

PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE: June 9, 2021

FROM: PLANNING & DEVELOPMENT SERVICES DEPT.

AGENDA TIME 9:00 AM /No. 4

PROJECT TYPE: Conditional Use Permit #19-0026 Pyramid Construction
SUPERVISOR DIST # 5

LOCATION: 3737 American Girl Road APN: 050-320-031-000
Winterhaven, CA PARCEL SIZE: 40 of 799.65 acres

GENERAL PLAN (existing) Recreation/Open Space GENERAL PLAN (proposed) NA

ZONE (existing) S2 (Open Space/Preservation) ZONE (proposed) NA

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 06/09/2021

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 01/14/2021

INITIAL STUDY: 19-0031

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
AG	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
E.H.S.	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
OTHER				

REQUESTED ACTION:

Staff recommends that the Planning Commission hold a public hearing, hear the proponents and opponents of the proposed project, and take the following actions:

1. Adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended by the Environment Evaluation Committee on January 14, 2021;
2. Make the De Minimums Finding, as recommended at the January 14, 2021 EEC hearing, that the project will not individually or cumulatively have an adverse effect on Fish and Wildlife Resources, as defined in Section 711.2 of the California Fish and Game Codes; and
3. Approve the attached Resolution and supporting findings, for Conditional Use Permit #19-0026, subject to all the conditions and authorize the Planning & Development Services Director to sign the Conditional Use Permit upon receipt from the Permittee.

Planning & Development Services Department

801 MAIN ST., EL CENTRO, CA. 92243 442-265-1736 (Jim Minnick, Director)
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(6) days a week; no Sundays or holiday operations. The annual amount of material that can be shipped off-site for both the mining site and plant is 4,500 cubic yards of material. Maximum daily truck trips is 250. Access to the site via Interstate 8 to the Ogilby Road exit, traveling three miles northeast from Ogilby Road along American Girl Mine Road, a county gravel road. Pyramids mining related uses and occupancies of of public lands will continue during the Project until reclamation is completed and approved by the Imperial County Planning Department located in El Centro, CA.

Land Use Analysis:

Under the Land Use Element of the Imperial County General Plan, the project site is designated Recreational/Open Space. The subject portion of the parcel is zoned S2 (Open Space/Preservation) within the Imperial County Land Use Ordinance, Title 9, Division 5. The project is, therefore, consistent with the County’s General Plan. It is also consistent with the Land Use Ordinance, Division 5, Section 90519.02 (b) Conditional Use Permit that authorizes asphalt/concrete batch plants when the County approves a conditional use permit.

SURROUNDING LAND USES, ZONING AND GENERAL PLAN DESIGNATIONS:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	Mining Operation	S2	Rec/Open Space
North	Vacant Desert	GS	Rec/Open Space
South	Vacant Desert	GS	Rec/Open Space
East	Vacant Desert	GS	Rec/Open Space
West	Vacant Desert	GS	Re/Open Space

Environmental Review:

The proposed project was environmentally assessed and reviewed by the Environmental Evaluation Committee. The Committee consists of a seven (7)-member panel, which are the Director of Environmental Health Services, Imperial County Fire Chief, Agricultural Commissioner, Air Pollution Control Officer, Director of the Department of Public Works, Imperial County Sheriff, and Director of Planning and Development Services. The EEC members have the principal responsibility for reviewing CEQA documents for the County of Imperial. The EEC reviewed the project on January 14, 2021, and recommended a Negative Declaration.

The Negative Declaration was publicly circulated from January 22, 2021 to February 26, 2021.

Staff Recommendation:

1. Adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended by the Environment Evaluation Committee on January 14, 2021; and
2. Make the De Minimums Finding, as recommended at the January 14, 2021 EEC hearing, that the project will not individually or cumulatively have an adverse effect on Fish and Wildlife Resources, as defined in Section 711.2 of the California Fish and Game Codes; and
3. Approve the attached Resolution and supporting findings, for Conditional Use Permit #19-0026, subject to all the conditions and authorize the Planning & Development Services Director to sign the Conditional Use Permit upon receipt from the Permittee

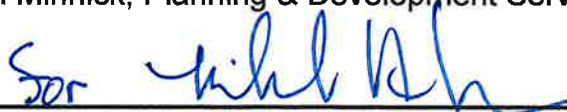
Prepared By: Patricia Valenzuela, Planner IV



Reviewed By: Michael Abraham, AICP, ICPDS Assistant Director



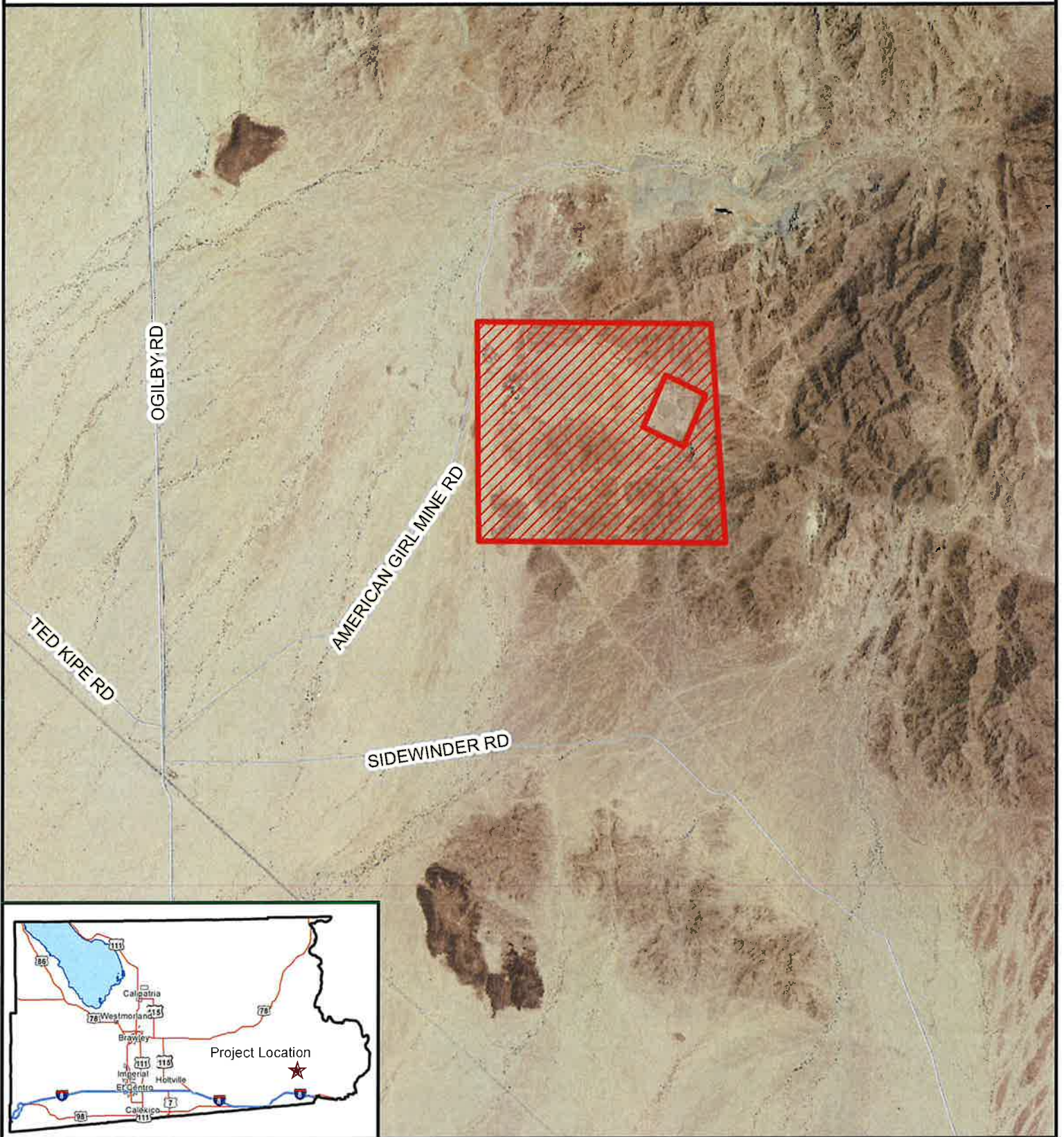
Approved By: Jim Minnick, Planning & Development Services Director



Attachments:

- A. Location Map
- B. Site Plan
- C. CEQA/Planning Commission Resolutions
- D. Conditional Use Permit #16-0026 Agreement
- E. Environmental Evaluation Committee package
- F. Comment Letters

PROJECT LOCATION MAP



**PYRAMID CONSTRUCTION &
AGGRAGATES, INC.
CUP #19-0026 AMENDING CUP #16-0008
INITIAL STUDY #19-0031
APN #050-320-031-000**



