

# APPENDICES

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# APPENDIX A: INITIAL STUDY AND NOC/NOP

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# APPENDIX A-1: INITIAL STUDY

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***INITIAL STUDY & ENVIRONMENTAL ANALYSIS FOR:***

**USG PLASTER CITY QUARRY EXPANSION AND WELL NO. 3 PROJECT**

**CUP APPLICATION 20-0016**

**INITIAL STUDY IS 22-0021**



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**JULY 2022**

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## I. INTRODUCTION

### A. PURPOSE

This document is a  policy-level,  project level Initial Study for evaluation of potential environmental impacts resulting from the proposed USG Plaster City Quarry Expansion and Well No. 3 Project (Refer to Figure 1, "Regional Location," Figure 2, "Plaster City Quarry and Well No. 3 Location," Figure 3, "Viking Ranch Restoration Site", and Figure 4, "Old Kane Springs Road Preservation Site").

### B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (REQUIREMENTS AND THE IMPERIAL COUNTY'S GUIDELINES FOR IMPLEMENTING CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's "CEQA Regulations Guidelines for the Implementation of CEQA, as amended", an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

This Initial Study has determined that the proposed applications could result in **potentially significant environmental impacts** and therefore, a **Supplemental EIR** is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter.

This Initial Study has been prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State & County of Imperial's Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial Guidelines for Implementing CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

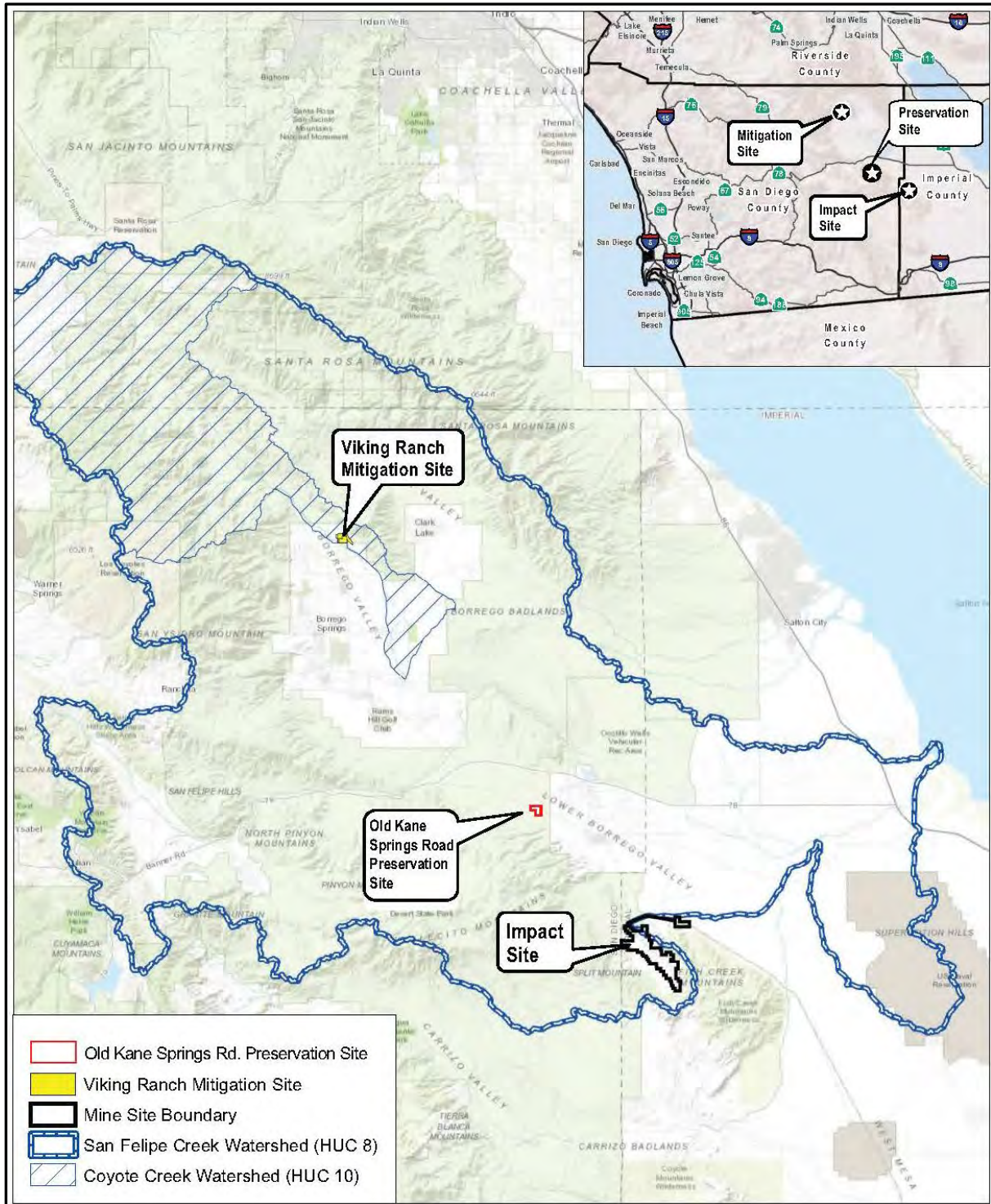
### **C. INTENDED USES OF INITIAL STUDY**

This Initial Study is an informational document which is intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

### **D. CONTENTS OF INITIAL STUDY**

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

- I. **Introduction** presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.
- II. **Environmental Checklist Form** contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a potentially significant impact, potentially significant unless mitigation incorporated, less than significant impact or no impact.
- III. **Project Summary, Location and Environmental Settings** describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.
- IV. **Evaluation of Environmental Impacts** evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.
- V. **Mandatory Findings** presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.
- VI. **Persons And Organizations Consulted** identifies those persons consulted and involved in preparation of this Initial Study.
- VII. **References** lists bibliographical materials used in preparation of this document.



SOURCE: Dudek, 2021; Basemap USGS

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Figure 1  
Regional Location

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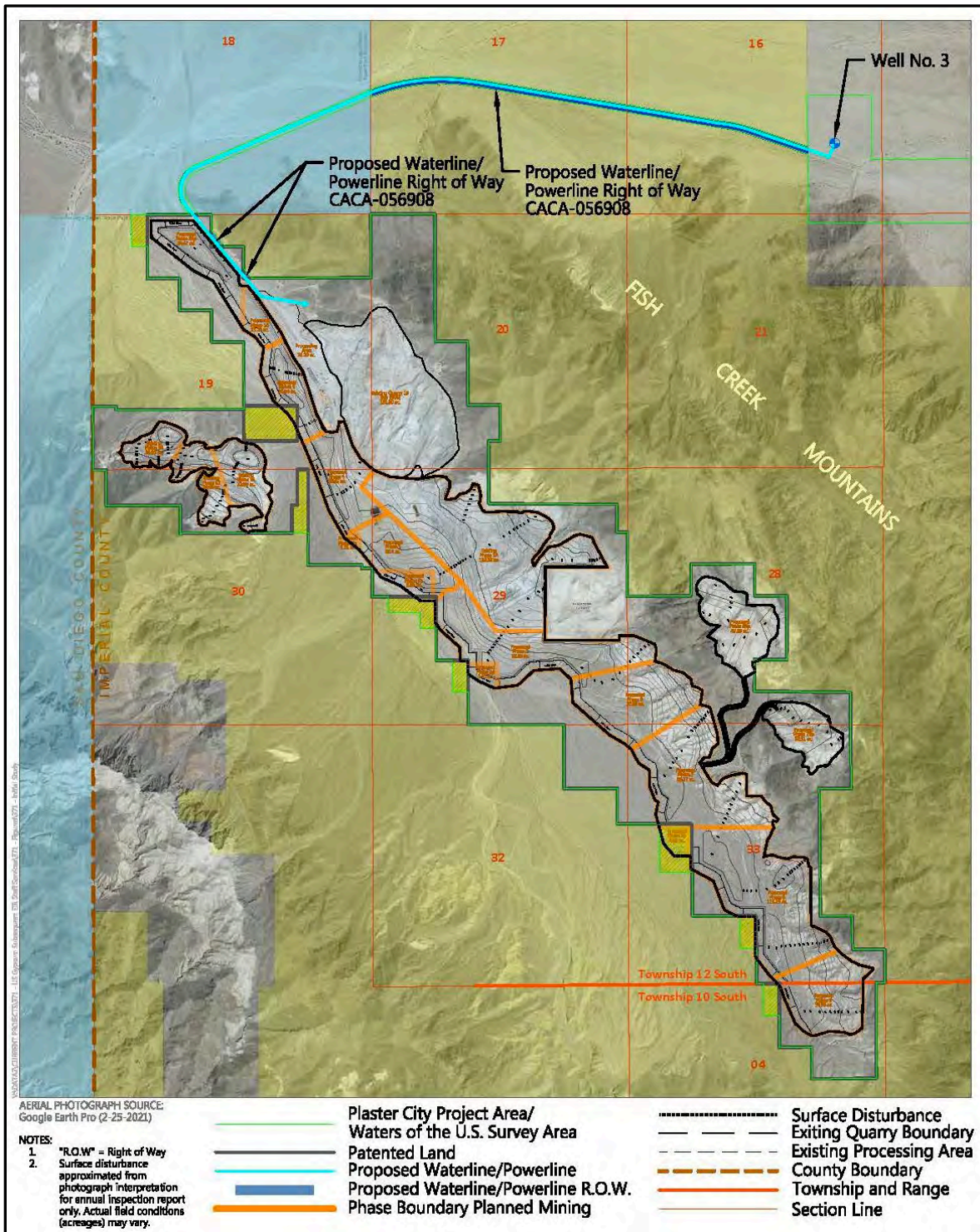
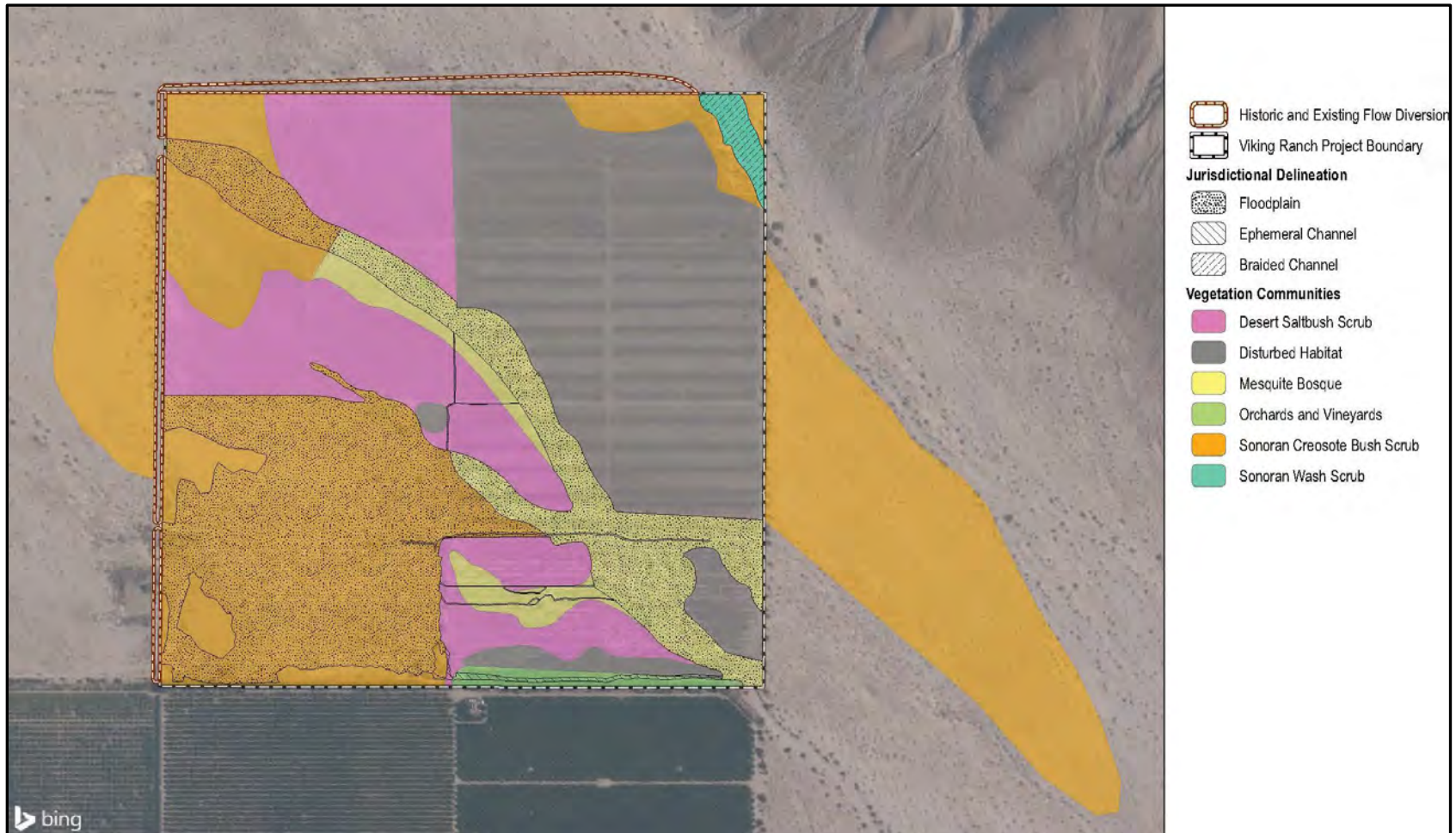


Figure 2  
 Plaster City Quarry and Well No. 3 Location

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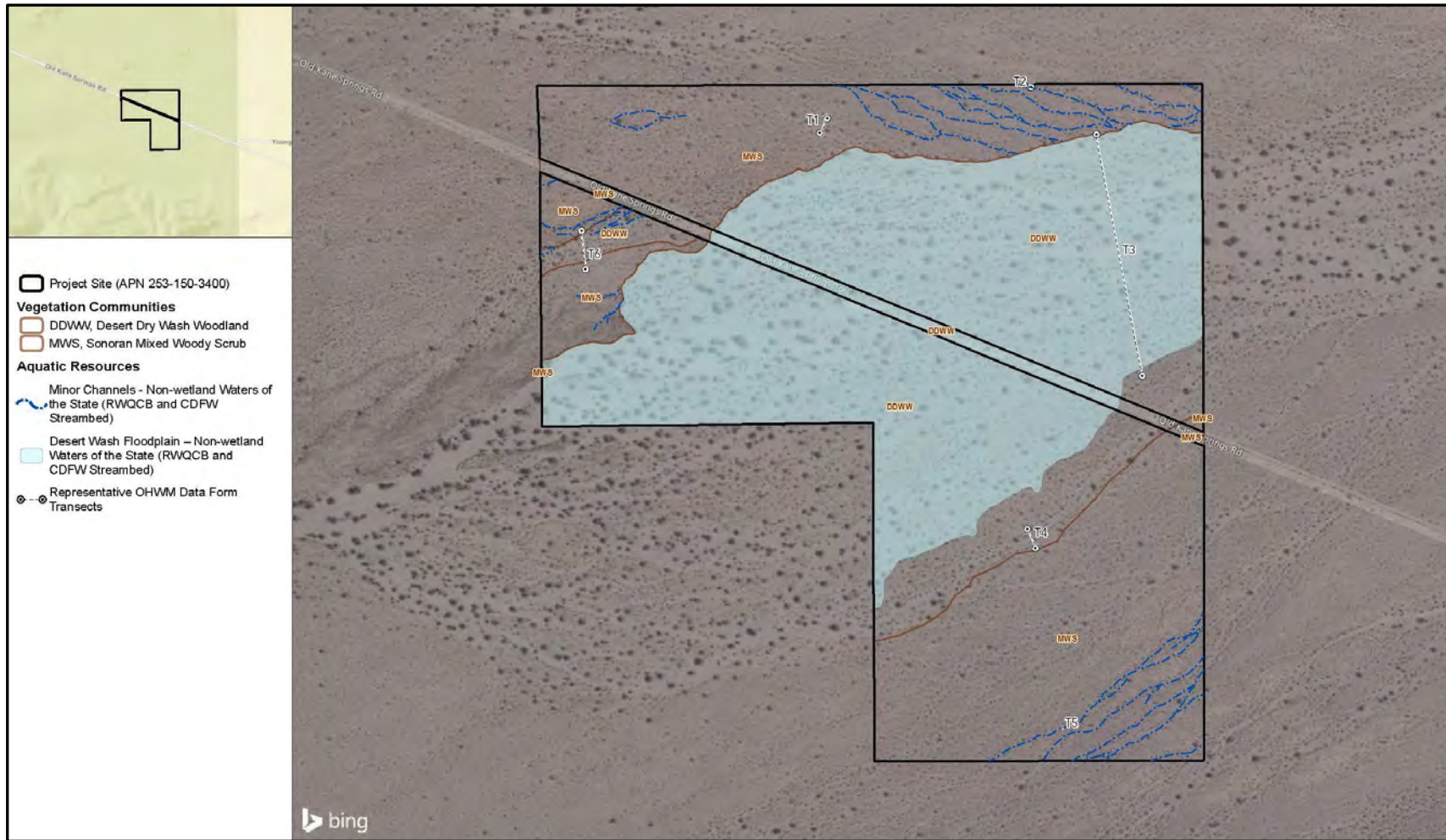


SOURCE: Dudek, 2021; Aerial-Bing Mapping Services, 2018

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Viking Ranch Restoration Site

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SOURCE: Dudek, 2021; Aerial-Bing Mapping Services, 2020

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Figure 4  
Old Kane Springs Road Preservation Site

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## ***E. SCOPE OF ENVIRONMENTAL ANALYSIS***

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

**No Impact:** A “No Impact” response is adequately supported if the impact simply does not apply to the proposed applications.

**Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.

**Potentially Significant Unless Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact”.

**Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

## ***F. POLICY-LEVEL OR PROJECT LEVEL ENVIRONMENTAL ANALYSIS***

This Initial Study will be conducted under a  policy-level,  project level analysis. Regarding mitigation measures, it is not the intent of this document to “overlap” or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County’s jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

## ***G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE***

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

- 1. Tiered Documents:** As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

“Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.”

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

“Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This

approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration.”

Further, Section 15152(d) of the CEQA Guidelines states:

“Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- a) Were not examined as significant effects on the environment in the prior EIR; or
- b) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.”

2. **Incorporation By Reference:** Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca. 3d 584, 595]). This document incorporates by reference appropriate information from the “Final Environmental Impact Report and Environmental Assessment for the “County of Imperial General Plan EIR” prepared by Brian F. Mooney Associates in 1993 and updates.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory

information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.

- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.

## II. ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** USG Plaster City Quarry Expansion and Well No. 3 Project
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact Person and Phone Number:** Patricia Valenzuela, Planner IV, 442-265-1749
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** PatriciaValenzuela@co.imperial.ca.us
6. **Project Location:** The USG Plaster City Quarry (included the expansion area) is located in Imperial County on USG-owned property (2,032 acres) and on active unpatented mill site claims on BLM-administered public lands (73 acres) (Assessor Parcel Numbers [APNs] 033-060-09; 033-070-01, -04, -05, -08, -10, -11, -17, and -23; 033-080-05; 033-090-11, -12, -13, -14, and -15). It is located within portions of Sections 19, 20, 28, 29, 30, 32, and 33 of Township 13 South, Range 09 East of the San Bernardino Meridian (SBM).

The proposed United States Gypsum (USG) Quarry Well No. 3 is located in Imperial County on USG-owned property APN 033-020-009. It is located within Section 16 of Township 13 South, Range 09 East SBM.

The proposed pipeline alignment is located in Imperial County within USG-owned property (APNs 033-020-009; 033-060-010 and -008); land owned by the U.S. Bureau of Land Management (BLM) (APNs 033-010-025 and -017; and 033-060-012); and within Anza-Borrego Desert State Park (APN 033-010-016). The pipeline crosses Sections 16, 17, 18, and 19 of Township 13 South, Range 09 East SBM.

The Viking Ranch restoration site is located in San Diego County and consists of approximately 150 acres of Borrego Water District-owned property (APNs 140-030-09-00 and -11-00); approximately 10 acres of privately owned property (APN 140-030-10-00); and approximately 47 acres of lands adjacent to these parcels that would be enhanced. The adjacent lands consist of approximately 13 acres of land owned by the Anza-Borrego Foundation (APN 140-030-05-00), approximately 3 acres of State Park owned land to the north of the restoration site and approximately 31 acres of State Park owned lands to the east of the restoration site (APN 140-030-07-00). The restoration site is located in the southeast corner of Section 4 of Township 10 South, Range 06 East SBM.

The approximately 121-acre Old Kane Springs Road preservation site is located in San Diego County on privately-owned property (APN 253-150-34-00). The mitigation site is located in Section 18 of Township 12 South, Range 08 East SBM.

7. **Project Sponsor's Name and Address:** United States Gypsum Company, 3810 West Evan Hewes Highway, Imperial, California 92251
8. **General Plan Designation:** The Quarry (including the expansion area) is designated as Recreation/Open Space.



Well No. 3 is located in an area designated as Recreation/Open Space.

Approximately, 2.5 miles of the pipeline alignment is located in areas designated as Recreation/Open Space. The remaining 1 mile of the pipeline alignment is located in areas designated Government/Special Public; this segment is part of the Anza-Borrego Desert State Park.

The Viking Ranch restoration site is designated Semi-Rural Residential (SR-4) and the Old Kane Springs Road preservation site is designated Rural Lands (RL-40) in the San Diego County General Plan.

9. **Zoning:** The Quarry parcels (including the expansion area) are zoned either S-2 (Open Space/Preservation) or BLM.

The Well No. 3 parcel is zoned S-2 (Open Space/Preservation).

The pipeline alignment parcels are generally zoned S-2 (Open Space/Preservation) with one parcel zoned STATE (APN 033-010-016).

The Viking Ranch restoration site and Old Kane Spring Road preservation site parcels are zoned General Rural (S92) in San Diego County.

## 10. Description of Project:

### PROJECT OVERVIEW

The proposed project consists of approval of a Conditional Use Permit from the County of Imperial (County) for the development of a new production well, Well No. 3, and an associated pipeline to provide water to the United States Gypsum (USG) Plaster City Quarry (Quarry). The locations of the Quarry, Well No. 3, and the associated pipeline are shown on Figure 1, and Figure 2. Together, these three project components are referred to as the "project area".

Additional land use entitlements from the County are not needed for mining and reclamation activities under the Quarry expansion. However, because Well No. 3 and the associated pipeline would provide water to support Quarry operations, this Initial Study will evaluate potential environmental impacts associated with mining and reclamation activities under the Quarry expansion, for full disclosure and to provide the appropriate CEQA compliance analysis and mitigation for responsible agencies.

This Initial Study will also evaluate potential environmental impacts associated with the Viking Ranch restoration and Old Kane Springs Road preservation actions, as proposed in the Habitat Mitigation and Monitoring Plan (Dudek 2022). As described under the "Previous EIR/EIS" section below, USG identified the approximately 207-acre Viking Ranch site for restoration and the 121-acre Old Kane Spring Road site for preservation to provide compensatory mitigation for the impacts to 139 acres of water of the United States at the Quarry. The locations of these sites are shown on Figures 1, 3, and 4. Although the Viking Ranch restoration and Old Kane Spring Road preservation will not require entitlements from Imperial County, this Initial Study will evaluate the environmental impacts of these actions for full disclosure and to provide the appropriate CEQA compliance analysis and mitigation for responsible agencies.

## PREVIOUS EIR/EIS

The development of Well No. 3, the associated pipeline, and the long-term operation and reclamation of the Quarry were part of United States Gypsum Company Expansion/Modernization Project (USG Expansion/Modernization Project) that was evaluated in a 2006 Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) (2006 Draft EIR/EIS) and a 2008 Final EIR/EIS. Together, the two documents are referred to in this Initial Study as the “2008 EIR/EIS”.

The USG Expansion/Modernization Project included development of Well No. 3 and an associated pipeline, expansion of the existing Quarry, replacement of an existing 8-inch diameter water pipeline from USG’s wells in Ocotillo to the Plaster City Plant (Plant), installation of an approximately 14.4-megawatt (MW) cogeneration unit for the Plant operation, and construction of an off-specification material recycling system. A Draft EIR/EIS was completed for the project in April 2006 (2006 Draft EIR/EIS). On March 18, 2008, the Final EIR/EIS was certified by the Imperial County Board of Supervisors (Board) pursuant to the requirements of CEQA (SCH 200121133). As such, the potential environmental impacts of proposed Quarry expansion and reclamation and development of Quarry Well No. 3 were previously evaluated in the 2008 EIR/EIS.

In addition to the 2008 EIR/EIS, additional analysis of the USG Expansion/Modernization Project was completed under NEPA as part of the process of obtaining the federal approvals required for the Quarry expansion. The NEPA process resulted in the completion of a Draft Supplemental EIS (SEIS) in June 2019 and a Final SEIS in November 2019 for the USG Expansion/Modernization Project. The 2019 Final SEIS included mitigation to offset the impacts to 139 acres of water of the United States at the Quarry by restoring, enhancing, and preserving aquatic resources at a property where aquatic functions are similar to the impacted functions. In response, USG proposes to mitigate impacts at a 1.92:1 mitigation-to-impact ratio, for a total of 267.3 acres of rehabilitation, enhancement, and preservation of aquatic resources. The proposed compensatory mitigation consists of the restoration and enhancement of an approximately 207-acre area at the Viking Ranch restoration site and the preservation of approximately 121 acres at the Old Kane Springs Road preservation site. The sites are shown on Figures 1, 3, and 4. These mitigation locations are within the San Felipe Creek watershed, which is the same parent watershed as the impacted aquatic resources at the Quarry.

## PROJECT PURPOSE AND NEED

The proposed Well No. 3 and associated pipeline were approved under an existing County Conditional Use permit (CUP) CUP-08-0003, “US Gypsum water well for Quarry Expansion Project, Assessor’s Parcel Number APN 033-020-009,” which was approved by the Imperial County Board of Supervisors on March 18, 2008. However, USG did not initiate or obtain construction permits for Quarry Well No. 3 within the time period set forth in Imperial County Code Section 90203.13. Therefore, CUP-08-0003 has expired.

The location and characteristics of the proposed Quarry Well No. 3 and associated pipeline have not changed since the USG Expansion/Modernization Project was approved in 2008 and remain as described in the original application for CUP-08-0003 and in the associated 2008 EIR/EIS. The proposed well and associated facilities request has not changed since approval in 2008. Therefore, the CUP requested under the proposed project would essentially replace CUP-08-0003.

