.

Proposed Reclamation Plan

Reclamation will occur concurrently with the mining operation. Clean construction debris has historically been used to backfill the pit. That practice will continue under the existing Special Use Permit issued by the Forest Service. Backfilled areas will then be covered with dirt, graded, and reseeded with a native seed mix. Revegetated areas will be watered, as necessary, to establish the vegetation. Revegetation requirements are attached to this document in Appendix B. Finished contour grades will be approximately 3-5 feet below the

surrounding existing grades. Figures 4-6 show the proposed reclamation area, grading plan, and landscape plan.

All other slopes will be reclaimed to <3:1 and reseeded with a native vegetation if backfilling can not be completed due to either a lack of material or a change in the backfilling program.

8. **Other Public Agencies Whose Approval May Be Required** (e.g. permits, financing approval, or participation agreement):

US Forest Service, Inyo National Forest
Mammoth/Mono Lake Ranger District
P.O. Box 148 – 2500 Highway 203
Mammoth Lakes, California 93546

9. Public Scoping, Issues, and Concerns

The project has been listed in the Inyo National Forest's Schedule of Proposed Actions since January 2006. The Forest Service sent a total of 106 scoping letters on February 8, 2006 to interested citizens, environmental groups, public agencies and tribal governments. A total of six comments were received in written correspondence, electronic mail, and telephone calls.

One comment was received that requested information on whether backfilling was required by the State of California for the proposed action. Two comments were received in favor of the proposed action from Advocates for Access to Public Lands and Dave Wood Ranches.

A total of two potential issues and concerns were identified from the remaining comments.

- California Regional Water Quality Control Board – Lahontan Region (Letter dated March 1, 2006).
  - Impacts to ground water resources and groundwater quality from the proposed mining activities.
- Marzano and Sons General Engineering Contractors, Inc. (Letter dated February 15, 2006).
  - A number of specific questions concerning the disposal of the mineral resources.