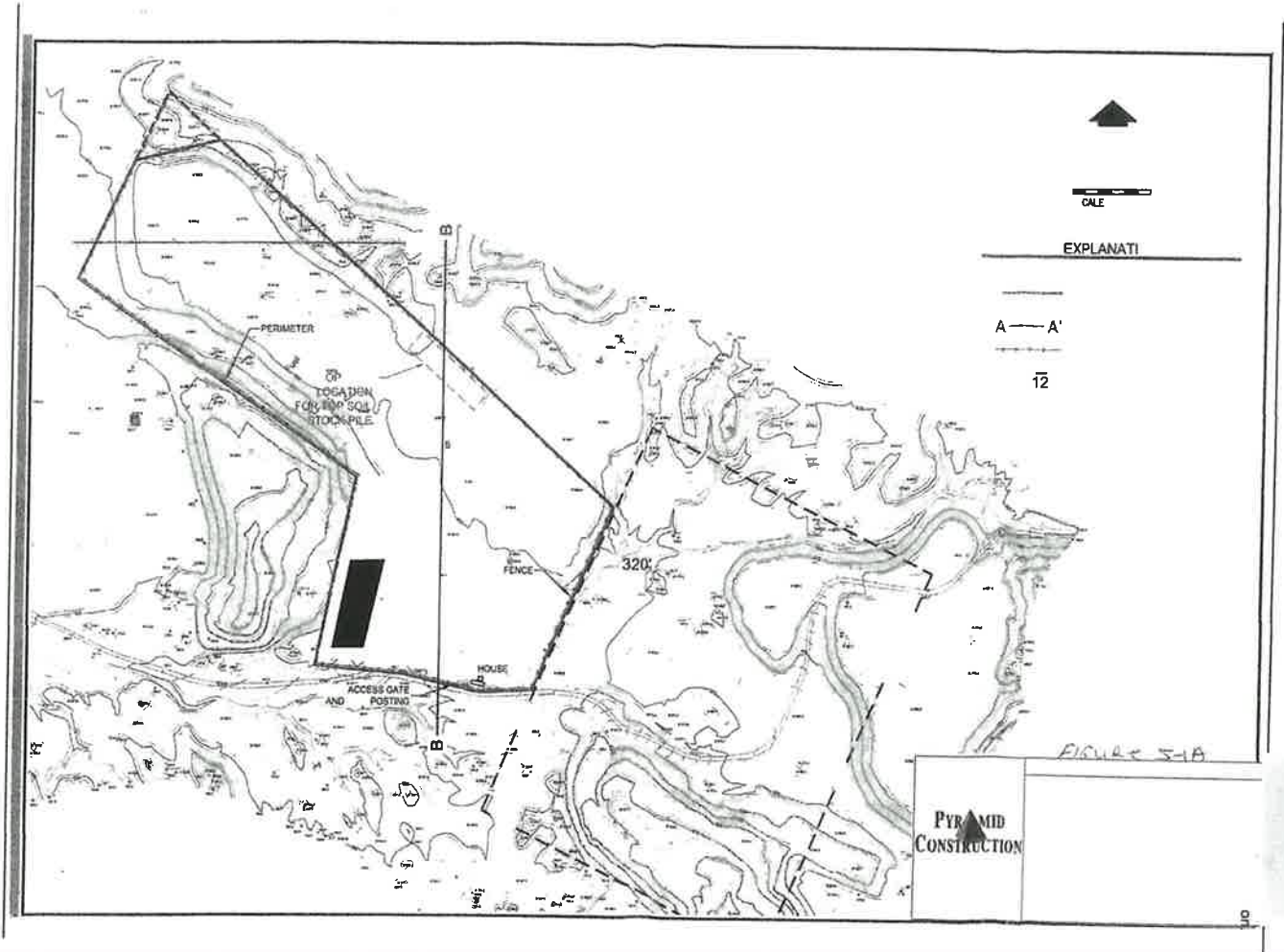
 Project Parcel
 Centerline



Exhibit "B"
Site Plan/Tract Map/etc.



RESOLUTION NO. 2021

A RESOLUTION OF THE PLANNING COMMISSION FOR THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING “NEGATIVE DECLARATION” (INITIAL STUDY #19-0031) FOR CONDITIONAL USE PERMIT #19-0026.

WHEREAS, on December 30, 2020, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for January 14, 2021;

WHEREAS, a Negative Declaration and CEQA Findings were prepared in accordance with the requirements of the California Environmental Quality Act, State Guidelines, and the County’s “Rules and Regulations to Implement CEQA, as Amended”; and

WHEREAS, on January 14, 2021, the Environmental Evaluation Committee heard the project and recommended the Planning Commission of the County of Imperial to adopt the Negative Declaration for Conditional Use Permit #19-0026; and

WHEREAS, the Negative Declaration was circulated for 20 days from January 22, 2021 to February 26, 2021;

WHEREAS, the Planning Commission of the County of Imperial has been designated with the responsibility of adoptions and certifications; and

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

The Planning Commission has reviewed the attached Negative Declaration (ND) prior to approval of Conditional Use Permit #19-0026. The Planning Commission finds and determines that the Negative Declaration is adequate and was prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations:

1. That the recital set forth herein are true, correct and valid; and
2. That the Planning Commission has reviewed the attached Negative Declaration (ND) for Conditional Use Permit #19-0026 and considered the information contained in the Negative Declaration together with all comments received during the public review period and prior to approving the Conditional Use Permit; and
3. That the Negative Declaration reflects the Planning Commission independent judgment and analysis.

NOW, THEREFORE, the County of Imperial Planning Commission **DOES HEREBY ADOPT** the Negative Declaration for Conditional Use Permit #19-0026.

**Rudy Schaffner, Chairperson
Imperial County Planning Commission**

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on June 9, 2021 by the following vote:

AYES:

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

ATTEST:

**Jim Minnick, Director of Planning & Development Services
Secretary to the Imperial County Planning Commission**

RESOLUTION NO. 2021-

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, TO APPROVE CONDITIONAL USE PERMIT #19-0026 FOR PYRAMID CONSTRUCTION & AGGREGATE, INC, FOR A HOT ASPHALT BATCH PLANT.

WHEREAS, Pyramid Construction & Aggregate has submitted an application for Conditional Use Permit #19-0026 to amend CUP#16-0008 converting from 2 years to 15 years;

WHEREAS, a Negative Declaration and Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County's "Rules and Regulations to Implement CEQA, as Amended";

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of adoptions and certifications;

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on June 9, 2021;

WHEREAS, on January 14, 2021, the Environmental Evaluation Committee heard the proposed project and recommended the Planning Commission Adopt the Negative Declaration;

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered Conditional Use Permit #19-0026 and Conditions of Approval prior to approval; the Planning Commission finds and determines that the Conditional Use Permit and Conditions of Approval are adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance, and the California Environmental Quality Act (CEQA) which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning Law and the County of Imperial, the following findings for the approval of Conditional Use Permit #19-0026 have been made:

A. The proposed use is consistent with the goals and policies of the adopted County General Plan.

The subject property is designated as "Recreation/Open Space per Imperial County's General Plan, Land Use Element, and it is currently zoned "S-2" (Open Space/Preservation) by the Imperial County Land Use Ordinance. The proposed project is therefore, consistent with the County General Plan and Land Use Ordinance, Division 2, Section 90203.01 "Conditional Use Permit"

which authorizes Intermediate Conditional Use Permit when approved by the County. The proposed project is for an asphalt batch plant and is a conditionally permitted use pursuant to County's Land Use Ordinance (Section 92102.00).

B. The proposed use is consistent with the purpose of the zone or sub-zone which the use will be used.

The Project could be found consistent with the purpose of the zone it is located within. The hot asphalt batch plant will be used to provide asphalt within the project area. Section 90519.01.00 of the Imperial County Land Use Ordinance governs asphaltic/concrete batch plants. The proposed use could be considered a compatible use with a Conditional Use Permit pursuant to (Land Use Ordinance, Section 90203.9).

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.09.

The proposed asphalt batch plant is consistent with the definition of Land Use Ordinance, Section 92001.00.00 with an approved Conditional Use Permit.

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulations of the County of Imperial and the State of California.

The Conditions of Approval will ensure that the project complies with all applicable regulations of the County of Imperial and State of California. Therefore, the proposed project will meet the minimum requirements of the Land Use Ordinance, Section 90203.00.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

The proposed operation of a HMA plant would not result in significant impacts to surrounding properties or residents due to the conditions of approval.

F. The proposed use does not violate any other law or ordinance.

The proposed project is conditioned to be consistent with Title 9, Codified Land Use Ordinance of the County of Imperial and CEQA. The proposed project will be subject to Conditions of Conditional Use Permit #19-0026 and current Federal, State, and Local regulations.

G. The proposed use is not granting a special privilege.

The proposed hot asphalt batch plant is a permitted use subject to the conditions of approval of CUP#19-0026 (Land Use Ordinance, Section 92001.00) and will not grant any special privileges.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Conditional Use Permit #19-0026, subject to the Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on June 9, 2021 by the following vote:

AYES:

NOES: **NONE**

ABSENT: **NONE**

ABSTAIN: **NONE**

ATTEST:

Jim Minnick,
Director of Planning & Development Services
Secretary to the Planning Commission

REQUESTED BY

Imperial County
Planning & Development Services
801 Main Street
El Centro, California 92243

When Recorded Return To:

Imperial County
Planning & Development Services
801 Main Street
El Centro, California 92243

**PYRAMID CONSTRUCTION & AGGREGATES, INC
AMERICAN GIRL EAST MINE OPERATION
AGREEMENT FOR CONDITIONAL USE PERMIT #19-0026
APN #050-320-031-000**

(_____ AT PLANNING COMMISSION _____)

This agreement is made and entered into on the _____ day of _____ 2021, and between PYRAMID CONSTRUCTION & AGGREGATES, INC. hereinafter referred to as Operator, and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Operator is the owner, lessee or successor-in-interest in certain land in Imperial County.

WHEREAS, County, after a noticed public hearing, agreed to issue Conditional Use Permit #19-0026, and/or his or her successor-in-interest subject to the following conditions and Pyramid Construction & Aggregates, Inc. intends to fully comply with all of the terms and conditions of the project as specified in this Conditional Use Permit (CUP) #19-0026. In the event of a conflict between the attached CUP Agreement and conditions, these conditions govern.