Although no entitlements are required from Imperial County for the Quarry expansion and Viking Ranch restoration or preservation off the Old Kane Springs Road site, this Initial Study will evaluate potential environmental impacts associated with mining and reclamation activities under the Quarry expansion and with the associated restoration and preservation actions, for full disclosure and to provide the appropriate CEQA compliance analysis and mitigation for responsible agencies.

## PROJECT OBJECTIVES

The objectives of the proposed project are as follows:

- Secure permits and approvals to continue and fully develop quarrying gypsum reserves;
- Maximize the recovery of known gypsum reserves needed for the Plant to fulfill its estimated operational design life;
- Meet market demands for gypsum products;
- Develop and maintain a replacement Quarry water supply designed to meet dust suppression requirements;
- Concurrently reclaim Quarry site for post-mining uses as Open Space;
- Secure permits and approvals to develop a water source to support the mining of gypsum reserves at the Quarry; and
- Provide compensatory mitigation for potential impacts to waters of the state as a result of project implementation in compliance with State of California Fish & Game Code Section 1600 and the Porter Cologne Act.

## PROJECT COMPONENTS

### *Plaster City Quarry Expansion*

The Quarry expansion component of the USG Expansion/Modernization Project consists of the following:

- Improvements already made to the crushing and loading facilities (i.e., development of a new crusher building and extension to the existing rock storage building to allow additional hopper cards to be loaded).
- Adoption of a long-term mining and reclamation plan for the extent of USG's mineral holdings.

### **Overview of Quarry Operation and Production**

The quarry operations are designed to quarry, crush, screen, and ship material via narrow-gauge rail to the Plant for finish processing and via truck for agricultural and Portland cement manufacturing uses. The existing Quarry processing facility would not be expanded beyond the existing improvements already made. Haul road alignments would be changed to accommodate individual quarrying in various areas, and the rail facility and access road would be maintained. Quarry access would regularly change as the individual quarries expand. All service and haul roads would be retained within the Quarry footprint. Equipment parking and storage areas at the Quarry would be on absorbent pads over a plastic membrane to keep fluids from passing through it to the soil below. Access roads outside the mining footprint, but within the Quarry boundary, would be maintained in place once established as identified in the Reclamation Plan.

Proposed Quarry operations are approved to produce up to 1.92 million tons of gypsum per year. At this rate of production, the number of train trips between the Quarry and the Plant could reach about 1,800 round trips per year.

### Summary of Approved 2003 Mine Reclamation Plan

The 2003 *Mine Reclamation Plan* consists of a multi-phased plan that would systematically quarry and process up to the rate authorized in USG's current air quality permit, approximately 1.92 million tons of gypsum annually. The *Mine Reclamation Plan* is divided into phases based on current geological data, quantity and quality of gypsum, market demand and proximity to the existing Plant. Each phase has been numbered for purposes of identification. Figure 2 shows the proposed phasing. At maximum production rates, the known reserves would provide in excess of 80 years of production.

Two types of quarrying are proposed: outcrop quarrying and alluvial wash quarrying. The two methods of quarrying are described below.

*Outcrop Quarrying.* The areas of current production are designated as Quarry 1A and Shoveler. These areas consist of outcrops of gypsum above the level of the alluvial wash. Under the Proposed Action, production would continue with the extension and development of benches with a height of 25 feet. The final configuration of the benches would be based upon: (1) the contact with underlying low-purity gypsum, anhydrite, arkose, or granite; and (2) the up-dip limit of the outcrops. Quarry development would progress to each of the additional phases beginning with Phase 2, then proceeding both north and south into adjacent phases based on proximity and gypsum quality. As previously indicated, overburden on these outcrops is almost nonexistent. When surface clays are encountered, they would be removed for use in reclaiming previously mined outcrops.

*Alluvial Wash Quarrying.* Under the USG Modification/Expansion Project, quarrying would extend north to south. Quarrying of the alluvial wash deposits would progress downward and westward to a maximum overburden depth of 100 feet. Extraction of the gypsum would progress downward from the toe of the overburden strip slope in 25-foot vertical benches at a maximum stable slope of 1H:1V (Horizontal:Vertical) until the bottom of the mineable zone is reached. The depth of each Quarry phase would vary based on the bottom limit of gypsum.

An earthen berm would be constructed along the west side of the Quarry to divert natural surface water flows toward Fish Creek Wash and away from the Quarry operations. The design was based on a hydrology study and drainage analysis (Joseph E. Bonadiman & Associates Inc. 2004). The berm would be constructed of overburden material from various gypsum mining phases, or portions of phases, in the alluvial wash stripped to expose the gypsum. As overburden is stripped, a portion would be pushed to the east bank of the wash and the furthest southern limits of the planned disturbance to form the berm. Another berm consisting of the top 1 foot of surface alluvium would be pushed over the west Quarry slopes and used as surface soil upon reclamation. Remaining overburden may be stockpiled for a short period of time but would typically be pushed into the adjoining mined out areas for reclamation of the slopes such that overburden from Phase 3 would be used in Phase 2, overburden from Phase 4 would be used in Phase 3, and so forth. At end of the quarry life, all berms will have been used for Reclamation.

## Quarry Reclamation Techniques

Where feasible, reclamation would occur concurrently during mining operations. Following the removal of gypsum, the disturbed areas would be reclaimed to a state of natural open space. The steepest portion of the hillside quarries would be sloped no steeper than 1H:1V slopes and about 100 feet high. The site access on the north would remain gated. The privately held lands would not be open to public recreational use. The benched hillsides would be recontoured by blasting or dozing the benches to soften the topography.

Once quarrying operations are terminated, equipment and structures would be removed; their foundations would be reduced below grade and covered in place. It is likely that an office or trailer would remain on site for ongoing revegetation monitoring, and for security purposes. The access road would be maintained for access to the main process area site and specific haul roads would be maintained to access reclamation activity and monitoring. Those portions of the rail line at natural surface elevation would remain in place. The length of rail proceeding below original ground line under the rock storage building will be removed and the spur cut backfilled. Ultimately all equipment, power poles, and buildings would be removed, road access would be restricted by gates, warning signs would be posted, and access to Quarry benches would be blocked by berms and/or boulders.

## Revegetation

Revegetation of the mined areas occurs as described in the approved 2003 Mine Reclamation Plan. The Revegetation Plan element of the Reclamation Plan focuses on preparing the surface of the mined area and providing native seeds to take advantage of the infrequent rains.

Revegetation efforts are fully described in the Mine Reclamation Plan and would be varied over the life of the operation. The revegetation techniques are proposed as guidelines that would be followed until new information or techniques become available, which could improve the results of the revegetation activities. Revegetation efforts would use seeds and plants of native species collected locally (on-site and on adjacent areas). The undisturbed portions of the Quarry and areas adjacent to the Quarry provide the targets for achievement through the revegetation effort. The areas to be disturbed by future mining would also provide specimens for direct transplanting of native species, and the undisturbed areas would provide a source of seeds for the revegetation effort.

## Changes to Mine Reclamation Plan

Since the USG Expansion/Modernization Project was approved in 2008, no changes to the Quarry Mine Plan<sup>1</sup> as proposed in the Mine Reclamation Plan<sup>2</sup> (March 2003) have occurred. However, minor

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<sup>1</sup> A Mine Plan is required for an application of land use on private land with a local lead agency under conditions of a CUP or Surface Mine Permit. A Surface Mine Permit is usually a CUP and subject to review under CEQA. The Mine Plan identifies the method and extent of mining to be approved in the permit. A mine plan document is designed to conform to the permit requirements stipulated in the lead agency's land use permitting procedure and requires review and approval by the local lead agency responsible for implementing the California Surface Mining and Reclamation Act (SMARA). A Mine Plan is essentially the same as a Plan of Operations but does not address all the federal regulations stipulated in 43 C.F.R. § 3809.

<sup>2</sup> A Mine Reclamation Plan is required under SMARA. California requires local lead agencies to require all mine plan approvals include a plan for reclamation. The requirements are stipulated in SMARA and are applied by the local lead agency as the representative of the Act (alternatively, the State can review and approve the plan on behalf of the lead agency). All mines approved since 1976 must include a Mine Reclamation Plan an element of which is a Revegetation Plan, and are subject to review under CEQA. The Reclamation Plan is circulated to the State for review with incorporation of the State Division of Mine Reclamation's recommendations. The Reclamation Plan is a separate permit document that can be revised and amended without changing the Mine Plan.

changes have occurred to the Plan of Operations<sup>3</sup> due to a reduction in the amount of public land at the Quarry. The Plan of Operations is subject to federal review by BLM and not County review, and, as such, is not described further in this Initial Study.

Under the current Quarry expansion, the limits of disturbance identified in the 2003 Mine Reclamation Plan have not changed; however, due to changes in land ownership and adjustments to the private land boundary resulting from updated and more precise mapping, the portion of the Mine Plan consisting of public lands has been reduced from 408 acres in 2003 to the present 73.2 acres. Of the 73.2 acres, 1.1 acres in the Annex Mill Site #1 have been disturbed by development of the access road; continued development of the Quarry is anticipated to disturb approximately 9.8 additional acres of public lands. Approximately 1,118.7 acres of USG privately-owned land is currently disturbed or would be disturbed under the 2003 Mine Plan. For a total disturbance area of approximately 1,129.6 acres on both private and public land.

### ***Well No. 3 and Associated Pipeline***

Well No. 3 would be located east of the existing Quarry on a USG-owned parcel (APN 033-020-009) and would provide processing water via a 10-inch-diameter, approximately 3.5-mile-long underground pipeline that would be developed within the existing USG narrow-gauge railroad right-of-way (ROW CACA 56908). The pipeline would extend from Well No. 3 to the existing offload facility within the Quarry processing area. In conjunction with the development of the pipeline, USG would install an electric supply line to serve the well pump. The power service line would be installed underground from the well head to the Quarry gate; power poles would be installed within the Quarry site. In this document, where reference is made to this pipeline, the electrical line is understood to be included even if not specifically mentioned. The locations of the proposed Well No. 3 and pipeline are shown on Figure 2.

### **Well No. 3**

Approximately 26 AF/yr are needed to support Quarry operations. Originally, a water well for Quarry operations was permitted in 1983 under CUP 635-83 for a maximum withdrawal of 7,000 gallons per day (gpd) (Well No. 1). The well was drilled in basin fill on the eastern side of the wash. The water was non-potable (due to high dissolved solids) and was used exclusively for dust suppression. Consequently, the Quarry has historically received, and continues to receive, potable water for drinking and sanitary uses via a narrow-gauge railroad tank car from the Plant.

Production from Well No. 1 declined steadily over time due to the limited presence of groundwater in the penetrated aquifer and severe scale buildup in the well casing due to high Total Dissolved Solids (TDS) levels. Therefore, a second well (Well No. 2) was drilled in 1993 to replace the original well pursuant to CUP 635-83, which was re-issued for the new well. However, water production from Well No. 2 also declined steadily over time. Quarry Well No. 2 has been rehabilitated without a significant improvement in water production. Currently, Quarry Well No. 2 produces between approximately 4,000 and 4,800 gallons per day (gpd), which is insufficient to meet USG's current need for approximately 15,000 gpd for Quarry operations.

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<sup>3</sup> A Plan of Operations is the BLM-required mine plan document required to comply with 43 C.F.R. §3809. It is essentially the Mine Plan formatted to comply with the federal regulations for consideration by BLM on the federal lands subject to their jurisdiction. A Plan of Operations may include the entire mine or portions of a proposed mine and is subject to review under the National Environmental Policy Act (NEPA).

In 2001, USG drilled a test hole approximately three miles east-northeast of the Quarry on company-owned land along the USG railroad right-of-way. Pumping tests indicate that a production rate of 25 gallons per minute (gpm) to 50 gpm may be sustainable at the test hole location. USG is proposing to install Quarry Water Well No. 3 within one-half mile of the successful test hole.

For comparison purposes, the current permit limit of 7,000 gallons per day is approximately equivalent to 7.8 AF/yr, or 4.9 gpm assuming that the pump is operated continuously. The needed 26 AF/yr is approximately equivalent to 16.1 gpm assuming that the pump is operated continuously. Thus, based on the pumping test results, a production well developed in the vicinity of the test well would be able to sustain an adequate production rate. The proposed project would result in an increase in the rate of groundwater extraction of approximately 18.2 AF/yr.

The proposed Quarry Well No. 3 site represents approximately 1/8-acre on USG property. Well No. 3 would provide a reliable water supply capable of producing approximately 23,000 gallons per day (or 26 acre-feet per year [AF/yr]). The well would be approximately 6 inches in diameter and 565 feet in depth. Final well design and pipeline criteria are being engineered. The water would be used in the Quarry for dust suppression on the haul roads and crushing equipment, for the watering of transplanted desert plant species during reclamation, and as a possible supply of potable water for use by employees.

### **Pipeline**

The proposed pipeline would be constructed of high-density polyethylene pipe (HDPE) and would be installed at a depth of about 4 feet below the ground surface. The pipeline would be developed within the existing narrow-gauge railroad right-of-way that is already disturbed by an existing unpaved access road. A trench, approximately five feet wide and seven feet deep would be excavated between the railroad and access road for installation of the pipeline. Excavated soils would be temporarily stockpiled along the alignment and used as backfill. Import of fill material is not anticipated. Construction would occur within a 30-foot-wide area along the entire length of the pipeline alignment. Therefore, development of the pipeline would disturb approximately 12.7 acres (30 foot wide by 3.5 miles) of land, most of which is managed by the BLM. A portion of the right-of-way (3.75 acres) is located within the Anza-Borrego Desert State Park. All waterline/powerline construction areas would be restored to pre-project conditions following the completion of construction activities.

### ***Viking Ranch Restoration***

The Viking Ranch parcels were primarily former orchard land located in north of Borrego Springs and within the Coyote Creek Wash (see Figure 1). However, parcel 140-030-10-00 and the southwestern portion of parcel 140-030-11-00 are undeveloped and were not historically in agriculture. The mitigation site is located approximately 26 miles from the USG Quarry. Viking Ranch was used for orchard production until the site was purchased by the Borrego Water District in 2017. Previous agricultural land modifications were constructed that diverted hydrology of Coyote Creek around the agricultural field. These topographic modifications included excavation of ditches and construction of berms to protect the orchard from flooding. The restoration program will remove these diversion features to re-establish braided, unconstrained flow across the site, consistent with the existing Coyote Creek floodplain. The restoration program is described in the *Draft Habitat Mitigation and Monitoring Plan for the United States*

*Gypsum Company Plaster City Expansion/Modernization Project (HMMP) (Dudek 2022).*

### **Baseline Conditions**

The HMMP documents existing conditions on the restoration site. A site reconnaissance of the Viking Ranch site was conducted on June 1, 2018, by Hugh McManus of Dudek. No residence or other habitable structures were observed on the site. Evidence of past agricultural activity was observed in the form of irrigation lines and remnants of chipped trees in windrows. Additional notable observations include a decommissioned water well, a power distribution board, electrical power hook ups, debris, containers storing oil, and a weather station maintained and operated by University of California Irvine.

A jurisdictional delineation was completed for the restoration site that identified floodplain areas, ephemeral channels, and braided channels on the site, as shown on Figure 3. A total of 53.12 acres of jurisdictional waters were identified on the restoration site.

A Preliminary Environmental Site Assessment Report (ESA) (Dudek 2018, cited in Dudek 2022) was conducted on the site that included the collection of 10 soil samples that were analyzed for organochlorine pesticides. No organochlorine pesticides were detected at or above the above reporting limits in any of the 10 samples analyzed. The ESA includes the following recommendations to address potential hazards and hazardous materials concerns on the site:

- Two oil filled plastic containers observed on the site should be removed and properly disposed of in accordance with applicable local, state, and federal guidelines.
- Stained soil was observed on the site near a cement platform located in the southwest corner of the site. The stained soil should be removed and disposed of in accordance with applicable local, state, and federal guidelines.
- A water well was located on the site. If the owner of the site plans to use the well in the future, the well should be capped with a lockable lid. If no future use of the well is planned, the turbine discharge head and impeller shaft should be removed and the well should be abandoned in accordance with local, state, and federal guidelines. Alternatively, the well may be converted to a monitoring well.
- Surface water was observed flowing on the site from the adjacent property to the south. The source of the surface water should be identified. The surface water should then be prevented from entering the site or rerouted off of the site. Surface water from unknown sources has the potential to carry contamination onto the site.

A general biological survey and habitat assessment for sensitive species was conducted on the restoration site on October 17, 2019, by Callie Amoaku and Kathleen Dayton of Dudek. The species observed and their potential to occur on the site are described in the HMMP.

A record search for potential cultural resources was conducted by Dudek archeologists for the restoration site. No cultural resources have been recorded within the proposed restoration site and within a 1-mile buffer area. While no significant impacts or known tribal resources have been identified, the HMMP recommends monitoring for cultural resources during earth disturbance work during restoration implementation.



## Site Preparation

The HMMP site preparation activities are summarized below. USG will select a County of San Diego approved Project Biologist who will review the final HMMP and restoration construction documents and help to ensure that all site protections, pre-work bird surveys, and any other required items are adequately performed prior to beginning restoration work.

***Weed and Invasive Species Removal:*** Although a former orchard was demolished several years ago, the following process was not conducted in a manner that re-established normal desert ecological systems on the property and the hydraulic disconnection with Coyote Creek remains. Orchard debris wood chips and larger stumps and branches remain a significant impediment to flow as well as diversion berms and ditches. The restoration of the site would clean the site of all large and/or coarse woody debris, surface irrigation pipe, irrigation standpipes, electrical infrastructure, etc. Existing native and non-native vegetation would be removed where necessary. Topsoil containing the seed bank of existing native vegetation would be retained on site.

The non-native tamarisk within the restoration site would be cut to grade and treated with a systemic herbicide approved for use in wetland areas. Cut tree segments would be carefully removed from the site avoiding damage to adjacent habitat. Any other non-native herbaceous species present in the enhancement areas would be removed using hand tools. Cut vegetation would be bagged/containerized and disposed of off-site in a legal manner.

***Grading:*** Following non-native vegetation removal, the northern berm and diversion ditch would be backfilled and leveled with the adjacent upstream topography to remove the impediment to downgradient braided flow. The eastern berm would be graded to create numerous breaks in the berm to create multiple flow paths for flood waters to enter the restoration site. Portions of the eastern berm would be retained as dune features where possible, without impeding re-establishment of braided flow onto the restoration site from the floodplain to the east and northeast of the restoration site. Interior non-jurisdictional areas of the restoration site would be graded to provide the opportunity for flood water to flow in braided pattern across the entire restoration site. No soil import or export is anticipated for the restoration project. Berm removal areas are shown Figure 5 "Viking Ranch Conceptual Restoration Plan."

The overall site would be graded to be compatible with the surrounding native land surface elevations, setting the top 2 inches of topsoil aside and used for final grade. Rough contour grading of ephemeral channels would take place to create micro-topographic variances as shown on Figure 5. The design is intended to re-establish braided flow patterns across the restoration site, consistent with adjacent Coyote Creek wash. It is anticipated that flood flows would naturally create macro- and micro-topographic fluvial features within the restoration site and a diversity of hydrologic and geomorphic conditions, leading to characteristic desert plant communities and animal habitat.

A grade structure is planned to be constructed in the southeast corner of the project where channel incision is beginning to run up into the proposed restoration site. If left unchecked, the head cut would continue to migrate upstream into the restoration site resulting in erosion of the land surface and destabilization of the floodplain. The structure would be constructed of wood

timbers and slats to retain the soil on the restoration site. The effect of the structure would be to retain the upstream channel bed to stabilize the head cut that is presently causing unnatural flow and erosion on the site. The structure would be built to withstand water flow over the top, creating a stable bed gradient upstream (within the restoration site) and allowing water to continue flowing to the lower elevation floodplain present downstream.

Long term, the restoration site would once again become part of the wash and would receive hydrologic inputs from the surface flows of Coyote Creek.

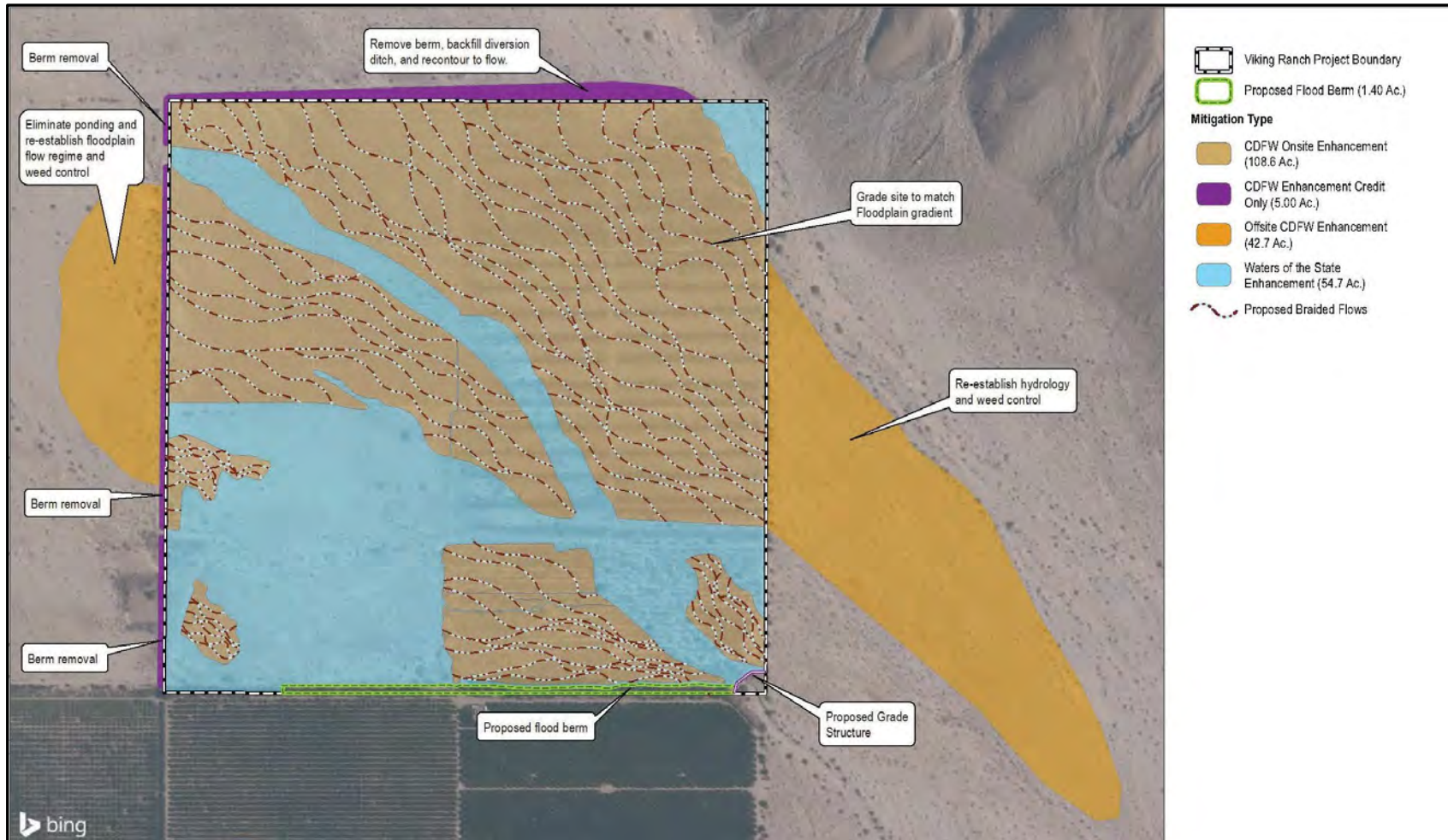
***Erosion Control:*** Heavy sediment transport is a typical function of desert washes and flood plains. The intent of the restoration project is to return the former agricultural field into the functional floodplain of Coyote Creek wash. As such, it is expected that sediment would be deposited and exported from the restoration site during flood events. Erosion control best management practices (BMPs) would be used where necessary to maintain normal sediment transport functions while limiting destabilization of the restoration site. In general, the native vegetation established through seeding would provide effective erosion control, however additional BMPs such as burlap encased straw wattles/fiber rolls or burlap gravel bags may be needed, as determined by the Project Biologist and, or Qualified SWPPP Practitioner (QSP). Any recommendations made by the QSP or anyone else for the restoration site would be pre-approved by the Project Biologist. BMPs with nylon netting would not be used in restoration site. All straw wattles/fiber rolls would be certified free of noxious weeds. Erosion control seeding may not be applied to restoration site unless pre-approved by the Project Biologist. Non-native seeds would be avoided at all times.

***Weed Control and Seed Selection and Application:*** Weed control would include hand-pulling of weeds, use of hand tools, weed whips, and/or foliar treatments of appropriate herbicides as determined by the Project Biologist. A native seed mix of appropriate desert plant species that are present within the Coyote Creek Wash would be imprinted onto the restoration site.

***Avoidance and Minimization Measures:*** Impacts from fugitive dust that may occur during berm demolition, filling of the diversion ditch, and restoration site grading, would be avoided to the maximum extent practicable and minimized through water application for dust control during grading activities.

A biologist would be on site to oversee installation of temporary fencing, any grading within 100 feet of existing waters of the State to ensure permit compliance (404, other permits for the project), and educate contractors as needed on biological resources associated with the project.

Equipment would be checked for fluid leaks prior to operation and repaired as necessary. A spill kit for each piece of construction related equipment should be on site and must be used in the event of a spill.



SOURCE: Dudek, 2021; Aerial-Bing Mapping Services, 2018  
 NOTE: Image has been modified by Benchmark Resources and is not printed to scale.

Figure 5  
 Viking Ranch Conceptual Restoration Plan

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**Fencing and Signage:** Although trespassing is low in the surrounding areas and so not anticipated on the restoration site, the contractor would install free standing gates at the access point and/or bollards for extra protection. Fencing that entraps or otherwise adversely impacts wildlife would not be used. Temporary fencing would not be installed around enhancement areas or the stream channel establishment area.

Signage would be installed to at the gate(s) to identify the site as a habitat restoration project, and that trespassing and access from unauthorized personnel is prohibited.

### **Maintenance Plan**

Following installation, site maintenance would occur quarterly (seasonally) throughout the 10-year maintenance and monitoring period, or more frequently if needed to meet the performance standards indicated herein. During the first year following completion of project installation, maintenance visits would be conducted monthly during spring months when germination and rapid plant growth are anticipated, then quarterly for the remainder of each monitoring year.