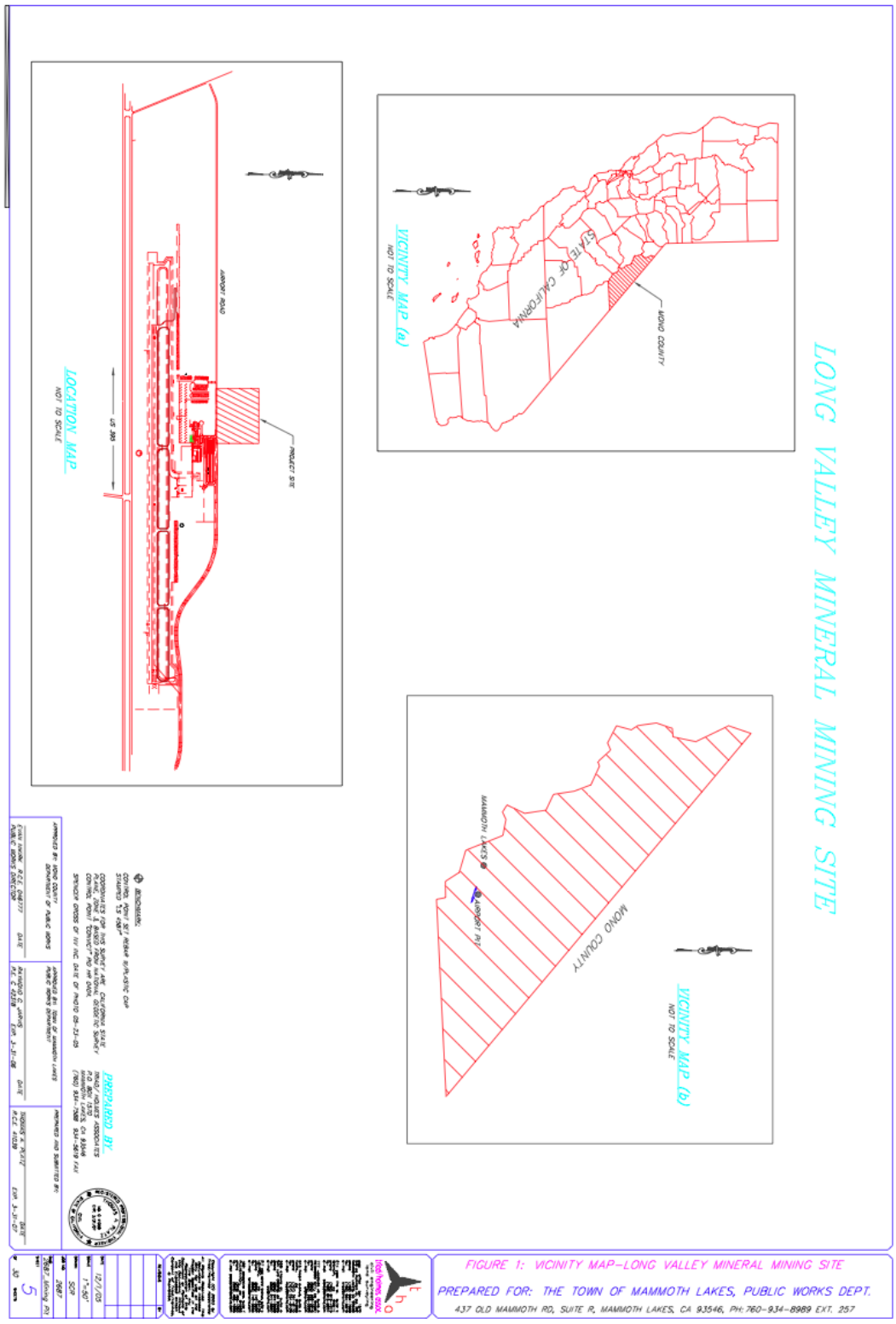

Figure 1—Long Valley Mineral Mining Site, Location Map

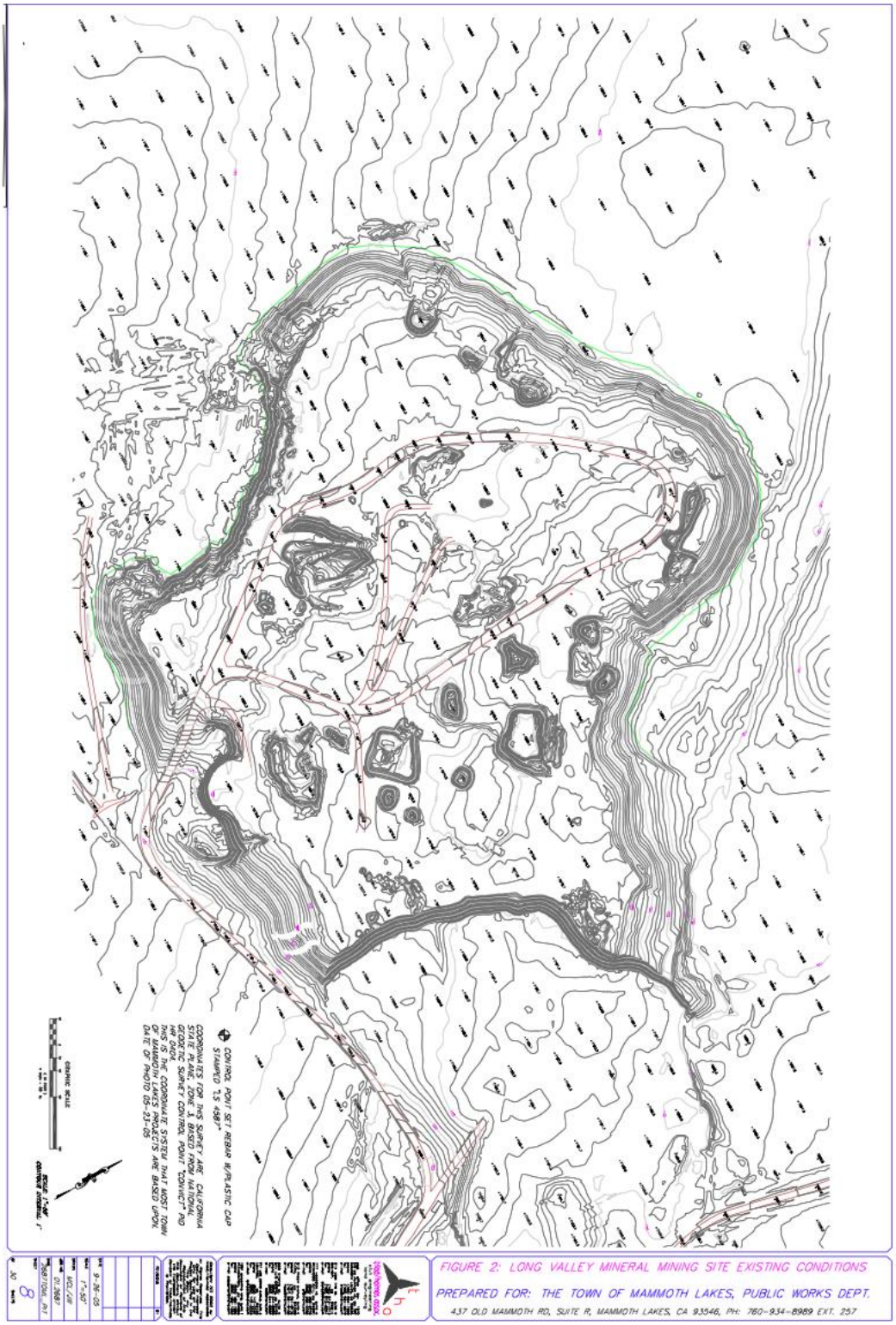

Figure 2—Long Valley Mineral Mining Site—Existing Conditions

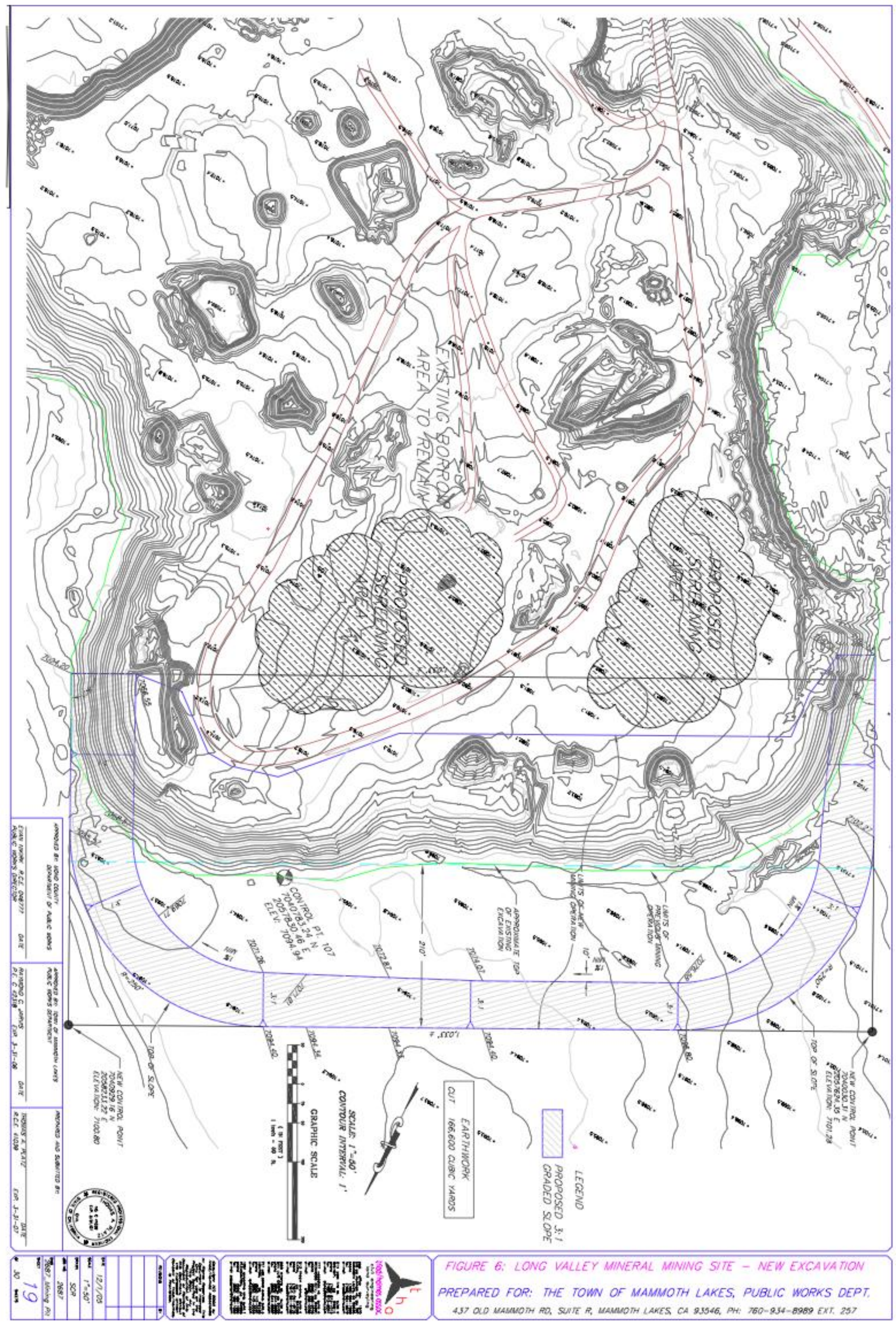

Figure 3—Long Valley Mineral Mining Site, New Excavation

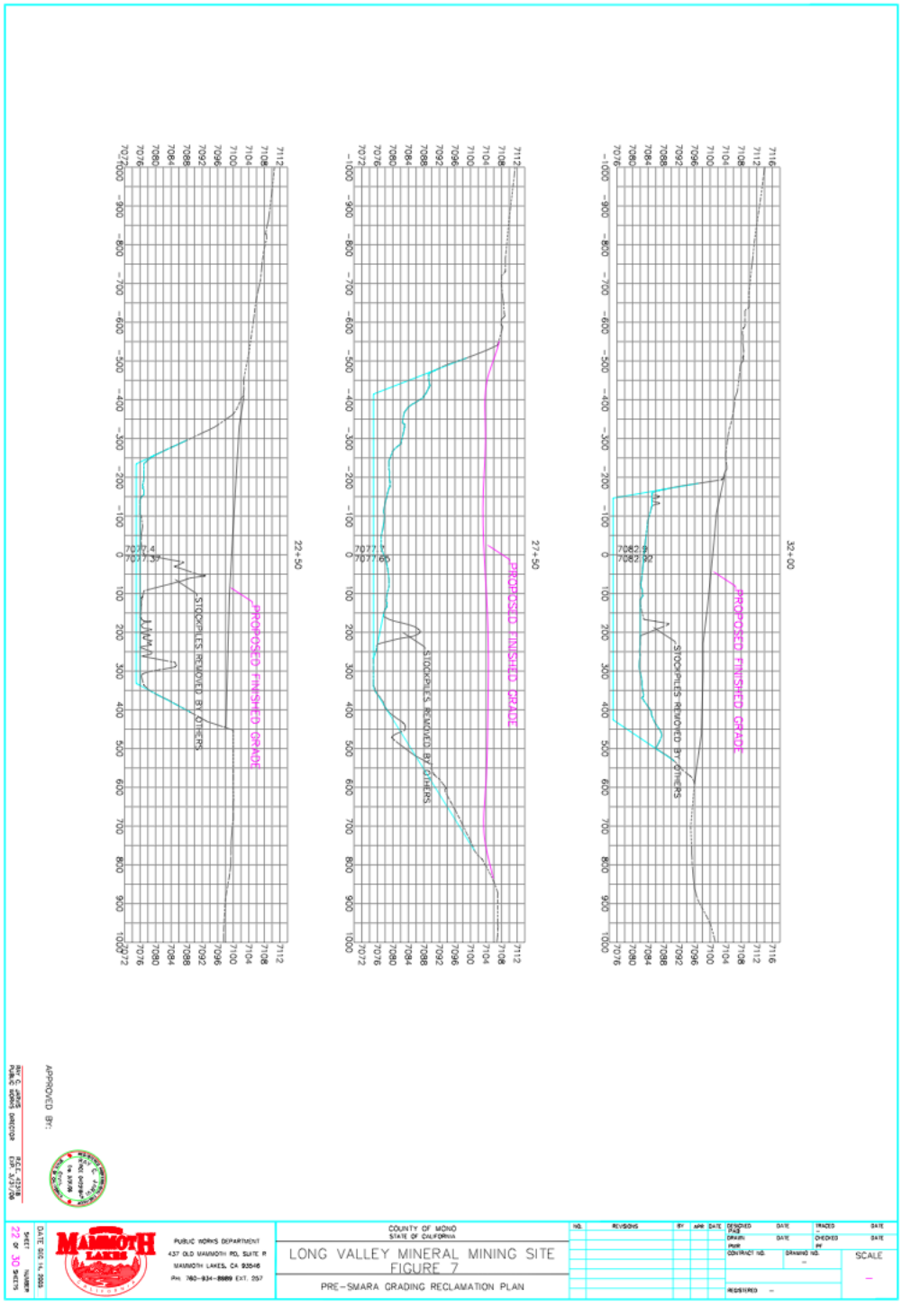

Figure 4—Long Valley Mineral Mining Site, Grading Plan

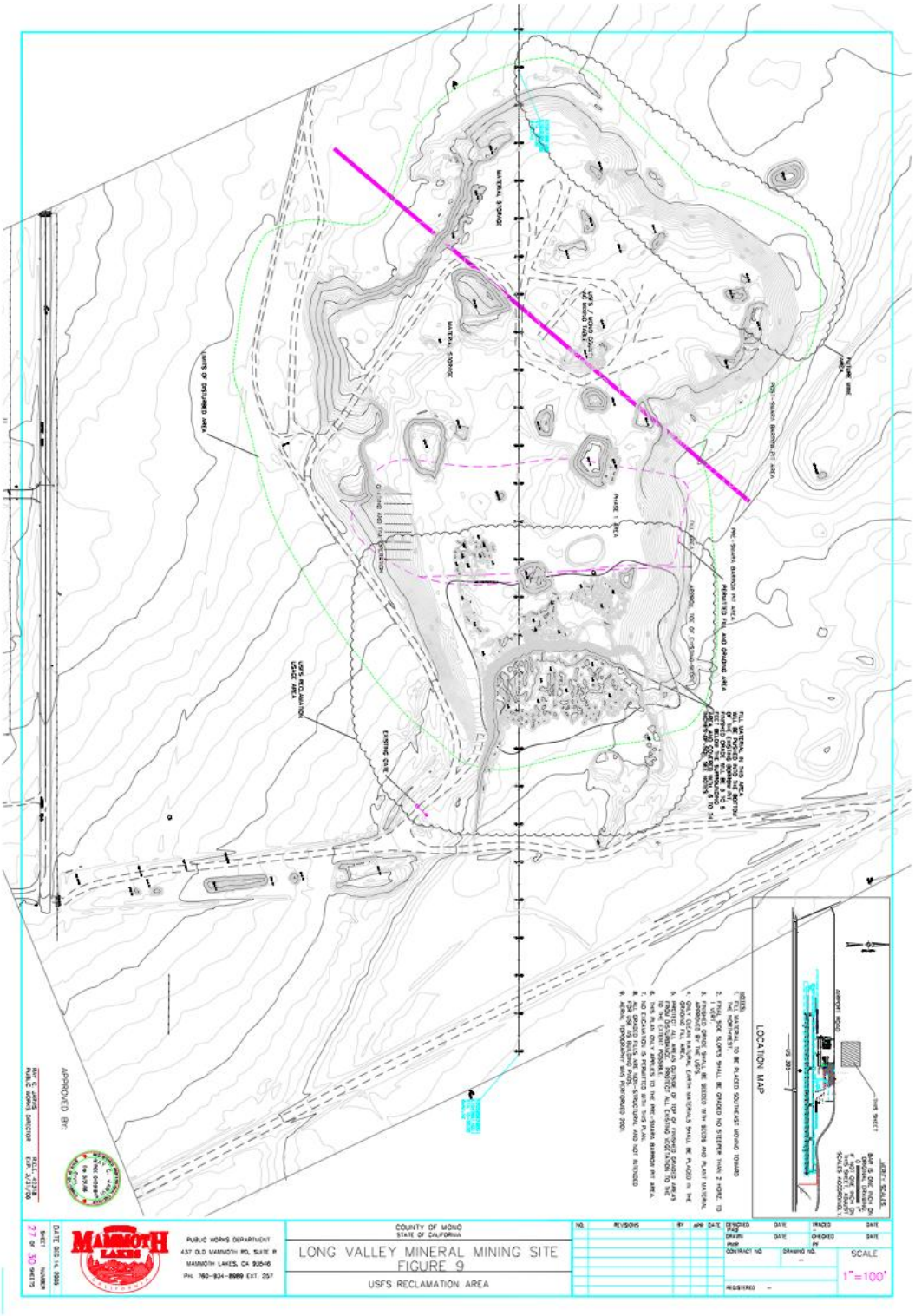

Figure 5—Long Valley Mineral Mining Site, Reclamation Area

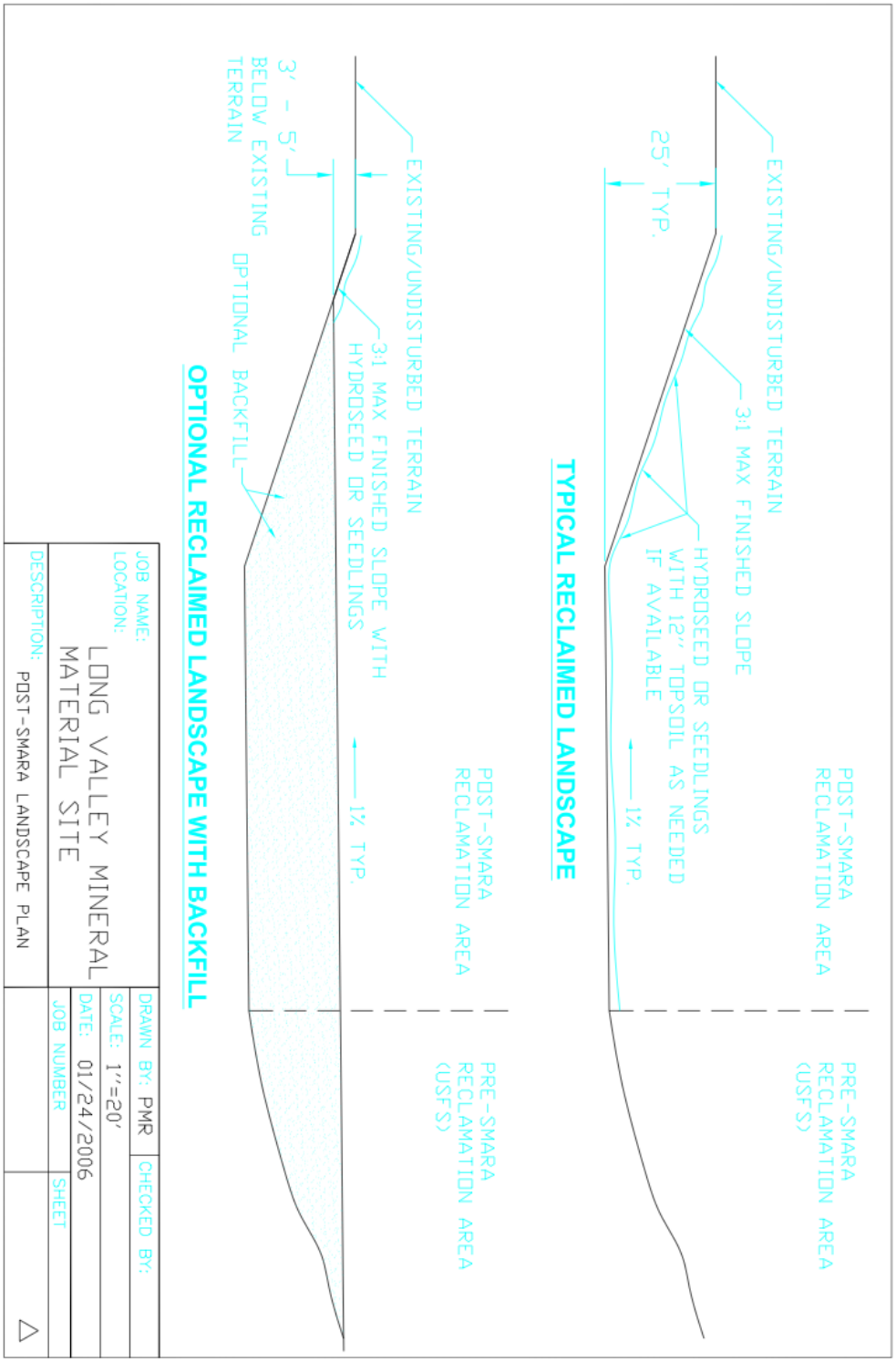

Figure 6—Long Valley Mineral Mining Site, Landscape Plan

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☑Aesthetics ☐Agriculture Resources ☑Air Quality
☑Biological Resources ☐Cultural Resources ☑Geology/Soils
☐Hazards & Hazardous Materials ☐Hydrology/Water Quality
☐Land Use/Planning ☐Mineral Resources ☑Noise
☐Population/Housing ☐Public Services ☐Recreation
☐Transportation/Traffic ☐Utilities/Service Systems
☐Mandatory Findings of Significance

IV. DETERMINATION:

On the basis of this initial evaluation:

☐I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☑***I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.***

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or

NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Date May 22, 2009 Name Gerry Le Francois

V. DISCUSSION OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

This joint Initial Study/Mitigated Negative Declaration and Environmental Assessment is a joint federal/state document prepared to comply with the requirements of both NEPA and CEQA. NEPA and CEQA requirements are similar but differ in certain details. Federal guidance for complying with NEPA requires that the federal manager determine whether the project would have a significant impact on the quality of the human environment. Therefore, the significance of an impact under NEPA is typically not presented in the NEPA document, but instead in the decision document. In contrast, CEQA requires the identification of significant environmental effects of the project and will typically present criteria which are specifically used to determine whether or not an adverse impact is significant under CEQA and feasible mitigation measures which could minimize each significant adverse impact.