WHEREAS, The County recognizes and the Operator agrees to comply with all aspects of the California Environmental Quality Act (CEQA);

NOW THEREFORE the County issues the CUP #19-0026 subject to all of the following conditions:

INDEX TO CONDITIONS:

G-1	Costs
G-2	Permits/Licenses
G-3	Compliance/Revocation
G-4	Indemnification
G-5	Provisions to Run with the Land/Project
G-6	Severability
G-7	Audit of Bills
G-8	Recordation
G-9	Right of Entry
G-10	Responsible Agent
G-11	General Law
G-12	Minor Amendments
G-13	Time Limit
G-14	Definitions
G-15	Specificity
G-16	Health Hazard
G-17	Report(s)
G-18	Change of Owner/Operator
G-19	Commencement of Work
G-20	Financial Assurance
S-1	Project Description
S-2	Procedural
S-3	Permit Capacity
S-4	Plant and Project Site Improvements
S-5	Operational
S-6	Noise
S-7	Health and Safety
S-8	Hazards and Hazardous Materials
S-9	Ancillary Uses and Additional Land Use Permits
S-10	Enforcement Action
S-11	Legal Description

GENERAL CONDITIONS

The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are commonly included in all Reclamation Plans as "standardized" conditions and/or conditions that the Imperial County Planning Commission has established as a minimum requirement on all Reclamation Plans for consistent application and enforcement. The Operator is advised that the General Conditions are as applicable as the SITE SPECIFIC conditions.

G-1 COST

Pyramid Construction & Aggregates, Inc. and any successor-in-interest, (herein after "Operator") shall pay any and all amounts determined by the County Planning and Development Services Department to defray any and all cost(s) for the review of reports, field investigations, monitoring, and other activities related to compliance with the Conditional Use Permit conditions, County Ordinances, and/or any other laws that apply.

G-2 PERMITS/LICENSES

The Operator shall obtain any and all local, state, and/or federal permits, licenses, contracts, and/or other approvals for the construction and/or operation of this project. This shall include, but not be limited to, the County Environmental Health Services/Health Department, Imperial County APCD, and the County Public Works Department. Operator shall also comply with all such permit requirements for the life of the project. Additionally, the Operator shall submit a copy of any such additional permit, license and/or approval to the Planning and Development Services Department within thirty (30) days of receipt when requested.

G-3 COMPLIANCE/REVOCATION

Upon the determination by the Planning and Development Services Department that the project is not in full compliance with any one or all of the conditions of the Conditional Use Permit and its conditions and/or upon the finding that the project is creating a nuisance as defined by law, or that the project is degrading the quality of the environment and causing significant environmental impacts which may result in substantial adverse effects to the well being of the residents of Imperial County, the matter can be brought to the Planning Commission or other appropriate agencies to enforce the requirements of the Conditional Use Permit and conditions, or to consider the immediate suspension of all operations.

G-4 INDEMNIFICATION

As a condition of this Permit, the Operator agrees to defend, indemnify, hold harmless, and release the County, its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the Permit or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness fees that may be asserted by any person or entity, including the Operator, arising out of or in connection with the approval of this Permit, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, or employees.

G-5 PROVISIONS TO RUN WITH THE LAND/PROJECT

If a new Operator succeeds to the interest of the Operator in the operation by sale, assignment, transfer conveyance, exchange or other means, any successor shall be bound by the provisions of the approved Plan and its conditions. The County Planning and Development Services shall be informed within 60 days prior to any such change of interest occurring. Failure to provide such notice and obtain County approval shall immediately render this Permit null and void. Such review and approval shall not be unreasonably delayed or unreasonably withheld and shall not be given unless all conditions are met in full.

G-6 SEVERABILITY

Should any condition(s) of the Conditional Use Permit be determined by a Court or another agency with proper jurisdiction to be invalid for any reason, such determination shall not invalidate the remaining provision(s) of the Reclamation Plan.

G-7 AUDIT OF BILLS

The Operator shall have the right to have any bill audited for clarification or correction. In the event the Operator requests an audit or an explanation of any bill, it shall be in writing to the Planning and Development Services Department. The Operator shall bring the account current including any amount due under a "disputed" billing statement, before any audit is performed. If the amount disputed is the result of a Department other than the Planning and Development Services Department, the explanation or audit shall be performed by said Department and a report provided to both the Operator and the Planning and Development Services Department.

G-8 RECORDATION

This permit shall not be effective until it is recorded at the Imperial County Recorder's Office, and payment of the recordation fee shall be the responsibility of the Operator. If the Operator fails to pay the recordation fee within six (6) months from the date of approval, and/or this permit is not recorded within 180 days from the date of approval, this permit shall be deemed null and void, without notice having to be provided to Operator. Operator may request a written extension by filing such a request with the Planning Director at least 30 days prior to the original 180 day expiration. The Director may approve an extension for a period not to exceed 180 days. An extension may not be granted if the request for an extension is filed after the expiration date.

G-9 RIGHT OF ENTRY

The County reserves the right to enter the premises to make the appropriate inspection(s) and to determine if the condition(s) of the Conditional Use Permit are complied with. Access to the site by authorized personnel shall not be denied.

G-10 RESPONSIBLE AGENT

The Operator shall maintain on file with the Planning and Development Services Department the name and phone number of the responsible agent for the site. A back-up name shall also be provided, and a phone number for 24-hour emergency contact shall also be on file. If there are other users, the same information (as applicable) required from the Operator shall also be made available to the County from such other users.

G-11 GENERAL LAW

The Conditional Use Permit and all stipulations contained herein are subject to all laws and regulations pertaining to mining and reclamation as prescribed by Federal, State, or County Governments, including compliance with conditions of all affected agencies, whether specified herein or not.

G-12 MINOR AMENDMENTS

The Planning Director may approve minor changes or administrative extensions, as requested in writing by the Operator to the Conditional Use Permit, provided it does not result in additional environmental impacts and/or are generally procedural or technical and/or which may be necessary to comply with other government permit compliance requirements.

G-10 TIME LIMIT:

Unless otherwise specified within the specific conditions, this permit shall be limited to a maximum of fifteen (15) years from the approval of the CUP.

- (a) The CUP may be extended for four (4) successive three (3) year period(s) by the Planning Director upon a finding by the Planning and Development Services Department that the project is in compliance with all conditions of the CUP as stated herein and any applicable Land Use regulation of the County of Imperial.
- (b) Unless otherwise specified herein, no Conditional Use Permit(s) shall be extended for more than four (4) consecutive periods by the Planning and Development Services Department. If an extension is necessary, or is requested beyond fifteen (15) years, the Permittee shall file a written

extension request at least sixty (60) days prior to the expiration of the Permit. Such an extension request shall include the appropriate extension fee, pursuant to the Land Use Ordinance, Title 9, Division 9, Section 90901.03 et. seq., General Planning fees.

- (c) If the original approval was granted by the Planning Commission and/or the Board of Supervisors, such an extension shall only be considered by the approving body, after a noticed public hearing. Nothing stated or implied within this permit shall constitute a guarantee that an extension will be granted. An extension may not be granted if the project is in violation of any one or all of the conditions or if there is a history of non-compliance with the permit conditions.

G-14 DEFINITIONS

In the event of a dispute of the meaning(s) or the intent of any word(s), phrase(s), and/or conditions or sections herein shall be determined by the Planning Commission of the County of Imperial. Their determination shall be final unless an appeal is made to the Board of Supervisors within the required time. In this permit, the term "Operator" may also apply to any other facility user whether specified by name herein or not. To the extent that this site may be used by more than one service provider other than the applicant (Operator), all of the conditions of this permit shall be equally applicable to the other "user(s)" as if they were the "Operator".

G-15 SPECIFICITY

The issuance of this permit does not authorize the Operator to construct or operate this project in violation of any state, federal, local law nor beyond the specified boundaries of the project as shown the application/project description/permit, nor shall this permit allow any accessory or ancillary use not specified herein. This permit does not provide any prescriptive right or use to the Operator for future addition and/or modification to this project. The site specific use authorized by this permit is listed under the SITE SPECIFIC ("S") conditions, and only the use or uses listed shall be deemed as approved by this permit.

G-16 HEALTH HAZARD

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Operator shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within 45 days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Operator

from requesting a special Planning Commission meeting provided Operator bears all costs.

G-17 REPORT(S)

The Operator shall file an Annual Report with the Planning & Development Services Department to show that the Operator is in full compliance with this Conditional Use Permit. The report shall be filed prior to June 30th. It shall be the responsibility of the Operator to provide all reports and to include the information about other users. The County may request information at any time from Operator or other users if applicable; however, it shall be the responsibility of the Operator to assure the County that such information is available.

G-18 CHANGE OF OWNER/OPERATOR

In the event the ownership of the site or the facilities or the operation of the site transfers from the current Operator to a new successor Operator, the successor Operator shall be bound by all terms and conditions of this permit as if said successor was the original Operator. Current Operator shall inform the County Planning and Development Services Department in writing at least sixty (60) days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Department, via Certified Mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all. If this permit or any subservient or associated permit requires financial surety, the transfer of this permit shall not be effective until the new Operator has the requisite surety on file. Furthermore, the existing surety shall not be released until a replacement surety is accepted by County Counsel's office.

G-19 COMMENCEMENT OF WORK

No commencement of work until the Conditional Use Permit has been recorded. Evidence that all conditions have been satisfied shall be provided to the Planning and Development Services Department.

G-20 FINANCIAL ASSURANCE

Pyramid Construction, Inc. (Operator) shall increase their current financial assurance to adequately cover the removal of the portable asphalt plant from the mining site. The surety shall list Office of Mine and Reclamation, Bureau of Land Management and Imperial County Planning and Development Services as the payees. The financial calculations will be reviewed yearly and will vary on the acreage disturbed and the cost of living index.