The maintenance activities on the restoration site would consist of weed control measures carried out through the following: (1) hand pulling, hand cutting, (2) cutting with handheld mechanical devices, and (3) application of approved herbicides. Herbicide treatments must be pre-approved by the Project Biologist and applied by a licensed or certified pest control applicator. The herbicide must be approved for use in wetland areas. Application of herbicide would be suspended should precipitation be expected to occur within 24 hours of application and/or if wind exceeds 6 mile per hour.

Plant pests would be controlled utilizing Integrated Pest Management Techniques (IPM). Pest control would be performed by the Restoration Contractor using the least toxic method available, such as washing pests off of plants with a strong stream of water, utilizing insecticidal soap, or installing plant protection devices.

Erosion control BMPs are not anticipated to be needed after vegetation has established in the restoration site. However, temporary BMPs such as burlap fiber rolls, silt fence, and burlap gravel bags would be maintained as needed for proper function until the site has reached Year 3, or until the Project Biologist has deemed the BMPs unnecessary. Once the site is stabilized by native vegetation the contractor would remove and dispose of temporary BMPs. If after year 3, there is active erosion or sedimentation within or directly adjacent to the project AND this may affect adjacent farmlands, the Project Biologist would assess the conditions and provide adaptive management recommendations including, but not limited to, weed free BMPs such as burlap encased straw wattles, fiber rolls or burlap gravel bags; and/or additional grading.

### **Monitoring and Reporting**

The HMMP specifies ecological performance standards that must be met by the proposed restoration and the monitoring and reporting requirements necessary to document whether the ecological performance standards are being met. The ecological performance standards are based in part on the vegetation analysis conducted at a 4-acre reference site within the Coyote Creek wash located approximately 350 feet upstream of the Viking Ranch restoration site. The reference site has the same landscape position and is located within the same watershed as the restoration site. At the end

of the 10-year maintenance and monitoring period, the annual report would summarize achievement of the ecological and restoration performance standards and document procedures for final sign-off/acceptance by the appropriate regulatory agency. The reference site may be used to determine if progress of restoration site is consistent with response of reference site to prevailing weather and environmental conditions in instances when performance standards are not achieved. If at the end of Year 10 not all of the performance standards have been met, then the final report would summarize recommendations for either continued maintenance and monitoring on the Viking Ranch restoration site, or implementation of contingency measures.

### **Long-Term Management Plan**

Upon meeting the final performance standards and approval by the regulatory agencies the site will begin long-term management (in-perpetuity) by a qualified long-term natural lands manager. The initial land manager is USG. USG and subsequent designated land manager upon transfer of property to Anza-Borrego Desert State Park, shall implement the following long-term management plan. The Anza-Borrego Foundation will hold the conservation easement, and Anza-Borrego Desert State Park shall manage and monitor the restoration property in perpetuity to preserve its habitat and conservation values in accordance with the conservation easement and the long-term management plan. The land manager shall be responsible for providing an annual report to the signatory agencies detailing the time period covered, an itemized account of the management tasks, and total amount expended.

### ***Old Kane Springs Road Preservation***

The project proposes the preservation existing non-wetland waters desert wash, braided channels, fluvial process, and associated vegetation and wildlife within the 121-acre Old Kane Springs Road preservation site. The preservation site is a privately owned parcel located approximately 3 miles southwest of Ocotillo Wells and 10 miles northwest of the Quarry project. The parcel is bisected by Old Kane Springs Road and an associated overhead power transmission line supported by wooden poles. The property is situated within an unnamed desert and all of the property is subject to flow during episodic rainfall events. Fluvial features are present in all areas of the property except for the maintained unpaved roadway. However, fluvial drainage patterns are not interrupted by the road, suggesting that during flood events, the road does not pose an impediment to flow. At least 61 acres of the preservation site are jurisdictional non-wetland waters of the State. The vegetation communities consist of Sonoran mixed woody scrub and desert dry wash woodland with little non-native species. The property is zoned for low density residential development (one unit/40 acres) and therefore the property is under threat of development.

The preservation site boundaries will be surveyed, posted with signage indicating the area is a natural open space preserve and that trespassing is not allowed. A fence is not proposed because the area is surrounded by public open space lands on all sides with restricted access. Locked gate will be installed across access roads into the site to restrict vehicular access to the preservation site. The preservation site will be managed by a qualified long-term (in-perpetuity) natural lands manager. The identification of the long-term manager would be subject to regulatory agency approval.

### ***Preservation Mechanism***

Both the Viking Ranch restoration site and Old Kane Springs Road Preservation site will be preserved in-place via recordation of a permanent conservation easement, deed restriction, or other approved

protective mechanism over the entire restoration site and preservation site, which will promote long-term viability of the sites' waters of the State and surrounding habitat by conducting long-term management. The conservation easement shall prohibit all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the natural functions and values of the preservation site. Utility lines, sewer lines, drainage lines, access roads, and other passive and/or active recreation areas shall not be allowed in the sites where these easements/uses do not currently exist.

## SETTLEMENT AGREEMENT

Water at the Plant is delivered by pipeline from three wells owned by USG within an area located approximately 8 miles west of Plaster City near or adjacent to the community of Ocotillo. The USG wells pump from the same basin as other users. The County certified an EIR for the USG Expansion/Modernization Project that included Mitigation Measures 3.3-1 and 3.3-1 to address the potential impacts of additional pumping due to proposed Plant operations on other groundwater wells in the Coyote Wells Groundwater Basin. The Sierra Club filed a Motion of Supplemental Writ in 2008 that challenged the adequacy of the EIR and sought an order restricting USG's ability to pump groundwater in the basin.

On December 16, 2013, the Court of Appeal reversed a prior Superior Court order, holding that there was insufficient evidence to support the County's conclusion that the Mitigation Measures for the project, as adopted in January 2008, would be viable or effective in reducing the project's potential impacts on individual groundwater wells to a level of insignificance. As a result, in October 2018, the Sierra Club, Imperial County and the Imperial County Planning Commission, and USG (referred to collectively as the "Parties") entered into settlement negotiations. The settlement agreement dated November 13, 2018 and revised and augmented by the Notice of Entry of Order Regarding Discharge of the Write and Satisfied Order on Remittitur dated August 5, 2019 (Settlement Agreement), replaces Mitigation Measures 3.3-1 and 3.3-2 adopted in the 2008 EIR/EIS with new mitigation measures (Mitigation Measures 3.3-1-A through 3.3-1-G). The measures are intended to ensure that project impacts on individual groundwater wells within the Coyote Wells Groundwater Basin are less than significant. The project area and restoration site are not located within the Coyote Wells Groundwater Basin, and therefore this Settlement Agreement does not pertain to the project being analyzed in this Initial Study.

## ANALYSIS APPROACH

The Quarry expansion and development of Well No. 3 and the associated pipeline underwent environmental review under CEQA, as documented in 2008 EIR/EIS. Under the Supreme Court standard set out in *College of San Mateo Gardens v. San Mateo County Community College District*, the County determined that the 2008 EIR/EIS is relevant and retains informational value. Accordingly, the County has determined that a supplemental EIR (SEIR), as described in CEQA Guidelines Sections 15162 and 15163, should be used for this evaluation. The 2008 EIR/EIS is available for review on the County's website (<https://www.icpds.com/planning/environmental-impact-reports>) or by request from the County.

Accordingly, the SEIR for the proposed project will evaluate the potential impacts associated with the Quarry expansion and development of Well No. 3 and associated pipeline that were not previously considered in the 2008 EIR/EIS. Additionally, the SEIR will evaluate the potential impacts associated with the restoration and preservation actions proposed at the Viking Ranch and Old Kane Springs Road

sites. Applying the most recent criteria set forth in CEQA Guidelines, Sections 15162 and 15163, the SEIR will evaluate the environmental impacts associated with changed circumstances, new information that was not known and could not have been known at the time of the earlier CEQA evaluation, and revisions to the project. It is anticipated that new information related to the project will include studies that have been prepared as part of the 2019 SEIS and the HMMP. The proposed actions related to Quarry expansion and development of Well No. 3 and the associated pipeline have not changed since the issuance of CUP-08-0003 and approval of the 2008 EIR/EIS in 2008. Therefore, there are no substantial revisions to the proposed project. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site will be evaluated in the Initial Study and SEIR as new and separate project components.

- 11. Surrounding Land Uses and Setting:** The project area and restoration and preservation sites are located within the Colorado Desert, marked by land with relatively low elevations, some areas even below sea-level. The western portion of Imperial County/eastern portion of San Diego County is characterized by a series of low-lying mountain ranges opening to the Salton Sea and Imperial Valley.

The Plaster City Quarry and project alignment are located in the western portion of Imperial County, in an undeveloped area at the northwest end of the Fish Creek Mountains, east of Split Mountain (part of the Vallecito Mountains) and along the southeast segment of the Fish Creek Wash. A portion of the northwest segment of the proposed pipeline alignment would cross Anza-Borrego Desert State Park.

The existing rail line and adjacent unpaved dirt access road are the only structures or infrastructure in the vicinity of the Quarry and Well No. 3. The nearest residences to the project area are rural residences located approximately 2.5 miles north of the pipeline alignment at the nearest location, and approximately 3.7 miles northwest of Well No. 3.

The Viking Ranch restoration site is located in the eastern portion of San Diego County just south of Coyote Mountain, which is part of the Santa Rosa Mountains range and located within the Anza-Borrego Desert State Park. The restoration site is bordered by Anza-Borrego Desert State Park land to the west, north, and east, and by private property containing orchards to the south. The nearest residence is a rural residence located approximately 900 feet west of the southwest corner of the restoration site.

The Old Kane Springs Road preservation site is located in the eastern portion of San Diego County 3 miles south of Ocotillo Wells and 7 miles northwest of the Plaster City Quarry. Other private parcels are present within the area but the predominate ownership in the area is Anza-Borrego Desert State Park.

- 12. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Other public agencies whose approval may be necessary to implement the project, and who may need to rely on the project's CEQA documentation pursuant to their subsequent decision making, include the:

- County of San Diego (Major Grading Permit)
- California Department of Fish and Wildlife (Lake and Streambed Alteration Agreement)
- Colorado River Regional Water Quality Control Board (Construction General Permit Notice of Intent [NOI], Industrial General Permit NOI, Waste Discharge Requirements)



The following public agency approvals have already been obtained:

- U.S. Bureau of Land Management (Right-of-Way Grants [Case file numbers CACA-056908 and CACA-044014], 2003 Plan of Operations Revised April 2018)
- U.S. Fish and Wildlife Service (Biological Opinion FWS-ERIV-11B0345-19F1352)

**13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

*[Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code, Section 21080.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3 (c) contains provisions specific to confidentiality.]*

Pursuant to federal and state regulations, consultation has been initiated with affiliated tribes. The County of Imperial sent letters on May 16, 2022, to notify tribes in both Imperial County and San Diego County of the proposed project and provide an opportunity for the tribes to consult with the County regarding the potential of the project to impact Tribal Cultural Resources.

**A. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

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

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

**B. ENVIRONMENTAL EVALUATION COMMITTEE DETERMINATION**

After Review of the Initial Study, the Environmental Evaluation Committee has:

- Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Found 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.
- Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- Found 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. A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Found that although the proposed project could have a significant effect on the environment, 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.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING:  Yes  No

ENVIRONMENTAL EVALUATION COMMITTEE VOTES	YES	NO	ABSENT
PUBLIC WORKS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL HEALTH	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OFFICE EMERGENCY SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APCD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHERIFF DEPARTMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICPDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
 Jim Minnick, Director of Planning/Environmental Evaluation Committee Date  
 Chairman

### III. PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTING

- A. Project Location:** The United States Gypsum (USG) Plaster City Quarry (Quarry) holdings consist of 2,048 acres and is located in the northwestern portion of Imperial County adjacent to the Imperial County/San Diego County line. Well No. 3 would be located east of the existing Quarry on a USG-owned parcel (Assessor's Parcel Number [APN] 033-020-009). The proposed pipeline would be approximately 3.5 miles in length and would be developed within an existing right-of-way over an additional 12.7 acres (30 foot wide by 3.5 miles) of land, most of which (7.25 acres) is managed by the BLM. A portion of the right-of-way (3.75 acres) is located within the Anza-Borrego Desert State Park. The proposed pipeline would be developed within the existing narrow-gauge railroad right-of-way that is already disturbed by an existing unpaved access road. The approximately 207-acre Viking Ranch restoration site is located 26 miles northwest of the USG Quarry in San Diego County (APNs 140-030-05-00, -07-00, -09-00, -10-00, and -11-00). The 121-acre Old Kane Springs Road preservation site is located 7 miles northwest of the USG Quarry in San Diego County (APN 253-150-34-00).
- B. Project Summary:** The proposed project consists of approval of a Conditional Use Permit from the County for the development of a new production well, Well No. 3, and an associated pipeline to provide water to the USG Quarry. The locations of the Quarry, Well No. 3, and the associated pipeline are shown on Figures 1, 2, and 3. Together, these three project components are referred to as the "project area".

Additional land use entitlements from the County are not needed for mining and reclamation activities under the Quarry expansion. However, because Well No. 3 and the associated pipeline would provide water to support Quarry operations, this Initial Study will evaluate potential environmental impacts associated with mining and reclamation activities under the Quarry expansion, for full disclosure and to provide the appropriate CEQA compliance analysis and mitigation for responsible agencies.

This Initial Study will also evaluate potential environmental impacts associated with the Viking Ranch site restoration and Old Kane Springs Road preservation actions, as proposed in the Habitat Mitigation and Monitoring Plan (Dudek 2022). USG identified the approximately 207-acre Viking Ranch site for restoration and the 121-acre Old Kane Spring Road site for preservation to provide compensatory mitigation for the impacts to 139 acres of water of the United States at the Quarry. The locations of these sites are shown on Figures 1, 3, and 4. Although the Viking Ranch restoration and Old Kane Spring Road preservation will not require entitlements from Imperial County, this Initial Study will evaluate the environmental impacts of these actions for full disclosure and to provide the appropriate CEQA compliance analysis and mitigation for responsible agencies.

- C. Environmental Setting:** The project area, Viking Ranch restoration site, and Old Kane Springs Road preservation site are located within the Colorado Desert, marked by land with relatively low elevations, some areas even below sea-level. This area is characterized by a series of low-lying mountain ranges opening to the Salton Sea and Imperial Valley. The Quarry and project alignment are located in an undeveloped area at the northwest end of the Fish Creek Mountains, east of Split Mountain (part of the Vallecito Mountains) and along the southeast segment of the Fish Creek Wash. A portion of the northwest segment of the proposed pipeline alignment would cross Anza-Borrego Desert State Park.

The Quarry facilities, narrow-gauge railroad, and adjacent unpaved dirt access road are the only structures or infrastructure in the vicinity of the proposed project. The nearest residences are rural

residences located approximately 2.5 miles north of the pipeline alignment at the nearest location, and approximately 3.7 miles northwest of Well No. 3.

The Viking Ranch parcels was primarily former agricultural land located within the Coyote Creek Wash (see Figure 1). However, parcel 140-030-10-00 and the southwestern portion of parcel 140-030-11-00 are undeveloped and were not historically in agriculture. The Viking Ranch restoration site is bordered to the west, north, and east by the Anza-Borrego Desert State Park and to the south by privately-owned orchards. It is located at the base of Coyote Mountain, which is part of the Santa Rosa Mountains range. The nearest sensitive receptor is a rural residence located approximately 900 feet west of the southwest corner of the restoration site.

The Old Kane Springs Road preservation site is bisected by Old Kane Springs Road and an associated overhead power transmission line supported by wooden poles. It contains Sonoran mixed woody scrub and desert dry wash woodland with little non-native species. It is surrounded by undeveloped desert lands, some of which are privately owned, but the predominate ownership in the area is Anza-Borrego Desert State Park.

- D. **Analysis:** Refer to analysis in Section IV, “Evaluation of Environmental Impacts,” below.
- E. **General Plan Consistency:** The Quarry (including the expansion area), Well No. 3, and approximately 2.5 miles of the pipeline alignment are located in an area designated as Recreation/Open Space; the remaining 1 mile of the pipeline alignment is located in areas designated Government/Special Public; this segment is part of the Anza-Borrego Desert State Park.

The Quarry parcels (including the expansion area) are zoned either S-2 (Open Space/Preservation) or BLM. The Well No. 3 parcel is zoned S-2 (Open Space/Preservation). The pipeline alignment parcels are generally zoned S-2 (Open Space/Preservation) with one parcel zoned STATE (APN 033-010-016).

The Quarry and Well No. 3 and the associated pipeline are associated with surface mining operations and are consistent with the Recreation/Open Space designation of the Imperial County General Plan (Imperial County 2015a). Title 9, Land Use Ordinance, requires approval a CUP to allow surface mining operations on lands zone S-2. BLM and STATE lands are not subject to County zoning requirements.

The Viking Ranch restoration area is designated Semi-Rural Residential (SR-4) in the San Diego County General Plan and is zoned General Rural (S92) in San Diego County. The Old Kane Springs Road preservation site is designated Rural Lands (RL-40) in the San Diego County General Plan and is also zoned General Rural (S92). Because they are located in San Diego County, they are not subject to Imperial County zoning requirements. The restoration of the Viking Ranch site to more natural conditions and preservation of the Old Kane Springs Road site would not conflict with these designations.

#### IV. EVALUATION OF ENVIRONMENTAL IMPACTS

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

- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

**A. AESTHETICS**

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

**2008 EIR/EIS IMPACT ANALYSIS**

The 2008 EIR/EIS determined that all potential aesthetics impacts related to the expansion of the Quarry under the USG Expansion/Modernization Project, which includes the proposed Well No. 3 and associated pipeline, would be less than significant. No mitigation was required.

**PROPOSED PROJECT IMPACT ANALYSIS**

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to aesthetics in the project area. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** No changed circumstances related to the project would create a new or increased significant impact related to aesthetics.

**New Information:** No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted.

**Analysis Required:** No additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant aesthetic impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. However, to ensure that potential impacts have been fully evaluated, the following impact analysis regarding potential impacts related to aesthetic resources is provided below. The restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are new proposed actions and require analysis, which is also provided below.

- a) **Less than Significant:** The Quarry and Well No. 3 and the associated pipeline alignment are surrounded by open desert in all directions. Public-use recreational areas in the vicinity consist of the Anza-Borrego Desert State Park approximately one mile north of the Quarry and the Fish Creek Mountains Wilderness east of the Quarry and south of the proposed Well No. 3 and associated pipeline. The Fish Creek Wash, within which the proposed Well No. 3 and associated pipeline would be developed, is used by the public for recreational uses such as off-highway vehicle recreation and shooting. The nearest residences are located more than two miles north and east of the project area. The Quarry and Fish Creek Wash are accessible from Split Mountain Road which leads north to State Route 78.

Because the Quarry is surrounded by mountains on three sides, public views are limited to views from Split Mountain Road and the Fish Creek Wash on the north side of the Quarry. The Quarry itself is not accessible to the general public. The Quarry expansion would be noticeable only to those passers-by who are using the wilderness areas immediately north of the Quarry. The 2008 EIR/EIS conducted a visual analysis that evaluated visual simulations from publicly accessible areas and concluded that the proposed expansion and modernization of the Quarry would not significantly affect visual resources in the area. There are no proposed substantial changes to the project, substantial changes with respect to project circumstances, or new information that alter these conclusions. Therefore, the potential of the long-term operation and restoration of the Quarry to result in a substantial adverse effect on a scenic vista, the visual character of the area, or quality of public views of the Quarry site and its surrounding would be less than significant.

The proposed pipeline would be constructed within the already disturbed right-of-way adjacent to the narrow-gauge railroad and associated access road, and would be located underground, and therefore would not have the potential to substantially impact scenic vistas to users of surrounding wilderness areas or public views of the area from Split Mountain Road. Well No. 3 would be located more than 2 miles from the eastern boundary of Anza Borrego Desert State Park and Split Mountain Road and would consist of primarily underground infrastructure with a



well head. The limited aboveground infrastructure would not be visible from the state park or from Split Mountain Road, and would have limited visibility to passing recreational users of the Fish Creek Wash. Therefore, the potential of the proposed Well No. 3 and associated pipeline to result in a substantial adverse effect on a scenic vista, the visual character of the area, or quality of public views of the project site and its surroundings would be less than significant.

The Viking Ranch restoration site is bordered to the west, north, and east by the Anza-Borrego Desert State Park and is located at the base of Coyote Mountain, which is part of the Santa Rosa Mountains range. The Anza-Borrego Desert State Park is identified in the San Diego County General Plan as an open space area that provides visual relief from the human-made environment and contributes to the aesthetic resource value of the County. The entrance to the Coyote Canyon Wildflower Viewing area of Anza-Borrego Desert State Park is located approximately 0.5 miles west of the restoration site. As described in the "Baseline Conditions" subsection of the Project Description, there are no unique scenic resources (e.g., rock out crops, historic buildings) on the restoration site. The proposed restoration program would temporarily bring grading equipment to the site and result in the disturbance of the ground surface, including the removal of existing vegetation. However, these activities would be temporary and upon completion of the restoration program, the area would be revegetated with native plant species and its visual appearance would be consistent with the surrounding Coyote Creek wash. Consequently, the potential of the proposed restoration of the Viking Ranch site to result in a substantial adverse effect on a scenic vista, the visual character of the area, or quality of public views of the site and its surroundings would be less than significant.

The preservation of the Old Kane Springs Road site would involve posting signage indicating the area is a natural open space preserve and that trespassing is not allowed and installing locked gates across access roads into the site to restrict vehicular access to the preservation site. The preservation of the site would ensure that the site is not developed and would maintain the existing condition of the site. Therefore, the potential of the proposed preservation of the Old Kane Springs Road site to result in a substantial adverse effect on a scenic vista, the visual character of the area, or quality of public views of the site and its surroundings would be less than significant.

- b) **No Impact.** The nearest designated state scenic highway to both the project area and the restoration and preservation sites is State Route 78 west of the San Diego County/Imperial County project boundary and approximately 6.25 miles northwest of the project area, approximately 2 miles north of the Old Kane Springs Road preservation site, and approximately 13 miles south of the Viking Ranch restoration site (Caltrans 2018). State Route 78 east of the San Diego County/Imperial County project boundary is an eligible state scenic highway and is located approximately 6 miles north of the project area, approximately 2 miles north of the Old Kane Springs Road preservation site, and approximately 17 miles southeast of the restoration site (Caltrans 2018). At these distances, the project area and restoration and preservation sites would not be visible from any portion of State Route 78. There would be no impact.
- c) **Less than Significant.** For the reasons described in discussion "a," based on the continued implementation of the existing mitigation and compliance, in non-urbanized areas, the proposed Quarry expansion will not substantially degrade the existing visual character or quality of public

views of the site and its surrounding.

- d) **Less than Significant.** As described in the 2008 EIR/EIS, the proposed Quarry expansion would utilize the existing structures and facilities and the Quarry and would upgrade some facilities. No changes to Quarry operating methods are proposed that would generate new sources of lighting or glare. The upgrades to Quarry facilities would marginally increase, but not introduce new sources of light or glare at the Quarry. Therefore, the potential of the Quarry expansion to create substantial new sources of light and glare would be less than significant.

The proposed project does not propose any new sources of lighting at Well No. 3 or along the associated pipeline.

The restoration of the Viking Ranch site and preservation the Old Kane Springs Road site would not develop any structures or lighting on the site with the potential to generate light or glare. There would be no impact.

**B. AGRICULTURE AND FOREST RESOURCES**

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

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

### 2008 EIR/EIS IMPACT ANALYSIS

The previous environmental review process did not identify Agriculture and Forest Resources as a resource topic with potentially significant environmental impacts and therefore this topic was not analyzed in the 2008 EIR/EIS.

### PROPOSED PROJECT IMPACT ANALYSIS

**Project Revisions:** The proposed Quarry expansion, Well No. 3, and pipeline are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to agriculture and forest resources. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** No changed circumstances related to the project would create a new or increased significant impact related to agriculture and forest resources.

**New Information:** No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted.

**Analysis Required:** No additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant impact related to agriculture and forest resources or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. However, to ensure that potential impacts have been fully evaluated, the following impact analysis regarding potential impacts to agriculture and forest resources is provided below. The restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are new proposed actions and require analysis, which is also provided below.

- a) **No Impact.** The project site is not located on or near an area designated as containing Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) (California Department of Conservation [CDOC] 2016); within any areas zoned for agricultural use; or within land under Williamson Act Contract. It is also not located on or near forest land. It does not propose any activities or land uses that could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. There would be no impact related to agriculture or forest resources.

Neither the Viking Ranch restoration site or Old Kane Springs Road preservation site are located on or near an area designated as containing Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) (CDOC 2016); nor within land under Williamson Act Contract. They are not in current use for agricultural production. The restoration site and preservation site

- are zoned General Rural (S92), which is zoning that allows for the development of large lot residences, essential service, and agricultural uses. Although the proposed project would prevent the future use of the sites for agricultural purposes, maintaining the sites as open space would not conflict with the zoning regulations. The sites are not located on or near forest land. The sites would be left as open space and therefore would not include any features that could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. There would be no impact related to agriculture or forest resources.
- b) **No Impact.** For the reasons described in “a,” the proposed Quarry expansion will not conflict with existing zoning for agricultural use, or a Williamson Act Contract.
  - c) **No Impact.** For the reasons described in “a,” the proposed Quarry expansion will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.
  - d) **No Impact.** For the reasons described in “a,” the proposed Quarry expansion will not result in the loss of forest land or conversion of forest land to non-forest use.
  - e) **No Impact.** For the reasons described in “a,” the proposed Quarry expansion will not involve other changes to the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

### C. AIR QUALITY

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

Would the Project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutants concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

#### 2008 EIR/EIS IMPACT ANALYSIS

The Quarry is located in the central western portion of Imperial County adjacent to the Imperial County/San Diego County line. Imperial County is in the southeastern corner of California with the relatively flat Imperial Valley and the southern Salton Sea in the center surrounded by multiple mountain ranges to the east and west. The State and Federal air quality regulations have designated this region as the Salton Sea Air Basin, whose Imperial County portion is under the jurisdiction of the Imperial County Air Pollution Control District (ICAPCD). The Salton Sea Air Basin encompasses the entirety of Imperial County and the southeast portion of Riverside County and is generally an arid desert region, with a significant land area located below sea level. The hot and dry conditions experienced in the region are a result of a large, semi-permanent high-pressure area that dominates the Imperial Valley and the presence of the coastal mountains to the west. The high pressure blocks most storms, except during the winter when the pressure is the weakest and tends to shift to the south. The coastal mountains tend to block moist air from entering the valley resulting in hot temperatures during the summer and dry weather year-round.