I. AESTHETICS. The Inyo National Forest LMRP (1988) provides standards and guidelines for the protection of visual resources in the Forest. Mono County policies and objectives focus on protecting views from scenic highways.

Would the project:

a) Have a substantial adverse effect on a scenic vista?
Less Than Significant Impact. The US Forest Service, Inyo National Forest, conducted a **Scenery Management Evaluation** for the proposed project in 2006. The Evaluation notes that:

The evaluation notes that the LVMMS has a Visual Quality Objective (VQO) of Retention. The Visual Quality Objectives used by the Forest Service define the degree of acceptable alteration of a natural landscape. A VQO of retention indicates a landscape that appears unaltered from its natural appearance. The Long Valley Mineral Material Site is in the middleground for visitors traveling along Highway 395 and Hot Creek Road. The airport buildings serve as a screen for the backfilling activities at the Long Valley Mineral Material Site and the views from Highway 395 are screened and of limited duration. The views of the backfill area from the Airport Road and Hot Creek Road are longer in duration and are clearly visible. The existing material storage area and proposed mining activities take place 20 to 25 feet below the ground surface and are not visible from Highway 395, Hot Creek Road, or the Airport Road. The only visible activities associated with the proposed project are the trucks traveling back and forth from the Long Valley Mineral Material Site. The Evaluation concludes that "the project without any mitigation will meet visual resource management objectives." The Evaluation recommends some mitigation to further reduce potential visual resource impacts from the Mammoth Mountain Ski Area and surrounding peaks: those mitigation measures have been included in this document.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
No Impact. The project site is not visible from the State Scenic Highway Corridor of Highway 395. The project site is located in a sagebrush scrub habitat, without significant scenic resources such as trees or rock outcroppings.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?
Less Than Significant Impact. See responses Ia and Ib above.

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area*?*
No Impact. The proposed project involves mining and reclamation activities that will occur during the daytime. Project conditions limit the hours of operation to 7:30 a.m. to 5:00 p.m. Proposed mitigation and project conditions also require the operator to paint any structures or fencing a dark matte color that blends in with the surrounding environment.

Aesthetics Mitigation Measures

The following aesthetics mitigation measures are proposed:

- Annual excavation shall be limited to no more than 10,000 cubic yards per year.
- Reclamation activities shall occur concurrently, whenever possible. Excavation activities shall be limited to no more than 2.0 acres in any areas before reclamation activities begin in that area.
- All equipment shall be located at the bottom of the pit within the proposed mining operations area.
- A watering program shall be implemented along all roads and in all mining and reclamation areas, as necessary, to minimize impacts from dust.
- Any structures or fencing on-site shall be painted a dark color with a matte finish that blends in with the surrounding area.

II. AGRICULTURE RESOURCES.

Inyo National Forest LRMP Amendment #6 (1995) amended the LRMP to incorporate forest-wide range utilization standards for the grazing of domestic livestock. The project area is within the 13,339 acre Hot Creek Allotment. All surface disturbances will be reclaimed concurrently during project operation. The proposed project will results in the temporary loss of 10.0 acres and will have a negligible effect on grazing activities.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
No Impact. The property is not designated agricultural and there are no agricultural lands in the surrounding area.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
No Impact. The property is not designated agricultural and there are no agricultural lands in the surrounding area.

c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?
No Impact. The property is not designated agricultural and there are no agricultural lands in the surrounding area.

Agriculture Resources Mitigation Measures

No mitigation measures are proposed.

III. AIR QUALITY. Federal and state laws set standards for the quality of the ambient air. The Great Basin Unified Air Pollution Control District is responsible for regulating air quality and air pollutant emissions within the project area.

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

a) Conflict with or obstruct implementation of the applicable air quality plan?
Less Than Significant Impact. Mono County is a state designated non-attainment area for ozone and PM_{10} (MEA). Mining and reclamation activities could potentially contribute to PM_{10} emissions, primarily through dust during and after grading. The Mono County General Plan (Conservation/Open Space Element, Public Health and Safety policies) and the Mono County Grading Ordinance (Mono County Code Chapter 13.08) contain uniformly applied erosion control policies designed to prevent erosion impacts from grading activities. In addition, the pit is 20-25 feet below the surrounding topography, which will help minimize dust impacts.

Reclamation will occur concurrently with the mining operation in order to minimize the amount of time there are exposed surfaces. The revegetation requirements for reclamation require the use of mulch to prevent impacts from dust during the reclamation phase of the project. Increased traffic from the project could also contribute to PM_{10} emissions. However, the small amount of traffic generated by the project is not anticipated to contribute substantially to the existing emissions levels.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
Less Than Significant Impact. Mono County is a state designated non-attainment area for ozone and PM_{10} (MEA). Mining and reclamation activities could potentially contribute to PM_{10} emissions, primarily through dust during and after grading. The Mono County General Plan (Conservation/Open Space Element, Public Health and Safety policies) and the Mono County Grading Ordinance (Mono County Code Chapter 13.08) contain uniformly applied erosion control policies designed to prevent erosion impacts from grading activities. In addition, the pit is 20-25 feet below the surrounding topography, which will help minimize dust impacts.

Reclamation will occur concurrently with the mining operation in order to minimize the amount of time there are exposed surfaces. The revegetation requirements for reclamation require the use of mulch to prevent impacts from dust during the reclamation phase of the project.

Increased traffic from the project could also contribute to PM_{10} emissions. However, the small amount of traffic generated by the project is not anticipated to contribute substantially to the existing emissions levels.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
Less Than Significant Impact. See Response IIIb above. Dust and traffic emissions could contribute to PM_{10} emissions. The potential impacts from dust will be mitigated by existing uniformly applied development standards and regulations. The potential impacts from traffic emissions from the project itself will be minimal.

d) Expose sensitive receptors to substantial pollutant concentrations?

No Impact. The project is not expected to create substantial pollutant concentrations and there are no sensitive receptors in the area.

e) Create objectionable odors affecting a substantial number of people?
No Impact. The project is not anticipated to create objectionable odors and there is no substantial population in the surrounding area.

Air Quality Mitigation Measures

The following air quality mitigation measures are proposed:

- Annual excavation shall be limited to no more than 10,000 cubic yards per year.
- Reclamation activities shall occur concurrently, whenever possible. Excavation activities shall be limited to no more than 2.0 acres in any areas before reclamation activities begin in that area.
- A watering program shall be implemented along all roads and in all mining and reclamation areas, as necessary, to minimize impacts from dust.

IV. BIOLOGICAL RESOURCES. The Inyo National Forest LRMP (1988) provides directions for implementing management practices direction for implementing management practices and activities applicable to wildlife. The LRMP emphasizes the protection and improvement of habitat for all federal listed species. Management indicator species designated under USFS regulations are to be maintained at viable levels.

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
Potentially Significant Unless Mitigation is Incorporated. The US Forest Service conducted a Biological Evaluation of wildlife for the proposed project. The following is an excerpt from that evaluation:

> Habitat within and adjacent to the proposed project area was analyzed for suitability for all threatened, endangered, proposed, and sensitive (TEPS) animal species potentially occurring on the Inyo National Forest. Initial evaluation was accomplished through review of aerial photographs of the analysis area, examination of vegetation maps and wildlife sighting records and review of the Forest's corporate Geographic Information System. The project area was surveyed for TEPS species on July 5, 2005 by a Forest Service Wildlife Biologist.
>
> *Threatened, Endangered and Proposed Species*
> During 2003 the Inyo National Forest (INF) conducted a biological evaluation of the effects of expanding the Mammoth-Yosemite Airport (USFS 2003). As part of that planning process, a consultant for the Federal Aviation Administration (FAA) requested a list of threatened, endangered, proposed or candidate species from the U. S. Fish and Wildlife Service (FWS) pursuant to the requirements of the Endangered Species Act of 1973 (16 USC 1536). The project-specific list provided by FWS identified four species that might be present in or near the vicinity of the airport; Owens tui chub (*Siphateles bicolor snyderi*), Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*), bald eagle (*Haliaeetus leucocephalus*) and Sierra Nevada bighorn sheep (*Ovis canadensis californianus*).
>
> Of the four species identified, none are known to occur within the project area or its zone of influence. Lahontan cutthroat trout reside in O'Harrel Creek, approximately ten air miles north of the project area. Sierra Nevada bighorn sheep are generally restricted to treeless areas in the Sierra Nevada mountains located no closer than four miles from the project site. Owen's tui chub are present in several headsprings within the Hot Creek Fish Hatchery complex, located approximately one mile northwest of the project area. Bald eagles are

known to traverse the project area as they move between Convict Lake and the hatchery or roosting/foraging sites closer to the Owens River.

Sensitive Species
The Biological Evaluation for the Mammoth Yosemite Airport Runway Safety Area and Security Fencing (USFS 2003) indicated that one Forest Service Region-5 sensitive species (sage grouse (*Centrocercus urophasianus*)) might also be present in the vicinity of the airport. Recent studies of sage grouse in the Long Valley area confirm that radio-collared sage grouse are not utilizing the LVMMS, but are present in the adjacent sage-scrub vegetation. A site survey was conducted during July 2005 to ascertain the level of sage grouse use within the area. The survey consisted of traversing parallel transects spaced approximately 5 meters apart and recording all sign of sage grouse. Grouse sign was present throughout the project area, including fecal pellet groups, fecal "tar" and one recently fledged juvenile sage grouse.

The US Forest Service also conducted a Biological Evaluation for sensitive plant resources for the proposed project. The following is an excerpt from that evaluation:

> A review of the existing information in the files regarding sensitive plant locations and habitats was conducted for this project. In addition, surveys were conducted in the existing gravel pit in July 2002. Surveys were also conducted in the sagebrush-bitterbrush scrub habitat to the immediate northwest of the existing pit in July 1999. No threatened, endangered, proposed, or sensitive plant species were located during these surveys. Based on the existing information in the files, the negative results of the field surveys, and the lack of potential habitat in the proposed project area, it is my determination that the proposed project will have NO IMPACT on any sensitive, threatened, endangered, or proposed plant species.

EFFECTS OF THE PROPOSED ACTION

Threatened, Endangered and Proposed Species
The proposed project would have no effect on any of the four threatened or endangered species identified above. No habitat for any of these species would be disturbed and all are located sufficiently far from the project site that noise associated with operations would be undetectable. Bald eagles flying over the area may be aware of activity on the ground, but the intensity and duration of activities would be minimal and undetectable relative to existing ambient levels.

Sensitive Species
Approximately five acres of sage grouse nesting and foraging habitat would be lost over the life of the project. Sagebrush availability appears to be the primary limiting factor for the Long Valley sage grouse population (S. Nelson, pers. comm.). Loss of sagebrush vegetation would likely reduce the overall carrying capacity of the area with a correlated reduction in grouse numbers.

It is possible that noise associated with excavation activities may disturb sage grouse individuals if they are present in the adjacent sage-scrub vegetation type. During the majority of the year this disturbance would have little effect on individuals, possibly causing minor displacement to an area beyond the perturbation. However, operation of equipment in previously undisturbed areas during the nesting period could lead to nest abandonment or cause the female to vacate the nest making it more susceptible to predation. Similarly, operation of equipment within the sagebrush vegetation may result in the physical destruction of nests and eggs.

Sage grouse are susceptible to collisions with fast moving vehicles. Grouse have been detected foraging near the road that accesses the LVMMS (Forest Road 3S46). Grouse will often wait until a predator or vehicle is extremely close before flushing. This behavior makes it difficult for fast moving vehicles to take evasive action if the birds flush in their path. Grouse fatalities resulting from collisions with vehicles have been witnessed twice along the access road (Perloff, pers. obs.).

DETERMINATION

Based on the above discussion of effects and incorporating the mitigation measures identified above, it is my determination that expansion of the LVMMS would not affect any threatened or endangered species or their habitats and may impact individual sage grouse, but would not result in a trend towards federal listing or loss of viability.

The Biological Evaluation prepared by the Forest Service also included recommended mitigation measures which would reduce or eliminate the potential negative effects of the proposed project. Those mitigation measures have been included in this document. The Forest Service also prepared a Biological Evaluation for Sensitive Plants for the proposed project, which involved a review of existing information as well as field surveys. That report concluded that "based on the existing information in the files, the negative results of the field surveys, and the lack of potential habitat in the proposed project area, it is my determination that the proposed project will have NO IMPACT on any sensitive, threatened, endangered, or proposed plant species.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
No Impact. There is no riparian habitat on the site or within the ¾ mile of the project site. The Forest Service's biological evaluations did not identify any sensitive natural communities within or adjacent to the project site.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
No Impact. There are no wetlands on or adjacent to the project site.