(The rest of this page is intentionally left blank!)

PROJECT SPECIFIC CONDITIONS

S-1 PROJECT DESCRIPTION

This approval of Conditional Use Permit #19-0026, hereby authorizes the Operator to install and operate a portable hot mix asphalt (HMA) plant. The equipment consists of an Almix model 300 base pugmill with a lime silo, a 150-foot telescoping radial stacking conveyor and a guppy trailer. The pugmill will be used to add lime to the hot mix asphalt in order to meet product specifications. The HMA will be powered by a generator, Caterpillar Model C27 diesel engine. The HMA will be installed onto the Operator's existing mining site under Federal jurisdiction. **The Conditional Use Permit for this HMA is only authorized at this location.** The Pyramid Construction & Aggregates, Inc., HMA shall not exceed 4,500 cubic yards of material per year. The portable HMA must be removed entirely from the site upon expiration of the Conditional Use Permit. The hours of operation are limited from 7:00 AM to 4:00 PM, Monday through Saturday. The summer hours for the operation will commence at 6:00 A. M. The plant will not operate Sundays or holidays or any night operations. The Operator will utilize water from their water well located on Assessor Parcel Number #050-120-009-000 for dust suppression and washing of aggregate.

The Operator is reminded that the granting of this conditional use permit does not confer or exempt them from any permitting requirements of responsible, trustee, or other agencies with jurisdiction over this project. Successful completion of the permit confers approval on matters solely within the jurisdiction of Imperial County Planning and Development Services Department.

S-2 PROCEDURAL

- a. ~~Asphalt activities cannot commence until the applicant has submitted proof of financial assurances to the Imperial County Planning and Development Services Department using the State approved form and amount approved by the California Department of Conservation-Office of Mine Reclamation, Bureau of Land Management and this Department.~~
- b. The Operator shall obtain and maintain Workers Compensation Insurance and shall have the insurance carrier submit a copy to the Planning and Development Services Department. The Department shall be notified in the event of any termination. Failure to maintain Workers Compensation Insurance shall be grounds for an immediate administrative termination until such time that proof of insurance is restored to the satisfaction of the Department.

S-3 PERMIT CAPACITY

- a. Unless otherwise indicated herein, development shall be in accordance with the plans as submitted by the applicant and approved by the Planning Commission.
- b. This permit authorizes the Operator to operate a portable hot asphalt and lime operation. No other uses are conferred as part of this permit.
- c. Total asphalt/gravel production shall not exceed 4,500 tons of material from the site per year. At no point should the total amount of material (sand and gravel and asphalt) shipped from the site exceed 4,500 cubic yards per year.

S-4 PLANT AND PROJECT SITE IMPROVEMENTS

- a. The Operator shall furnish a Drainage Letter to the Department of Public Works for review and approval. The Operator shall implement Best Management Practices for storm water pollution concerns. ¹
- b. A “separate encroachment permit/hauling permit” will be required for hauling in excess of 6 trucks per hour for the purpose of maintenance, temporary traffic signage and control and upkeep of County roads used in the haul. A detailed route plan from the site to destination shall be submitted to the Public Works Department for review and approval for utilization of County roads. The following shall be incorporated into the permit:
 - 1. Any operations that would require the use of haul trucks shall maintain roads used for hauling materials. Generally, these roads include Ogilby and American Girl Road. However, depending on the amount of truck traffic and haul route, other impacted roads and road intersections may also be considered.
 - 2. Maintenance shall include, but is not limited to, repairing ruts, potholes, dangerous shoulders, sweeping and watering roads for dust suppression. Road maintenance requirements would be determined on a case-by-case basis and would be coordinated between the Public Works Department and the operator for each proposed hauling operation. ¹
 - 3. A “haul permit” can be for up to one year, multiple uses depending on nature of the hauling. ¹
- c. A “transportation permit” shall be required from the road agency(s) having jurisdiction over the haul route for all heavy equipment and large vehicles,

which impose greater than legal loads on riding surfaces, including bridges. ¹

- d. The Operator shall contact the Regional Water Quality Control Board for any concerns/requirements on the project and evidence of coordination shall be provided. ¹
- e. The Operator shall follow the Air Pollution Control District's (APCD) established air-monitoring criteria and comply with their regulations to control dust and other emissions by implementing the APCD Fugitive Dust Control conditions (ICAPCD Rule 800) on the existing site and obtain the "Authority to construct" and subsequent "Permit to Operate" for the project. All equipment storage for the asphalt operation shall be stored in a manner that minimizes surface disturbance. ²
- f. The Operator must comply with the Air Districts Permit to Operate (PTO) conditions set forth on section C. Combustion Equipment/Operations (C.3 and C.4 of PTO #3480A-1) and section E. Recordkeeping. Should Records differ from the PTO Conditions, a re-evaluation of the permit will be required. ²
- g. The Operator shall submit to APCD a construction and operational dust control plan for their review and approval. The Operator shall provide documentation to I.C. Planning & Development Services that they have complied with this requirement.

S-5 OPERATIONAL

- a. The maximum loaded number of truck trips per day departing from the site shall not exceed 250 round-trip truck trips per day.
- b. Trucks and trailers leaving the site shall be loaded per the California Vehicle Code to minimize dust generation and spillage during the transport of materials.
- c. The Operator shall train employees on how to prevent spillage from trucks. The Operator shall submit to APCD and Planning & Development Services documentation of training.
- d. All moving equipment must be registered with the Department of Motor Vehicles.
- e. All trash or debris uncovered during excavation must be properly disposed of. These items may be stored at the plant site and removed at the Operator's earliest convenience provided the debris pile does not pose any health, safety or fire hazards. No trash or debris is allowed to

accumulate from year-to-year. All solid waste shall be removed from the site and deposited in an approved solid waste site. Hazardous materials such as oils or solvents must be properly disposed of in accordance with State requirements of Department of Toxic Substance Control/Imperial CUPA.

f. If during construction or excavation, human remains or artifacts are uncovered, the operator shall immediately notify the Imperial County Planning and Development Services Department. The Operator must be prepared to alter or suspend operations as per the request of the investigative authorities. If the human remains/artifacts are determined to be Native American, the operator must notify the Quechan Tribe and the Native American Heritage Commission, which will then proceed according to guidelines set for in Section 5097.98 of the California Public Resource Code.

g. This permit is issued with the understanding that the water source for this project is from their water well located on parcel #050-120-009-000.

S-6 NOISE

a. Noise level during the mining operations shall not exceed 75 decibels as stated in the Imperial County General Plan, Noise Element, (page 19).

b. All vehicles and equipment shall meet applicable noise standard and the Operator shall provide employee ear protection devices as required by the Mine Safety and Health Administration (MSHA) and the State Occupational Safety and Health Administration (CAL-OSHA).

S-7 HEALTH AND SAFETY

a. Bottled drinking water for employees shall be provided by the Operator.

b. The Operator shall provide chemical toilets for employees/visitors. Chemical toilets shall be serviced at least once per week by a licensed liquid waste hauler. Weekly reports shall be provided to Planning & Development Services on a monthly basis.

c. Diesel for fueling on-site heavy equipment and asphalt oil and lime must be stored in a properly certified storage tank and placed with a containment structure with 1.1 times the capacity of the storage tanks. Installation of propane tanks shall be in conformance with all applicable laws

- d. An impermeable surface shall be provided in the vicinity where fuel transfers will occur. Concrete apron in the vicinity of the fuel pump is an acceptable surface. Any spill onto bare ground shall be immediately cleaned up and reported.
- e. Operator shall provide a designated area on-site for employee and visitor parking. In addition, a designated parking area for all heavy equipment shall also be designated and surfaced to minimize infiltration of oil or fuel spills or Best Management Practices as agreed upon between Operator and Imperial County Planning and Development Services. Operator shall provide a site plan to show the location of all structures (temporary and permanent) as well as all parking, access roads, and primary on-site roads. This plan shall be submitted with sixty (60) days from approval date and shall be updated with the annual report if any changes have been made.
- f. Minor maintenance of trucks and heavy equipment (such as the power screen or loader) must be conducted in a manner to preclude the possibility of soil and groundwater contamination. The Operator shall provide a temporary impermeable surface to prevent any surface waste discharge. The Best Management Practices will be in conformance with the requirements of the California General Industrial Storm Water Permit.
- g. Operators shall take necessary measures to prevent public exposure to the site, including the use of "No Trespassing" signs, gate or earth/rock berms to discourage public access/entry to the site.
- h. Gates securing the fire apparatus access roads shall comply with all of the following criteria:
 - 1. The Fire Department Access roads shall be a width of at least 20 feet and all weather surface capable of supporting fire apparatus. Fire Department access roads will be provided with approved turn around approved by Imperial County Fire Department. Gates will be accordance with the current adapted fire code and the facility will maintain a Know Box/Lock for access on site.
 - 2. Secondary access shall be required and shall be kept clear of vehicle congestion and other factors that could limit access.
 - 3. A Hazardous Waste Material Plan (HWMP) shall be required for all hazardous materials on site.
 - 4. An approved water supply shall be installed and maintained in accordance with Imperial County Fire Department Rural Water requirements for Firefighting.

5. All storage and handling of flammable and combustible liquids shall be in accordance with the California Fire Code and all federal, state, and local regulations, codes and ordinances.
6. Compliance with all required sections of the fire code.

S-8 HAZARDS AND HAZARDOUS MATERIALS

1. The Operator shall submit to Department of Toxic Control/Imperial County CUPA their Hazardous Materials Business Plan for their review and approval prior to bringing any regulated quantities of hazardous materials on-site. Additionally, Pyramid will provide to Imperial County Office of Emergency Services a copy of their emergency response plan.
2. The Operator shall comply with the provisions of a National Pollution Discharge Elimination System (NPDES) Permit. A copy of the permit shall be submitted to the Imperial County Planning and Development Services Department.