The Salton Sea Air Basin contains relatively few major emissions sources, but may experience emissions

transported from Mexicali, Mexico and from significant vehicular traffic, particularly near the two international ports of entry: Calexico West and Calexico East. Emissions sources within the Salton Sea Air Basin consist of geothermal power generation, food processing, plaster and wallboard (gypsum) manufacturing, and other light industrial facilities. Additionally, the continuing fall in the water surface elevation of the Salton Sea is expected over time to generate fugitive dust originating from newly exposed sediments originally deposited underwater from agricultural runoff in the Salton Sea.

Under the Quarry expansion, excavation operations onsite would extend for approximately 80 years and Quarry production would increase from approximately 1.13 million tons per year to 1.92 million tons per year. Criteria air pollutant emissions associated with the Quarry operations include stationary sources, fugitive dust sources, and mobile sources. The 2008 EIR/EIS estimated emissions of criteria air pollutants for the pre-project and post-project conditions and found that emissions resulting from the expansion and modernization of the Quarry would not exceed the CEQA thresholds of significance presented in the *CEQA Air Quality Handbook* (ICAPCD 2017a) and the impact would be less than significant. Although the criteria air pollutants generated by expansion of the Quarry would not exceed the CEQA thresholds of significance, the 2008 EIR/EIS noted that exhaust emissions from mobile equipment would increase due to increased production of gypsum at the Quarry. The 2008 EIR/EIS includes the following mitigation measure to further limit exhaust emissions from mobile equipment at the Quarry:

**Mitigation Measure 3.6-1a:** USG shall ensure all equipment is maintained and tuned according to manufacturers specifications.

**Mitigation Measure 3.6-1b:** USG shall schedule production activities to minimize daily equipment operations and idling trucks.

**Mitigation Measure 3.6-1c:** USG shall comply with all existing and future California Air Resources Board (CARB) and ICAPCD regulations related to diesel-fueled trucks and equipment, which may include: (1) meeting more stringent engine emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low or ultra-low sulfur diesel fuel; and (4) use of alternative fuels or equipment.

USG transports gypsum from the Quarry to the Plant via a private narrow-gauge railroad line which has been in operation since the 1920s. The analysis of Quarry expansion also evaluated the potential of the emissions generated by the increased number of train trips to and from the Quarry to exceed significance thresholds. It was found that the net exhaust emissions changes for criteria pollutants from the diesel locomotive between the pre-project and the post-project conditions would not exceed the CEQA thresholds of significance.

The 2008 EIR/EIS noted that construction of Well No. 3 and the associated pipeline would be relatively short term (10 weeks) and would disturb a relatively small area (1/8 acre would be disturbed during well, and about 1,500 feet of trench, about one acre, would be active at any given time during pipeline construction). The 2008 EIR/EIS found that the combined emissions from the construction of both the Quarry and Plant pipelines would not exceed the CEQA thresholds of significance. Emissions from the operation of Well No. 3 and associated pipeline were determined to be negligible. Therefore, the impact related to air quality emissions from the construction and operation of Well No. 3 and the associated pipeline was found to be less than significant.

The previous environmental review process did not identify odor as an issue with potentially significant environmental impacts and therefore this topic was not analyzed in the 2008 EIR/EIS.

## PROPOSED PROJECT IMPACT ANALYSIS

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to air quality. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** Since the 2006 Draft EIR/EIS and the 2008 Final EIR/EIS were prepared, there have been changes to attainment designations, applicable regulations, plans or policies/management goals that affect air quality. The updated information as listed below are considered herein.

**Attainment/Nonattainment Designations:** The Imperial County portion of the Salton Sea Air Basin is currently designated as a nonattainment area (moderate) for the 8-hour Ozone (O<sub>3</sub>) NAAQS and CAAQS and nonattainment (serious) for PM<sub>10</sub> NAAQS and CAAQS; this has not changed since the 2008 Final EIR/EIS (refer to blue shaded area in Figure 4). There were no defined attainment/nonattainment areas for PM<sub>2.5</sub> in 2008. In 2009, the U.S. Environmental Protection Agency (USEPA) designated a partial County area, the south central or valley area of Imperial County, as nonattainment (moderate) for PM<sub>2.5</sub> NAAQS (refer to Figure 4). The County is in attainment for PM<sub>2.5</sub> CAAQS. The project areas are located to the west of the partial County area and therefore are not within the area designated as nonattainment for PM<sub>2.5</sub> NAAQS. The Imperial County portion of the Salton Sea Air Basin is in attainment or unclassified with the NAAQS and CAAQS for the other applicable criteria pollutants.

**Imperial County 2009 PM<sub>10</sub> SIP and 2018 Redesignation Request and Maintenance Plan for PM<sub>10</sub>:** The ICAPCD adopted the 2009 PM<sub>10</sub> State Implementation Plan (SIP) in August 2009 that developed fugitive dust control measures (Regulation VIII). The USEPA approved these Regulation VIII fugitive dust rules into the Imperial County portion of the California SIP in April 2013. The Regulation VIII fugitive dust rules (as updated) were based on the related 2005 Best Available Control Measure (BACM) analysis. Rules 800 – 805 of the Regulation VIII fugitive dust rules were included in the 2008 Final EIR/EIS. USG's operations are required to comply with these regulations as applicable and updated enforceable through the ICAPCD.

The ICAPCD and CARB approved the "Imperial County 2018 Redesignation Request and Maintenance Plan for PM<sub>10</sub>" in late 2018. This document revises the 2009 PM<sub>10</sub> SIP and requests redesignation of the Imperial Valley Planning Area as attainment. The Imperial Valley Planning Area is currently designated as a Serious nonattainment area for the PM<sub>10</sub> NAAQS but can be redesignated as attainment if, among other requirements, the USEPA determines that the NAAQS has been attained. A review of the PM<sub>10</sub> monitoring data from 2014 through 2016 shows that, when excluding exceptional events (i.e., high wind driven dust storms), the Imperial Valley Planning Area did not violate the federal 24-hour PM<sub>10</sub> standard.



**Imperial County 2017 75 ppb 8-Hour Ozone SIP:** The ICAPCD adopted the 2017 Ozone SIP in September 2017. This SIP is under review by the USEPA. The SIP shows through photochemical grid modeling and a weight of evidence analysis that, but for emissions emanating from Mexico, the control measures included in the SIP are adequate to attain the 2008 Ozone standard and maintain this status through the July 20, 2018, attainment date and into the future.

The ICAPCD is working cooperatively with counterparts from Baja California Department of Environmental Protection to implement emissions reductions strategies and projects for air quality improvements at the border. The two states strive to achieve these goals through local input from government officials and representatives from academia, environmental organizations, and the general public. The Imperial Valley-Mexicali Air Quality Task Force (AQTF) has been organized to address unique issues in the binational Mexicali/Imperial Valley air shed. This group promotes regional efforts to improve the air quality monitoring network, to inventory emissions, and to develop air pollution transport modelling, as well to create programs and strategies to improve air quality.

**Permits:** The Plant and Quarry operate within the jurisdiction of the ICAPCD under a Title V Operating Permit issued in accordance with the provisions of 40 CFR Part 70 and Rule 900 of the ICAPCD. Three active permits (Nos. 1992, 2456, and 2834) issued by the ICAPCD to operate stationary sources at the Quarry are incorporated into the Plant's and Quarry's Title V Operating Permit (V-2834). The V-2834 permit renewal application was submitted on April 18, 2016, and is currently under review by the ICAPCD for renewal purposes. Per ICAPCD Rule 115, permits issued by the ICAPCD shall require compliance with all applicable air pollution control regulations of federal, state, and local agencies. USG is required to comply with its Title V Operating Permit and all other applicable ICAPCD rules as amended.

**New Information:** Since 2008, air quality regulations promulgated by the County SIPs have substantially reduced the diesel emissions from the equipment in use at the Plant and Quarry compared with the equipment assessed in the 2006 Draft EIR/EIS. These regulations require the following:

- Limits vehicle idling to no more than 5 consecutive minutes at one location, requires a written idling policy, and requires a disclosure when selling vehicles (California Code of Regulations Title 13, Section 2485; 2004 as amended);
- Requires all vehicles to be reported to ARB (using the Diesel Off-Road Online Reporting System, DOORS) and labeled;
- Restricts the adding of older vehicles into fleets starting on January 1, 2014; and
- Requires fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies (VDECS; i.e., exhaust retrofits).

Consequently, the 2019 SEIS updated the emissions estimates of all proposed components of the USG Expansion/Modernization Project, including the new water pipeline and electrical line for the Quarry water supply. Based on the updated criteria air pollutant emissions estimates for the operation of the Quarry under the proposed expansion, the 2019 SEIS found that the proposed project would not generate total annual emissions that exceed the CEQA thresholds of significance.

The 2019 SEIS also estimated the criteria air pollutant emissions from mobile and fugitive sources and found that the mobile and fugitive emissions from the USG Expansion/Modernization Project, including emissions from both Quarry and Plant sources (e.g., Quarry mobile sources, locomotive operation, and construction of the proposed Well No. 3 and associated pipeline), would not generate total annual emissions that exceed the CEQA thresholds of significance.

**Analysis Required:**

- a) **Potentially Significant.** Similar to the 2008 EIR/EIS, the 2019 SEIS found that the potential criteria air pollutant emissions from the Quarry expansion operations and from development and operation of Well No. 3 would be less than significant. The preservation of the Old Kane Springs Road site would involve activities and equipment (e.g., sign posting, trash removal) that would generate negligible emissions of air pollutants and odor. However, the County has determined that, due to the proposed restoration of Viking Ranch, the air quality emissions resulting from the use of heavy equipment during site preparation is a substantial change in the proposed project that could result in a substantial increase in the severity of impacts related to air quality. Therefore, impacts related to air quality should be analyzed in the SEIR.
- b) **Potentially Significant.** For the reasons described in "a," the proposed Quarry expansion could potentially result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.
- c) **Potentially Significant.** For the reasons described in "a," the proposed Quarry expansion could potentially expose sensitive receptors to substantial pollutants concentrations.
- d) **Potentially Significant.** For the reasons described in "a," the proposed Quarry expansion could potentially result in other emissions (such as those leading to odors adversely affecting a substantial number of people).

**D. BIOLOGICAL RESOURCES**

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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 Wildlife or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

### 2008 EIR/EIS IMPACT ANALYSIS

#### *Special-Status Plant Species*

The 2008 EIR/EIS determined that impacts to vegetation within the Quarry and at Well No. 3 and the associated pipeline alignment would be less than significant because no special-status plant species were observed in the project area; large tracts of similar vegetation and habitat are protected in the adjacent Anza Borrego Desert State Park to the west and BLM-managed wilderness land to the east; and because revegetation of the project area with native plants would be required under the reclamation plan for the Quarry. These factors are summarized in greater detail below.

The proposed project is located in the Colorado Desert. Vegetation in the arid Colorado Desert is sparse desert shrubland dominated by creosote bush (*Larrea tridentata*) with white bursage (*Franseria ilicifolia*), burrobush (*Ambrosia dumosa*), brittlebush (*Encelia farinosa*), cheesebush (*Hymenoclea salsola*), pygmy cedar (*Peucephyllum schottii*), catclaw acacia (*Acacia greggii*), indigo bush (*Psoralea schottii*), smoketree (*Psoralea spinosus*) as well as several varieties of cactus such as barrel cactus (*Ferocactus acanthodes*), beavertail cactus (*Opuntia basilaris*), silver cholla (*Opuntia echinocarpa*), and ocotillo (*Fouquieria splendens*). Three special-status plant communities are reported in the area by the California Natural Diversity Data Base (CNDDDB): desert fan palm oasis, mesquite bosque, and transmontane alkali marsh.

Two biological field surveys have been conducted for the Quarry site; the first by Lilburn Corporation in 1995, and the second by White and Leatherman BioServices in 2002. No special-status plants were observed at the Quarry, at Well No. 3 site, or along the pipeline alignment. Consequently, biologists concluded that, based on habitat and geographic and elevational ranges, no listed threatened or endangered plant species would be affected at the Quarry, at Well No. 3, or along the pipeline alignment. In addition, large tracts of similar vegetation and habitat are protected in the adjacent Anza Borrego Desert State Park to the west and BLM-managed wilderness land to the east. Finally, under SMARA, a revegetation plan must be prepared and implemented as part of a reclamation plan for an operating quarry. Revegetation would follow a series of steps that can be varied over the life of the operation but are designed to produce tangible results. Revegetation efforts would use seeds and plants collected locally and supplemented, as needed, by seeds collected and stored by a contractor specializing in native plants. USG would salvage topsoil and growth media (most desert soils have little topsoil development; where there is no topsoil, the material in which the majority of the plant roots are growing is referred to as "growth media") and stockpile this material for use in the revegetation effort. The revegetation plan required under SMARA would act as mitigation for any potentially significant impacts by revegetating disturbed areas of the Quarry with native plants. SMARA requires financial assurances that reclamation of the site will occur. Therefore, revegetation efforts at the Quarry, over time, would result in a site that is natural open space. For these reasons, the 2008 EIR/EIS concluded that that potential of the Quarry expansion and development of Well No. 3 and the associated pipeline to result in the loss of special-status plant species or substantial loss of desert shrubland habitat would be less than significant.

#### *Special-Status Wildlife Species*

##### **Terrestrial Wildlife Species**

The Colorado Desert supports a diverse wildlife population. Based on literature reviews, biologists

identified 27 special status animal species occurring or potentially occurring in the general region of the Quarry site. Of these, four are state- or federally-listed threatened or endangered species – desert pupfish (*Cyprinodon macularius*), desert tortoise (*Gopherus agassizii*), barefoot banded gecko (*Coleonyx switaki*), and peninsular bighorn sheep (*Ovis canadensis*) – and one, flat-tailed horned lizard (*Phrynosoma mcallii*), is a special-status wildlife species protected by an interagency management agreement.

Regarding the Quarry expansion, the 2008 EIR/EIS found that Quarry activities could impact multiple special-status wildlife species including migratory birds, peninsular bighorn sheep, and the barefoot banded gecko. The 2008 EIR/EIS includes the following mitigation measures to reduce potential impacts from Quarry expansion to the special-status wildlife species:

**Mitigation Measure 3.5-1a:** Revegetation: Consistent with the California Surface Mining and Reclamation Act (SMARA), USG shall implement the revegetation plan. In general, revegetation should be designed to restore habitat and cover for wildlife use in conformance with SMARA. Revegetation should be concurrent with closure of individual Quarry areas; wherever ongoing Quarry operation may eliminate access to closed upper Quarry benches, those benches should be revegetated while access is still available.

**Mitigation Measure 3.5-1b:** Phasing of Quarry development and closure: Wherever possible, USG shall begin revegetation of Quarry areas to restore native habitat values concurrently or in advance of opening new Quarry areas.

**Mitigation Measure 3.5-1c:** Migratory birds: In order to avoid potentially fatal impacts on birds protected under the Migratory Bird Treaty Act and the California Fish and Game Code, USG shall survey the area prior to grading and brush removal of previously undisturbed habitat.

**Mitigation Measure 3.5-1d:** Peninsular bighorn sheep: USG, in coordination with the BLM, shall initiate formal consultation with the US Fish and Wildlife Service under Section 7 of the Federal Endangered Species Act and implement the terms and conditions of the incidental take statement authorizing the project. The consultation process will result in the development of a Biological Opinion by the U.S. Fish and Wildlife Service (USFWS) that will: (1) provide a statement about whether the proposed project is “likely or not likely to jeopardize” the continued existence of the species, or result in the adverse modification of critical habitat; (2) provide an incidental take statement that authorizes the project; and (3) identifies mandatory reasonable and prudent measures to minimize incidental take, along with terms and conditions that implement them.

**Mitigation Measure 3.5-1e:** Barefoot banded gecko: Suitable habitat occurs throughout much of the Quarry area. Prior to expanding existing quarries or developing new quarries, focused barefoot banded gecko surveys shall be conducted to determine whether the species is present or absent from any proposed new disturbance areas. Surveys would be carried out in cooperation with the CDFG and field biologists would be required to hold Memoranda of Understanding with the CDFG to search for this species. If the species is present, then consultation with CDFG under Section 2081 of CESA to “take” barefoot banded gecko must be completed prior to land disturbance.

**Mitigation Measure 3.5-1f:** Agency contacts for impacts to streambeds: Prior to any new disturbances on the alluvial wash portion of the project area, USG shall contact the CDFG and the US Army Corps of Engineers to determine whether either agency holds jurisdiction over the wash through Sections 1601-3 of the California Fish and Game Code or Section 404 of the Federal Clean Water Act, respectively.

Regarding the development of Well No. 3 and the association pipeline, the 2008 EIR/EIS found that, with the exception of the flat-tailed horned lizard, impacts to all other special-status wildlife species were found to be less than significant; the flat-tailed horned lizard was observed basking on the rails of the narrow-gauge line. The BLM and other cooperating agencies have implemented a *Flat-tailed Horned Lizard Rangewide Management Strategy (2003 Revision)* that would minimize adverse impacts and mitigate for residual impacts throughout the flat-tailed horned lizard's geographic range. The 2008 EIR/EIS includes the following mitigation measure to address potential impacts to the Flat-tailed Horned Lizard:

**Mitigation Measure 3.5-2:** USG will comply with the Flat-tailed Horned Lizard Rangewide Management Strategy, as revised, Standard Mitigation Measures when constructing Quarry Well #3 and the Quarry pipelines.

### Fish Species

The 2008 EIR/EIS also evaluated the potential of the expansion and modernization of the Quarry to interfere with surface flows and groundwater recharge and thereby adversely affect discharge in San Felipe Creek, which is located approximately 11 miles northeast of the Quarry, and the potential for operation of Well No. 3 to adversely affect the discharge of San Felipe Creek Spring and Fish Creek Spring, which are located approximately 11 miles northeast of Well No. 3, near the confluence of San Felipe Creek and Fish Creek Wash. San Felipe Creek, San Felipe Creek Spring, and the Fish Creek Spring support the habitat for a population of Desert pupfish (*Cyprinodon masularius*), an endangered species.

The Quarry hydrologic evaluation estimated that the Quarry expansion area (845 acres) accounts for 0.05 percent of the total volume attributed to precipitation within the Pupfish's drainage area. The evaluation estimated the drawdown in the springs due to the operation of Well No. 3 would be several thousandths of a foot (approximately 1 millimeter) and therefore would have a less than significant impact on desert pupfish. Based on the limited contribution of runoff from the Quarry to San Felipe Creek, the 2008 EIR/EIS concludes that, even if activities in the new Quarry areas were to prevent all rainfall from either recharging the groundwater basin or contributing to surface flows, the impact on surface water and groundwater would be negligible compared with other watershed processes and are not likely to have meaningful adverse impacts on pupfish.

The Well No. 3 hydrologic evaluation noted that, prior to 1984, flow from San Felipe Creek Spring and Fish Creek Spring only occurred intermittently. Since 1984, however, flow from these two springs had occurred year-round. Water-quality data and the timing of the change in flow from intermittent to year-round indicate that the discharges at San Felipe Creek Spring and Fish Creek Spring were due to increased rates of irrigation to the west. Excess irrigation water percolates to the shallow aquifer and raises the water table. Both San Felipe Creek Spring and the Fish Creek Spring support the habitat for a population of Desert pupfish. The evaluation estimated the drawdown in the springs

due to the operation of Well No. 3 would be several thousandths of a foot (approximately 1 millimeter) and therefore would have a less than significant impact on desert pupfish.

## PROPOSED PROJECT IMPACT ANALYSIS

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to biological resources. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** Since the 2008 EIR/EIS was prepared, there have been changes to applicable regulations, plans or policies/management goals that affect biological resource management. In 2009, the USFWS published the final designation of critical habitat for peninsular bighorn sheep, replacing the original critical habitat designation published in 2001. The planned Quarry expansion area is located within designated critical habitat. The footprint of the existing Quarry (as of 2009) was excluded from critical habitat.

**New Information:** An updated *Jurisdictional Delineation* (Hernandez Environmental Services 2016), updated *Biological Resources Technical Report* (Aspen Environmental Group 2019), and *Update on Groundwater Conditions* memorandum (Todd Groundwater 2019) were completed for the USG Expansion/Modernization Project as part of the 2019 SEIS. The *Biological Resources Technical Report* reflects the additional data gathered by biological field surveys conducted in October 2014, April and October 2016, and March and April 2017, by biologists with appropriate experience related to the special-status wildlife and plant species of the area. The report indicates that Quarry expansion and development of Well No. 3 and the associated pipeline could result in impacts to peninsular bighorn sheep behavior, desert kit fox and American badger, flat-tailed horned lizard, and nesting birds, including borrowing owls. Avoidance and minimization measures were recommended to address potential impacts these species. These measures include the recommendation that USG acquire or set aside an area of designated critical habitat away from the Quarry's operations for long-term wildlife habitat conservation in order to minimize the loss of designated critical habitat within the Quarry. The report notes that the acquisition of compensation habitat will be subject to review and approval by the BLM and wildlife agencies (e.g., CDFW). This compensation habitat recommendation was included as Mitigation Measure 3.4-10 in the 2019 SEIS.

The *Jurisdictional Delineation* identified a total 325.79 acres of unnamed streambeds within Quarry area and found that the expansion of quarrying activities would result in impacts to approximately 134.08 acres of CDFW, USACE, and RWQCB jurisdictional drainages. The *Jurisdictional Delineation* noted that Well No. 3 and the water supply pipeline would result in filling of all ephemeral streambeds and washes within the waterline/powerline area, and that these activities would result in impacts to 0.21 acres of CDFW, USACE, and RWQCB jurisdictional drainages. No wetland habitat was identified to occur at the Quarry, Well No. 3, or pipeline alignment. Little to no vegetation was observed to occur within any of the drainages evaluated. The *Jurisdictional Delineation* recommended avoidance and minimization measures to address potential impacts to wildlife, vegetation, and habitat that could occur during the disturbance of drainages during project

construction.

An *Update on Groundwater Conditions* memorandum conducted an analysis that indicates that current Quarry operations are not the cause of the recent decline in flows at San Felipe Creek. The memorandum notes that no changes have occurred in the local groundwater basin that alter the findings in the 2008 EIR/EIS.

#### Analysis Required:

- a) **Potentially Significant.** Under the proposed project, approximately 134.29 acres of ephemeral streambeds and washes located within the Quarry and along the proposed pipeline alignment would be excavated and filled. In addition, potential impacts could occur to special-status species, including flat-tailed horned lizard, peninsular bighorn sheep, desert kit fox and American badger, and nesting birds, including burrowing owls. The 2019 SEIS required additional mitigation to the mitigation proposed in the 2008 EIR/EIS. USG has identified potential mitigation properties that are intended to mitigate for potentially significant impacts to special-status species. The preservation of the Old Kane Springs Road Site would preserve existing biological resources. The restoration of the Viking Ranch site would temporarily disturb some existing biological resources but would restore the native vegetation on the site. The County has determined that, based on the new information available in the 2019 SEIS and input obtained during coordination with CDFW, impacts to biological resources and related mitigation measures (including USG proposed restoration and preservation actions) should be analyzed in the SEIR.
- b) **Potentially Significant.** For the reasons described in "a," the proposed Quarry expansion could potentially result in a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- c) **Potentially Significant.** For the reasons described in "a," the proposed Quarry expansion could potentially have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- d) **Potentially Significant.** For the reasons described in "a," the proposed Quarry expansion could potentially interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
- e) **Potentially Significant.** For the reasons described in "a," the proposed Quarry expansion could potentially conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance.
- f) **Potentially Significant.** For the reasons described in "a," the proposed Quarry expansion could potentially conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.



**E. CULTURAL RESOURCES**

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion****2008 EIR/EIS IMPACT ANALYSIS**

Archaeological investigations were conducted as part of the 2008 EIR/EIS. The following historic sites were identified and recorded using appropriate State Department of Recreation site record forms: the Quarry, site USG-01, USG's narrow-gauge railroad, and remnants of County Route S80. The 2008 EIR/EIS determined that impacts to known prehistoric and historic resources within USG Expansion/Modernization Project area would be less than significant. However, it was noted that excavation in previously undisturbed areas could uncover unknown resources. The 2008 EIR/EIS includes the following mitigation measure to address potential impacts to unknown cultural resources (this mitigation measure also applies to Topic XVIII, Tribal Cultural Resources):

**Mitigation Measure 3.8-3:** If any archaeological resources are encountered during implementation of the Proposed Action, construction or any other activity that may disturb or damage such resources shall be halted, and the services of a qualified archaeologist shall be secured to assess the resources and evaluate the potential impact. Such construction or other activity may resume only after the archaeological resources have been assessed and evaluated and a plan to avoid or mitigate any potential impacts to a level of insignificance has been prepared and implemented. An archaeologist qualified by the Society of Professional Archaeologists (SOPA) shall be deemed "qualified" for purposes of this mitigation measure. The services of a qualified archaeologist may be secured by contacting the Center for Public Archaeology – California State University, Fullerton or a member of SOPA.

**PROPOSED PROJECT IMPACT ANALYSIS**

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated

pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to cultural resources. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** No changed circumstances related to the project would create a new or increased significant impact related to cultural resources.

**New Information:** The BLM requires that areas not subject to cultural resources inventory survey for over 10 years must be re-examined. Therefore, areas that were investigated for the USG Expansion/Modernization Project in 2003 were again inventoried in 2018. An updated Cultural Resources Report was completed as part of the 2019 SEIS. The cultural resources study included an archival and records search of the USG Expansion/Modernization Project area of potential effects (Project APE) as well as a pedestrian inventory and spot-check survey of all accessible areas of the Project APE. A total of 1,981 acres were inventoried. Approximately 539 acres are on public lands, 17 acres are on State of California lands, and 1,425 acres are on private lands. The APE for the proposed pipeline between the Quarry and proposed Well No. 3 was 50 feet wide on either side of the proposed pipeline alignment, and the length of the proposed line (approximately 3.5 miles).

During the pedestrian inventory and spot-check survey, 24 cultural resources were newly discovered, and consisted of two prehistoric archaeological sites, 13 prehistoric isolated finds, and nine historic period isolated finds. Of these 24 resources, 18 of these resources, including one archaeological site and 17 isolated finds, were noted within the Quarry, and one prehistoric archaeological site and three isolated finds were noted in the vicinity of the proposed Well No. 3 and associated pipeline alignment.