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?
Potentially Significant Unless Mitigation is Incorporated. See Response IVa above.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
No Impact. The proposed mining operations and reclamation will not conflict with the Inyo National Forest's Land and Resource Management Plan. The reclamation activities will eventually increase wildlife habitat in the area.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
No Impact. The proposed mining operations and reclamation will not conflict with the Inyo National Forest's Land and Resource Management Plan. The reclamation activities will eventually increase wildlife habitat in the area.

Biological Resources Mitigation Measures

The following biological resource mitigation measures are proposed:

- Any habitat lost as a result of project implementation shall be replaced at a ratio of 1:1. The proponent shall be required to fund the necessary habitat restoration. Restoration may include the reclamation of closed roads in the material site vicinity.
- To avoid disruption of nesting activities, no areas currently supporting sagebrush shall be disturbed during the period May 1 – June 15 each year. This limited operating period may be adjusted during any year if a Forest Service Wildlife Biologist determines that breeding chronology does not coincide with these dates.
- The Forest Service and the TML shall develop and post a safe speed limit along the paved road that connects the Hot Creek Hatchery road to the site (Forest Road 3S46).

V. CULTURAL RESOURCES. The National Historic Preservation Act of 1966 (NHPA) requires that federal agencies consider the preservation of cultural resources in their decisions and activities. The regulations implementing Section 106 of NHPA require federal agencies to identify cultural properties that meet the criteria for listing on the National Register of Historic Places (NRHP). NHPA, the American Indian Religious Freedom Act (AIRFA) and Executive Order 13007 require federal agencies to consider Native American concerns in their land-use decisions. The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) requires consultation with appropriate Indian tribes prior to the excavation of human remains or cultural items on federal lands.

CEQA Guidelines (Section 15064.5) contains specific guidance for determining the significance of impacts to archeological and historical resources. Any project that may cause a substantial adverse change in the significance of an "historical resource" is a project that may have a significant effect on the environment. "Historical resources" include resources listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the California Register of Historical Resources.

Would the project:

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

No Impact. The Forest Service completed a **Heritage Resources Report** for the project. That report involved a literature search as well as a field survey of the site. The report noted that there are no previously recorded heritage sites in the project area and no new sites were discovered during the field survey. The report concluded that "as planned, the project will have no effect upon Heritage Resources." The report also notes that if any unknown heritage resource is found during the course of project implementation, it will be necessary to stop work until the site can be evaluated by a Heritage Resource Specialist. Proposed mitigation for the project addresses the requirement to stop work.

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

No Impact. See Response Va above.

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

No Impact. See Response Va above.

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

No Impact. See Response Va above.

Cultural Resource Mitigation Measures

The following cultural resource mitigation measures are proposed:

- The applicant and/or his contractor shall stop work and notify Mono County and the US Forest Service if archaeological evidence and/or human remains or unmarked cemeteries are encountered during ground-disturbing activities. No disturbance of such a site shall be permitted until such time as a US Forest Service Heritage Resources Specialist reviews the site and determines acceptable site mitigation measures. A copy of those mitigation measures must be filed with the County Planning Department prior to further work at the site.

  Native American monitors shall be onsite during the archaeological survey to ensure the proper identification and care of cultural resources. The disposition of any recovered artifacts shall be made in consultation with local tribal contacts. In the event of the accidental discovery of human remains, Health and Safety Code §7050.5, Public Resources Code §5097.98, and CEQA Guidelines §15064.5 (d) shall be consulted for the proper procedure to follow.

VI. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
No Impact. The project site is not located within a fault rupture hazard zone as shown on the Alquist-Priolo maps (MEA Figure 34E).

ii) Strong seismic ground shaking?
Less Than Significant Impact. The entire county is subject to ground shaking. The county is designated seismic zone 4, the zone of greatest hazard as defined in the Uniform Building Code. All future buildings are required to meet these standards. No structures are proposed for the project, other than a temporary guard shack.

iii) Seismic-related ground failure, including liquefaction?
No Impact. The project site is not identified as an area at high risk for ground failure (MEA Figure 34E).

iv) Landslides?
No Impact. The MEA does not identify the area as being subject to rockfalls or landslides (MEA Figure 35E). The general topography in the vicinity of the project site is flat. Mining will occur to a depth of 25-30 below the surrounding surface grade. Reclamation activities will occur concurrently with mining and will consist of backfilling and grading the excavated pit areas to a depth 3-5 feet below the surrounding grade.

b) Result in substantial soil erosion or the loss of topsoil?
Less Than Significant Impact. As the mining area is expanded, topsoil may be displaced. That topsoil will be stockpiled for use in reclamation of the site.

The general topography in the vicinity of the project site is flat. Mining will occur to a depth of 25-30 below the surrounding surface grade. Reclamation activities will backfill and grade the excavated pit areas to a depth 3-5 feet below the surrounding grade. Water trucks will be used to minimize windborne soil erosion, as needed. Substantial soil erosion is not expected to occur.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
No Impact. The general topography in the vicinity of the project site is flat. Mining will occur to a depth of 25-30 below the surrounding surface grade. Reclamation activities will backfill and grade the excavated pit areas to a depth 3-5 feet below the surrounding grade. Groundwater has not been observed in the already excavated portion of the pit. The soils on-site are very porous. Runoff is anticipated to percolate on-site and is not expected to result in saturated soils.

d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
No Impact. The project does not involve structures.

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?
No Impact. The project will utilize a portable toilet.

Geology and Soils Mitigation Measures

The following geology and soils mitigation measure is proposed:

- Topsoil disturbed as a result of mining activities on-site shall be stockpiled on-site for use in reclamation of the site.

VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
No Impact. The project will not involve 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?
No Impact. The project will not involve the routine transport, use, or disposal of hazardous materials.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
No Impact. The project will not involve the routine transport, use, or disposal of hazardous materials. There is no school within one-quarter mile of the project site.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
No Impact. The project site is not on a list of hazardous materials sites.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
No Impact. The project site is located within the Mammoth Yosemite Airport land use planning area. The project will not result in a safety hazard for people working or residing in the project area.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
No Impact. The project site is not within the vicinity of a private airstrip.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
No Impact. The proposed project is consistent with Mono County's Emergency Operations Plan (EOP) and has adequate access for emergency services vehicles.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?
No Impact. The proposed mining operations and reclamation will not increase wildland fire hazards.

Hazards and Hazardous Mitigation Measures
No mitigation measures are proposed.

VIII. HYDROLOGY AND WATER QUALITY.

Would the project:

a) Violate any water quality standards or waste discharge requirements?
No Impact. The project will utilize bottled water and a portable toilet.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
No Impact. The project will utilize bottled water. The very porous soils in the area will ensure groundwater recharge continues to occur. Ground water level data was collected from two monitoring wells located at the bottom of the LVMMS. The information was collected in 2003 by TEAM Engineering and Management as part of a groundwater monitoring program on for a remedial cleanup action for the Town of Mammoth Lakes Airport. Water levels were measured at approximately 7070 feet in elevation. Personnel correspondence with TEAM Engineering indicates groundwater elevation does not fluctuate on a seasonal basis and that the top of the groundwater table does not substantially fluctuate (January 22, 2009). The approximate elevation of the existing pit floor is 7080 feet in elevation, ten feet above the groundwater table.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?
No Impact. There is no stream or river on or adjacent to the site. Drainage is expected to remain on-site due to the porous nature of the soils, the generally flat topography in the area, and the fact that much of the project site is a pit, with surfaces 25-30 feet below the surrounding grade. Once reclamation is completed, the finished grade will still be 3.5 feet below surrounding grades.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?

No Impact. See Responses VIIIb and c above.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
No Impact. See Responses VIIIb and c above.

f) Otherwise substantially degrade water quality?
No Impact. No other impacts to water quality are anticipated.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
No Impact. The project does not involve housing

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?
No Impact. The project is not within a 100-ear flood hazard area. The only structures proposed for the mining phase of the project are a portable guard shack and a portable toilet.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
No Impact. The project site is not within a 100-year flood hazard zone as defined by the Federal Emergency Management Agency.

j) Inundation by seiche, tsunami, or mudflow?
No Impact. Development in Mono County is not subject to seiches or tsunamis. The nature of the soils in the area is unlikely to result in mudflows.

Hydrology and Water Quality Mitigation Measures

The following hydrology and water quality resource mitigation measures are proposed:

- The final floor elevation will not exceed be lower than 7075 feet in elevation to prevent impacts to the groundwater aquifer through contamination or lowering the level of the groundwater table.
- If ground water is encountered in the bottom of the pit: either the grade of the pit bottom will be raised through the placement of clean excavated material; or mining activities will cease until the groundwater level has gone below the surface of the pit bottom.
- All equipment will be fueled outside of the pit to prevent accidental spill. If equipment must be filled within the pit a Spill Prevention Response Plan will be developed and implemented.

IX. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?
No Impact. The project site is located outside of a community area.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
No Impact. The property public land under the jurisdiction of the Inyo National Forest. The proposed action is located within Management Area #9 and has a prescription allocation (Rx 11) for range emphasis with emphasis on maintaining a healthy, productive range land resource. The LMRP has no specific direction for the management of mineral resources within Management Area #9 or Prescription Allocation Rx 11. Forest Service policy is to make mineral materials on national Forest lands available to the public and to local, State, and Federal government agencies where reasonable protection of, or mitigation of effects on, other resources in assured, and

where removal is not prohibited (36 CFR 228.43). The proposed action is compatible with the planning direction in the Inyo National Forest's Land and Resource Management Plan.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?
No Impact. The project is compatible with the planning direction in the Inyo National Forest's Land and Resource Management Plan.

Land Use and Planning Mitigation Measures
No mitigation measures are proposed.

X. MINERAL RESOURCES.

The aggregate resource at the LVMMS consists of a moderately sorted sand and gravel and may be suitable for some construction and highway projects without crushing and screening. The private operated sand and gravel pits within Mono County produce a variety of aggregate products that are much higher in quality and could meet the rigid specifications for a variety of construction and highway projects. The aggregate resources at the LVMMS are of much lower quality than the aggregate products provided by the privately operated sand and gravel pits within Mono County. The material mined is suitable for roadside backing, pipe backfill, and other minor public works maintenance activities.

Forest Service policy is to make mineral materials on national Forest lands available to the public and to local, State, and Federal government agencies where reasonable protection of, or mitigation of effects on, other resources in assured, and where removal is not prohibited (36 CFR 228.43). Disposal of mineral materials may be disposed of through either: competitive sale; sale by negotiated contract; preference right negotiated sale; and free use (36 CFR 228.57). All mineral materials for sale must be appraised to determine fair market value (36 CFR 228.48).

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
No Impact. The planned reclamation of the site will not result in the loss of availability of other mineral resources in the area.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
No Impact. The planned reclamation of the site will not result in the loss of availability of other mineral resources in the area.

Mineral Resource Mitigation Measures

- The project proposal already incorporates limits on annual extraction to no more than 10,000 cyd per year for the use of local public agencies. No other mitigation measures are proposed.

XI. NOISE. Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
Less Than Significant Impact. Short-term noise impacts would be associated with excavation and grading activities on-site. Project related short-term noise levels would be higher than the existing ambient noise levels in the project area but would no longer occur once reclamation is completed. In addition, noise impacts would occur from May to November only. Compliance

with all requirements of the Mono County Noise Regulations (Mono County Code §10.16) will reduce construction related impacts to less than significant levels.

The biological evaluation prepared by the Forest Service for the project evaluated potential noise impacts on wildlife and suggested mitigation to address potential impacts:

> It is possible that noise associated with excavation activities may disturb sage grouse individuals if they are present in the adjacent sage-scrub vegetation type. During the majority of the year this disturbance would have little effect on individuals, possibly causing minor displacement to an area beyond the perturbation. However, operation of equipment in previously undisturbed areas during the nesting period could lead to nest abandonment or cause the female to vacate the nest making it more susceptible to predation. Similarly, operation of equipment within the sagebrush vegetation may result in the physical destruction of nests and eggs.

Traffic to the site would also result in short-term noise impacts that would no longer occur once reclamation is completed. The number of vehicles using the site is not anticipated to be large and would therefore not contribute significantly to noise impacts.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
No Impact. The project will not result in groundborne vibration or noise.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
No Impact. Short-term increases in noise levels would result from the proposed activities but there would be no permanent increase in noise levels.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
Less Than Significant Impact. Short-term increases in noise levels would result from mining and reclamation activities. Compliance with all requirements of the Mono County Noise Regulations (Mono County Code §10.16) would reduce those impacts to less than significant levels.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
No Impact. The project site is within the Mammoth Yosemite Airport Land Use Plan area.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?
No Impact. The project site is not within the vicinity of a private airstrip.