S-9 ANCILLARY USES & ADDITIONAL LAND USE PERMITS

This permit authorizes the Operator to operate the site as described under Specific Condition S-1 with no additional ancillary facilities or uses. This permit shall be considered the primary permit for this HMA, and if additional Conditional Use Permit(s) are secured for this site, they shall be subservient to this permit at all times.

S-10 ENFORCEMENT ACTION

County officials responsible for monitoring and/or enforcing the provisions of this permit shall issue a notice requiring abatement of a violation of its terms within a reasonable time as set by ordinance or County policy. For example, responsible County officials may issue a citation and/or cease-and-desist order for repeated violations until such violations are abated. Under specific violations, the County may order the facility to cease operation until it can or will be operated in full compliance.

S-11 LEGAL DESCRIPTION

Portion of Section 19, Township 15 South, Range 21 East, SBBM.

(The balance of this page is intentionally left blank)

NOW THEREFORE, County hereby issues Conditional Use Permit #19-0026 and Operator hereby accepts such permit upon the terms and conditions set forth herein.

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

OPERATOR:

Pyramid Construction & Aggregates, Inc.

By: _____
Daryl C. Dickerson, President/Owner Date _____

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA:

By: _____
Michael Abraham, AICP, Assist. Director Date _____
Imperial County Planning & Development

FOR OPERATOR NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

On _____, 2017, before me _____,
a Notary Public in and for said County and State, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

FOR COUNTY NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF IMPERIAL} S.S.

On _____, 2017, before me _____, a Notary Public in and for said County and State, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

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PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION
COMMITTEE

AGENDA DATE: January 14, 2021

FROM: PLANNING & DEVELOPMENT SERVICES DEPT. AGENDA TIME 1:30 PM/No. 1

PROJECT TYPE: Conditional Use Permit #19-0026 amend CUP 16-0008 Pyramid Construction SUPERVISOR DIST # 5

LOCATION: 3737 American Girl Road APN: 050-320-031-000

Winterhaven, CA PARCEL SIZE: 40 of 799.65 acres

GENERAL PLAN (existing) Recreation/Open Space GENERAL PLAN (proposed) NA

ZONE (existing) S2 (Open Space/Preservation) ZONE (proposed) NA

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 02/24/2021

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIRONMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 01/14/2021

INITIAL STUDY: 19-0031

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
AG	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
E.H.S.	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
OTHER				

REQUESTED ACTION:

SEE ATTACHED

Planning & Development Services Department
801 MAIN ST., EL CENTRO, CA., 92243 442-265-1736
(Jim Minnick, Director)

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EEC ORIGINAL PKG

NEGATIVE DECLARATION
MITIGATED NEGATIVE DECLARATION

*Initial Study & Environmental Analysis
For:*

**Conditional Use Permit #19-0026
Pyramid Construction & Aggregates, Inc.
American Girl East MI #91-13-0112**



Prepared By:

COUNTY OF IMPERIAL
Planning & Development Services Department
801 Main Street
El Centro, CA 92243
(442) 265-1736
www.icpds.com

January 2021

EEC ORIGINAL PKG

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SECTION 1 INTRODUCTION

A. PURPOSE

This document is a policy-level, project level Initial Study for evaluation of potential environmental impacts resulting with the proposed Pyramid Construction/American Girl East Conditional Use Permit #19-0026.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S RULES AND REGULATIONS TO IMPLEMENT CEQA, AS AMENDED

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's Rules and Regulations to Implement CEQA, as amended and the **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.

According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter.

This Initial Study and Negative Declaration are 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 Rules and Regulations to Implement 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 Rules and Regulations to Implement 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 AND NEGATIVE DECLARATION

This Initial Study and Negative Declaration are informational documents which are 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.

The Initial Study and Negative Declaration, prepared for the project will be circulated for a period of 20 days (30-days if submitted to the State Clearinghouse for a project of area-wide significance) for public and agency review and comments. At the conclusion, if comments are received, the County Planning & Development Services Department will prepare a document entitled "Responses to Comments" which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

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

SECTION 1

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

SECTION 2

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 significant impact, potentially significant impact, or no impact.

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.

ENVIRONMENTAL ANALYSIS 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.

SECTION 3

III. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

IV. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this Initial Study and Negative Declaration.

V. REFERENCES lists bibliographical materials used in preparation of this document.

VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

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:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.
2. **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.
3. **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".
4. **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 and Negative Declaration 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:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) 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

1. **Project Title:** Pyramid Construction/American Girl East Conditional Use Permit #19-0026
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number** Patricia Valenzuela, Planner IV, Phone: (442) 265-1736, ext. 1749, Fax: (442) 265-1735
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** patriciavalenzuela@co.imperial.ca.us
6. **Project location:** The Pyramid Construction & Aggregates, Inc. "American Girl East" mine site is located on Federal land, currently open desert encompassing 40 acres of a 799.68 acre parcel. The site is approximately 12.5 miles Northwest of Winterhaven, CA, approximately 2.58 miles East of Ogilby Rd, in Northwest Imperial County. It is located on Assessor's Parcel Number 050-320-031-000, and further described as the portion of Section 19, Township 15 South, and Range 21 East.
7. **Project sponsor's name and address:** Pyramid Construction & Aggregates, Inc.
839 Dogwood Rd, Heber, CA. (Applicant)
1666 4th Ave, El Centro, CA 92243 (BLM Property Owner)
8. **General Plan designation:** Recreational/Open Space
9. **Zoning:** S-2 (Open Space/Preservation)
10. **Description of project:** The Pyramid Construction & Aggregates, Inc. has submitted Conditional Use Permit #19-0026 to construct and operate a portable asphalt batch plant on their existing, 40-acre American Girl East mining site. Their Reclamation Plan #08-0001 and Conditional Use Permit #08-0001 (for a water well, located on APN 050-120-009-000) were approved by the Imperial County Planning Commission on August 27, 2008. The existing asphalt plant, approved in 2016, will provide asphalt to projects in the area.

The asphalt plant will include a baghouse, drum mixer, incline conveyor, two ac tanks, cold feed bin, control house, and an 80-ton load out silo. A pug mill plant will also be installed along with a 1,000-gallon water tank, a fully portable 550 BBL silo to store lime, an enclosed rotary vane feed, and two enclosed conveyors. The maximum production is currently 250 tons per hour (tph) or as specified by the Imperial Air Pollution Control District Permit.

The mining site and asphalt plant will operate in daylight only (between 7:00 am and 4:00 pm) during winter months and the starting time in the summer will be 6:00 am, six (6) days a week. No Sundays or holiday operations. Annual extraction combined for both the mining site and plant is 500,000 cubic yards of material. Maximum daily truck trips is 250.
11. **Surrounding land uses and setting:** The project site is located approximately 12.5 miles northwest of Winterhaven, CA, approximately 2.58 miles east of Ogilby Rd, in northwest Imperial County. The project is located entirely on previously disturbed lands associated with the former American Girl Mine-Padre Madre Mining Operation. The project area is West of the Cargo Muchacho Mountains on Pilot Knob Mesa near the mouth of American Girl Wash at an elevation ranging from approximately 400 to 520 feet above sea level. The topography is desert landscape and low mountains ranges with barren, rocky slopes. The Cargo Muchacho Mountains have long been mined for gold and associated minerals.

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

- a) Planning Commission
- b) Bureau of Land Management

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

ENVIRONMENTAL EVALUATION COMMITTEE (EEC) 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. An 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, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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

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

Jim Minnick, Director of Planning/EEC Chairman

Date:

PROJECT SUMMARY

A. Project Location:

The Pyramid Construction & Aggregates, Inc. "American Girl East" mine site is located on Federal land, currently open desert encompassing approximately 40 acres of a 799.68-acre parcel. The site is approximately 12.5 miles Northwest of Winterhaven, CA, approximately 2.58 miles East of Ogilby Rd, in Northwest Imperial County. It is located on Assessor's Parcel Number 050-320-031-000 and further described as the portion of Section 19, Township 15 South, and Range 21 East.

B. Project Summary:

The Pyramid Construction & Aggregates, Inc. has submitted Conditional Use Permit #19-0026 to construct and operate a portable asphalt batch plant on their existing, 40-acre American Girl East mining site. Their existing Reclamation Plan #08-0001 and Conditional Use Permit #08-0001 (for a water well, located on APN#050-120-009-000) were approved by the Imperial County Planning Commission on August 27, 2008. If approved the asphalt plant will provide asphalt to projects in close vicinity..

The asphalt plant will include a baghouse, drum mixer, incline conveyor, two ac tanks, cold feed bin, control house, and an 80-ton load out silo. A pug mill plant will also be installed along with a 1,000-gallon water tank, a fully portable 550 BBL silo to store lime, an enclosed rotary vane feed, and two enclosed conveyors. The maximum production is currently 250 tons per hour (tph) or as specified by the Imperial Air Pollution Control District Permit. The maximum annual production is 250,000 tons (150,602 cubic yards) for ICAPCD evaluation purposes.

The Mining Site and asphalt plant will operate in daylight only (between 7:00 am to 4:00 pm) during winter months and the starting time in the summer will be 6:00 am, six (6) days a week. No Sundays or holiday operations. Annual extraction combined for both the mining site and plant is 500,000 cubic yards of material. Maximum daily truck trips is 250.

C. Environmental Setting:

The topography is desert landscape and low mountain ranges with barren, rocky slopes. The Cargo Muchacho Mountains have long been mined for gold and associated minerals.