Due to the identification of newly discovered cultural resources within the Project APE, which includes the Quarry, Well No. 3, and the associated pipeline alignment, the 2019 SEIS recommended the implementation of the following mitigation measures:

**Mitigation Measure 3.6-1: Develop and Implement a Plan for Archaeological Monitoring, Post-Review Discovery, and Unanticipated Effects.** Avoidance and protection measures for cultural resources within the Project APE will be outlined in a Construction Monitoring and Inadvertent Discovery Plan. This Plan will be prepared and approved prior to the implementation of any of the action alternatives. It will describe worker awareness training, avoidance measures, and monitoring procedures that will be implemented to protect known cultural resources from Project impacts. It will also detail the procedures that will be used to assess, manage, and mitigate potential impacts on inadvertent discoveries during Project implementation.

**Mitigation Measure 3.6-2: Develop a Maintenance Notification Agreement for Future Maintenance of Pipeline Rights-of-Way.** A Maintenance Notification Agreement will be outlined prior to the authorization of any pipeline right-of-way grant to ensure continued avoidance of archaeological resources during the life of the grant. This agreement will identify the schedule and data needs that will be submitted by USG to BLM when maintenance is needed on any of the pipelines authorized for this project. The BLM archaeologist will review this data to determine if and where archaeological monitors are needed during future maintenance activities.

**Analysis Required:**

- a) **Potentially Significant.** New information available in the 2019 SEIS that indicates the presence of three newly discovered cultural resources in the vicinity of the proposed Well No. 3 site and associated pipeline alignment. The preservation of the Old Kane Springs Road site would not involve any ground disturbing activities that could impact cultural resources; however, the restoration of the Viking Ranch site would involve grading and ground disturbance and therefore would have the potential to encounter buried cultural resources. For these reasons, the County has determined that impacts related to cultural resources should be analyzed in the SEIR.
- b) **Potentially Significant.** For the reasons described in "a," the proposed Quarry expansion could potentially cause a substantial adverse change in the significance of an archaeological resource.
- c) **Potentially Significant.** For the reasons described in "a," the proposed Quarry expansion could potentially disturb any human remains, including those interred outside of dedicated cemeteries.

**F. ENERGY**

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

**2008 EIR/EIS IMPACT ANALYSIS**

The 2008 EIR/EIS discussed energy consumption and noted that implementation of the USG Expansion/Modernization Project would result in the consumption of nonrenewable energy resources, primarily in the form of petroleum products, such as diesel fuel and gasoline, and electricity. Fuel consumption by heavy equipment would be the largest single energy requirement. One of the primary opportunities for energy conservation was noted to be the regular, scheduled maintenance of the vehicles and equipment to maximize fuel efficiency. The 2008 EIR/EIS noted that vehicle and heavy equipment maintenance associated with the Quarry-related operations, which include maintenance of Well No. 3 and the associated pipeline, would be performed at the shop located at the Quarry.

**PROPOSED PROJECT IMPACT ANALYSIS**

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to energy. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** Energy must now be discussed under current CEQA Guidelines.

**New Information:** The 2019 Final SEIS presented existing and proposed fuel and electricity use. Table 1, "Existing and Projected Use of Non-Renewable Resources for USG Expansion Project" shows the rate at which these non-renewable resources were used in the one-year period between 2017 and 2018, according to USG's records, and also shows the quantity of these resources that would be used for the life of the Quarry beyond 2018, assuming 140 million tons of gypsum would be mined.

**Table 1**  
**Existing and Projected Use of Non-Renewable Resources for USG Expansion Project**

Non-Renewable Resource	2017-18 Annual Use for Total Gypsum Mined/Processed (0.78 million tons)	Use per Ton of Gypsum Mined	Project Total Use Over Life of Gypsum Reserve (Beginning 2018-19) Total 140 million tons
Grease	4,000 gallons	0.005 gallons	700,000 gallons
Oil	6,247 gallons	0.008 gallons	1,120,000 gallons
Diesel Fuel	129,524 gallons	0.166 gallons	23,240,000 gallons
Gasoline	8,156 gallons	0.010 gallons	1,400,000 gallons
Electricity	38,808,306 KWh	49.754 KWh	6,965,560,000 KWh
Natural Gas	1,393,600 Btu	1.786 Btu	250,040,000 Btu
Propane	77,948 gallons	0.099 gallons	13,860,000 gallons

Sources: Table 3.11-1 of the 2019 Final SEIS.

Notes: KWh = kilowatt-hours; Btu = British thermal unit.

**Analysis Required:** No additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant energy impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. However, to ensure that potential impacts have been fully evaluated, the following impact analysis related to energy use is provided below. The restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are new proposed actions and require analysis, which is also provided below.

- a) **Less than Significant.** As shown in Table 6, the operations conducted under the USG Expansion/Modernization Project, including long-term Quarry operation and operation of Well No. 3 and the associated pipeline, would consume oil, gasoline, natural gas, diesel, and electricity for equipment and other needs. The restoration of the Viking Ranch would consume fuels (e.g., oil, gasoline, diesel), but would not consume electricity or natural gas. At the conclusion of mining operations, the Quarry and the pipeline rights-of-way would be reclaimed and revegetated allowing the potential for re-use of the land, and no further demand for non-renewable resources would occur with respect to the proposed project. Similarly, upon completion of site preparation activities and the maintenance and monitoring activities under the 10-year maintenance plan, minimal energy resources would be required for the long-term maintenance of the Viking Ranch restoration site.

Under the proposed Quarry expansion, ongoing mining, processing, haul truck loading, and related activities would continue to use fuel and electricity. However, the electricity, fuel, or other energy consumption associated with the proposed long-term Quarry operation is reasonable and anticipated to be proportional on a per ton basis. In addition, although the proposed project would result in increases in consumption of electricity, natural gas, diesel, and propane, the project is expected to achieve energy efficiencies typical for mining and reclamation projects in California. Construction equipment fleet turnover and increasingly stringent state and federal regulations on engine efficiency, combined with local, state, and federal regulations limiting engine idling times and require recycling of construction debris, would further reduce the amount of

transportation fuel demand during the Quarry mining operations. State and federal regulatory requirements addressing fuel efficiency are expected to increase fuel efficiency over time as older, less fuel-efficient vehicles are retired. The efficiency standards and light/heavy vehicle efficiency/hybridization programs contribute to increased fuel efficiency and therefore would reduce vehicle fuel energy consumption rates over time. While the proposed Quarry expansion would increase the consumption of gasoline and diesel proportionately with projected population and economic growth, the increase would be accommodated within the projected growth as part of the energy projections for the state and the region and would not require the construction of new regional energy production facilities.

With regard to the restoration of Viking Ranch and construction of Well No. 3 and the associated pipeline, regulatory requirements pertaining to fuel efficiency would also apply to any construction equipment used in these activities. And minimal equipment use would be required for the long-term maintenance of the restoration site and the well and pipeline infrastructure, and therefore energy use would be negligible.

The preservation and long-term management of the Old Kane Springs Road preservation site would involve minimal energy resources at all stages of the project, since no new construction, development, or land use is proposed on the site. Long-term management activities (e.g., trash pickup) would require minimal energy resources.

For these reasons, the potential of the Quarry expansion, development of Well No. 3 and the associated pipeline, and Viking Ranch restoration to result in a wasteful or inefficient use of energy would be less than significant.

- b) **No Impact.** The State of California has taken steps to increase the efficiency of vehicles and other construction equipment to provide more renewable energy. Legislation is routinely passed and codified to address climate change and clean energy production. The applicable local energy plan is the *County of Imperial General Plan Renewable Energy and Transmission Element* (Imperial County 2015). There are no features of the Quarry expansion, development of Well No. 3 and the associated pipeline, preservation of the Old Kane Springs Road Site, and restoration of the Viking Ranch site that would prevent compliance with any renewable energy or energy efficiency requirements of state or local plans. There would be no impact.

**G. GEOLOGY AND SOILS**

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Strong Seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Seismic-related ground failure, including liquefaction and seiche/tsunami?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

### 2008 EIR/EIS IMPACT ANALYSIS

The project site is located in the vicinity of three major fault zones: 1) the San Andreas fault zone to the northeast, which runs along the east side of the Salton Sea, 2) the San Jacinto fault zone which traverses western Imperial County through the Peninsular Ranges and into the Borrego Valley and West Mesa, and 3) the Elsinore fault zone to the southwest. The Coyote Creek fault, which runs through Ocotillo Wells and skirts the Fish Mountains east of the Quarry, is associated with the San Jacinto fault zone. The Quarry is located between the San Jacinto and Elsinore fault zones.

The 2008 EIR/EIS concluded that the expanded Quarry would not be subject to substantial risk of deep-seated landslides, rockfalls, or surficial instability based on the characteristics of the gypsum deposit, which is nearly pure, with no weak clay or silt intercalations observed in natural or mined exposures. However, the 2008 EIR/EIS did indicate that reclaimed slopes could be subject to significant slope instability due to the close proximity of the Coyote Creek branch of the San Jacinto fault and the relatively long period of exposure expected for reclaimed quarry slopes. In order to ensure long-term slope stability within the quarry, the following mitigation measures were included:

**Mitigation Measure 3.2-1a:** Reclaimed cut slopes in the alluvial materials (map units Qya and Qoa) should be constructed no steeper than 1.75H:1V up to a maximum height of 100 feet.

**Mitigation Measure 3.2-1b:** Reclaimed cut slopes in the gypsum (map unit Tfc) should be no steeper than 1H:1V up to a maximum height of approximately 225 feet.

**Mitigation Measure 3.2-1c:** Any large, unstable, rounded boulders on reclaimed slopes steeper than approximately 2H:1V should be removed or stabilized prior to the end of reclamation.

The 2008 EIR/IES did not identify any potentially significant impacts related to geologic, soils, or seismic hazards and the development of the proposed Well No. 3 and associated pipeline.

With regard to paleontological resources, the 2008 EIR/EIS determined that impacts related to



paleontological resources from the USG Expansion/Modernization Project would be less than significant and no mitigation was required.

## PROPOSED PROJECT IMPACT ANALYSIS

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to geology, soils, or paleontological resources. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** The primary change in circumstance related to geology, soils, and paleontological resources was that Paleontological Resources Preservation Act (PRPA) was signed into law on March 30, 2009 (Public Law 111-11, Title VI, Subtitle D; 16 U.S.C. §§ 470aaa - 470aaa-11). PRPA directs the Department of Agriculture (U.S. Forest Service) and the Department of the Interior (National Park Service, BLM, Bureau of Reclamation, and Fish and Wildlife Service) to implement comprehensive paleontological resource management programs. With passage of the PRPA, Congress officially recognizes the importance of paleontological resources on federal lands by declaring that fossils from federal lands are federal property that must be preserved and protected using scientific principles and expertise. The PRPA provides: 1) uniform definitions for "paleontological resources" and "casual collecting"; 2) uniform minimum requirements for paleontological resource use permit issuance; 3) uniform criminal and civil penalties for illegal sale and transport, and theft and vandalism of fossils from federal lands; and 4) uniform requirements for curation of federal fossils in approved repositories.

**New Information:** There is no new information related to the potential for unstable geologic or soils conditions to occur at the Quarry. The Quarry is inspected and monitored annual in accordance with Imperial County and Division of Mine Reclamation requirements. Slopes are evaluated for gross and surficial stability under both static and seismic conditions. In addition to conducting quantitative analyses, the slopes are visually evaluated by a qualified geologist for erosion, over-excavation, and signs of adverse geologic conditions. The annual inspection reports were reviewed as part of the 2019 SEIS. No change in conditions that could alter the finding of the 2008 EIR/EIS were noted.

A Paleontological Technical Study was completed as part of the 2019 SEIS (Paleo Solutions, Inc. 2018). The study indicates that excavations in Miocene-age Split Mountain Group, Red Rock Formation (Tsr) and Elephant Trees Formation (Tse); Pliocene- to Miocene-age Imperial Group, Latrania Formation (Til) and undivided (Ti); Pleistocene- to Pliocene-age Palm Spring Group, undivided (QTp); and Holocene-age Lake Cahuilla beds (Qlc) may well result in an adverse direct impact to scientifically important paleontological resources. Excavations within previously disturbed sediments, artificial fill, Fish Creek Gypsum (Tfc), alluvial terrace deposits (Qt), or alluvium (undivided) (Qa) are unlikely to uncover significant fossil vertebrate remains; furthermore, any recovered resources from previously disturbed sediments or artificial fill will lack stratigraphic context. As described in the Paleontological Technical Study, the Quarry is underlain primarily by low-sensitivity alluvium (undivided) (Qa), Fish Creek Gypsum (Tfc), and undivided intrusive igneous rocks (gr), but portions of the Quarry are underlain by the more sensitive Elephant Trees Formation

(Tse). Similarly, the majority of the proposed Well No. 3 site and associated pipeline alignment are predominantly underlain by alluvium (undivided) (Qa); however, a portion of the pipeline right-of-way within the Quarry would cross an area underlain by the Elephant Trees Formation (Tse). In addition, the study notes that younger deposits may shallowly overlies older in situ sedimentary deposits. Therefore, grading and other earthmoving activities may potentially result in significant adverse direct impacts to paleontological resources throughout portions of the USG Expansion/Modernization Project area, with exceptions for areas underlain by Mesozoic-age undivided intrusive igneous rocks, which have a very low paleontological potential. Based on the results of the Paleontological Technical Study, the 2019 SEIS recommends the implementation of the following mitigation measure to address potential impacts to paleontological resources at the proposed Well No. 3 site and associated pipeline alignment:

**Mitigation Measure 3.2-3:** Once the pipeline alignment is located and staked, a pre-construction pedestrian field survey is recommended in order to locate any surficial fossil localities and verify the geologic units underlying the area associated with the Proposed Action. For any areas where potential resources cannot be avoided by the pipeline construction, a Paleontological Resources Monitoring and Mitigation Plan (PRMMP) should be prepared and implemented by a BLM-permitted paleontologist and approved by the BLM and Imperial County.

**Analysis Required:** With regard to impacts related to geology, soils, and seismicity (checklist questions [a] through [e]), no additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant geology or soils impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. To ensure that potential impacts have been fully evaluated, the following impact analysis related to geology, seismicity, and soils is provided below. The preservation of the Old Kane Springs Road site and restoration of Viking Ranch are new proposed actions and require analysis, which is also provided below.

With regard to paleontological resources (checklist question [f]), new information available in the 2019 SEIS indicates the potential for paleontological resources to be encountered along the Well No. 3 site pipeline alignment and requires mitigation. The preservation of the Old Kane Springs Road site would not involve any ground disturbing activities that could impact paleontological resources; however, the restoration of the Viking Ranch site would involve grading and ground disturbance and therefore would have the potential to encounter paleontological resources depending on the depth of earthmoving activities and the paleontological sensitivity of the geologic formations that occur in the area. For these reasons, the County has determined that impacts related to paleontological resources should be analyzed in the SEIR.

- a) **Less than Significant.** The preservation of the Old Kane Springs Road site would not involve any development beyond posting signs and installing gates to prevent unauthorized vehicle access to the area. Therefore, the proposed site preservation would not have the potential to result in substantial adverse effects, including risk of loss, injury, or death related to geologic, soils, or seismic hazards.

The project area Viking Ranch restoration site is located in a seismically active area and could encounter variable soils conditions. The development of the proposed pipeline would be required to comply with the applicable provisions of the California Building Code, which contains the state regulations for protecting structures from geo-seismic hazards and is updated on a triennial basis. Construction activities associated with the proposed pipeline and with the site preparation and maintenance of Viking Ranch would be subject to occupational safety standards for excavation and trenching, as specified in the California Safety and Health Administration regulations (Title 8 of the California Code of Regulations) and in Chapter 33 of the California Building Code. These regulations specify the measures to be used for excavation and trench work where workers could be exposed to unstable soil conditions. The expansion of the Quarry would not require additional employees. Therefore, the proposed project would not bring new people to the area and would not increase risk associated with injury or death due to geologic hazards. Similarly, once complete, the Viking Ranch restoration site would require only occasional worker visits associated with long-term maintenance of the site but would not develop buildings or include public facilities that would draw people to area. As described in the 2008 EIR/EIS, the expanded Quarry would not be subject to substantial risk of deep-seated landslides, rockfalls, or surficial instability based on the characteristics of the gypsum deposit, which is nearly pure, with no weak clay or silt intercalations observed in natural or mined exposures. Furthermore, the Quarry would continue to be subject to annual inspections that would address any change in geologic and soils conditions with the potential to result in slope instability. For these reasons, the potential of the development of Well No. 3 and the associated pipeline and potential of the restoration of the Viking Ranch site to result in substantial risks of loss, injury, or death due to geologic, soils, or seismic hazards would be less than significant.

- b) **Less than Significant.** The operation of the Quarry is currently subject to, and would continue to be subject to, the Statewide General Permit for Storm Water Discharges Associated with Industrial Activities, Order 2014-0057-DWQ, NPDES No. CAS000001 (Industrial General Permit). Part 436 of this order provides the Mineral Mining and Processing Effluent Guidelines and Standards which pertain to the Quarry's operation. Under these guidelines/standards, dischargers are required to: eliminate unauthorized non-stormwater discharges; develop and implement a site-specific stormwater pollution prevention plan (SWPPP) (or amend an existing plan to incorporate additional project components); implement BMPs; conduct monitoring; compare monitoring results to numeric action levels; perform appropriate exceedance response actions when numeric action levels are exceeded; and certify and submit all permit registration documents. Changes under the new Industrial General Permit compared to the Industrial General Permit issued in 1997 are that stormwater dischargers are required to implement minimum BMPs; electronically file all permit registration documents via the SWRCB's Storm Water Multiple Application and Report Tracking System; comply with new training expectations and roles for qualified industrial stormwater practitioners; sample to detect exceedance of annual and instantaneous numeric action levels; develop and implement exceedance response actions if annual or instantaneous numeric action levels are exceeded; monitor for parameters listed under CWA Section 303(d); design treatment control BMPs for flow- and volume-based criteria; and understand new criteria, sampling protocols, and sampling frequency for qualifying storm events. The new general order also defines design storm standards for treatment control BMPs, qualifying storm events, and sampling protocols to follow during a design storm event. Compliance with the Industrial General Permit would prevent substantial erosion from occurring

at the Quarry site during long-term operations. This impact would be less than significant.

Under SMARA a revegetation plan must be prepared and implemented as part of a reclamation plan for an operating quarry. Revegetation would follow a series of steps that can be varied over the life of the operation but are designed to produce tangible results. Revegetation efforts would use seeds and plants collected locally and supplemented, as needed, by seeds collected and stored by a contractor specializing in native plants. USG would salvage topsoil and growth media (most desert soils have little topsoil development; where there is no topsoil, the material in which the majority of the plant roots are growing is referred to as "growth media") and stockpile this material for use in the revegetation effort. The salvaging and reuse of topsoil and growth media, and the subsequent revegetation of the Quarry slopes, would reduce the potential for the proposed Quarry expansion to result in substantial erosion or loss of topsoil to less than significant.

The construction of Well No. 3 and the associated pipeline would disturb more than 1-acre of ground surface and would therefore also be required to comply with the State Water Resources Control Board (State Water Board) NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (SWRCB Order 2009-0009-DWQ, as amended by 2010-0014-DWQ and Order 2012-0006-DWQ) referred to herein as the Construction General Permit. Similarly, the restoration of Viking Ranch would disturb more than 1-acre of ground surface and would also be required to comply with the Construction General Permit. The Construction General Permit would require preparation and implementation of a site-specific SWPPP for each site. A stormwater pollution prevention plan identifies all potential pollutants and their sources, including erosion and sediment sources, and must include a list of best management practices to reduce the discharge of construction-related stormwater pollutants. This would minimize the potential of the construction of Well No. 3 and the associated pipeline and the site preparation activities associated with restoration of the Viking Ranch to result in substantial erosion.

Upon completion of construction, all waterline/powerline construction areas would be restored to pre-project conditions, and the development of Well No. 3 would disturb a 1/8-acre area. Consequently, the development Well No. 3 and associated pipeline would not lead to a substantial loss of topsoil.

During site preparation at the Viking Ranch, the top 2 inches of soil would be set aside and used for the final grade. This would prevent the substantial loss of topsoil on the restoration site.

It is not anticipated that erosion control BMPs would be needed after vegetation has established in the restoration site. However, temporary BMPs such as burlap fiber rolls, silt fence, and burlap gravel bags would be maintained as needed for proper function until the site has reached Year 3, or until the Project Biologist has deemed the BMPs unnecessary. Once the site is stabilized by native vegetation the contractor would remove and dispose of temporary BMPs. If after year 3, there is active erosion or sedimentation within or directly adjacent to the project AND this may affect adjacent farmlands, the Project Biologist would assess the conditions and provide adaptive management recommendations including, but not limited to, weed free BMPs such as burlap encased straw wattles, fiber rolls or burlap gravel bags; and/or additional grading. The HMMP identified that significant erosion could occur at the southeast corner of the site where bed

instability has occurred from land modification leading to a six-foot head cut. If left unchecked, the head cut would continue to migrate upstream into the restoration site resulting in erosion of the land surface and destabilization of the floodplain. Consequently, a grade structure is planned to be constructed in this area. The structure would be constructed of wood timbers and slats to retain the soil on the restoration site. The effect of the structure would be to retain the upstream channel bed to stabilize the head cut that is presently causing unnatural flow and erosion on the site. The structure would be built to withstand water flow over the top, creating a stable bed gradient upstream (within the restoration site) and allowing water to continue flowing to the lower elevation floodplain present downstream. Therefore, with development of the proposed grade structure and implementation of erosion and control BMPs during the 10-year maintenance and monitoring period proposed at the restoration site, the potential of the restoration of the Viking Ranch to result in substantial erosion would be less than significant.

The preservation of the Old Kane Springs Road site would involve posting of signs and the installation of gates to prevent unauthorized vehicle access. These activities do not have the potential to result in erosion or the loss of topsoil. There would be no impact.

- c) **Less than Significant.** For the reasons described in “a” and based on continued compliance monitoring, the potential of the development of Well No. 3 and the associated pipeline and potential of the restoration of the Viking Ranch site to result in substantial risks of loss, injury, or death due to geologic, soils, or seismic hazards would be less than significant.
- d) **Less than Significant.** For the reasons described in “a” and based on continued compliance monitoring, the potential of the development of Well No. 3 and the associated pipeline and potential of the restoration of the Viking Ranch site to result in creating substantial direct or indirect risk to life or property would be less than significant.
- e) **No Impact.** The Quarry expansion, development of Well No. 3 and associated pipeline, preservation of the Old Kane Springs Road site, and restoration of the Viking Ranch site do not require the development of septic systems. There would be no impact.
- f) **Potential Significant Impact.** The County has determined that, due to the new information available in the 2019 SEIS and due to the proposed earthmoving activities at the Viking Ranch restoration site, impacts related to paleontological resources should be analyzed in the SEIR.

**H. GREENHOUSE GAS EMISSIONS**

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

**2008 EIR/EIS IMPACT ANALYSIS**

The 2006 Draft EIR/EIS did not evaluate Greenhouse Gas (GHG) Emissions because this was not yet identified as a topic that requires evaluation in the Appendix G, Environmental Checklist Form, of the CEQA Guidelines. However, the 2008 Final EIR/EIS provided an analysis of GHG emissions in response to public comments on the 2006 Draft EIR/EIS. The 2008 Final EIR/EIS notes that USG has taken specific actions to track, report and certify GHG emissions. In November 2006, USG voluntarily joined the California Climate Action Registry (CCAR), a group of distinguished public and private sector organizations taking demonstrated leadership on climate change. USG was the first building materials manufacturer to participate in this program. As a member, USG has worked with the CCAR to develop an annual GHG emission tracking, reporting and certification protocol, that USG is applying to all of its facilities, including the Project. In particular, USG is certifying its GHG emissions data for the facility with the CCAR.

The Plant and Quarry, as well as associated activities, have used a variety of fuels over time for mobile sources, powering the Plant and for Quarry operations. Under the CCAR emission reporting regime, direct emissions of GHG are generated at the USG Expansion/Modernization Project from sources that are owned or controlled by USG, and include stationary combustion (e.g., plant burner and emergency generators) and mobile combustion sources (e.g., company owned off-road equipment and vehicles). Additionally, the USG Expansion/Modernization Project accounts for indirect GHG emissions, which are generated by sources owned or controlled by other entities. These indirect sources are primarily from fossil fuel combustion at third party power plants. GHG emissions are typically measured in terms of pounds or tons of "carbon dioxide equivalent" (CO<sub>2e</sub>). The following estimates of GHG emissions were provided:

- Maximum *direct* GHG emissions CO<sub>2e</sub> associated with the USG Expansion/Modernization Project in comparison with the baseline year of 1998 are as follows: During the 1998 baseline, the facility generated approximately 72,200 tons of CO<sub>2e</sub> per year. The proposed action will

result in about 110,000 tons of CO<sub>2e</sub> per year, which represents an increase of approximately 37,800 tons of CO<sub>2e</sub> per year, from business as usual.

- Maximum *indirect* GHG emissions CO<sub>2e</sub> associated with the USG Expansion/Modernization Project from the baseline year of 1998 are as follows: During the 1998 baseline, the facility generated approximately 14,000 tons of CO<sub>2e</sub> per year. The Proposed action will generate approximately 23,700 tons of CO<sub>2e</sub> per year, which represents an increase of approximately 9,700 tons of CO<sub>2e</sub> per year, from business as usual.

The 2008 Final EIR/EIS notes that while USG Expansion/Modernization Project may emit up to a maximum of approximately 47,500 tons of additional (above baseline) CO<sub>2e</sub> emissions per year (assuming business as usual) from both direct and indirect sources, the USEPA estimates 2005 national CO<sub>2e</sub> emissions of 7,260.4 teragrams (i.e., million metric tons). Thus, the project's CO<sub>2e</sub> emission increases represent less than 0.00000654 percent of the national CO<sub>2e</sub> loading, and an even smaller percentage of the worldwide CO<sub>2e</sub> loading. Consequently, the 2008 Final EIR/EIS concludes that it is not anticipated that the individual effect of the project's GHG emissions on the environment will be significant.