<u>Noise Mitigation Measures</u>

The following noise mitigation measures are proposed:

- Mining, dumping, and reclamation activities shall be limited to daylight hours in accordance with the Mono County Noise Regulations (Mono County Code Section 10.16) in order to minimize impacts to nocturnal wildlife species.
- Mining, dumping, and reclamation activities shall be limited to May 1 to October 31 of each year in order to minimize impacts to wildlife species.
- Noise levels during all on-site activities shall be kept to a minimum by equipping all on-site equipment with noise attenuation devices and by compliance with all requirements of the Mono County Noise Regulations (Mono County Code Section 10.16).

- To avoid disruption of nesting activities, no areas currently supporting sagebrush shall be disturbed during the period May 1 – June 15 each year. This limited operating period may be adjusted during any year if a Forest Service Wildlife Biologist determines that breeding chronology does not coincide with these dates.

XII. POPULATION AND HOUSING. Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
No Impact. The continuing use of the LVMMS and reclamation of the site will not induce population growth or create a demand for housing.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
No Impact. There is no existing housing in the area.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?
No Impact. There is no existing housing in the area.

Population and Housing Mitigation Measures

No mitigation measures are proposed.

XIII. 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 these public services:

i) Fire protection?
No Impact. The project site within the boundaries of the Long Valley Fire Protection District. Continuing use of the LVMMS is not anticipated to increase the demand for fire protection services in the area.

ii) Police protection?
No Impact. Continuing use of the LVMMS will not create any impacts to law enforcement services.

iii) Schools?
No Impact. Continuing use of the LVMMS will not create any impacts to schools.

iv) Parks?
No Impact. Continuing use of the LVMMS will not create any impacts to parks and recreation services.

v) Other public facilities?
No Impact. Continuing use of the LVMMS will notcreate any impacts to other public facilities or services.

Public Services Mitigation Measures
No mitigation measures are proposed.

XIV. 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 would occur or be accelerated?
No Impact. The project will not increase the use of any parks or recreational facilities.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?
No Impact. The project does not include recreational facilities or the construction or expansion of recreational facilities nor will it generate any additional demand for recreational facilities.

Recreation Mitigation Measures
No mitigation measures are proposed.

XV. TRANSPORTATION/TRAFFIC. Would the project:

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
Less Than Significant Impact. The site has been used for over 40 years for mining aggregate materials and for disposal of clean construction debris from the Town of Mammoth Lakes, Mono County, and portions of Inyo County. The disposal of clean materials is used to backfill the pit area, which provides preliminary reclamation of the existing open pit. Table 1 shows historic use rates of the backfilling of the existing pit from May through December in 2006, 2007, and 2008.

Table 1 - Truck traffic of backfilling operations from 2006-2008 at Long Valley Material Site

2006		*MAY*	*JUNE*	*JULY*	*AUG*	*SEPT*	*OCT*	*NOV*	*DEC*	**TOTAL**
10 wheel dumps		46	35	10	77	30	55	114	80	**447**
End dumps		319	360	483	292	134	357	473	4	**2422**
2007										
10 wheel dumps		66	49	84	95	51	32	24	1	**402**
End dumps		158	104	148	390	203	211	34	3	**1251**
2008										
10 wheel dumps		8	24	11	37	0	0	0	0	**80**
End dumps		4	110	54	32	0	0	0	0	**200**
								Total		**4802**
Source: Town of Mammoth Lakes Long Valley Mineral Materials Site, Year End Summary Reports 2006-2008										

In 2006, a total of 2,869 trucks made dumps at the site. For this year, real estate and other development projects were probably peaking in the Mammoth Lakes area. In 2007, a total of 1,653 trucks made dumps at the site. In 2008, only 280 trucks made dumps at the site. With

the down turn in the national and local economy, use of the site in 2008 was off about 90 percent from 2006.

The project site will be used as an aggregate source for approximately 10,000 cubic yards per year, and as a fill site for excess clean material from construction projects by the Town of Mammoth Lakes, and Mono County. The bottom of the excavation may also contain stockpiles of processed materials such as sand and gravel. The material mined will be used for roadside backing, pipe backfill, and other minor public works maintenance activities.

Table 2 - Truck traffic of Mining 10,000 cubic yards per year from the Long Valley Material Site (May-October)

Average use per month (10,000/6 months)	All trips by 10 wheel truck trips @ 8 cubic yards / trip	All trips by End dumps @ 12 cubic yards / trip
≈ 1670	Total trips ≈ 209	Total trips ≈ 140

Based on the maximum use of 10,000 cubic yards per year over a 6 month use period and all the material is hauled using 10-wheel dumps, a total of 209 additional truck trips per month would be added to the Airport Road (or approximately 7 new truck trips per day).

Seven new truck trips per day from mining, added to one of the highest trips rates (November 2006) at 587 truck trips, equals 594 trips per month. The additional seven trips per month have a less than significant impact to the existing truck traffic on Airport Road.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
Less Than Significant Impact. See response to Item XVa above.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
No Impact. The project will not impact air traffic patterns.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
No Impact. The project is the expansion of an existing use with existing access roads that will not be altered.

e) Result in inadequate emergency access?
No Impact. The project is the expansion of an existing use and will not result in inadequate emergency access. The project site is currently accessed from US 395 via Hot Creek Road and Airport Road, both paved county-maintained two-lane roads. An existing dirt road provides access from Airport Road to the project site.

f) Result in inadequate parking capacity?
No Impact. The project involves an aggregate mining operation which does not require parking.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?
No Impact. The project will not affect alternative transportation facilities or routes.

Transportation/Traffic Mitigation Measures
No mitigation measures are proposed.

XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
No Impact. During the mining operations phase, the project will utilize portable toilets. The land use post-reclamation will be grazing and wildlife habitat and will not require wastewater services.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
No Impact. During the mining operations phase, the project will utilize portable toilets. The land use post-reclamation will be grazing and wildlife habitat and will not require wastewater services.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
No Impact. There are no existing stormwater drainage facilities in the area. The project site is below surrounding grade level and does not cause off-site drainage. On-site soils are alluvial fan deposits with medium textured soils that are porous. Post-reclamation final slopes will be 3:1 or flatter to conform to surrounding topography and the final grade of the reclamation area will be 3 to 5 feet below the surrounding grade. In addition, the mining operation and the reclamation plan do not involve any paving or the construction of other impervious surfaces. Hot Creek is located approximately ¾ of a mile from the project site, and Convict Creek is located over one mile from the site. The mining operation and the reclamation plan are not anticipated to concentrate runoff that would cause erosion, sedimentation, or other environmental effects.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
No Impact. The project will utilize bottled water for drinking water. Any water used for dust control will be trucked on-site.

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the provider's existing commitments?
No Impact. . During the mining operations phase, the project will utilize portable toilets. The land use post-reclamation will be grazing and wildlife habitat and will not require wastewater services.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
No Impact. The project is an aggregate mining operation that is not anticipated to create solid waste. The project also involves use of the site for the disposal of clean construction waste.

g) Comply with federal, state, and local statutes and regulations related to solid waste?
No Impact. The project is an aggregate mining operation that is not anticipated to create solid waste. The project also involves use of the site for the disposal of clean construction waste.

Utilities and Service Systems Mitigation Measures
No mitigation measures are proposed.

XVII. Summary

NEPA and CEQA both require consideration of a reasonable range of alternatives to the Proposed Action. Alternatives must be feasible, meet the purpose and need for the Project and attain most of the basic Project objectives. The range of alternatives required is governed by a "rule of reason," which means that only those feasible alternatives necessary to permit a reasoned choice need to be considered. Reasonable alternatives are those that are practical or feasible based on technical, economic and other considerations. The "no action" and "proposed action" alternative are considered for the LVMMS.

Table 1 – Summary and Comparison of Environmental Consequences

Proposed Action Alternative	**No Action Alternative**
Aesthetics	
The proposed action would result in the disturbance of 10 acres of sagebrush scrub habitat. The proposed project meets existing visual quality objectives in the foreground and middle viewing zones without any mitigations. With implementation of reclamation mitigations the proposed action will improve visual resources beyond the foreground viewing distance of 4 miles.	Under the No Action Alternative no additional modifications would be made to the LVMMS and existing visual conditions would continue.
Agricultural Resources	
The proposed action would not impact agricultural resources. There will be a negligible effect on grazing activities from the temporary loss of 10.0 acres within the Hot Creek Grazing Allotment.	Under the No Action Alternative there is no effect on grazing activities.
Air Quality	
The proposed action would create no substantial pollutant concentrations or create objectionable orders. The proposed project could contribute to increased PM10 emissions but identified mitigations will limit the impacts to a negligible effect.	Under the No Action Alternative there is no effect to air resources.
Biological Resources	
With the incorporation of mitigations the proposed action would have not affect any threatened or endangered species or their habitats. The proposed action may impact individual sage grouse, a sensitive species, but not result in a trend towards federal listing or loss of viability.	Under the No Action Alternative there is no effect to biological resources.
Cultural Resources	

The proposed action will have no affect to cultural resources.	Under the No Action Alternative there is no effect to cultural resources.
Geology and Soils	
The proposed action will have no affect from seismic related actions, landslides, or other geologic hazards. All soil resources will be stockpiled for reclamation activities.	Under the No Action Alternative there is no effect to geology and soil resources.
Hazards and Hazardous Materials	
The proposed action will have no affect to hazards and hazardous materials.	Under the No Action Alternative there is no effect to hazards and hazardous materials.
Hydrology and Water Quality	
With the implementation of the proposed mitigations should prevent potential impacts to the groundwater resources from implementation of the proposed action. The proposed action will have no affects to surface water resources.	Under the No Action Alternative there is no effect to hydrology and water quality.
Land Use and Planning	
The proposed action will have no affect to land use and planning.	Under the No Action Alternative there is no effect to land use and planning.
Mineral Resources	
The proposed action will have no affect to mineral resources.	Under the No Action Alternative there is no effect to mineral resources.
Noise	
The proposed action will have no affect to noise.	Under the No Action Alternative there is no effect to noise.
Population and Housing	
The proposed action will have no affect to population and housing.	Under the No Action Alternative there is no effect to population and housing.
Public Services	
The proposed action will have no affect to public service.	Under the No Action Alternative there is no effect to public service.
Recreation	
The proposed action will have no affect to recreation.	Under the No Action Alternative there is no effect to recreation.
Transportation/Traffic	
The proposed action will have no affect to transportation and traffic.	Under the No Action Alternative there is no effect to transportation and traffic.
Utilities and Service	
The proposed action will have no affect to utilities and service.	Under the No Action Alternative there is no effect to utilities and services.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As discussed in the above analysis, the project does not have the potential to degrade the quality of the environment, or to substantially affect any wildlife or plant species in any way, or to eliminate any cultural resources.

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)?

The proposed project includes continued mining of an existing mined site, along with concurrent reclamation of that site. The environmental factors that could be affected by the project include aesthetics, air quality, biological resources (animals), geology, and noise. The potential impacts of the project are short-term and result from the proposed mining operations. Once mining is completed, potential air quality, geology, and noise impacts will no longer occur. Once reclamation is completed, the cumulative effect will be to improve the existing environment aesthetically and to provide additional wildlife habitat.

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

The project will not cause substantial adverse effects on human beings.

XVIII. CUMMULATIVE EFFECTS

Both NEPA and CEQA require the consideration of cumulative impacts for a proposed action or project. CEQ regulations (40 CFR 1508.7) implementing NEPA define a cumulative impact.

> "Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future action regardless of what agency (Federal or non-Federal) or person undertakes such other action. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time."

CEQA Guidelines (Section 15355) state a similar definition of cumulative impact.

> "Cumulative impact refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.
>
> (a) The individual effects may be changes resulting from a single project or a number of separate projects; and b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time."

This cumulative effects analysis includes an analysis of past, present, and reasonably foreseeable future actions. In order to understand the contribution of past actions to the cumulative effects of the proposed action and alternatives, this analysis relies on current environmental conditions as a proxy for the impacts of past actions. This is because existing conditions reflect the aggregate impact of all prior human actions and natural events that have affected the environment and might contribute to cumulative effects.

This cumulative effects analysis does not attempt to quantify the effects of past human actions by adding up all prior actions on an action-by-action basis. There are several reasons for not taking this approach. First, a catalog and analysis of all past actions would be impractical to compile and unduly costly to obtain. Current conditions have been impacted by innumerable actions over the last century (and beyond), and trying to isolate the individual actions that continue to have residual impacts would be nearly impossible. Second, providing the details of past actions on an individual basis would not be useful to predict the cumulative effects of the proposed action or alternatives. In fact, focusing on individual actions would be less accurate than looking at existing conditions, because there is limited information on the environmental impacts of individual past actions, and one can not reasonably identify each and every action over the last century that has contributed to current conditions. Additionally, focusing on the impacts of past human actions risks ignoring the important residual effects of past natural events, which may contribute to cumulative effects just as much as human actions. By looking at current conditions, we are sure to capture all the residual effects of past human actions and natural events, regardless of which particular action or event contributed those effects. Third, public scoping for this project did not identify any public interest or need for detailed information on individual past actions. Finally, the Council on Environmental Quality issued an interpretive memorandum on June 24, 2005 (summarized in the Forest Service NEPA regulations at 36 CFR 220.4(f)) regarding analysis of past actions, which states, "agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions." For these reasons, the analysis of past actions in this section is based on current environmental conditions.