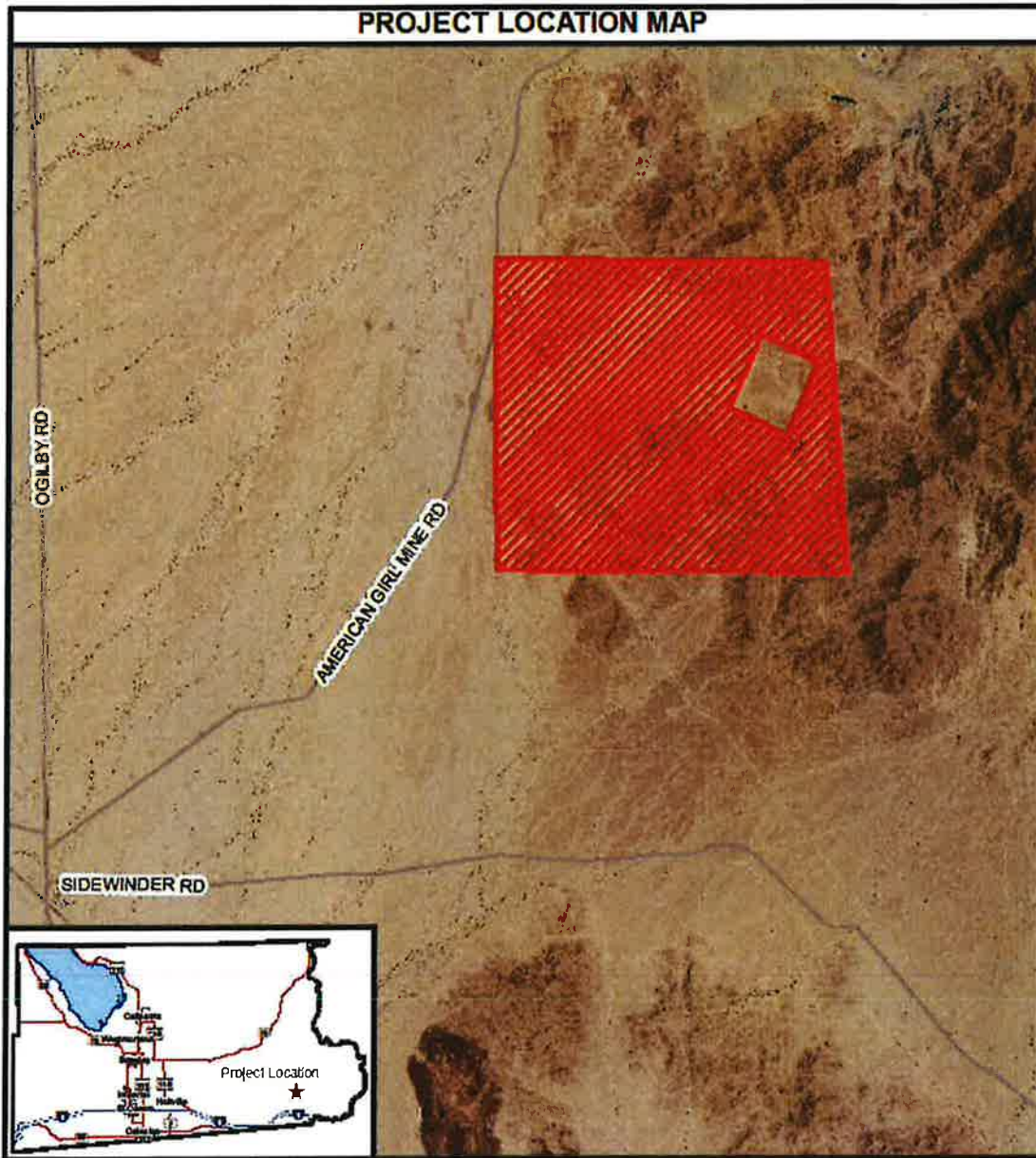
D. Analysis:

The proposed project is a sand and gravel operation, in an area where gold mining has been historically conducted. The approval of this project would be consistent with existing practices and federal, state, and county regulations. The proposed operation is located on Federal Land (BLM); therefore, requiring an amendment to their "Plan of Operations" which is being reviewed by BLM staff concurrently with the County process.

E. General Plan Consistency:

The Imperial County General Plan designates this area as "Recreation/Open Space"; the project is zoned S-2 (Open Space/Preservation) which allows an asphalt batch plant, with an approved Conditional Use Permit. Thus, this project is consistent with the Imperial County General Plan.

Exhibit "A"
Vicinity Map

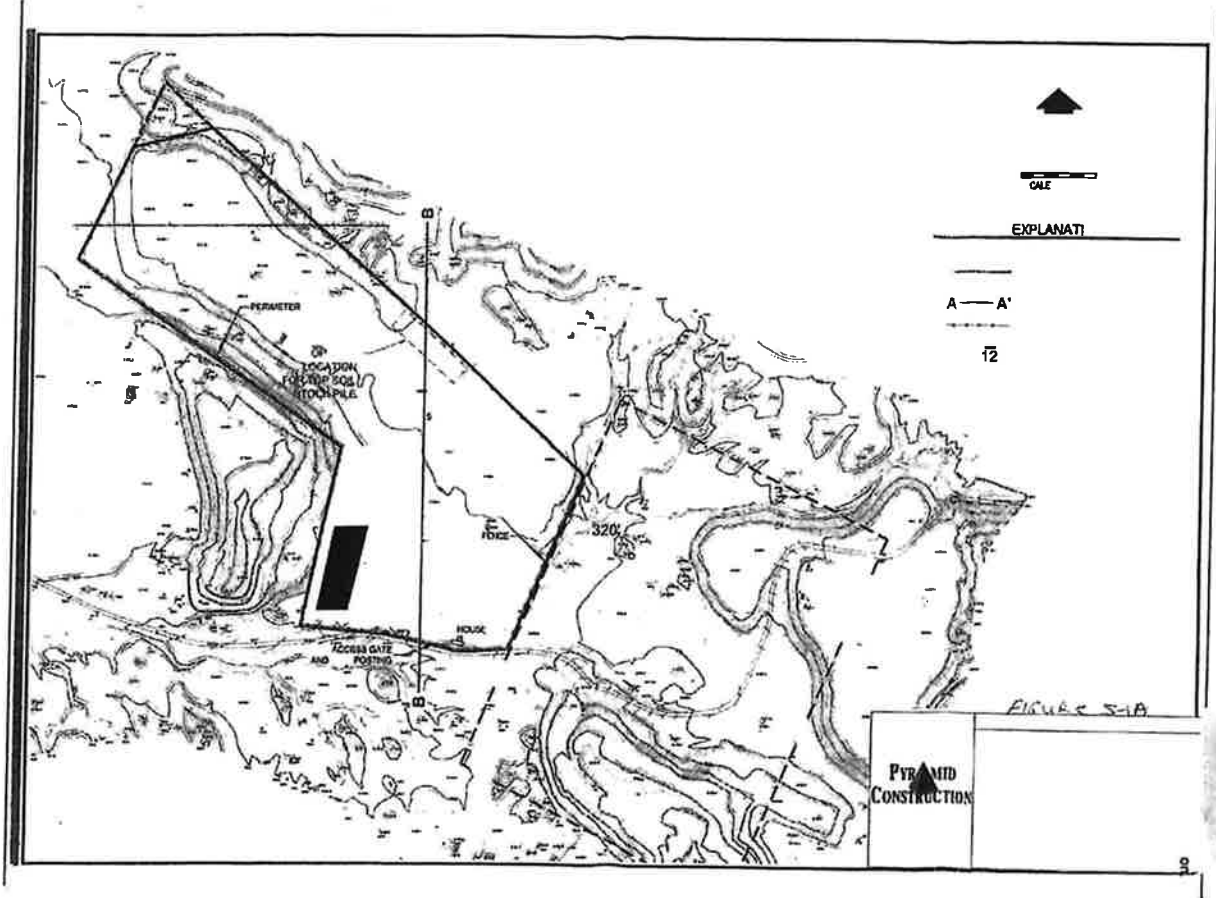


**PYRAMID CONSTRUCTION &
AGGREGATES INC
CUP #19-0026
APN #050-320-031**

 Project Parcel
 Centerline



Exhibit "B"
Site Plan/Tract Map/etc.



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

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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I. AESTHETICS

Would the project:

- a) Have a substantial adverse effect on a scenic vista or scenic highway?
- a) **A scenic vista is the view of an area that is visually or aesthetically pleasing. Aesthetic components include (1) scenic quality, 2) sensitivity level, and 3) view access. The project area is not located in the vicinity of a scenic highway according to the Circulation/Scenic Highways Element of the Imperial County General Plan. The current project area has long been an area of active mining and the current vistas reflect the associated surface disturbance. The addition of the asphalt plant to the mining operation will not impact any more than the impact currently due to the existing mining operations; therefore, the project will not change the scenic view of the area, thus the impact would be considered less than significant.**
- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?
- b) **Mining has been conducted in the area for years and the continuation of the asphalt plant will not create any more of a scenic impact. Therefore, no impact is expected.**
- c) Substantially degrade the existing visual character or quality of the site and its surrounding?
- c) **The existing site is currently being mined and has been for many years; is not expected to substantially degrade the existing visual character of the area. The surrounding area was once mined for gold and other associated minerals. The continuation of the asphalt plant will not impact the overall visual impacts; therefore; the impacts appear to be less than significant.**
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
- d) **As stated in section (c) above, the project area is an existing mining site and the proposal does not appear to create an impact. The project will not operate at night and, therefore, the site does not appear to create any substantial light or glare and any impact the project may have. It is anticipated to be less than significant.**

II. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California 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:

- 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?
- a) **The proposed project site is not located on agricultural land nor is it located near any agricultural use. Therefore, the proposed project would not convert farmland and would not have an impact on farmland.**
- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?
- b) **The proposed mining area is not zoned "Agriculture", it is zoned S-2 (Open Space/Preservation), S-2 allows mining and the operation of an asphalt batch plant with the approval of a reclamation plan and conditional use permit. Therefore, the proposed project would not impact agricultural zoning or require a Williamson Act contract to be cancelled, thus no impact.**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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"/>
c) The proposed project area is zoned S-2 (Open Space/Preservation), and located in an open desert area with low mountain ranges. The proposed project would not conflict with existing zoning or cause rezoning of forest land, timberland or land zoned "Timberland Production". Therefore, the proposed project is not expected to have an impact.				
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"/>
d) The proposed mining project is surrounded by open desert, thus the proposed project would not result in the loss of forestland or the conversion of forestland. Therefore, the proposed project would not have an impact on forestland.				
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"/>
e) The mining area is located in a desert landscape with low mountains and the area has been mined for several years. The operation of the asphalt plant would not convert farmland or convert forest land to non-agricultural or non-forest land use; therefore, no impact is expected.				