With regard to the USG Expansion/Modernization Project's cumulative contribution to GHG emissions, the 2008 Final EIR/EIS acknowledges that the project may emit up to a maximum approximately 47,500 tons additional CO<sub>2e</sub> emission per year above baseline for both direct and indirect sources, but states that this increase could be below reasonably anticipated thresholds of significance (though none existed at the time of the 2008 EIR/EIS), even when considered cumulatively. Further, since the demand for wallboard remains strong, it is stated that no project alternative would lead to more wallboard production outside of California, perhaps in other states or countries with little or no emission controls when compared to California's requirements. Since California is globally acknowledged as having among the most stringent energy efficiency and emission control requirements, wallboard production outside California would generate more GHG emissions. Additionally, transportation of the products into California (whether by truck, rail, or ship) would produce even more GHG emissions from the burning of fuel associated with product transportation. On this point, USG has determined that "transportation of gypsum board accounts for over 10 percent of the embodied energy," associated with the product. Thus, the no project alternative would have greater environmental impacts than the emissions from the project.

Despite the limited potential impacts due to increased GHG emissions identified in the 2008 Final EIR/EIS, the following mitigation measure was identified to substantially lessen the potential for the Project to result in cumulative impacts on climate change:

**Mitigation Measure 1:** USG has already acquired approximately \$1.6 million in emission credits for the Project to meet applicable air quality standards. Similarly, to the extent necessary, USG will acquire recognized carbon credits to offset the project's increased GHG emissions.

## PROPOSED PROJECT IMPACT ANALYSIS

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to GHG emissions. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by

the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** GHG emissions must now be discussed under current CEQA Guidelines. With regard to IPAPCD requirements, in 2011, ICAPCD amended Rule 903 to add GHGs to the list of regulated pollutants. Rule 903 applies to any stationary source that would have the potential to emit air contaminants equal to or in excess of the threshold for a major source of regulated air pollutants. As part of the revised rule, stationary sources that exceed the de minimis emissions level of 20,000 tons of CO<sub>2</sub>e per year in a 12-month period would need to meet recordkeeping and reporting requirements.

**New Information:** No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. Furthermore, the effect of GHG emissions is not new information under CEQA Guidelines Section 15162(a)(3) that was not known and could not have been known during the prior environmental evaluations (see e.g., *Citizens for Responsible Equitable Environmental Development v. City of San Diego*, 196 Cal.App.4th 515, 524 (2011)).

**Analysis Required:**

- a) **Potentially Significant.** Although it is not anticipated that the GHG emissions from the Quarry expansion and Well No. 3 development and operation would increase relative to the emissions level analyzed in the 2008 EIR/EIS, the County has determined that impacts related to GHG emissions associated with the proposed restoration of the Viking Ranch and preservation of the Old Kane Springs Road sites should be analyzed in the SEIR.
- b) **Potentially Significant.** For the reasons described in "a," the proposed Quarry expansion could potentially conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.



**I. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

### 2008 EIR/EIS IMPACT ANALYSIS

The 2008 EIR/EIS found that, with the exception of potential impacts related to Ammonium Nitrate Fuel Oil (ANFO) used to blast mineral deposits free, potentially significant impacts related to the use, transport, and storage of petroleum products, solvents, and other hazardous materials at the Quarry would be reduced to a less-than-significant level through compliance with existing local, state, and federal regulations pertaining to hazardous materials, including the development and implementation of a site-specific Spill Prevention, Control, and Countermeasures Plan (SPCC). The Quarry expansion would not increase the rate of use of ANFO but would extend the time period that such explosives are used. The 2008 EIR/EIS notes that explosives could inadvertently ignite if stored or be used in an improper manner. In addition, the detonation of these explosives would create ground vibration, dust and may result in flying rock. However, under the Quarry expansion, explosives would continue to be managed in accordance with existing standards, such that little such risk occurs, as the components (ammonium nitrate and fuel oil) are stored separately and mixed directly only when the hole is filled for blasting. Out of an abundance of caution, the following mitigation measure was included in the 2008 EIR/EIS:

**Mitigation Measure 3.10-1:** USG shall conform to the requirements of 27 CFR Part 55, particularly sections 55.204 – 55.217 and 55.220, and any local requirements that are more stringent than the federal regulations, for the storage and use of explosives.

### PROPOSED PROJECT IMPACT ANALYSIS

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to hazards and hazardous materials. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** No changed circumstances related to the project would create a new or increased significant impact to hazards and hazardous materials.

**New Information:** No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted.

**Analysis Required:** No additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant hazards and hazardous materials impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. However, to ensure that potential impacts have been fully evaluated, the following impact analysis related to hazards and hazardous materials is provided below. The restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are new proposed actions and require analysis, which is also provided below.

- a) **Less than Significant.** Transportation, storage, and disposal/recycling of hazardous materials are extensively regulated at the local, state and federal levels. Current and future construction and operations are, and will be, required to be in compliance with these regulations. Under the proposed Quarry expansion, the SPCC would be updated to include the use and storage of hazardous materials in the Quarry expansion areas, although substantial changes in the use and storage of hazardous materials is not anticipated because mining and processing operations and facilities within the Quarry would remain similar to existing conditions. The operation of the proposed Well No. 3 and associated pipeline, and the long-term maintenance of the Old Kane Springs Road preservation site and Viking Ranch restoration site, would not require the routine use, transport, or storage of hazardous materials. Any incidental spills of hazardous materials that could occur during maintenance of the proposed Well No. 3 and associated pipeline would be controlled and addressed in accordance with the Quarry's Spill Prevention, Control, and Countermeasures Plan. Thus, the potential for the transportation, storage, and disposal/recycling of hazardous materials associated with the Quarry expansion, operation of Well No. 3 and the associated pipeline, and long-term maintenance of the Old Kane Springs Road preservation Site and Viking Ranch restoration site would be less than significant.

With regard to construction of Well No. 3 and the associated pipeline and with regard to the site preparation activities associated with the Viking Ranch restoration, hazardous materials that may be stored onsite during these activities would include fuel for construction equipment, paints, solvents, and/or other types of construction materials that may contain hazardous ingredients; no construction activities are proposed at the Old Kane Springs Road preservation site. The construction/grading contractors at these work sites would be required to comply with the federal Occupational Safety and Health Administration (OSHA) standards defined under Title 29 of the Code of Federal Regulations Section 1910, and the California Occupational Safety and Health Administration (Cal OSHA) requirements under California Code of Regulations, Title 8, which specify requirements for employee training, availability of safety equipment, accident prevention programs, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation. California Code of Regulations, Title 8 also includes requirements for accident and illness prevention programs and hazard communication program regulations that include worker safety training and hazard information requirements, procedures for identifying and labeling hazardous substances, communicating hazard information related to hazardous substances and their handling, and preparing health and safety plans to protect workers. Any transportation of hazardous materials to and from the work sites would occur on designated hazardous materials routes, by licensed hazardous materials handlers, as required, and would be subject to regulation by the California Highway Patrol and the California Department of Transportation. In addition, the HMMP requires equipment to be checked for fluid leaks prior to operation and repaired as necessary. A spill kit for each piece of construction equipment is required to be onsite and must be used in the event of a spill. Compliance with existing regulations and with the HMMP avoidance and minimization measures pertaining to hazardous materials would reduce any risk from the routine transport, use, or disposal of hazardous materials during construction of Well No. 3 and during site preparation activities at the Viking Ranch restoration site to less than significant.

- b) **Less than Significant.** For the reasons described in "a" and based on continued compliance monitoring, the Quarry expansion will not create a significant hazard to the public or the

- environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- c) **No Impact.** Neither the project area, preservation site, or restoration site are located within 1/4-mile of a school.
  - d) **No Impact.** Neither the project area, preservation site, or restoration area are located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
  - e) **No Impact.** Neither the project area, preservation site, nor restoration area are located within an airport land use plan or within 2-miles of a public use airport. There would be no impact related to these topics.
  - f) **Less than Significant.** The Quarry and proposed Well No. 3 and the associated pipeline alignment are located in an undeveloped and unpopulated desert area. The existing rail line and adjacent unpaved dirt access road are the only structures or infrastructure in the vicinity of the Quarry and proposed well. The nearest residences are rural residences located approximately 2.5 miles north of the pipeline alignment at the nearest location, and approximately 3.7 miles northwest of Well No. 3. The unpaved dirt access road could be disturbed during the 10-week pipeline construction period, but it is not a critical route for emergency access or emergency personnel or for evacuation, and vehicular access to public desert areas along the road would be maintained at all times. Split Mountain Road, which is the only road to the Quarry, would not be disturbed by the development of the pipeline and vehicular access to the Quarry would be maintained at all times. Therefore, the potential of the Quarry expansion and development of Well No. 3 and the associated pipeline to impair implementation or physically interfere with emergency response or emergency evacuation plans would be less than significant.

The restoration of the Viking Ranch site would occur on undeveloped land in a rural area and is accessed from an unpaved road. The implementation of the restoration program would not alter or block any roadways. Similarly, the preservation of the Old Kane Springs Road site would not impact roadways. There would be no impact to emergency response or evacuation plans from the proposed preservation and restoration actions.

- g) **Less than Significant.** The proposed project would not increase the number of people living or working in the project area, in the Old Kane Springs Road preservation Site, or in the Viking Ranch restoration site. The development of Well No. 3 and the associated pipeline would develop structures located primarily underground and therefore not readily exposed to wildfire. In addition, the Quarry, Well No. 3 site, and pipeline alignment and surrounding areas are sparsely vegetated and have a low risk of wildfire. The Viking Ranch restoration does not propose the development of structures beyond a grade structure that would be constructed of wood timbers, in the Coyote Creek wash and in a sparsely vegetated area and therefore not at substantial risk of fire. The Old Kane Springs Road preservation would involve signage posting and gate installation, which are not activities or features that could generate a substantial risk of fire. Therefore, the potential of the proposed project to expose people or structures to a significant risk of loss, injury or death involving wildland fires would be less than significant.

**J. HYDROLOGY AND WATER QUALITY**

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) result in substantial erosion or siltation on- or off-site;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

### 2008 EIR/EIS IMPACT ANALYSIS

#### *Surface Water*

The affected environment in the vicinity of the Quarry is an active open pit gypsum mine within an ephemeral desert wash tributary to Fish Creek Wash. Based on hydrology reports completed for the USG Expansion/Modernization Project (Joseph E. Bonadiman & Associates 2004, cited in Imperial County and U.S. Bureau of Land Management 2006), the 2008 EIR/EIS found that the expansion of the Quarry would generally not produce a significant reduction of runoff of tributaries to Fish Creek because 1) the Quarry expansion is adjacent to a mountain range that provides the smallest contribution of rainfall in the entire drainage area due to topographic and geologic conditions; and 2) rainfall east of the Quarry or within the Quarry will percolate into the ground, recharging the water table. It was concluded that the proposed Quarry expansion will have no effect on the natural groundwater process, and groundwater would continue to transmute towards Fish Creek along the standard pattern. However, the main drainage patterns from the western mountain range of the drainage area produces the largest flow rate tributary to Fish Creek, potentially causing a disruption of periodic flows at the Quarry site. Consequently, the 2008 EIR/EIS includes the following mitigation measure to address the disruption in flow:

**Mitigation Measure 3.3-7:** An earthen berm will be constructed along the west side of the Quarry in order to preserve the natural drainage pathway. The berm would work as a natural earth channel, to preserve existing flow characteristics in the drainage area and protect the Quarry from flood waters by diverting water away from the Quarry and towards the Fish Creek Wash. This channel requires a minimum 50-foot bottom width for the floodway and 2:1 channel side slopes. The graded channel only requires an earthen berm of approximately 5 feet high, assuming 2 feet of freeboard. The berm would be 5 feet high by 20 feet wide, and would provide an adequate solution to contain and divert run-off.

#### *Groundwater*

The 2008 EIR/EIS indicates that the existing and proposed Quarry water wells are located within the Borrego Valley Groundwater Basin (7-24). The Borrego Valley Groundwater Basin is distinctly different from the Coyote Wells Valley Groundwater Basin (7-29) in which the USG production wells for the Plant are located. The Borrego Valley Groundwater Basin consists of sedimentary deposits derived from the surrounding mountain ranges. Groundwater is reported to occur in two aquifers. The shallow aquifer is present at depths above approximately 100 feet below ground surface (bgs) in the center of the basin

with total dissolved solids levels reported in the range of 8,000 parts per million (ppm). An aquitard that may be 100 to 200 feet thick separates the shallow aquifer from the lower aquifer. The lower aquifer extends to at least 650 feet bgs at some locations with TDS levels reported in the range of 1,400 ppm.

The primary drainage in the Ocotillo Valley is San Felipe Creek. San Felipe Creek extends from the Peninsular Ranges to the Salton Sea. In the area of proposed Quarry Well No. 3, the primary surface drainage is the Fish Creek Wash. San Felipe Creek and Fish Creek Wash only flow seasonally, when runoff occurs from the upper reaches of their respective watersheds.

The 2008 EIR/EIS determined that the increase in pumping at the Quarry that would result from development and operation of Well No. 3 would not result in the substantial depletion of the Borrego Valley Groundwater Basin. This is because the proposed increase in pumping would be minimal relative to the existing use of groundwater for agriculture and relative to the natural rate of discharge from the basin. The proposed project would increase groundwater pumping in the Borrego Valley Groundwater Basin from the current permit limit of approximately 7.8 AF/yr to approximately 26 AF/yr. In contrast, the natural discharge from the Borrego Valley Groundwater Basin is 2,200 AF/yr to 4,500 AF/yr and the agricultural pumping ranges from 9,250 AF/yr to over 12,000 AF/yr. Therefore, the potential of the proposed project to have a perceptible effect on the existing water levels or rate of decline of the basin was found to be less than significant.

Additionally, water quality data from the USG test hole also demonstrates that the new well would tap groundwater that is part of the lower aquifer. Discharge at San Felipe Creek Spring and Fish Creek Spring is from the shallow aquifer. Therefore, the potential of the proposed project to affect the flow of the springs was found to be less than significant.

The 2008 EIR/EIS determined that the potential of pumping at Well No. 3 to degrade water quality by causing the vertical migration of saline water from the shallow aquifer to the deeper aquifer would be less than significant. This is because the USG test hole drilling results indicate that the shallow aquifer is not present in the area of the proposed Well No. 3.

## PROPOSED PROJECT IMPACT ANALYSIS

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to hydrology and water quality. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** The Borrego Valley Groundwater Basin (7-24) was modified in 2016 by the California Department of Water Resources (DWR). The basin was divided into two subbasins: Borrego Valley—Borrego Springs (7-24.01) and Borrego Valley—Ocotillo Wells (7-24.02) (DWR 2021a). The active USG Quarry Well No. 2 and the proposed Quarry Well No. 3 are located in the Ocotillo Wells subbasin.

On September 16, 2014, Governor Jerry Brown signed into law a three-bill legislative package—Assembly Bill 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley)—collectively known as the

Sustainable Groundwater Management Act (SGMA), which requires governments and water agencies of high- and medium-priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. Through SGMA, DWR provides ongoing support to local agencies through guidance, financial assistance, and technical assistance. SGMA empowers local agencies to form Groundwater Sustainability Agencies (GSAs) to manage basins sustainably and requires the preparation of groundwater sustainability plans (GSPs) for crucial (i.e., medium to high priority) groundwater basins in California. Low- and very low-priority basins may adopt these plans, but are not required to, and neither are adjudicated basins. The project area is located within the Ocotillo Wells subbasin of the Borrego Valley Groundwater Basin, which has been designated a very low priority basin (DWR 2021b).

In September 2015, the Imperial County Board of Supervisors provided notice to DWR that Imperial County had resolved to assume the role of GSA for all groundwater basins underlying the County. In its resolution to become a GSA (Imperial County Board of Supervisors Resolution No. 2015-122), the County expressed its commitment to sustainable groundwater use and cited its jurisdiction over groundwater basins county-wide. The County also cited its long experience and background in groundwater management and monitoring, including the County Groundwater Management Ordinance.

As described under Section II, "Environmental Checklist Form," Item 10, "Project Description," the Settlement Agreement replaced Mitigation Measures 3.3-1 and 3.3-2 adopted in the 2008 EIR/EIS with new mitigation measures (Mitigation Measures 3.3-1-A through 3.3-1-G). The measures are intended to ensure that project impacts on individual groundwater wells within the Coyote Wells Groundwater Basin are less than significant. The Quarry is not located within the Coyote Wells Groundwater Basin. Therefore, the Settlement Agreement mitigation measures are not applicable to this analysis.

**New Information:** A *Jurisdictional Delineation* (Hernandez Environmental Services 2016), *Hydrologic and Water Quality Study* (Hydrology Study) (Dudek 2018), and *Update on Groundwater Conditions Memorandum* (Todd Groundwater 2018) were completed as part of the 2019 SEIS.

The *Jurisdictional Delineation* identified a total 325.79 acres of unnamed streambeds within Quarry area and found that the expansion of quarrying activities would result in impacts to approximately 134.08 acres of CDFW, USACE, and RWQCB jurisdictional drainages. The *Jurisdictional Delineation* noted that Well No. 3 and the water supply pipeline would result in filling of all ephemeral streambeds and washes within the waterline/powerline area, and that these activities would result in impacts to 0.21 acres of CDFW, USACE, and RWQCB jurisdictional drainages. No wetland habitat was identified to occur at the Quarry, Well No. 3, or pipeline alignment. Little to no vegetation was observed to occur within any of the drainages evaluated. The *Jurisdictional Delineation* recommended avoidance and minimization measures to address potential impacts to wildlife, vegetation, and habitat that could occur during the disturbance of drainages during project construction.

The Hydrology Study evaluated the existing and proposed hydrology and water quality conditions for the Quarry watershed. The study focused on changes in hydrology due to mine expansion activities



under the USG Expansion/Modernization Project. Based on the results of the study, it was recommended that the berm required by Mitigation Measure 3.3-7 of the 2008 EIR/EIS should be armored along the westerly bank with rock riprap to decrease the likelihood and severity of erosion damage to the berm. The Hydrology Study did not evaluate the impacts of the development of the proposed Well No. 3 and associated pipeline, but noted that the 2008 EIR/EIS covered the potential impacts of these project components in detail, and further noted that the installation of the proposed water supply line to the Quarry would result in temporary construction related impacts to a number of ephemeral drainages, but these impacts would be less than significant as the anticipated impacts would not permanently modify the existing drainages.

The *Update on Groundwater Conditions Memorandum* was developed to assess groundwater conditions in the Coyote Wells Valley, Borrego Valley-Borrego Springs, Borrego Valley-Ocotillo Wells, and Ocotillo-Clark Valley groundwater basins, and to identify whether changes in the groundwater conditions of these basins may have contributed to the sudden onset of adverse flow conditions in San Felipe Creek and the San Sebastian Marsh, which is critical habitat for desert pupfish. With regard to the Borrego Valley-Ocotillo Wells subbasin, which the existing Quarry Well No. 2 and proposed Well No. 3 are located, the study notes that information on pumping in Ocotillo Wells is minimal, but the subbasin likely has very limited pumping. DWR estimated pumping of 256 AFY as part of its 2018 SGMA Basin Prioritization Process and Results (DWR 2021b). The study concludes that it is unlikely that the San Sebastian Marsh groundwater depletion is affected by current pumping at Well No. 2 because of the relatively large distance of more than seven miles from the San Sebastian Marsh; because both Well No. 2 pumps from the deeper aquifer; and because the San Sebastian Marsh is located within the Ocotillo-Clark Valley groundwater basin, and the shared boundary between the Ocotillo Wells subbasin and Ocotillo-Clark Valley groundwater basin is the trace of the Coyote Creek Fault and Superstition fault, which are regarded as barriers to groundwater flow. Based on the distance from the marsh, relatively low rate of pumping, and the presence of intervening faults and aquitards, the study concluded that pumping at Quarry Well No. 2 is unlikely to have caused changes in San Felipe Creek and the San Sebastian Marsh. The study also notes that other pumping in the basin is ongoing and minor, and that any changes in the basin since 2008 do not change the findings in the 2008 EIR/EIS.

Based on the results of the *Jurisdictional Delineation*, the 2019 SEIS recommends new mitigation that requires the restoration and preservation of offsite properties with similar hydrologic functions as the Quarry drainages to off-set the impacts to jurisdictional drainages within the Quarry.

#### Analysis Required:

- a) **Potentially Significant.** The County has determined that, due to the new information available in the *Jurisdictional Delineation*, *Hydrology Study*, and *Update on Groundwater Conditions Memorandum*, and due to changes in hydrologic conditions that would result from the proposed restoration of Viking Ranch, impacts related to hydrology and water quality should be analyzed in the SEIR.
- b) **Potentially Significant.** For the reasons described in "a," impacts related to the proposed Quarry expansion impacts related to decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater

management of the basin should be analyzed in the SEIR.

- c) **Potentially Significant.** For the reasons described in “a,” impacts related to the proposed Quarry expansion impacts related to altering the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces should be analyzed in the SEIR.
- d) **Potentially Significant.** For the reasons described in “a,” impacts related to the proposed Quarry expansion impacts related to flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation should be analyzed in the SEIR.
- e) **Potentially Significant.** For the reasons described in “a,” impacts related to the proposed Quarry expansion impacts related to the project potentially conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan should be analyzed in the SEIR.

**K. LAND USE AND PLANNING**

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion****2008 EIR/EIS IMPACT ANALYSIS**

The project alignment is located in an undeveloped area, with the exception of the Quarry facilities. However, portions of the lands surrounding the Quarry are used for recreational activities including hiking, backpacking, horseback riding, shooting, and camping. These activities occur primarily on two distinct public lands, the Anza-Borrego Desert State Park and the Fish Creek Wilderness Area, and within the Fish Creek Wash. The 2008 EIR/EIS found that the potential of the USG Expansion/Modernization Project, which includes the proposed Quarry expansion and development of Well No. 3 and associated pipeline, to be incompatible with existing land uses would be less than significant. The 2008 EIR/EIS also found that the USG Expansion/Modernization Project would not be incompatible with Wilderness Area land use plans and policies.

**PROPOSED PROJECT IMPACT ANALYSIS**

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to land use. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** Various Imperial County General Plan Elements have been revised since the approval of the 2008 EIR/EIS to the present. Refer to the "Changed Circumstances" subsection of each topic section for a summary of changes in land use plans, policies, and regulations relevant to each topic.

**New Information:** No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted.

**Analysis Required:** No additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant land use impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. However, to ensure that potential impacts have been fully evaluated, the following impact analysis related to land use is provided below. The restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are new proposed actions and require analysis.

- a) **No Impact.** Neither the project area, preservation site, or restoration area are located in an area that could divide a community.
- b) **Potentially Significant.** The County has determined that, due to the new information available in the 2019 SEIS, impacts related to land use should be analyzed in the SEIR.

**L. MINERAL RESOURCES**

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

**2008 EIR/EIS IMPACT ANALYSIS**

2008 EIR/EIS notes that operations associated with the USG Expansion/Modernization Project, which includes the proposed Quarry Well No. 3 and associated pipeline, would extract mineral resources from the Quarry. This would result in an irreversible and irretrievable development of known gypsum reserves. However, the development of these gypsum reserves would not preclude the future use of remaining reserves; the mineral resource would be made available for use by society through the quarrying and processing activities.

**PROPOSED PROJECT IMPACT ANALYSIS**

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to mineral resources. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** No changed circumstances related to the project would create a new or increased significant impact related to mineral resources.

**New Information:** The 2019 SEIS indicates that BLM prepared a Mineral Report in 2000 as part of a mineral patent application submitted by USG. The report concluded that the portion of the gypsum deposits on public lands constituted a valuable mineral reserve. This report further recommended that the mineral patents proceed forward to patenting. Eighteen placer mining claim patents were granted in 2008 (Patent No. 04-2008-0010; also refer to Chapter 2.0), transferring into private ownership 304.57 acres of placer mining claims previously identified as public land in the 2006 Draft EIR/EIS and 2008 Final EIR/EIS. These claims are no longer subject to regulatory review by the BLM

for purposes of mineral extraction. Other aspects of the affected environment related to mineral resources and described in the previous documents are still accurate and have not changed.

Fifteen active mill site claims remain at the Quarry and are subject to regulatory compliance and review by the BLM.

**Analysis Required:** No additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant impact related to mineral resources or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. However, to ensure that potential impacts have been fully evaluated, the following impact analysis regarding potential impacts related to mineral resources is provided below. The restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are new proposed actions and require analysis, which is also provided below.

a) **Less than Significant Impact.** The 2008 EIR/EIS indicates that the Fish Creek Mountains gypsum deposit constitutes the largest reserves of this commodity in California. More than 31.2 million tons of gypsum has come from this deposit; of that, 30.1 million tons have been extracted by USG since 1945. Since 1984, an average of one million tons of gypsum is produced by USG's Plaster City Plant each year. The 2019 SEIS states that permitted quarrying activities would continue at the maximum production of 1.92 million tons per year until the resource is exhausted. The proposed project would facilitate the production of these mineral resources by providing water to support the Quarry, thereby making the mineral resources available for beneficial use. The project's support of the development of these mineral resources is not considered adverse in terms of the County's CEQA review because the Quarry site is being used for the extraction of mineral resources. The development of a water well and associated pipeline would not preclude future additional mineral extraction within the Quarry if the applicant and the County deem such additional extraction to be desirable. Thus, impacts to mineral resources would be less than significant.

The California Surface Mining and Reclamation Act (SMARA) of 1975, was enacted in response to land use conflicts between urban growth and essential mineral production. SMARA requires the State Geologist to classify land into Mineral Resource Zones (MRZs) based on the known or inferred mineral resource potential of that land. The Old Kane Springs Road preservation site and Viking Ranch restoration site are not located within an area that has been mapped by the program by a Mineral Land Classification study. No locally important mineral resources are identified at these sites by the San Diego County General Plan (San Diego County 2011). Consequently, the restoration of the Viking Ranch site and the proposed restrictions on future development of the preservation site and restoration site, including future development of mineral resources on the site, would not result in the loss of availability of a known mineral resource or 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. Thus, impacts to mineral resources from the proposed preservation and restoration actions would be less than significant.

- b) **Less than Significant.** For the reasons described in "a," the Quarry expansion will not 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.

**M. NOISE**

Would the project result in:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

**2008 EIR/EIS IMPACT ANALYSIS**

The 2008 EIR/EIS determined that all potential impacts related noise under the USG Expansion/ Modernization Project, which includes the Quarry expansion and the development of Well No. 3 and the associated pipeline, would be less than significant. This is because of the distance between the Quarry expansion activities and off-site sensitive receptors and because the operations at the Quarry will not significantly change after expansion. Such noise would be similar to that of the existing operations and to that normally experienced with surface quarrying operations. No mitigation was required.