Methodology

The Cumulative Effects Study Area (CESA) includes surrounding public (e.g., National Forest System and Bureau of Land Management) and private land. The viewshed identified in the visual resources report was selected as the cumulative effects analysis area since it was the largest area and would include all other resources. Cumulative effects are projected for a 20-year timeframe. This time period is expected to capture the time needed for the effects of the majority of known ongoing or reasonably foreseeable future projects to recover to the point where they are no longer measurable. A list of Proposed Future Foreseeable Action (PFFA) inventory was prepared and a total of 63 existing and future projects were identified (see project record).

Aesthetics

The PFFA inventory identified a total of 20 infrastructure and utilities projects in the CESA that have the greatest impact on aesthetics. Infrastructure (poles, towers, pipelines, maintenance roads, etc) can create strong visual impacts in the foreground and middleground viewing zones and have affected the visual resources in the CESA. In general, much of the infrastructure and utilities projects are historical improvements put in place before the adoption and approval of visual quality standards, and the impacts to visual and wildlife resources have been present for many years. Future activities include vegetative management (clearing trees beneath powerlines) and normal maintenance activities such as driving and maintaining existing access roads. Existing infrastructure and utilities will not contribute additively to the direct/indirect effects to visuals resources. Future infrastructure and utilities may contribute additively to the direct effects of visual resources.

The PFFA inventory identified a total of 5 fuels reduction projects in the CESA. Fuel reduction projects typically improve visual resources because natural rehabilitation will be enhanced and return the landscape to an undisturbed condition. Fuel reduction projects will only have a short-term impact to sage grouse habitat until the landscape returns to a natural condition. The proposed Doe Ridge fuel reduction project is located adjacent to the LVMMS and will consist of understory burning. This project and others will not contribute additively to the direct/indirect effects to visual resources.

Agricultural Resources

PFFA inventory identified a total 3 projects in the CESA. The proposed project will results in the temporary loss of 10.0 acres, will be fully reclaimed upon completion, and will have no cumulative effect on grazing activities. The temporary loss of 10.0 acres will have a negligible effect to sage grouse habitat.

Air Quality

Out of the 63 identified projects in the PFFA inventory the projects associated with land use have the greatest potential for cumulative effects to air quality. Each of the proposed projects is subject to either the Town of Mammoth Lakes, Mono County, and/or US Forest Service project and permit approval process. With the implementation of appropriate mitigations these projects should have no cumulative impact with regards to air quality.

Biological Resources

All of the 63 identified projects in the PFFA inventory have the potential for cumulative effects to biological resources. A variety of factors are affecting sage grouse in the Long Valley area. Habitat loss has resulted from two large wildfires (Owens – 1985 and McLaughlin – 2001). In combination, these fires consumed approximately 3,500 acres of nesting and foraging habitat. Other factors that have led to a reduction in habitat availability include down slope encroachment of pinyon and Jeffrey pines, road proliferation associated with use of local geothermal resources, expansion of areas containing non-native plant species (e.g. Bromus tectorum) and potential urban development of private land within the valley. Local factors contributing to the direct disturbance of grouse include vehicle use by recreationists (e.g. anglers, OHVs), uncontrolled domestic dogs, hunting and the proposed increase in regional jet service at Mammoth-Yosemite Airport. Although the five acres affected by the proposed action is a very small fraction of the total available habitat, it is evident that overall habitat availability has declined during the past 20 years. To maintain the stability of the Long Valley sage grouse population, every effort should be made to halt or reverse this trend. There are no other cumulative effect on any other sensitive, threatened, endangered, or proposed plant or wildlife species.

Cultural Resources

There are no cultural resources on the project site. Many of the 63 identified projects in the PFFA inventory have the potential for cumulative effects to cultural resources. Each of the proposed projects is subject to either the Town of Mammoth Lakes, Mono County, and/or US Forest Service project and permit approval process. With the implementation of appropriate mitigations these projects should have no cumulative effect with regards to cultural resources.

Geology and Soils

With the implementation of appropriate mitigations none of the 63 projects should have a cumulative effect with regards to geology and soil resources.

Hazards and Hazardous Materials

With the implementation of appropriate mitigations none of the 63 projects should have a cumulative effect with regards to hazards and hazardous materials.

Hydrology and Water Quality

The PFFA inventory identified a total of 3 projects. None of the proposed projects will have cumulative effects to hydrology and water quality.

Land Use

The closest project to the project sites is the future expansion at the Mammoth Lakes airport. While it is impossible to predict what future expansion at the Mammoth Lakes Airport will include, in the future there may be conflicts over visual resources, wildlife resources, noise, and air quality. Continued reclamation activities at the LVMMS should mitigate future concerns with visual resources.

Mineral Resources

PFFA inventory identified a total of 13 urban expansion projects in the CESA. There are a number of existing and future projects for homes, buildings, and resort development within the existing urban boundaries of the Town of Mammoth Lakes. Some of these projects could produce excess soil, rock, and fill material that could be disposed of in the LVMMS under the existing Special Use Permit. This is a beneficial cumulative effect that will help the reclamation of the LVMMS. A negative effect cumulative effect from urban expansion is the possible reduction of sage grouse nesting and foraging habitat.

Noise

The potential for noise impacts from any of the 63 projects identified in the PFFS inventory are related to the specific location of the project. Due to the rapid attenuation of sound there is no potential for cumulative impacts.

Population and Housing

The proposed project will have no effect to population and housing and no cumulative impacts.

Public Services

The proposed project will have no effect on public services or cumulative effect to public services.

Recreation

The proposed project will have no cumulative effect to recreation resources.

Transportation

PFFA inventory identified a total 13 projects in the CESA. Many of the proposed projects involve trail construction, and if aggregate resources are needed, they will come from private sources and not the LVMMS. There are no cumulative effects from the remaining projects. Implementation of the proposed action will place more trucks on the Airport Road and will have a minor cumulative impact for visitors to the Mammoth Lake Airport.

Utilities and Services

The PFFA inventory identified a total of 20 infrastructure and utilities projects in the CESA. Infrastructure (poles, towers, pipelines, maintenance roads, etc) can create strong visual impacts in the foreground and middleground viewing zones and have affected the visual resources in the CESA. In general, much of the infrastructure and utilities projects are historical improvements put in place before the adoption and approval of visual quality standards, and the impacts to visual and wildlife resources have been present for many years. Future activities include vegetative management (clearing trees beneath powerlines) and normal maintenance activities such as driving and maintaining existing access roads. Existing infrastructure and utilities will not contribute additively to the direct/indirect effects to visuals resources or wildlife resources. Future infrastructure and utilities may contribute additively to the direct effects of wildlife resources.

VI. MITIGATION MONITORING PLAN

FORMAT:

Mitigation Measure.....

a. Schedule of Compliance.....
b. Responsible Monitoring Agency or Department.....
   CDD—Code Enforcement, US Forest Service
c. Implementing Party
d. Type of Mitigation: Design, Ongoing, Cumulative

AESTHETICS & AIR QUALITY

1. Annual excavation shall be limited to no more than 10,000 cubic yards per year.
   a. As mining occurs
   b. US Forest Service and CDD—Code Enforcement
   c. Applicant
   d. Design

2. Reclamation activities shall occur concurrently, whenever possible. Excavation activities shall be limited to no more than 2.0 acres in any areas before reclamation activities begin in that area.
   a. As mining and reclamation occur
   b. US Forest Service and CDD—Code Enforcement
   c. Applicant
   d. Ongoing

3. A watering program shall be implemented along all roads and in all mining and reclamation areas, as necessary, to minimize impacts from dust.
   a. As mining and reclamation occur
   b. CDD—Code Enforcement
   c. Applicant
   d. Ongoing

4. All equipment shall be located at the bottom of the pit within the proposed mining operations area.
   a. As mining and reclamation occur
   b. CDD—Code Enforcement
   c. Applicant
   d. Ongoing

5. Any structures or fencing on-site shall be painted a dark color with a matte finish that blends in with the surrounding area.
   a. As mining and reclamation occur
   b. CDD—Code Enforcement
   c. Applicant
   d. Ongoing

BIOLOGICAL RESOURCES

6. Any habitat lost as a result of project implementation shall be replaced at a ratio of 1:1. The

proponent shall be required to fund the necessary habitat restoration. Two potential restoration projects are the closing and revegetation of roads associated with Royal Gold mineral exploration and the removal of Jeffrey pine trees from otherwise suitable habitat areas along the northwestern edge of Long Valley.

a. At the completion of reclamation activities.
b. US Forest Service
c. Applicant
d. Design

7. To avoid disruption of nesting activities, no areas currently supporting sagebrush shall be disturbed during the period May 1 – June 15 each year. This limited operating period may be adjusted during any year if a Forest Service Wildlife Biologist determines that breeding chronology does not coincide with these dates.

a. As mining occurs
b. US Forest Service and CDD—Code Enforcement
c. Applicant
d. Ongoing
e.

Note: Mitigation Measure # 7 is also a mitigation for noise impacts.

8. The Forest Service and the TML shall develop and post a safe speed limit along the paved road that connects the Hot Creek Hatchery road to the site (Forest Road 3S46).

a. Prior to the commencement of mining activities.
b. CDD—Code Enforcement
c. Applicant
d. Design

CULTURAL RESOURCES

9. The applicant and/or his contractor shall stop work and notify the County and the US Forest Service if archaeological evidence and/or human remains or unmarked cemeteries are encountered during ground-disturbing activities. No disturbance of such a site shall be permitted until such time as a US Forest Service Heritage Resources Specialist reviews the site and determines acceptable site mitigation measures. A copy of those mitigation measures must be filed with the County Planning Department prior to further work at the site.

   Native American monitors shall be onsite during the archaeological survey to ensure the proper identification and care of cultural resources. The disposition of any recovered artifacts shall be made in consultation with local tribal contacts. In the event of the accidental discovery of human remains, Health and Safety Code §7050.5, Public Resources Code §5097.98, and CEQA Guidelines §15064.5 (d) shall be consulted for the proper procedure to follow.

a. As mining and reclamation occur.
b. CDD—Code Enforcement
c. Applicant
d. Ongoing

GEOLOGY

10. Topsoil disturbed as a result of mining activities on-site shall be stockpiled on-site for use in reclamation of the site.

a. As mining occurs.
b. CDD—Code Enforcement

c. Applicant
d. Design and ongoing

NOISE

11. Mining, dumping, and reclamation activities shall be limited to daylight hours in accordance with the Mono County Noise Regulations (Mono County Code Section 10.16) in order to minimize impacts to nocturnal wildlife species.
    a. As mining and reclamation occur.
    b. CDD—Code Enforcement
    c. Applicant
    d. Design and ongoing

12. Mining, dumping, and reclamation activities shall be limited to May 1 to October 31 of each year in order to minimize impacts to wildlife species.
    a. As mining and reclamation occur.
    b. CDD—Code Enforcement
    c. Applicant
    d. Design and ongoing

13. Noise levels during all on-site activities shall be kept to a minimum by equipping all on-site equipment with noise attenuation devices and by compliance with all requirements of the Mono County Noise Regulations (Mono County Code Section 10.16).
    e. As mining and reclamation occur.
    f. CDD—Code Enforcement
    g. Applicant
    h. Design and ongoing

VII. REFERENCES

Documents

California Department of Transportation. District 9.

District 9 Planning Documents—Transportation Concept Reports, Route Development Plans, and District System Management Plans.

US 395 Origination and Destination Study, Year 2000. May, 2001.

US 395 Transportation Concept Report. May, 2000.

Institute of Transportation Engineers.

Traffic Engineering Handbook, 7th Edition. 2002.

Mono County Local Transportation Commission

Regional Transportation Plan. 2008.

Mono County Planning Department.

Mono County General Plan and Updates. 1993 and 2001.

Mono County Master Environmental Assessment and Updates. 1993 and 2001.

Supplement to the Mono County General Plan Land Use Amendments Final Environmental Impact Report. Prepared for Benton Crossing Landfill General Plan Amendment #04-02, Use Permit Application #37-04-08. 2005.

Team Engineering & Management, Inc.

Subsurface Environmental Investigation Report, Mammoth Yosemite Airport—UST Site, Mammoth Lakes, CA. 2003.

U.S. Forest Service. Inyo National Forest.

Inyo National Forest Land and Resource Management Plan. 1988.

Biological Evaluation--Animals, Long Valley Mineral Material Site Expansion. 2006.

Biological Evaluation for Sensitive Plants, Mammoth Airport Gravel Pit. 2005.