III. AIR QUALITY

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

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) The Operator shall comply with the Imperial County Air Pollution Control (ICAPCD) regulations to control dust and other emissions by implementing the ICAPCD Fugitive Dust Control Plan (ICAPCD Regulation VIII) on the existing site. A constructional and operational dust control plan must be submitted to APCD to include, but not limited to, dust suppression for employee vehicles and trucks entering and departing from the site. The water to be used on-site will be hauled in from an existing water well approved by Imperial County Planning Commission and will be utilized for dust suppression. | | | | |
| The Operator is required to secure a Permit from APCD to assure that there will not be an increase in the emissions inventory; therefore, impacts would be considered less than significant. | | | | |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) The County is in non-attainment for ozone and PM10 and the offsetting threshold for these pollutants is 137 pounds per day. The proposed asphalt plant has the combined potential emission of 164.81 pounds per day of NOx and 193.09 pounds per day of particulate; however, the Operator is required to offset any emission over 137 pounds per day. The Operator is required to secure an Authority to Construct and a Permit to Operate a Portable Hot Mix Asphalt Plant; this will require the Operator to install emission-control devices to assure that there is no net increase in emissions, which should reduce impacts to less than significant. | | | | |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A Hot Mix Asphalt plant has the potential to emit PM10 and PM2.5 as well as gaseous emissions; however, the Operator is required to continue to comply with the Imperial County Air Pollution Control Districts Regulation VIII and also comply with the conditions of approval for the new Authority to Construct and Permit to Operate a Portable Hot Mix Asphalt Plant. Therefore, the proposed project shall not result in a cumulatively considerable net increase of criteria pollutants in a region that is at non-attainment under the applicable Federal and State ambient air quality standards. Therefore, impacts are | | | | |

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
anticipated to be less than significant.				
d) Expose sensitive receptors to substantial pollutants concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) The proposed site is not located near any sensitive receptors. Operator will use water in dust abatement and/or wash operations used to prepare material for asphalt production. Roads shall be watered as needed (hourly) when the site is operational to comply with the 20%-opacity standard; the intent is to control dust caused by the hauling, mining, and/or processing operations. Additionally, the Operator is required to comply with the APCD permits to assure that there is no net emissions increase. Therefore, impacts would be considered less than significant.				
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) The proposed asphalt plant is in an isolated area. Due to its location, the impact from odor would be considered less than significant.				

IV. **BIOLOGICAL RESOURCES**

Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
-
- a) **The proposed mining site, per the Imperial County General Plan Conservation and Open Space Element (updated March 8, 2016) Figure 3, is not located in an "Agency Designated Habitat". Additionally, per Sensitive Species Figure 2) of the Conservation Open Space Element, the northwest portion of the large parcel is designated the "Burrowing Owl Species Distribution Model"; the project site is not located within that boundary. However, mitigation measures were added for the Desert Tortoises during the CEQA analysis (Initial Study #08-0026) for the mining operation. The mitigation measures were implemented and will remain in place for the life of the project.**

BIO-1 Previous Mitigation Measure IV (a)

If Desert Tortoises are found, applicant shall contact the County and jointly contact the Service. The applicant shall fence the project area to prevent Desert Tortoises from moving onto the site, or migrating through the site. A worker education program must be implemented and the applicant may be required to obtain permits from CDFG. (The Operator has implemented the Desert Tortoises Mitigation as well as the BLM Stipulations stated in their EA#CA-760- 2008-76, dated November 2011.)

- 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?
-
- b) **The proposed asphalt batch plant is not expected to have an adverse effect on any riparian habitat or other sensitive natural community; however, the Operator has and will continue to comply with the BLM Stipulations (Measures to protect Wetland and Wash Habitat including Microhyll Woodlands) listed in the BLM EA#CA-760-2008-76, dated November 2011. Therefore, any impacts would be considered less than significant**

BIO-2 Previous Mitigation Measure BLM EA#CA-760-2008-76, dated November 2011

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
-

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
c) The project is not near a Federally-protected wetland under the Clean Water Act, Section 404; therefore, no impact is expected.				
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) No impact would be expected on movement of resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors.				
e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) The Project will not conflict with any local policies or ordinances protecting biological resources; therefore, no impact is expected.				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) The proposed project may have an impact on biological conservation plans; however, with the implementation of the mitigations listed in IV (a) and the BLM Stipulations stated in BLM EA#CA-760-2008-76, dated November 2011, any impacts would be less than significant.				

BIO-2 Previous Mitigation Measure BLM EA#CA-760-2008-76, dated November 2011

V. **CULTURAL RESOURCES**

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) Based on a site visit conducted by a Registered Professional Archaeologist in March 2008, records search, map information, and aerial photographs of the site and historic consultation, it was concluded that cultural resources on the site are nonexistent due to the extensive site disturbance by previous mining activity. Therefore, any impact would be less than significant. | | | | |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) As stated in (a) above, due to the extensive mining activity, there would be no substantial adverse change in the significance of an archaeological resource; therefore, no impact is anticipated. | | | | |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) The project is not expected to disturb human remains, including those interred outside of formal cemeteries. Therefore, no impact is expected. | | | | |

VI. **ENERGY** *Would the project:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) No consumption of energy is anticipated for this proposed asphalt plant. No impacts are expected. | | | | |

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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"/>
b) No local or state plans regarding energy are anticipated; therefore, no impacts are expected to occur.				

VII. **TRIBAL CULTURAL RESOURCES**

- a) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in §21074?
- Pa) Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to any California Native American tribes that have requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe.**

Based on Best Management Practices, IC Planning and Development Services (ICPDS) filed a Sacred Lands request with the Native American Heritage Commission (NAHC); per NAHC letter attached (dated April 6, 2016), we were advised to contact the Fort Yuma Indian Reservation. ICPDS did contact the Quechan Cultural Committee and conducted a joint site inspection. The Committee determined a "No Significant Finding Of Native American Cultural Resource" existed on site (Manfred Scott email dated May 23, 2016).

Additionally this modification CUP #19-0026, a letter was also mailed to NAHC and no responses were received. Therefore, less than significant impacts are expected.

VIII. **GEOLOGY AND SOILS**

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving:
- a) The proposed project does not appear to expose people or structures to potential substantial adverse effects impacts including loss, injury or death involving the asphalt batch plant. The impacts are expected to be less than significant.**
- 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?
- a1) According to the State of California's Alquist-Priolo Earthquake fault zone maps, the proposed project is located outside of an earthquake zone. The site could be affected by the occurrence of seismic activity, but no more than the surrounding properties. As a result, neither people nor structures would be exposed to potential adverse effects from fault rupture. Therefore, any impact would be considered less than significant.**
- A2) Strong Seismic ground shaking?
- a2) The proposed project would face limited risk from most types of geological events such as earthquakes due to the site's location. Therefore, any impacts would be considered less than significant.**
- A3) Seismic-related ground failure, including liquefaction and seiche/tsunami?
- a3) The proposed mining operation is not located near a body of water for a seiche to result, and liquefaction is not likely to develop; therefore, any impact from ground failure would be considered less than significant.**
- a4) Landslides?
- a4) The proposed project is not located in an area considered for landslides per the Department of Conservation Geologic Hazards; due to its isolated location, the risk from most type of geological events would be limited. Therefore, any impacts**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
would be considered less than significant.				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) The Operator submitted a grading permit to Imperial County Public Works, which was implemented prior to the commencement of the existing mining operation. The Operator has constructed an asphalt slab where the asphalt plant is located, which will reduce the possibility of soil erosion. Therefore, any impact would be less than significant.				
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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) The proposed project would not modify any drainage diversion channels and, thus, would not increase or change potential erosion associated with diversion channels. Therefore, no impact would be associated with this impact criterion.				
d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial risk to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) The mine site does not include any expansive soils, as defined in Table 18-1-B of the Uniform Building Code. Therefore, no impact is expected.				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) No septic tanks or other alternative wastewater disposal systems are proposed. Portable toilets will be provided for employees; therefore, the project would not have an impact to waste water systems.				