**PROPOSED PROJECT IMPACT ANALYSIS**

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to noise and vibration. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.



**Changed Circumstances:** No changed circumstances related to the project would create a new or increased significant impact related to noise and vibration.

**New Information:** No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted.

**Analysis Required:** No additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant noise and vibration impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. However, to ensure that potential impacts have been fully evaluated, the following impact analysis related to noise and vibration is provided below. The restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are new proposed actions and require analysis, which is provided below.

**a) Less than Significant.**

Quarry Expansion and Development of Well No. 3 and Associated Pipeline

The proposed project would expand an existing Quarry but would not substantially alter the mining activities, facilities, or equipment on the Quarry site. Furthermore, the Quarry is located several miles south of the nearest residences, and the expansion would move mining activities further from the residences. Noise exposure of potential sensitive receptors would be limited to recreational visitors to off-site wilderness areas near quarrying activities if they happen to be in close proximity to equipment movement or blasting. However, this noise would be similar to that associated with existing Quarry activities and would not represent a substantial noise increase. Therefore, as indicated in the 2008 EIR/EIS, the quarry expansion would not generate a substantial increase in ambient noise levels.

The proposed project would also develop a groundwater well and associated pipeline. The construction of the proposed Well No. 3 and associated pipeline would occur over a 10-week period, and would involve the use of construction equipment, such as bulldozers, excavators, and water trucks, that would be a source of noise and vibration along the project alignment. The project alignment is located in an undeveloped area. The nearest residences are rural residences located approximately 2.5 miles north of the pipeline alignment at the nearest location, and approximately 3.7 miles northwest of Well No. 3. At these distances construction noise and vibration would not be perceptible. Portions of the lands surrounding the Quarry are used for recreational activities including hiking, backpacking, horseback riding, shooting, and camping. However, there are no designated trails within several miles of the project alignment, and any noise generated in these areas would be short-term. Upon completion of construction, the proposed utilities would not be a substantial source of noise or vibration. Therefore, the potential of the construction and operation Well No. 3 and the associated pipeline to generate substantial noise or excessive vibration would be less than significant.

### Viking Ranch Site Restoration

The primary source of noise generated by the Viking Ranch restoration at noise-sensitive land uses would be temporary noise associated with the use of construction equipment during site preparation activities. During the long-term maintenance of the restoration site, noise would be limited to occasional worker visits and is not anticipated to require the use of equipment that could generate high noise or vibration levels, such as construction equipment. The nearest residence to the restoration site is a rural residence located approximately 900 feet west of the southwest corner of the restoration site.

The San Diego County General Plan Noise Element (San Diego County 2011) establishes noise/land use compatibility standards and outlines goals and policies that can be used to achieve these standards. The first section of the Noise Element characterizes the noise environment in the unincorporated County and provides the context for the County's noise land use compatibility guidelines and standards. The second section describes the County's goals for achieving the standards and introduces policies designed to implement the goals. Implementation measures associated with the Noise Element are included separately in the Implementation Plan for the County's General Plan.

The County of San Diego Noise Ordinance, Section 36.408, restricts construction activity to the hours of 7 a.m. to 7 p.m. on Mondays through Saturdays. Construction is prohibited on Sundays and holidays. In addition, Section 36.409 states that construction noise levels may not exceed an eight-hour average sound level of 75 dBA when measured at the boundary line of the property where the noise source is located or on occupied property where the noise is being received. Section 36.410 contains additional noise limits that apply to impulsive construction noise, such as rock crushing, pile driving, or other such activity; however, as no impulsive construction is anticipated at the restoration site.

The nearest sensitive receptor to the Viking Ranch restoration site is a rural residence located approximately 900 feet west of the southwest corner of the site. The typical construction noise levels associated with ground clearing and excavation are shown in Table 2, "Construction Noise, dBA  $L_{eq}$ ." The table also shows the estimated noise levels at the nearest sensitive receptor. As shown in Table 9, the construction noise levels measured as hourly  $L_{eq}$  at the nearest residence to the project site would be well below 75 dBA eight-hour  $L_{eq}$  standard. Furthermore, this is the most conservative scenario with all equipment operating at the southwest corner of the restoration site, when typically, the equipment would be operating across different locations of the site, at distances of up to 0.9 miles from the nearest sensitive receptor. Therefore, the potential of the restoration of Viking Ranch to generate a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local noise ordinance would be less than significant.

**Table 2**  
**Construction Noise, dBA L<sub>eq</sub>**

<b>Construction Phases</b>	<b>Industrial Projects</b>	<b>Estimated Noise Level at Nearest Sensitive Receptor</b>
Ground Clearing	84	59
Excavation	89	64

Source: Typical construction noise levels are based on Table 2-15 of U.S. Environmental Protection Agency (USEPA) 1973, Legal Compilation on Noise, Volume 1. Noise levels at nearest sensitive receptors were estimated based on the equations and methodology in Table 4-30 in the Transit Noise and Vibration Impact Assessment Manual (Federal Transit Administration [FTA] 2018).

Notes: The noise levels presented are typical of projects with all pertinent equipment present at the site.

Vibration attenuates rapidly with distance. The restoration of Viking Ranch would not involve equipment or activities that could generate perceptible vibration at the nearest sensitive receptor, which is located more than 900 feet from the southwest corner of the restoration site. Typically, only impulsive sources of vibration, such as blasting or pile driving, are perceptible at these distances. The restoration activities do not require blasting or pile driving. Therefore, the potential of the restoration of Viking Ranch to generate excessive groundborne vibration or groundborne noise would be less than significant.

#### Old Kane Springs Road Site Preservation

The preservation of the Old Kane Springs Road site would not involve construction activities, and the long-term maintenance operational activities (e.g., trash pickup) would not have the potential to generate substantial noise and vibration. These impacts would be less than significant.

- b) **Less than Significant.** For the reasons described in "a," the Quarry expansion will not be generating excessive groundborne vibration or groundborne noise levels.
- c) **No Impact.** Neither the project area, Old Kane Springs Road preservation site, or Viking Ranch restoration site are located in the vicinity of a private airstrip, within an airport land use plan, or within 2-miles of a public use airport. There would be no impact related to this topic.

**N. POPULATION AND HOUSING**

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

**2008 EIR/EIS IMPACT ANALYSIS**

The previous environmental review process did not identify Population and Housing as a resource topic with potentially significant environmental impacts and therefore this topic was not analyzed in the 2008 EIR/EIS.

**PROPOSED PROJECT IMPACT ANALYSIS**

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to population and housing. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** No changed circumstances related to the project would create a new or increased significant impact related to population and housing.

**New Information:** No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted.

**Analysis Required:** No additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant impact related to population and housing or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project,

substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. However, to ensure that potential impacts have been fully evaluated, the following impact analysis regarding potential impacts to population and housing is provided below. The restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are new proposed actions and require analysis, which is also provided below.

- a) **No Impact.** The Quarry expansion would not involve operational changes that would increase the number of employees. The construction of Well No. 3 and associated pipeline would involve a 10-week construction period and would not be of sufficient size or duration to cause construction workers from outside the region to relocate to Imperial County. Similarly, the restoration of Viking Ranch would bring temporary workers to the site, but the activities are not of sufficient size or duration to cause workers from outside the region to relocate to Imperial County. During project operation, the proposed well and pipeline would be maintained by existing Quarry personnel and by outside contractors, as needed. In addition, the Old Kane Springs Road preservation site and Viking Ranch restoration site would be monitored and maintained as described in the HMMP and would require only periodic site visits by a single natural lands manager. Water from Well No. 3 would be used only by the existing Quarry and would not be available for use by new homes or businesses. Therefore, the project would not induce substantial unplanned population growth in the area.
- b) **No Impact.** The nearest residences to the Quarry and to the proposed Well No. 3 and associated pipeline alignment are rural residences located approximately 2.5 miles north of the pipeline alignment at the nearest location, and approximately 3.7 miles northwest of Well No. 3. The nearest residences to the Old Kane Springs Road preservation site are rural residences located approximately 1 mile to the northwest. The nearest residence to the Viking Ranch restoration site is a rural residence located approximately 900 feet southwest of the southwest corner of the site. Therefore, the project would not displace people or housing.

**O. PUBLIC SERVICES**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

**2008 EIR/EIS IMPACT ANALYSIS**

The previous environmental review process did not identify Public Services as a resource topic with potentially significant environmental impacts and therefore this topic was not analyzed in the 2008 EIR/EIS.

**PROPOSED PROJECT IMPACT ANALYSIS**

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to public services. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** No changed circumstances related to the project would create a new or increased significant impact related to public services.

**New Information:** No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted.

**Analysis Required:** No additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant impact related to public services or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. However, to ensure that potential impacts have been fully evaluated, the following impact analysis regarding potential impacts to public services is provided below. The restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are new proposed actions and require analysis, which is also provided below.

- a) **No Impact.** The Quarry expansion, development of Well No. 3 and the associated pipeline, Old Kane Springs Road site preservation, and Viking Ranch site restoration would not increase the number of people living or working in the vicinity of the project site or restoration site that could require new or expanded police, fire, school, parks, or other public services and facilities. Additionally, the Quarry expansion, development of Well No. 3 and the associated pipeline, and Viking Ranch restoration do not contain any new features that would increase the need for fire protection or police protection relative to existing conditions. There would be no impact.

**P. RECREATION**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

**2008 EIR/EIS IMPACT ANALYSIS**

The previous environmental review process did not identify Recreation as a resource topic with potentially significant environmental impacts and therefore this topic was not analyzed in the 2008 EIR/EIS.

**PROPOSED PROJECT IMPACT ANALYSIS**

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to recreation. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** No changed circumstances related to the project would create a new or increased significant impact related to recreation.

**New Information:** No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted.

**Analysis Required:** No additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant impact related to recreation or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that



was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. However, to ensure that potential impacts have been fully evaluated, the following impact analysis regarding potential impacts to recreation is provided below. The restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are new proposed actions and require analysis, which is also provided below.

- a) **No Impact.** The nearest recreational resources to the Quarry and Well No. 3 and the associated pipeline are the Fish Creek Wilderness Area and Anza-Borrego Desert State Park. The proposed Quarry expansion and development of Well No. 3 and the associated pipeline would not increase the number of people living or working in the area, and therefore would not have the potential to increase the use of existing recreational areas such that physical deterioration would occur or be accelerated. The nearest recreational resource to the Old Kane Springs Road preservation site and Viking Ranch restoration site is Anza-Borrego Desert State Park. The restoration and preservation of these sites would not increase the number of people living or working in the area. There would be no impact.
  
- b) **No Impact.** The Quarry expansion, development of Well No. 3 and the associated pipeline, Old Kane Springs Road site preservation, and Viking Ranch site restoration do not include recreational facilities and do not propose activities or land uses that would not require the construction or expansion of recreational facilities that could have an adverse effect on the environment. There would be no impact.

**Q. TRANSPORTATION**

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with the CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion****2008 EIR/EIS IMPACT ANALYSIS**

The 2008 EIR/EIS determined that the expansion of the Quarry under the USG Expansion/Modernization Project, which includes the proposed Well No. 3 and associated pipeline, would not result in impacts related to transportation because it would not result in an increase in traffic on roads.

**PROPOSED PROJECT IMPACT ANALYSIS**

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to transportation. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** SB 743, which was signed into law in 2013, initiated an update to the CEQA Guidelines to change how lead agencies evaluate transportation impacts under CEQA. Starting on July 1, 2020, agencies analyzing the transportation impacts of new projects must now look at a metric known as vehicle miles traveled (VMT) instead of Level of Service (LOS), which is a measure of automobile delay. VMT measures how much actual auto travel (additional miles driven)

a proposed project would create. If the project adds excessive car travel, the project may cause a significant transportation impact.

**New Information:** No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted.

**Analysis Required:** No additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant transportation impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. However, to ensure that potential impacts have been fully evaluated, the following impact analysis related to transportation is provided below. The restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are new proposed actions and require analysis, which is also provided below.

- a) **Less than Significant.** The construction of Well No. 3 and the associated pipeline would generate limited, temporary construction worker and equipment and materials traffic during construction of the proposed Well No. 3 and associated pipeline during the 10-week construction duration. Similarly, the restoration of Viking Ranch would generate temporary worker trips and trips associated with the movement of equipment and materials during site preparation and maintenance. Upon completion of construction of Well No. 3 and the associated pipeline, and upon completion of the mitigation work plan under the restoration program, vehicular traffic would consist of trips generated by periodic maintenance and monitoring activities. Similarly, the preservation of the Old Kane Springs Road site would require an initial visit to the site by a small number of workers to post signage and install gates, and then only periodic visits to the site for long-term management activities (e.g., trash pickup). The Quarry expansion would not change the number of automobile or truck trips generated to and from the Quarry. The temporary traffic generated during well/pipeline construction and restoration site preparation, and the low levels of traffic associated with period maintenance and monitoring activities, would not have the potential to conflict with a program plan, ordinance or policy addressing the circulation system, or to generate an increase in VMT from automobile trips that would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Therefore, these impacts would be less than significant.
- b) **Less than Significant.** For the reasons described in "a," the Quarry expansion would not conflict or be inconsistent with the CEQA Guidelines Section 15064.3, subdivision (b).
- c) **No Impact.** The Quarry expansion, development of Well No. 3 and the associated pipeline, preservation of the Old Kane Springs Road site, and restoration of the Viking Ranch site would not physically alter any roadways or generate traffic incompatible with surrounding land uses, which already include Quarry-related traffic. There would be no impact.
- d) **No Impact.** Split Mountain Road is the primary access road to the Quarry. The Quarry expansion and development of Well No. 3 and the associated pipeline would not alter or block Split

Mountain Road. The Viking Ranch site and Old Kane Springs Road Site are both located in a rural area and accessed from unpaved roads. The restoration and preservation of these sites would not alter or block any roadways. There would be no impact.

**R. TRIBAL CULTURAL RESOURCES**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth is subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

**2008 EIR/EIS IMPACT ANALYSIS**

As part of the 2008 EIR/EIS, a sacred lands search was completed and a list of Native American contacts for the USG Expansion/Modernization Project area was obtained from the Native American Heritage Commission. The sacred lands search did not identify any cultural resources or culturally sensitive areas either within or near the USG Expansion/Modernization Project area. All groups and/or individuals on the list provided by the Native American Heritage Commission were contacted regarding the USG Quarry expansion and water pipeline replacement projects. Native American consultation, however, was not conducted as an official Government-to-Government consultation.

The 2008 EIR/EIS includes the following mitigation measure to address potential impacts to unknown cultural resources (this mitigation measure also applies to Topic V. Cultural Resources):

**Mitigation Measure 3.8-3:** If any archaeological resources are encountered during implementation of the Proposed Action, construction or any other activity that may disturb or damage such resources shall be halted, and the services of a qualified archaeologist shall be secured to assess the resources and evaluate the potential impact. Such construction or other activity may resume only after the archaeological resources have been assessed and evaluated and a plan to avoid or mitigate any potential impacts to a level of insignificance has been prepared and implemented. An archaeologist qualified by the Society of Professional Archaeologists (SOPA) shall be deemed “qualified” for purposes of this mitigation measure. The services of a qualified archaeologist may be secured by contacting the Center for Public Archaeology—California State University, Fullerton or a member of SOPA.

## PROPOSED PROJECT IMPACT ANALYSIS

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to tribal cultural resources. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** Tribal resources must now be discussed under current CEQA requirements and official Government-to-Government consultation must be conducted in accordance with Assembly Bill 52.

**New Information:** An updated Cultural Resources Report was completed as part of the 2019 SEIS, and its findings are summarized under Topic V. Cultural Resources.

### Analysis Required:

- a) **Potentially Significant.** The 2019 SEIS contains new information regarding tribal cultural resources and new requirement for tribal consultation are required by Assembly Bill 52. The preservation of the Old Kane Springs Road site would not involve any ground disturbing activities that could impact tribal cultural resources; however, the restoration of the Viking Ranch site would involve grading and ground disturbance and therefore would have the potential to encounter buried tribal cultural resources. For these reasons, the County has determined that impacts related to tribal cultural resources should be analyzed in the SEIR.

**S. UTILITIES AND SERVICE SYSTEMS**

Would the project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

**2008 EIR/EIS IMPACT ANALYSIS**

The previous environmental review process did not identify Utilities and Service Systems as a resource topic with potentially significant environmental impacts and therefore this topic was not analyzed in the 2008 EIR/EIS.

## PROPOSED PROJECT IMPACT ANALYSIS

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to utilities and service systems. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** No changed circumstances related to the project would create a new or increased significant impact related to utilities and service systems

**New Information:** No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted.

**Analysis Required:** No additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant impact related to utilities and service systems or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. However, to ensure that potential impacts have been fully evaluated, the following impact analysis related to utilities and service systems is provided below. The restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are new proposed actions and require analysis, which is also provided below.

- a) **No Impact.** The Quarry expansion, development of Well No. 3 and associated pipeline, preservation of the Old Kane Springs Road Site, and restoration of the Viking Ranch site would not result in the relocation or construction of new or expanded utilities, beyond those water and electrical utilities that are part of the proposed project (i.e., Well No. 3, water pipeline, and electric line). There would be no impact.
- b) **Less than Significant.** The proposed project would increase pumping within the within the Ocotillo Wells subbasin from 7.8 AF/yr to approximately 26 AF/yr. The *Update on Groundwater Conditions Memorandum* (Todd Groundwater 2018) notes that pumping within the subbasin is minimal (approximately 256 AF/yr), and the basin is a very low priority basin that is not known to be experiencing groundwater level declines (DWR 2021b). Pumping tests indicate that a production rate of 25 to 50 gpm may be sustainable at proposed Well No. 3. The needed 26 AF/yr is approximately equivalent to 16.1 gpm assuming that the pump is operated continuously. Consequently, the proposed project should have sufficient water supplies to supply the Quarry with groundwater. This impact would be less than significant.

The restoration program at Viking Ranch would restore the natural aquatic functions within the restoration site and would not require water beyond temporary water use during site preparation, primarily water used for dust control. The preservation of the Old Kane Springs Road site would maintain natural aquatic functions and would not require the use of water. There would be no



impact related to water supplies from the proposed restoration and preservation actions.

- c) **No Impact.** The Quarry expansion, development of Well No. 3 and associated pipeline, preservation of the Old Kane Springs Road site, and restoration of the Viking Ranch site would not require wastewater treatment services.
- d) **and e). No Impact.** Limited wastes are generated by Quarry operations because mined materials are sent to the Plant for processing and distribution and all materials sent to the Plant are used. Any minded materials not sent to the Plant are used at the Quarry for reclamation activities. Therefore, operational wastes consist of office waste, wooden pallets, rubber from conveyor belts/skirts, and spent hydrocarbons used to maintain mobile equipment. Under the Quarry expansion, the Quarry would continue to be served by permitted Class I, II and/or III solid waste landfills that have sufficient capacity to accommodate the limited wastes generated.

Limited wastes would be generated during construction and operation of Well No. 3 and the associated pipeline and during site preparation activities associated with the restoration of Viking Ranch. During construction of Well No. 3, the solid wastes would primarily consist of drill cuttings from the construction of Well No. 3, and periodic maintenance of these facilities would generate negligible solid wastes. The restoration of Viking Ranch would generate waste in the form of vegetation that is removed from the site and limited removal of stained soils and two oil-filled plastic containers as recommended by the ESA for the restoration site. All wastes generated by Quarry expansion, development and operation of Well No. 3 and the associated pipeline, and the restoration of Viking Ranch would be managed in accordance with applicable federal, state, and local statues and regulations related to solid waste. The preservation of the Old Kane Springs Road site would does not propose activities that would generate wastes. No aspects of the project have been identified that suggest an inability to comply with applicable regulations and statues. There would be no impact related to solid wastes.

**T. WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

**2008 EIR/EIS IMPACT ANALYSIS**

The 2008 EIR/EIS did not evaluate wildfire impacts because this was not yet identified as a topic that requires evaluation in the Appendix G, Environmental Checklist Form, of the CEQA Guidelines.

**PROPOSED PROJECT IMPACT ANALYSIS**

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to wildfire. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** Wildfire must now be discussed under current CEQA Guidelines.

**New Information:** No new information of substantial importance is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted.

**Analysis Required:** No additional analysis of the Quarry expansion and development of Well No. 3 and the associated pipeline is required because the proposed project would not result in a new significant wildfire impact or a substantial increase in the severity of a previously identified significant impact caused by substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. However, to ensure that potential impacts have been fully evaluated, the following impact analysis regarding potential impacts to wildfire is provided below. The restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are new proposed actions and require analysis, which is also provided below.

- a) **Less than Significant.** The Quarry and proposed Well No. 3 and the associated pipeline alignment are located in an undeveloped and unpopulated desert area. The existing rail line and adjacent unpaved dirt access road are the only structures or infrastructure in the vicinity of the Quarry and proposed well. The nearest residences are rural residences located approximately 2.5 miles north of the pipeline alignment at the nearest location, and approximately 3.7 miles northwest of Well No. 3. The unpaved dirt access road could be disturbed during the 10-week pipeline construction period, but it is not a critical route for emergency access or emergency personnel or for evacuation, and vehicular access to public desert areas along the road would be maintained at all times. Split Mountain Road, which is the only road to the Quarry, would not be disturbed by the development of the pipeline and vehicular access to the Quarry would be maintained at all times. Therefore, the potential of the Quarry expansion and development of Well No. 3 and the associated pipeline to substantially impair implementation or interfere with emergency response or emergency evacuation plans would be less than significant.

The Viking Ranch site and Old Kane Springs Road Site are both located in a rural area and accessed from unpaved roads. The implementation of the restoration program and preservation actions at these sites would not alter or block any roadways. There would be no impact to emergency response or evacuation plans.

- b) **No Impact.** The project area, preservation site, and restoration site are all located in a sparsely vegetated areas with low risk of wildfire. California Department of Forestry and Fire Protection (CAL FIRE) is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors (Public Resources Code [PRC] 4201-4204 and California Government Code 51175-89). Consistent with this requirement, CAL FIRE maps fire hazards based on zones, referred to as Fire Hazard Severity Zones. CAL FIRE maps three zones: 1) Moderate Fire Hazard Severity Zones; 2) High Fire Hazard Severity Zones; and 3) Very High Fire Hazard Severity Zones. Neither the project area, preservation site, or restoration site are located in an area designated as a Moderate, High, or Very High Fire Hazard Severity Zone (CAL FIRE 2021).

During mining the Quarry vegetation would be removed, and after mining, Quarry slopes would be revegetated with native vegetation with similar fuel loads as existing vegetation. Therefore, the Quarry expansion would not make changes to the project site that would substantially exacerbate wildfire risk. Well No. 3 and the associated pipeline would be located primarily underground along a corridor with relatively flat topography, and therefore would also not exacerbate wildfire risk. For these reasons, the Quarry expansion and development of Well No. 3 and the associated pipeline would not exacerbate wildfire risk and thereby expose people in the area to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

The restoration site would remove non-native vegetation. The topography of the site is relatively flat, and the proposed restoration would flatten existing berms. The wind rose in San Diego County are typically in the west to east direction. The non-native vegetation would be replaced by native vegetation similar to the existing native vegetation in the surrounding Coyote Creek wash and therefore would not substantially increase the risk of wildfire in the vicinity. Therefore, the restoration of Viking Ranch would not exacerbate wildfire risk and thereby expose people in the area to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

The preservation of the Old Kane Springs Road site would maintain existing conditions on the site and therefore would not have the potential to exacerbate wildfire risk and thereby expose people in the area to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

- c) **No Impact.** The Quarry expansion would not require the installation or maintenance of any infrastructure beyond the proposed Well No. 3 and pipeline. The existing dirt road used to access the well is already associated with the existing narrow-gauge railroad. The preservation of the Old Kane Springs Road site and restoration of the Viking Ranch site do not require the installation and maintenance of any infrastructure beyond gates that would be installed at Old Kane Springs Road. The fire risk in both the project area and preservation and restoration sites is low due to sparse vegetation. There would be no impact.
- d) **Less than Significant.** The proposed project would not increase the number of employees working at the Quarry and restoration of Viking Ranch would not bring people to the restoration site beyond the temporary presence of workers involved in site preparation and monitoring surveys. The long-term management of the preservation and restoration sites would require only occasional visits by a land manager. In addition, the project area and preservation and restoration sites are sparsely vegetated and have a low risk of wildfire. Therefore, the potential of the Quarry expansion, development of Well No. 3 and associated pipeline, preservation of the Old Kane Springs Road site, and restoration of the Viking Ranch site to expose people or structures to significant risks of runoff, slope instability, or drainage changes as a result of wildfire would be less than significant.

*Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656. Revised 2009- CEQA, Revised 2011- ICPDS, Revised 2016 – ICPDS, Revised 2017 – ICPDS, Revised 2019 – ICPDS*

#### IV. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Discussion

##### 2008 EIR/EIS IMPACT ANALYSIS

As discussed throughout this initial study, potentially significant impacts related to the proposed Well No. 3 and associated pipeline were identified in the 2008 EIR/EIS with respect to biological resources, cultural resources, and tribal cultural resources. Mitigation measures designed to minimize environmental effects to these topics are included throughout this document. Implementation of the mitigation ensured those potentially significant impacts remained below a level of significance.

## PROPOSED PROJECT IMPACT ANALYSIS

**Project Revisions:** The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, project revisions would not have the potential to create a new or increased significant impact to items a, b, and c. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

**Changed Circumstances:** None of the changed circumstances, identified in previous discussions, related to the proposed project could create a new or increased significant impact to items a, b, and c.

**New Information:** New information of substantial importance related to biological resources, cultural resources, tribal cultural resources, and hydrology and water quality is available that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted.

**Analysis Required:** Additional analysis is required because the proposed project could result in a new significant impact or a substantial increase in the severity of a previously identified significant impact caused by a project revision and caused by new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR/EIS was adopted. Regarding items (a) through (c), the impacts of the project on biological resources and human beings and the cumulative impacts of the proposed project will be evaluated in the SEIR.