Heritage Resources Report: Mammoth Airport Borrow Pit Expansion. 2005.

Noxious Weed Risk Assessment: Mammoth Airport Gravel Pit. 2005.

Revegation Requirements: Airport Expansion Mitigation/Gravel Pit Revegetation. 2003.

Scenery Management Evaluation, Long Valley Mineral Material Site. 2006.

Websites

California Air Resources Board

www.arb.ca.gov

Air emissions inventory data. Information on air quality and transportation planning.

California Department of Transportation

www.dot.ca.gov

Planning guidance, traffic counts.

APPENDIX A
Revegetation Requirements

Airport Expansion Mitigation/Gravel Pit Revegetation
K.Nelson 02/22/03

The following revegetation plan may be implemented on designated sites as mitigation for the airport expansion project. Successful implementation of this plan will help to replace wildlife habitat lost to the airport expansion, as well as prevent soil erosion in the gravel pit, aid in the re-establishment of the main components of a sagebrush/bitterbrush scrub community, and prevent the establishment of new populations, or spread of existing populations of any non-native weed species.

The following seed mix will be applied to all areas designated as mitigation sites for the airport expansion project:

Big sagebrush (*Artemisia tridentata*)	5 PLS lb/ac
Desert peach (*Prunus andersonii*)	5 PLS lbs/ac
Indian ricegrass (*Achnatherum hymenoides*)	3 PLS lbs/ac
Western needlegrass (*Achnatherum occidentalis*)	2 PLS lbs/ac
Squirreltail (*Elymus elymoides*)	3 PLS lbs/ac
Sliver lupine (*Lupinus argenteus)*	1 PLS lbs/ac
Blazing star (*Mentzelia laevicaulis*)	1 PLS lb/ac
Chicalote, prickly poppy (*Argemone munita*)	1 PLS lb/ac
TOTAL:	16.5 PLS lbs/ac

PLS = Pure Live Seed

In addition, antelope bitterbrush (*Purshia tridentata* var. *tridentata*) seedlings will be planted on 2 meter centers.

The project area is in the Mono Section/Crowley Flowlands Subsection of the Ecological Subregions of California (Miles and Goudey 1997). If it is not possible to collect/obtain seed from the immediate vicinity of the project due to poor seed availability, seed from anywhere within the Mono Section will be acceptable; however, efforts will be made to obtain seed from within the Crowley Flowlands Subsection. Seed collection will be restricted to areas no more than 1,000 feet higher or lower in elevation than the project site.

Bitterbrush seedlings will be planted in the fall (approximately late September), late enough to avoid summer heat, but early enough to allow seedlings to become established prior to soil freezing. Protection from browsing will be provided for the seedlings, using vexar tubing or similar methods. Mulch will be applied around the base of the seedlings as further protection. Supplemental water will be provided as needed for seedling survival, depending on site

conditions and local weather variations. I would anticipate watering seedlings once or twice/week, depending on temperatures, until freezing conditions and/or significant precipitation events occur. Additional spring/summer watering may be required in the event of drought.

Seeding will be conducted in the late fall, preferably just prior to the onset of winter snows, in order to minimize seed predation losses. A harrow or other acceptable method will be used to cover seed once it has been spread, followed by application of an approved mulch to a depth of 2 inches, e.g. certified weed free rice straw, or native mulch. If necessary, mulch will be "tamped" down to avoid significant losses due to wind. No soil amendments will be added. All equipment used in grading and revegetation activities will be cleaned free of mud and plant parts prior to beginning work in the project area.

In addition, non-native species not already present on the site prior to the project will be removed manually. The significance of other weed species that may occur will be evaluated each season, and control measures required if deemed necessary, based on density and potential effects on the revegetation goals. All non-native weed species, including cheatgrass (*Bromus tectorum*), will account for no more than 5% total of the relative cover at the end of the 5 year evaluation period.

Success standards for this project are as follows:

- At least 3 shrubs and 8 perennial grasses and/or forbs per 4 square meters will be established on the site.
- Perennial grasses will account for at least 10% of the relative cover.
- Antelope bitterbrush survival will be at least 70%.
- All non-native weed species will account for no more than 5% total of the relative cover at the end of the 5 year evaluation period (see above).

The revegetation project will be monitored for compliance with the success standards defined above, and a report provided to the Forest Service Botanist 1, 3, and 5 years following completion of the project. Failure to meet the success standards will require additional planting and/or weed control, as appropriate.

References:

Miles, Scott R. and C.B. Goudey, compilers, with major contributions by E.B. Alexander and J.O. Sawyer. 1997. Ecological Subregions of California; Section and Subsection Descriptions. R5-EM-TP-005. USDA Forest Service, Pacific Southwest Region, San Francisco, CA. Prepared in cooperation with: USDA, Natural Resources Conservation Service and USDI, Bureau of Land Management. 218 pp.

/s/ Kathleen Nelson

APPENDIX B

MONO COUNTY CODE

Chapter 7.10 MINING OPERATIONS

7.10.010 Declarations and findings.

7.10.020 Definitions.

7.10.030 Permits required.

7.10.040 Processing with certain chemicals--Rebuttable presumption.

7.10.050 Mining operations permit procedure.

17.10.060 Permit noncompliance--Penalties--Suspension or revocation.

7.10.070 Exemptions.

7.10.010 Declarations and findings.

The board of supervisors finds and declares as follows:
A. Mono County is endowed with a variety of valuable natural resources, including but not limited to pumice, gravel, gold and clay, which have periodically been the subject to mining throughout Mono County's history.
B. Mono County is also endowed with a pristine and beautiful natural environment, whose many forests, lakes, streams and mountains are home to diverse flora, fauna and ecosystems, and the site of numerous recreational and scenic attractions.
C. Mono County is obligated and committed by its own general plan, county code, and state laws such as the California Environmental Quality Act (CEQA) to ensuring that the environment is adequately protected, to the extent the County possesses the legal authority to do so.
D. The county has land-use and zoning authority over private lands within the county and over certain lands owned by the state and local government agencies and, with respect to such lands, only allows mining activities on land zoned "RE--resource extraction" in accordance with a use permit issued in conformity with the county general plan, county code, and applicable state laws such as CEQA. The vast majority of real property in Mono County, however, is "public land" owned by the federal government and administered by federal agencies such as the U.S. Department of Agriculture, acting through the U.S. Forest Service, and the Secretary of the Interior, acting through the Bureau of Land Management.
E. The Federal Mining Act of 1872 (30 U.S.C. §§ 21 et seq.) confers certain rights to explore public lands for valuable mineral deposits and provides that the "locators" of such deposits shall have the exclusive right to extract those minerals if they comply with federal law and state and local laws that do not conflict with federal law. (See 30 U.S.C. § 26.)
F. The United States Supreme Court and other courts have held, in cases such as California Coastal Commission v. Granite Rock Co., 480 U.S. 572 (1987), that state and local laws that impose and require compliance with reasonable regulatory requirements designed to protect the environment are not preempted by the Mining Act as long as they do not act as a de facto ban on mining or otherwise act as a "clear obstacle" to the accomplishment of the congressional purposes and objectives embodied in the Mining Act.
G. Accordingly, this chapter is intended to establish, through a purely environmental (non-land use) permit process, legally permissible regulatory requirements designed to protect the environment of Mono County, and not to create a de facto ban on mining or create a "clear obstacle" to accomplishing the objectives of the Mining Act.
H. The county is a lead agency for purposes of the Surface Mining and Reclamation Act (Section 2710 et seq. of the California Public Resources Code) and has previously adopted an ordinance

implementing the Act (Ordinance No. 94-02), which was duly certified by the State Mining and Geology Board. Mining operations on all land in the county, including public land, are already subject to the county's certified reclamation ordinance. This chapter does not amend that certified ordinance, nor does it impose reclamation requirements. It is intended solely as an exercise of the county's constitutional authority to make and enforce within its limits all ordinances not in conflict with general laws. (California Constitution, Article XI, Sec. 7.)

I. Methods of processing that use hazardous chemicals, such as mercury, cyanide and cyanide compounds, breakdown products of cyanide, and sulfuric acid, are of especially grave concern to the residents and the board of supervisors of Mono County due to their potential to cause damage to the environment, including but not limited to streams, lakes, groundwater, air, flora and fauna. Anecdotal and scientific evidence of such potential harm is detailed in various sources, including but not limited to publications, staff reports, and testimony that have been brought to the board of supervisors' attention.

J. The board is unwilling to risk such damage to Mono County's environment, and thus, by way of a rebuttable presumption established in this chapter, declines to allow certain known hazardous chemicals to be used in connection with any processing activity in Mono County unless the use of the chemical in a given project can be shown by the project proponent, by substantial evidence, to have no significant adverse impact on the environment.

K. The enactment of this chapter is exempt from the California Environmental Quality Act (CEQA) as either a nonproject or as a class 7 or class 8 categorical exemption. (Ord. 98-13 § 1 (part), 1998.)

7.10.020 Definitions.

Terms used in this chapter have the following meanings.

A. "Acid mine drainage" means the natural process through which sulfuric acid is created by the exposure of iron sulfide minerals in mined metal ores to oxygen in the air.

B. "Average case scenario" means typical project operations under average conditions, with reasonably foreseeable environmental impacts.

C. "Artificial" means occurring as a result of human design or activity, as opposed to natural activities and processes that occur regardless of any human involvement.

D. "Beneficiation" means the process of liberating and concentrating a mineral from ore.

E. "Best case scenario" means atypical project operations under better than average conditions, causing the least possible environmental impact.

F. "Environmental contamination" means degradation of any aspect of the natural environment in and around a proposed extraction project, including but not limited to pollution of the air, soil, or surface or ground water, and any associated harm caused to flora, fauna or humans.

G. "Exploratory extraction" means extraction conducted for the purpose of searching for or investigating a mineral deposit. It includes but is not limited to geophysical, geochemical or geological surveying and sampling, drilling or rotary drilling of core and bore holes, and digging pits, trenches or cuts and other works for the purpose of extracting samples prior to commencement of mine development or extraction operations, and the building of roads, access ways and other facilities related to such work.

H. "Exposed" means uncovered through extraction and put in direct physical contact with air, precipitation and other atmospheric elements.

I. "Extraction" means the artificial removal of solid (not liquid or gaseous), nonliving, and naturally-occurring substances from the surface or subsurface of the earth, including but not limited to rocks, sand, gravel, pumice, clay, salt, gold, silver, diamonds or other minerals or gems.

J. "Feasible" means achievable based on known scientific or engineering data and technology. Feasible does not mean the least expensive method nor the method necessary for an extraction or processing project to yield a profit in light of prevailing market prices for mined substances, except in the event that all other things are equal with respect to protecting the environment, in which case the most cost-effective means may be deemed the most feasible.

K. "Financial assurance" means, to the extent permitted by applicable state and federal law, bonds, escrowed funds, letters of credit, insurance, or other form of security provided to the county by a project proponent in an amount set by the planning commission (or board of supervisors in the event of an appeal) and in a form approved by the county counsel that will ensure sufficient funding for the cleanup, restoration, or other remediation of any environmental damage caused by the project.

L. "Groundwater" means all water beneath the surface of the earth within the zone at or below the water table in which the soil is completely saturated with water.

M. "Hydrology" means the scientific study of the origin, distribution and circulation of water through, among other things, precipitation, stream flow, infiltration, groundwater storage and evaporation.

N. "In-situ mining" means a method of processing in which chemical reagents are injected directly into the ground before extraction occurs.

O. "Kinetic testing" refers to a method of testing in which a sample of mine waste is placed in a cylindrical chamber or other closed container and factors such as air, water and bacteria are introduced into the chamber, allowing the impact of these factors on acid generation to be measured over time.

P. "Mining" and "mining operations" mean extraction or processing or both, and all activities integral to such extraction or processing occurring in the county, including but not limited to the movement, transportation, loading, unloading and other activity of vehicles, offices, buildings, facilities, equipment, structures, mined substances, materials or personnel associated with extraction or processing.

Q. "Processing" means the artificial refinement, purification, beneficiation, adulteration, or other special treatment of rock ore and other extracted substances to separate valuable metals or other substances from non- valuable materials such as soils and other impurities, examples of which include but are not limited to washing, flotation, aeration, electrification, gravity concentration, solvent extraction/electrowinning (SX/EW), magnetic separation, crushing, heating, smelting, soaking, leaching, spraying, grinding, sorting or sifting. For purposes of this chapter, in-situ mining shall be considered a form of processing rather than extraction.

R. "Project" means a proposal, embodied in a permit application, to engage in extraction, processing, or other mining operations, as well as any resulting extraction, processing, or other mining activity.

S. "Project proponent" means a party submitting a permit application under this chapter and assuming responsibility for that application, as well as that party's agents, representatives, successors, or assigns (if any).

T. "Scientific" means performed by an individual with expertise in a particular field of human knowledge, using generally-accepted standards and methodologies for observing, identifying, objectifying, explaining, studying and describing phenomena in that field of knowledge.

U. "Significant adverse environmental impact" has the meaning attributed to that term under the California Environmental Quality Act (CEQA), as the same may be amended from time to time, and/or under any applicable CEQA guidelines, regulations or case law.

V. "Static testing" means the measuring of bulk amounts of acid-generating and acid-neutralizing material in samples of mined waste, expressed as numerical values, which are then compared to predict the likelihood that the waste will generate acid mine drainage.

W. "Substantial evidence" has the meaning attributed to that term under the California Environmental Quality Act (CEQA), as the same may be amended from time to time, and/or under any applicable CEQA guidelines, regulations, or case law.

X. "Surface waters" refers to rivers, streams, creeks, lakes, ponds and other bodies of water existing on a constant or seasonal basis on the surface of the land.

Y. "Immediate vicinity" means the geographic area surrounding a project site whose environment could foreseeably be impacted by a project.

Z. "Worst case scenario" means atypical project operations under worse than average conditions, where virtually everything that conceivably could go wrong does go wrong, causing the most

adverse environmental impacts possible. (Ord. 98-13 § 1 (part), 1998.)

7.10.030 Permits required.

It shall be unlawful for any person to engage in extraction, processing or other mining operations within the territorial boundaries of Mono County without possessing at the time of such activity both of the following: (1) a reclamation plan (including financial assurance requirements) approved by the county in accordance with the Surface Mining and Reclamation Act (Section 2710 et seq. of the California Public Resources Code), the Mono County general plan, and any applicable chapters of this code, and (2) either a Mining Operations Permit issued in accordance with this chapter in the case of mining operations on land over which the county lacks full land use and zoning authority or a use permit issued in accordance with Chapter 19.59 of this code (entitled "RE--resource extraction district") in the case of mining operations on land over which the county possesses full land use and zoning authority. Violations of this section constitute a misdemeanor and a public nuisance which may, in addition to any other legal or equitable remedies available to the county, be prosecuted and/or enjoined. (Ord. 98-13 § 1 (part), 1998.)

7.10.040 Processing with certain chemicals--Rebuttable presumption.

It shall be and is hereby rebuttably presumed that any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location, that would use one or more of the following chemicals as a processing agent poses an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to cause damage to the environment: mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. Use of such chemicals shall not be permitted as part of any processing operation unless the project applicant can demonstrate, by substantial evidence, based on reliable scientific or engineering data, that the proposed use of such chemicals in a given project will not, under any reasonably foreseeable scenario, cause significant adverse environmental impacts. Scenarios considered shall include but not be limited to "best case," "average case," and "worse case" scenarios, taking into account any environmental contamination reasonably foreseeable over time from both natural and artificial causes, including but not limited to spills, leaks, and other releases or discharges resulting from potential design or construction flaws or miscalculations (if any), foreseeable errors or negligence (if any) of processing operators, as well as rainfall, snowfall, snow melt, floods, fires, earthquakes and other potential natural forces and events. (Ord. 98-13 § 1 (part), 1998.)

7.10.050 Mining operations permit procedure.

A. The Mono County planning commission shall possess the authority to issue mining operations permits in accordance with the provisions of this chapter and to adopt such reasonable administrative regulations as it deems necessary and proper to implement this chapter, including but not limited to regulations establishing advisory committees to examine project applications and to provide reports and recommendations to the commission. Applications for mining operations permits shall be submitted to the Mono County planning department on forms developed by that department. Such application forms shall, at a minimum, solicit detailed plans, specifications, studies, maps and other information from applicants addressing the following: (a) the nature, estimated location, and physical and chemical characteristics of the substance(s) proposed to be extracted, exposed or processed; (b) the location, duration, manner, and method of proposed extraction or processing activities; (c) the quantity of substances proposed to be mined or processed; (d) the estimated facilities, personnel, equipment, and vehicles that will be brought into or constructed within the county to conduct or provide services related to the proposed extraction or processing; (e) the days of the week and times of the day when the proposed extraction or processing will foreseeably occur; (f) the manner or method by which personnel, equipment, mined substances or any materials associated with the proposed

extraction or processing will be moved, transported or otherwise conveyed to, from, at, or around the extraction or processing site; (g) the quantity and source of any water proposed to be used in conjunction with the proposed extraction or processing; (h) the nature and source(s) of power, electrical or otherwise, that will be used at the site of the proposed extraction or processing; (i) the quantity, nature and proposed means of disposing of any solid or liquid waste, including all mining waste, generated by the project; (j) the type and nature of any chemical reagents that will be used in processing and the manner and method by which such processing will be conducted; and (k) a description of any foreseeable extensions, continuations or modifications of the proposed project. Submission of any of the foregoing information to the county as part of an application for a reclamation plan or amendment thereto with respect to a proposed extraction or processing project may, with the prior approval of the planning director, be incorporated by reference into an application for a mining operations permit under this chapter with respect to the same proposed project.

B. Upon receipt of a completed application, the county and its consultant(s) shall analyze and assess, at the applicant's cost, the potential adverse environmental impacts of the proposed extraction or processing operations in accordance with the California Environmental Quality Act (CEQA) and this chapter. Among other things, such analysis and assessment shall include, to the extent deemed relevant and appropriate by the planning director after performing an initial study under CEQA, in order to gather baseline data and to effectuate the intent of this chapter or CEQA:

1. Hydrological studies of any surface waters on the project property or within the runoff or drainage path of the project;
2. Biological studies regarding the nature and quantity of any species of fish, birds, reptiles, mammals and other flora and fauna living in or dependent on such surface waters;
3. Studies regarding the potential impacts of the project on any natural habitats or ecosystems in the county;
4. Studies regarding the potential impacts of the project on human health in the county;
5. A hydrological determination of whether or not groundwater exists directly below or in the immediate vicinity of the site of the proposed extraction or processing;
6. To the extent groundwater is present, a detailed scientific analysis of the nature, quantity, locations and properties of such water and a detailed analysis of soil, percolation and drainage characteristics of the land on which the proposed extraction or processing will occur;
7. Hydrological studies of the sources of water that will be used by the project itself and the impacts of the project on such sources and documentation of the use of such water by other parties, including analysis of the degree and duration of the project's anticipated impact on such other water users for the life of the project and until reclamation is completed;
8. Hydrological studies regarding any erosion and sedimentation impacts likely to be associated with or caused by the project;
9. A geological determination of whether or not any notable sources of actual or potential seismic or volcanic activity exist below or in the immediate vicinity of the site of the proposed extraction or processing;
10. To the extent any notable sources of actual or potential seismic or volcanic activity are present, a detailed scientific analysis of the nature and characteristics of such sources and their foreseeable relationship to and effects, if any, upon the proposed project, including but not limited to any groundwater used by or otherwise impacted by the project;
11. Studies to determine the impacts of all project transport and vehicle movements on air quality, noise, road systems and traffic;
12. Scientific studies regarding the potential for the project to cause or be subject to land subsidence and collapse, and the hydrological impacts of any such potential on the environment;
13. Hydrological studies examining the flooding and drainage potential and characteristics of the proposed project and site of extraction or processing and the foreseeable environmental effects such flooding and drainage may have on the site and on adjacent properties;
14. Scientific studies regarding the nature, quantity and characteristics of any dust, gas or other

airborne substances likely to be generated or dispersed by the proposed project;
15. Studies regarding the nature, quantity and characteristics of any nighttime lighting proposed to be used on the project;
16. Scientific studies regarding the nature, decibel level and other pertinent characteristics of any noise or sound likely to be generated by the proposed project;
17. Scientific studies examining the probability, nature and extent of environmental contamination, if any, that could foreseeably result from the project in "best case," "average case," and "worst case" scenarios, taking into account both natural and artificial causes of such contamination, including but not limited to spills, leaks and other discharges resulting from design flaws, negligent design or construction, negligence of extraction of processing operators, as well as rainfall, snowfall, snow melt, floods, fires, earthquakes and other potential natural forces and events;
18. Scientific studies determining whether or not items of archeological or cultural significance are present at the site and, if so, the degree to which they would be disturbed or otherwise impacted by the proposed project;
19. Scientific studies determining whether or not rare, threatened or endangered species of plants or animals are present at the site and, if so, the degree to which they would be disturbed or otherwise impacted by the proposed project;
20. Feasible project alternatives and mitigation measures, which may include components of any reclamation plan proposed or approved for the project.
C. Mining operations permits shall be granted only after a duly noticed public hearing and only if the planning commission (or the board of supervisors in the event of an appeal) makes all of the following findings based on the evidence before it:
1. The application and any documentation submitted with it for purposes of complying with or facilitating CEQA review are complete and adequate.
2. The proposed project is consistent and compliant with this chapter, this code, and any applicable environmental policies, regulations, or standards set forth in the Mono County general plan, as the same may be amended from time to time, as well as any applicable state or federal laws, orders of state or federal agencies having jurisdiction, and applicable court orders, except to the extent that such consistency or compliance is impossible to achieve through any feasible modification or mitigation of the proposed project without violating or conflicting with the Federal Mining Act of 1872 (30 U.S.C. §§ 21 et seq.), as the same may be amended from time to time, or with other applicable federal or state laws.
3. The proposed project, as mitigated, will not cause any significant adverse environmental impacts, except to the extent that such impacts are impossible to avoid through any feasible mitigation measures without violating or conflicting with the Federal Mining Act of 1872 (30 U.S.C. §§ 21 et seq.), as the same my be amended from time to time, or with other applicable federal or state laws, unless a statement of overriding considerations is made through the CEQA process.
D. Conditions of approval imposed on mining operations permits by the planning commission shall, among other things, to the extent deemed relevant and appropriate by the planning commission or the board of supervisors in order to effectuate the intent of this chapter or CEQA:
1. Require that all mining operations, before and during mining, characterize the potential of their ore and waste rock to generate acid mine drainage. Operators may be required to use both static and kinetic testing to make this determination;
2. Require pollution prevention and pollution containment techniques in all phases of mine operation;
3. Require mining operations to use the best available technology and practices in order to protect the environment, including but not limited to preventing or minimizing acid mine drainage;
4. Impose specific contamination standards for water, air and other environmental components that the project may not exceed;
5. Require post-mining water quality monitoring to ensure that acid mine drainage does not

develop (or worsen, to the extent it is present before the proposed mining or processing occurs) over time;
6. Require inspections of mining operations, especially water-related facilities, by county staff or consultants at frequent intervals;
7. Require adequate financial assurances in order to cover the estimated costs of cleaning up or otherwise remediating any reasonably foreseeable environmental contamination that could result from the project despite any imposed mitigation measures, including but not limited to natural and artificial causes of such potential contamination, including but not limited to spills, leaks and other releases or discharges resulting from negligent design or construction, negligence of extraction or processing operators, as well as rainfall, snowfall, snow melt, floods, fires, earthquakes and other potential natural forces and events;
8. Require any other appropriate mitigation measures and associated monitoring programs. Significant adverse environmental impacts associated with mining operations shall be mitigated to a level of nonsignificance to the extent feasible without violating or conflicting with the Federal Mining Act of 1872 (30 U.S.C. §§ 21 et seq.), as the same may be amended from time to time, or with other applicable federal or state laws, unless a statement of overriding considerations is made through the CEQA process.
E. All permit applications shall be accompanied by a processing fee in an amount set by resolution of the board of supervisors, not to exceed the county's direct and indirect costs of administering this chapter, including any funds periodically required to be paid or placed on deposit with the county to fund its associated costs of staff time and/or consultants necessary to implement and comply with CEQA and this chapter.
F. The decision of the planning commission is final unless timely appealed to the board of supervisors in compliance with Chapter 19.42 of this code. (Ord. 98-13 § 1 (part), 1998.)

17.10.060 Permit noncompliance--Penalties--Suspension or revocation.

Noncompliance with any term or condition of a mining operations permit issued under this chapter, including but not limited to any mitigation measures, monitoring requirements, or financial assurance requirements, shall constitute a misdemeanor and a public nuisance, and shall be grounds for suspension or revocation of the permit by the planning commission. Before the commission shall consider revocation or suspension of any permit, the commission shall hold a public hearing thereon after giving written notice thereof to the permittee at least ten days in advance of such hearing. The decision of the commission may be appealed to the board of supervisors in accordance with Chapter 19.42 of this code. (Ord. 98-13 § 1 (part), 1998.)

7.10.070 Exemptions.

This chapter shall not apply to the following activities:
A. Mining that would be exempt from any reclamation requirements under the Surface Mining and Reclamation Act (Section 2710 et seq. of the California Public Resources Code), the Mono County general plan, and any other chapter of this code, as the same may be amended from time to time.
B. Any mining operations, other than exploratory extraction, that were actually in existence and functioning as of the date this chapter took effect and which were otherwise compliant at that time with applicable laws, and also proposed expansions of such mining operations with respect to which complete applications for reclamation plans or amendments thereto had already been filed with the county as of the date this chapter took effect. (Ord. 98-13 § 1 (part), 1998.)