**V. PERSONS AND ORGANIZATIONS CONSULTED**

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

**A. COUNTY OF IMPERIAL**

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- Jim Minnick, Planning Division Manager
- Patricia Valenzuela, Project Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- Sheriff's Office

**B. OTHER AGENCIES/ORGANIZATIONS**

- County of San Diego

*(Written or oral comments received on the checklist prior to circulation)*

## VII. REFERENCES

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# APPENDIX A-2: NOC/NOP

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### Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

<b>SCH #</b>
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**Project Title:** USG Plaster City Quarry Expansion and Well No. 3 Project

Lead Agency: <u>Imperial County Planning and Development Services Department</u>	Contact Person: <u>Patricia Valenzuela, Planner IV</u>
Mailing Address: <u>801 Main Street</u>	Phone: <u>442-265-1749</u>
City: <u>El Centro</u> Zip: <u>92243</u>	County: <u>Imperial</u>

**Project Location:** County: Imperial/San Diego City/Nearest Community: Ocotillo Wells/Borrego Springs

Cross Streets: Multiple Locations - See Attachment A for detailed project location information Zip Code: \_\_\_\_\_

Longitude/Latitude (degrees, minutes and seconds): \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " N / \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " W Total Acres: \_\_\_\_\_

Assessor's Parcel No.: \_\_\_\_\_ Section: \_\_\_\_\_ Twp.: \_\_\_\_\_ Range: \_\_\_\_\_ Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: None Waterways: Fish Creek Wash/Coyote Creek Wash

Airports: None Railways: Private USG narrow-gauge railroad Schools: None

**Document Type:**

- |   |  |                                    |  |
|---|--|------------------------------------|--|
| CEQA: <input checked="" type="checkbox"/> NOP | <input type="checkbox"/> Draft EIR                 | NEPA: <input type="checkbox"/> NOI | Other: <input type="checkbox"/> Joint Document |
| <input type="checkbox"/> Early Cons           | <input type="checkbox"/> Supplement/Subsequent EIR | <input type="checkbox"/> EA        | <input type="checkbox"/> Final Document        |
| <input type="checkbox"/> Neg Dec              | (Prior SCH No.) _____                              | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Other: _____          |
| <input type="checkbox"/> Mit Neg Dec          | Other: _____                                       | <input type="checkbox"/> FONSI     |  |

**Local Action Type:**

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> General Plan Update    | <input type="checkbox"/> Specific Plan            | <input type="checkbox"/> Rezone                            | <input type="checkbox"/> Annexation                                    |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Master Plan              | <input type="checkbox"/> Prezone                           | <input type="checkbox"/> Redevelopment                                 |
| <input type="checkbox"/> General Plan Element   | <input type="checkbox"/> Planned Unit Development | <input checked="" type="checkbox"/> Use Permit             | <input type="checkbox"/> Coastal Permit                                |
| <input type="checkbox"/> Community Plan         | <input type="checkbox"/> Site Plan                | <input type="checkbox"/> Land Division (Subdivision, etc.) | <input checked="" type="checkbox"/> Other: <u>Major Grading Permit</u> |

**Development Type:**

- |   |   |
|---|---|
| <input type="checkbox"/> Residential: Units _____ Acres _____   | <input type="checkbox"/> Transportation: Type _____               |
| <input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____   | <input checked="" type="checkbox"/> Mining: Mineral <u>Gypsum</u> |
| <input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____                                     | <input type="checkbox"/> Power: Type _____ MW _____               |
| <input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____                                     | <input type="checkbox"/> Waste Treatment: Type _____ MGD _____    |
| <input type="checkbox"/> Educational: _____   | <input type="checkbox"/> Hazardous Waste: Type _____              |
| <input type="checkbox"/> Recreational: _____  | <input checked="" type="checkbox"/> Other: <u>Restoration</u>     |
| <input checked="" type="checkbox"/> Water Facilities: Type <u>Well, 3.5-mile water line</u> MGD <u>26 AF/year</u> |   |

**Project Issues Discussed in Document:**

- |  |  |   |  |
|--|--|---|--|
| <input checked="" type="checkbox"/> Aesthetic/Visual         | <input type="checkbox"/> Fiscal                          | <input type="checkbox"/> Recreation/Parks                           | <input checked="" type="checkbox"/> Vegetation               |
| <input type="checkbox"/> Agricultural Land                   | <input checked="" type="checkbox"/> Flood Plain/Flooding | <input type="checkbox"/> Schools/Universities                       | <input checked="" type="checkbox"/> Water Quality            |
| <input checked="" type="checkbox"/> Air Quality              | <input type="checkbox"/> Forest Land/Fire Hazard         | <input type="checkbox"/> Septic Systems                             | <input checked="" type="checkbox"/> Water Supply/Groundwater |
| <input checked="" type="checkbox"/> Archeological/Historical | <input type="checkbox"/> Geologic/Seismic                | <input type="checkbox"/> Sewer Capacity                             | <input type="checkbox"/> Wetland/Riparian                    |
| <input checked="" type="checkbox"/> Biological Resources     | <input checked="" type="checkbox"/> Minerals             | <input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading | <input type="checkbox"/> Growth Inducement                   |
| <input type="checkbox"/> Coastal Zone                        | <input checked="" type="checkbox"/> Noise                | <input checked="" type="checkbox"/> Solid Waste                     | <input type="checkbox"/> Land Use                            |
| <input checked="" type="checkbox"/> Drainage/Absorption      | <input type="checkbox"/> Population/Housing Balance      | <input checked="" type="checkbox"/> Toxic/Hazardous                 | <input checked="" type="checkbox"/> Cumulative Effects       |
| <input type="checkbox"/> Economic/Jobs                       | <input type="checkbox"/> Public Services/Facilities      | <input type="checkbox"/> Traffic/Circulation                        | <input type="checkbox"/> Other: _____                        |

**Present Land Use/Zoning/General Plan Designation:**

See Attachment A for zoning information

**Project Description:** (please use a separate page if necessary)

See Attachment B for project description information

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".  
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input checked="" type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input checked="" type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB # <u>7</u>
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input checked="" type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input checked="" type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # <u>6</u>	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input checked="" type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	
<input type="checkbox"/> Health Services, Department of	Other: _____
<input type="checkbox"/> Housing & Community Development	Other: _____
<input checked="" type="checkbox"/> Native American Heritage Commission	

### Local Public Review Period (to be filled in by lead agency)

Starting Date 07/18/2022 Ending Date 08/22/2022

### Lead Agency (Complete if applicable):

Consulting Firm: <u>Benchmark Resources</u>	Applicant: <u>United States Gypsum</u>
Address: <u>2515 East Bidwell Street</u>	Address: <u>3810 West Evan Hewes Highway</u>
City/State/Zip: <u>Folsom, CA 95630</u>	City/State/Zip: <u>Imperial, CA 92251</u>
Contact: <u>Bruce Steubing</u>	Phone: _____
Phone: <u>916-983-3379</u>	

Signature of Lead Agency Representative:  Date: 06/30/2022

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

## **ATTACHMENT A**

### **Project Zoning and Location**

**Project Zoning:** The Quarry parcels (including the expansion area) are zoned either S-2 (Open Space/Preservation) or BLM.

The Well No. 3 parcel is zoned S-2 (Open Space/Preservation).

The pipeline alignment parcels are generally zoned S-2 (Open Space/Preservation) with one parcel zoned STATE (APN 033-010-016).

The Viking Ranch restoration site and Old Kane Spring Road preservation site parcels are zoned General Rural (S92) in San Diego County.

**Project Location:** The United States Gypsum (USG) Plaster City Quarry (included the expansion area) is located in Imperial County on USG-owned property (2,032 acres) and on active unpatented mill site claims on BLM-administered public lands (73 acres) (Assessor Parcel Numbers [APNs] 033-060-09; 033-070-01, -04, -05, -08, -10, -11, -17, and -23; 033-080-05; 033-090-11, -12, -13, -14, and -15). It is located within portions of Sections 19, 20, 28, 29, 30, 32, and 33 of Township 13 South, Range 09 East of the San Bernardino Meridian (SBM).

The proposed USG Quarry Well No. 3 is located in Imperial County on USG-owned property APN 033-020-009. It is located within Section 16 of Township 13 South, Range 09 East SBM.

The proposed pipeline alignment is located in Imperial County within USG-owned property (APNs 033-020-009; 033-060-010 and -008); land owned by the U.S. Bureau of Land Management (BLM) (APNs 033-010-025 and -017; and 033-060-012); and within Anza-Borrego Desert State Park (APN 033-010-016). The pipeline crosses Sections 16, 17, 18, and 19 of Township 13 South, Range 09 East SBM.

The Viking Ranch restoration site is located in San Diego County and consists of approximately 150 acres of Borrego Water District-owned property (APNs 140-030-09-00 and -11-00); approximately 10 acres of privately owned property (APN 140-030-10-00); and approximately 47 acres of lands adjacent to these parcels that would be restored or enhanced. The adjacent lands consist of approximately 13 acres of land owned by the Anza-Borrego Foundation (APN 140-030-05-00), approximately 3 acres of State Park owned land to the north of the restoration site and approximately 31 acres of State Park owned lands to the east of the restoration site (APN 140-030-07-00). The restoration site is located in the southeast corner of Section 4 of Township 10 South, Range 06 East SBM.

The approximately 121-acre Old Kane Springs Road preservation site is located in San Diego County on privately-owned property (APN 253-150-34-00). The mitigation site is located in Section 18 of Township 12 South, Range 08 East SBM.

## **ATTACHMENT B**

### **Project Description**

**Environmental Setting:** The project area, Viking Ranch restoration site, and Old Kane Springs Road preservation site are located within the Colorado Desert, marked by land with relatively low elevations, some areas even below sea-level. This area is characterized by a series of low-lying mountain ranges opening to the Salton Sea and Imperial Valley. The Quarry and project alignment are located in an undeveloped area at the northwest end of the Fish Creek Mountains, east of Split Mountain (part of the Vallecito Mountains) and along the southeast segment of the Fish Creek Wash. A portion of the northwest segment of the proposed pipeline alignment would cross Anza-Borrego Desert State Park.

The Quarry facilities, narrow-gauge railroad, and adjacent unpaved dirt access road are the only structures or infrastructure in the vicinity of the proposed project. The nearest residences are rural residences located approximately 2.5 miles north of the pipeline alignment at the nearest location, and approximately 3.7 miles northwest of Well No. 3.

The Viking Ranch parcel were primarily former agricultural land located within the Coyote Creek Wash. However, parcel 140-030-10-00 and the southwestern portion of parcel 140-030-11-00 are undeveloped and were not historically in agriculture. The Viking Ranch restoration site is bordered to the west, north, and east by the Anza-Borrego Desert State Park and to the south by privately-owned orchards. It is located at the base of Coyote Mountain, which is part of the Santa Rosa Mountains range. The nearest sensitive receptor is a rural residence located approximately 900 feet west of the southwest corner of the restoration site.

The Old Kane Springs Road preservation site is bisected by Old Kane Springs Road and an associated overhead power transmission line supported by wooden poles. It contains Sonoran mixed woody scrub and desert dry wash woodland with little non-native species. It is surrounded by undeveloped desert lands, some of which are privately owned, but the predominate ownership in the area is Anza-Borrego Desert State Park.

**Project Summary:** The proposed project consists of approval of a Conditional Use Permit from the County for the development of a new production well, Well No. 3, and an associated pipeline to provide water to the USG Quarry. Together, these three project components are referred to as the "project area".

The development of Well No. 3, the associated pipeline, and the long-term operation and reclamation of the Quarry were part of United States Gypsum Company Expansion/Modernization Project (USG Expansion/Modernization Project). A Draft EIR/EIS was completed for the project in April 2006. On March 18, 2008, a Final EIR/EIS was certified by the Imperial County Board of Supervisors (Board) pursuant to the requirements of CEQA (SCH 200121133). As such, the potential environmental impacts of proposed Quarry expansion and reclamation and development of Quarry Well No. 3 were previously evaluated in the 2008 EIR/EIS. Additional land use entitlements from the County are not needed for mining and reclamation activities under the Quarry expansion. However, because Well No. 3 and the associated pipeline would provide water to support Quarry operations, this Initial Study will evaluate potential environmental impacts associated with mining and reclamation activities under the Quarry expansion, for full disclosure and to provide the appropriate CEQA compliance analysis and mitigation for responsible agencies.



This Initial Study will also evaluate potential environmental impacts associated with the Viking Ranch site restoration and Old Kane Springs Road preservation actions, as proposed in the Habitat Mitigation and Monitoring Plan (Dudek 2022). USG identified the approximately 207-acre Viking Ranch site for restoration and the 121-acre Old Kane Spring Road site for preservation to provide compensatory mitigation for the impacts to 139 acres of water of the United States at the Quarry. Although the Viking Ranch restoration and Old Kane Spring Road preservation will not require entitlements from Imperial County, this Initial Study will evaluate the environmental impacts of these actions for full disclosure and to provide the appropriate CEQA compliance analysis and mitigation for responsible agencies.

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# APPENDIX A-3: NOP AND SCOPING MEETING COMMENTS

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## NATIVE AMERICAN HERITAGE COMMISSION

Governor's Office of Planning &amp; Research

July 15, 2022

Jul 15 2022

## STATE CLEARINGHOUSE

Patricia Valenzuela, Planner IV  
Imperial County Planning and Development Services Department  
801 Main Street  
El Centro, CA 92243

Re: 2001121133, USG Plaster City Quarry Expansion and Well No. 3 Project, Imperial County

Dear Ms. Valenzuela:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015. If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). Both SB 18 and AB 52 have tribal consultation requirements. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.



CHAIRPERSON  
Laura Miranda  
Luiseño

VICE CHAIRPERSON  
Reginald Pagaling  
Chumash

PARLIAMENTARIAN  
Russell Attebery  
Karuk

SECRETARY  
Sara Dutschke  
Miwok

COMMISSIONER  
William Hungary  
Paiute/White Mountain  
Apache

COMMISSIONER  
Isaac Bojorquez  
Ohlone-Costanoan

COMMISSIONER  
Buffy McQuillen  
Yokayo Pomo, Yuki,  
Nomlaki

COMMISSIONER  
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[NAHC.ca.gov](http://NAHC.ca.gov)

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a.** A brief description of the project.
- b.** The lead agency contact information.
- c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a.** Alternatives to the project.
- b.** Recommended mitigation measures.
- c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

- a.** Type of environmental review necessary.
- b.** Significance of the tribal cultural resources.
- c.** Significance of the project's impacts on tribal cultural resources.
- d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

- 1. Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe. (Gov. Code §65352.3 (a)(2)).
- 2. No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
- 3. Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
- 4. Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a.** The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b.** Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

#### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

- 1.** Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a.** If part or all of the APE has been previously surveyed for cultural resources.
  - b.** If any known cultural resources have already been recorded on or adjacent to the APE.
  - c.** If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d.** If a survey is required to determine whether previously unrecorded cultural resources are present.
- 2.** If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a.** The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.



3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Cody.Campagne@nahc.ca.gov](mailto:Cody.Campagne@nahc.ca.gov).

Sincerely,

*Cody Campagne*

Cody Campagne  
Cultural Resources Analyst

cc: State Clearinghouse



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
3602 Inland Empire Boulevard, Suite C-220  
Ontario, CA 91764  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

**Aug 18 2022**

**STATE CLEARINGHOUSE**

August 18, 2022  
*Sent via email*

Patricia Valenzuela  
Planner IV  
Imperial County Planning and Development Services Department  
801 Main Street  
El Centro, CA 92243

Notice of Preparation of a Draft Environmental Impact Report  
USG Plaster City Quarry Expansion and Well No. 3 Project, Imperial County  
State Clearinghouse No. 2001121133

Dear Ms. Valenzuela:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Supplemental Environmental Impact Report (SEIR) from the Imperial County Planning and Development Services Department (County) for the USG Plaster City Quarry Expansion and Well No. 3 Project, (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

## **CDFW ROLE**

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

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

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

## **PROJECT LOCATION**

The USG Plaster City Quarry (Quarry) holdings consist of 2,048 acres and are located in the northwestern portion of Imperial County adjacent to the Imperial County/San Diego County line. Well No. 3 would be located east of the existing Quarry on a USG-owned parcel (Assessor's Parcel Number [APN] 033-020-009). The proposed pipeline would be approximately 3.5 miles in length and would be developed within an existing right-of-way over an additional 12.7 acres (30 foot wide by 3.5 miles) of land, most of which (7.25 acres) is managed by the BLM. A portion of the right-of-way (3.75 acres) is located within the Anza-Borrego Desert State Park. The proposed pipeline would be developed within the existing narrow gauge railroad right-of-way that is already disturbed by an existing unpaved access road. The approximately 207-acre Viking Ranch restoration site is located 26 miles northwest of the USG Quarry in San Diego County (APNs 140-030-05-00, -07-00, -09-00, -10-00, and -11-00). The approximately 121-acre Old Kane Springs Road preservation site is located in San Diego County approximately 10 miles northwest of the USG Quarry (APN 253-150-34-00).

## **PROJECT DESCRIPTION SUMMARY**

Specific details of the proposed Project include:

1. USG Plaster City Quarry Expansion and Well No. 3 Project for the following:
  - Approval of a Conditional Use Permit from the County for the development of a new production well, Well No. 3, and an associated pipeline to provide water to the USG Quarry.
  - Evaluation of potential environmental impacts associated with the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

CDFW recommends that the forthcoming SEIR address the following:

### **Assessment of Biological Resources**

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the project, the SEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

CDFW recommends that the SEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009<sup>2</sup>). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov) or <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data> to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project.

CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

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<sup>2</sup> Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2<sup>nd</sup> ed. California Native Plant Society Press, Sacramento, California. <http://vegetation.cnps.org/>

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish & G. Code, § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

4. Burrowing Owl (*Athene cunicularia*)

The Project site has the potential to provide suitable foraging and/or nesting habitat for burrowing owl. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.”

CDFW recommends that the County follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012); available for download from CDFW’s website:

<https://www.wildlife.ca.gov/conservation/survey-protocols>. The Staff Report on Burrowing Owl Mitigation, specifies three steps for project impact evaluations:

- a. A habitat assessment;
- b. Surveys; and
- c. An impact assessment

As stated in the Staff Report on Burrowing Owl Mitigation, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted,

directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

Within the 2012 Staff Report, the minimum habitat replacement recommendation was purposely excluded as it was shown to serve as a default, replacing any site-specific analysis and discounting the wide variation in natal area, home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in a particular area. It hypothesized that mitigation for permanent impacts to nesting, occupied, and satellite burrows and burrowing owl habitat should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present. If mitigation occurs offsite, it should include (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) be sufficiently large acreage with the presence of fossorial mammals. Furthermore, the report noted that suitable mitigation lands should be based on a comparison of the habitat attributes of the impacted and conserved lands, including but not limited to: type and structure of habitat being impacted or conserved; density of burrowing owls in impacted and conserved habitat; and significance of impacted or conserved habitat to the species range-wide.

5. A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018<sup>3</sup>).
6. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).
7. A full accounting of all open space and mitigation/conservation lands within and adjacent to the Project.

### **Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources**

The SEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project. To

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<sup>3</sup> CDFW, 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, State of California, California Natural Resources Agency, Department of Fish and Wildlife: March 20, 2018 (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>)

ensure that Project impacts to biological resources are fully analyzed, the following information should be included in the SEIR:

1. A discussion of potential impacts from lighting, noise, human activity (e.g., recreation), defensible space, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.
2. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g., National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).
3. An evaluation of impacts to on-site and adjacent open space lands from both the construction of the Project and any long-term operational and maintenance needs. The proposed Project has the potential to impacts lands managed by Anza-Borrego Desert State Park. CDFW encourages the County to contact California State Parks to determine if any portion of the project will impact adjacent conserved lands, and work collaboratively to avoid and minimize impacts.
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130 Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

### **Alternatives Analysis**

CDFW recommends the SEIR describe and analyze a range of reasonable alternatives to the Project that are potentially feasible, would “feasibly attain most of the basic objectives of the Project,” and would avoid or substantially lessen any of the Project’s significant effects (CEQA Guidelines § 15126.6[a]). The alternatives analysis should also evaluate a “no project” alternative (CEQA Guidelines § 15126.6[e]).

### **Mitigation Measures for Project Impacts to Biological Resources**

The SEIR should identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. The County should assess all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the Project and its long-term operation and maintenance. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the SEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the SEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The SEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.
3. *California Species of Special Concern (CSSC)*: CSSC status applies to animals generally not listed under the federal Endangered Species Act or the CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. CSSCs should be considered during the environmental review process. CSSC that have the potential or have been documented to occur within or adjacent to the project area, including, but not limited to: burrowing owl (*Athene cunicularia*), flat-tailed horned lizard (*Phrynosoma mcallii*), loggerhead shrike (*Lanius ludovicianus*), northern harrier (*Circus hudsonius*), and yellow warbler (*Setophaga petechia*).
4. *Mitigation*: CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the SEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement, and preservation should be evaluated and discussed in detail. Where habitat preservation is not available onsite, offsite land acquisition, management, and preservation should be evaluated and discussed in detail.



The SEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the SEIR. CEQA Guidelines section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

CDFW recommends that the SEIR specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, in order for mitigation measures to be effective, they need to be specific, enforceable, and feasible actions that will improve environmental conditions.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in advance of project impacts in order to accumulate sufficient propagule

material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

6. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.

CDFW recommends that the SEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The SEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the SEIR, the CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

7. *Moving out of Harm's Way*: To avoid direct mortality, CDFW recommends that the lead agency condition the SEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife

does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.

8. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

### **California Endangered Species Act**

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (California Fish and Game Code Section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of State-listed CESA species, either through construction or over the life of the project. It is the policy of CESA to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. CDFW must comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the SEIR addresses all Project impacts to listed species and specify a mitigation monitoring and reporting program that will meet the requirements of CESA.

### **Lake and Streambed Alteration Program**

Based on review of material submitted with the NOP and review of aerial photography, stream resources traverse the site. Depending on how the Project is designed and constructed, it is likely that the Project applicant will need to notify CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream, or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources.

CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code § 21065). To facilitate issuance of an LSA Agreement, if necessary, the SEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To submit a Lake or Streambed Alteration notification, please go to <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS> .

### **ADDITIONAL COMMENTS AND RECOMMENDATIONS**

To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants, more information on native plants suitable for the Project location and nearby nurseries is available at CALSCAPE: <https://calscape.org/>. Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens (for example the Riverside-Corona Resource Conservation District in Riverside). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <https://saveourwater.com/> .

### **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Information can be submitted online or via completion of the CNDDDB field survey form at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data> . The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

### **ENVIRONMENTAL DOCUMENT FILING FEES**

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


Patricia Valenzuela, Planner IV  
Imperial County Planning and Development Services Department  
August 18, 2022  
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by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP of a SEIR for the USG Plaster City Quarry Expansion and Well No. 3 Project (SCH No. 2001121133) and recommends that the County address CDFW's comments and concerns in the forthcoming SEIR. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Environmental Scientist, at [jacob.skaggs@wildlife.ca.gov](mailto:jacob.skaggs@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C8...

Kim Freeburn  
Acting Environmental Program Manager

ec:

Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW  
[Heather.Brashear@Wildlife.ca.gov](mailto:Heather.Brashear@Wildlife.ca.gov)

Office of Planning and Research, State Clearinghouse, Sacramento  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)



# IID

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August 22, 2022

Mr. Jim Minnick  
Director  
Planning & Development Services Department  
County of Imperial  
801 Main Street  
El Centro, CA 92243

SUBJECT: NOP of a Draft SEIR For USG Plaster City Quarry Expansion and Well No. 3 Project; CUP20-0016

Dear Mr. Minnick:

On July 15, 2022, the Imperial Irrigation District received from the Notice of Preparation of a Draft Supplement Environmental Impact Report for the USG Plaster City Quarry expansion and well no. 3 project. The USG Plaster City Quarry consists of 2,048 acres located in the northwestern portion of Imperial County adjacent to the Imperial County/San Diego County line. Well No. 3 would be located east of the existing Quarry. The proposed pipeline would be approximately 3.5 miles in length and would be developed within an existing right-of-way over an additional 12.7 acres (30-foot-wide by 3.5 miles) of land, most of which (7.25 acres) is managed by the BLM. A portion of the ROW (3.75 acres) is located within the Anza-Borrego Desert State Park.

The IID has reviewed the application and has the following comments:

1. To obtain electrical service for the proposed well pump #3, the applicant should be advised to contact Gabriel Ramirez, IID Service Planner, at (760) 339-9257 or e-mail Mr. Ramirez at [gramirez@iid.com](mailto:gramirez@iid.com) to initiate the customer service application process. In addition to submitting a formal application (available for download at the district website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit pump specifications: horse power, operating voltage, pump starter information; AutoCAD site plan, drawings, proposed power line rights of way and access road to operate and maintain proposed underground power line that will serve the well pump, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing new electrical service to the project.
2. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.
3. The proposed project is subject to IID's Interim Water Supply Policy. In order to obtain a water supply from IID for a non-agricultural project, the project proponent will be required to comply with all applicable IID policies and regulations and is required to enter into a

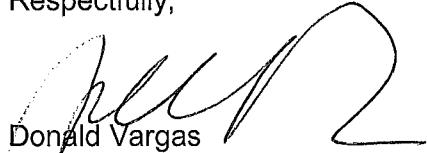
water supply agreement. Such policies and regulations require, among other things, that all potential environmental and water supply impacts of the Project, including potential impacts to the Salton Sea as a result of reduced drainage flow, be adequately assessed, appropriate mitigation developed if warranted, including any necessary approval conditions adopted by the relevant land use and permitting agencies.

4. IID has implemented a water supply apportionment program pursuant to IID's revised Equitable Distribution Plan, which the Project is subject to including any amending or superseding policy for the same or similar purposes, during all or any part of the term of said water supply agreement, IID shall have the right to apportion the Project's water as an industrial water user. For more information on how to obtain a water supply agreement, please visit IID's website at <https://www.iid.com/water/municipal-industrial-and-commercial-customers> or contact Justina Gamboa-Arce at (760) 339-9085 or [jgamboarce@iid.com](mailto:jgamboarce@iid.com).
5. Although the proposed well #3 is not an issue because it is outside of the Lower Colorado River Accounting Surface area, nonetheless, the project is subject to an IID Encroachment Permit for a pump the applicant plans to place on the Westside Main Canal.
6. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <https://www.iid.com/about-iid/department-directory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements. No foundations or buildings will be allowed within IID's right of way.
7. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities
8. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

Jim Minnick  
August 22, 2022  
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Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at [dvargas@iid.com](mailto:dvargas@iid.com). Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas  
Compliance Administrator II

Enrique B. Martinez – General Manager  
Mike Pacheco – Manager, Water Dept.  
Jamie Asbury – Manager, Energy Dept.  
Constance Bergmark – Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admin.  
Geoffrey Holbrook – Interim General Counsel  
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance  
Laura Cervantes. – Supervisor, Real Estate  
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.