IX. GREENHOUSE GAS EMISSION

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) Truck traffic shall not exceed 250 truck trips per day, as approved in the Reclamation Plan #08-0001. This traffic count includes the aggregate operations, as well as the asphalt plant. Therefore, any GHG impacts that may result from the continuation of the mining operation and plant would be considered to be less than significant. | | | | |
| b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) The project will not conflict with any plan or policy of reducing greenhouse gas emissions. The Operator is required to comply with IC Air Pollution Control District; therefore, no impact is expected. | | | | |

X. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) The Operator will store on site asphaltic oil, lime, and diesel fuel for the asphalt plant. Although these products could be potentially hazardous to human health, the Operator has trained and issued proper safety glasses, and gloves; long sleeves must be worn by all the employees. Additionally, the Operator will continue to report to the Certified Unified Program Agency (CUPA), as required by the California Health and Safety Code. Therefore, any impacts would be | | | | |

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
considered less than significant.				
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"/>
b) As stated in (a) above, the Operator's employees have been trained in the handling of hazardous materials. Additionally, the Operator has on file a Hazardous Management Plan with the local Certified Unified Program Agency, which will be updated with the asphalt plant emergency plan. Therefore, any impacts to the public or the environment through reasonable foreseeable upset and accident conditions would be less than significant.				
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"/>
c) There are no schools within one-quarter mile of the project site. Therefore, no impact is expected.				
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"/>
d) The project is not located on or near a State of California listed hazardous materials site as identified in Government Code Section 65962.5.				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) The project is not located within the sphere of influence of a public airport; therefore, no impact is expected.				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) The proposed project is not within the vicinity of a private airstrip; therefore, no impact is expected.				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) The project site access is via Ogilby Road Exit from Interstate 8, to American Girl Road. The American Girl Road would allow emergency vehicles to access the site. Therefore, the proposed project would not interfere with any emergency response plan and, no impact is expected.				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) The proposed project is not located within a wildland fire hazard area. Further, the project does not include housing or other significant structures which could cause death or injury in the event of a wild fire. Therefore, no impacts are expected.				

XI. **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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) The asphalt plant activities under the proposed project would be similar to those activities currently ongoing at the mine site and previously analyzed for Reclamations Plan #08-0001 and Conditional Use Permit #08-0001. The project must implement Best Management Practices (BMPs) in accordance with regulatory requirements to ensure compliance with water quality and waste discharge requirements. The existing Stormwater Pollution Prevention Plan (SWPPP) for the site shall be updated as necessary to address proposed asphalt batch plant. Any impacts that may materialize would be considered less than significant.				
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) The project proposes to utilize water from a water well located on APN #050-120-009-000/CUP #08-0001, which was approved by the Planning Commission in 2008. The Permittee was approved to extract 57-acre feet of groundwater per year. Based on Annual Reports submitted by Pyramid Construction & Aggregates, Inc. for 2014, 2015, and 2016 the average water use is 17 acre feet per year. The Operator estimates, based on the asphalt plant operating 100 days per year (APCD requirement), an additional three (3)-acre feet of water per year will be needed. Therefore, based on the Operator's entitlement of 57 acre feet of water per year, and their estimated use of water to be 20 acre feet of water per year, any impact on the aquifer would be less than significant. .				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A grading and drainage plan shall be submitted to the Imperial County Department of Public Works for their review and approval; this plan requires erosion control measures to lessen erosion impacts and prevent runoff to adjacent operations. Impacts would be less than significant.				
d) Substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) The operator will be required to maintain a "Storm Water Pollution Prevention Plan and Monitoring Program" and to follow "best management practices" to reduce impacts of surface water to less than significant.				
e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) The proposed mining project is located on Federally owned land that does not allow chemical dust control, which could possibly contribute to pollution of runoff. Additionally, as stated above, the Operator shall maintain on file an up-to-date "Storm Water Pollution Prevention Plan" and follow "best management practices"; this would reduce impacts to less than significant.				
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) The water well is not located on the property where the asphalt batch plant will be located. Additionally, the water from the well is very corrosive, and the Operator has had to replace the water meter twice since the drilling of the well in 2013. Since the water quality is currently poor, any additional impact would be considered less than significant.				

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
g) Place housing within a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) There is no housing associated with this project; therefore, no impact is expected.				
h) Place within a 100-year flood hazard area structures which would impede or redirect the flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) The proposed project only includes the portable asphalt equipment, which is not located in a 100 year flood area; therefore, no impact is expected.				
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) There are no dams or levees in the project area and no residential structures are proposed. The proposed project is not expected to expose people or structures to a significant risk of loss, injury or death, as a result of flooding. Therefore, no impact is expected.				
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) The project is not located in an area inundated by seiche, tsunami, or mudflow. Therefore, no impact is expected.				

XII. **LAND USE AND PLANNING**

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) The project site is located on Federally-owned open desert, not within an established community; thus, the mining project would not physically divide an established community, and no impact is anticipated. | | | | |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (include, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) The project would not conflict with the County's General Plan or Land Use Ordinance (LUO). The LUO requires asphalt batch plant projects secure a conditional use permit from Imperial County Planning and Development Services Department that meets all Imperial County Land Use requirements, which is being achieved. Therefore, no impact is expected. | | | | |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) This project does not conflict with any applicable habitat conservation or natural community conservation plans. Therefore, no impact is expected. | | | | |

XIII. **MINERAL RESOURCES**

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) The proposed project is a mineral extraction operation which will remove mineral resources on-site during the course of this operation. Raw material and finished products produced from this mining operation is used for the benefit of Imperial | | | | |

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
County and San Diego County and would result in cumulative positive economic impacts. The loss of mineral impact should be considered less than significant, as significant other resources remain available elsewhere in the County. No other resources will be affected by this project				
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"/>
b) As stated above, the mineral extraction impact would be considered less than significant due to other resources that remain available elsewhere in Imperial County. Therefore, Impacts would be considered less than significant.				

XIV. **NOISE**

Would the project result in:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) Noise levels in the vicinity of the mine should not exceed the standards established in the Imperial County General Plan, "Noise Element"; therefore, no impacts expected. | | | | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) The operation of a batch plant, the operation of heavy equipment, and the vehicular movement of heavy trucks all create significant amount of noise. However due to its location and the CAL/OSHA requirements, which must be followed by the Operator, any impacts would be considered less than significant. | | | | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) The proposed project area is being mined and has been mined for several years. The Operator will also have on site an asphalt batch plant, which will increase the noise level; as stated above; however, the location and CAL/OSHA requirements would reduce the level of impact to less than significant. | | | | |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) The proposed area has been mined for several years. With the addition of the batch plant, the noise level may increase; however, as stated above, due to its location and the implementation of CAL/OSHA requirements, would reduce the level of impacts to less than significant. | | | | |
| e) For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) The proposed mining operation is not located within an airport land use plan or a public airport. Therefore, no impact is expected. | | | | |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) The proposed project is not within the vicinity of a private airstrip; therefore, no impact is expected. | | | | |

XV. **POPULATION AND HOUSING**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
Would the project:				
a) Induce substantial 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"/>
a) The proposed project is a non-residential project proposed for non-residential lands. The continuation of the operation of a portable asphalt batch plant operation will not alter the local population or infrastructure; therefore, no impact is expected.				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) The proposed project is not a housing project; it is an asphalt batch plant for a mining operation. In addition, the mining site is located within an open desert on Federal land; thus, the construction or replacement of housing is not needed. No impact is expected.				
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) No impacts on population or housing would result from the approval of the asphalt batch plant operation. Therefore, no impact is expected.				

XVI. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Due to the nature of the project (asphalt batch plant) and distance from emergency services, a less than significant impact would be expected on any public services				
1) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a1) There could be an occasional on the job injury that would necessitate a response by the County Fire/Office of Emergency Services; however, the impact would be considered less than significant				
2) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a2) Law Enforcement services would be expected to be minimal due to the secured nature of the equipment that will be on-site; thus any impacts would be less than significant.				
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a3) The asphalt operation will not have an impact on schools.				
4) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a4) The asphalt operation will not have an impact on parks.				
5) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a5) No impacts to other public facilities are expected.				

	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"/>
a) The proposed project is the installation of a portable asphalt batch plant, which will not increase the use of existing neighborhood and regional parks or other recreational facilities; therefore, no impact is expected.				
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"/>
b) The proposed project does not propose the construction of recreational facilities nor the increase of recreational facilities of any type. No impact is expected.				

XVII RECREATION

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"/>
a) The proposed project will not impact local or regional recreational facilities; therefore, no impacts are expected.				
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"/>
b) The proposed project will not require or be required to construct recreational facilities; therefore, no impact is expected.				

XVIII. TRANSPORTATION / TRAFFIC

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) There are no plans, ordinances, or policies related to the performance of circulation systems that affect the mine site. The site is in a remote desert location and modifications have been made to the access road (American Girl Road); no impact is expected.				
b) Conflict with an applicable congestion management program, including but not limited to level of service standard and travel demand measures, or other standards established by the county congestions/management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) During the entitlement process for the mining operation in 2008, a Mitigation Measure was imposed on the parcel where the asphalt batch plant will be located. It read as follows, "The applicant must implement all necessary improvements recommended by Traffic Study. Maintenance to roads used by haul trucks shall be maintained including but not limited to repairing ruts, potholes, dangerous shoulders, sweeping and watering roads for dust suppression."				

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The applicant must implement all necessary improvements recommended by Traffic Study. Maintenance to roads used by haul trucks shall be maintained including but not limited to repairing ruts, potholes, dangerous shoulders, sweeping and

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
watering roads for dust suppression.				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The activities of an asphalt batch plant have no effect on air traffic patterns; therefore, no impact is expected.				
d) Substantially increases hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) As stated in (b) above, modifications were made to the American Girl Road and Ogilby Road to reduce the possibility of traffic accidents, per the Caltrans Manual for Uniform Traffic Control Devices. Therefore, impacts would be considered less than significant.				
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) The proposed project would not change the level or type of traffic associated with the currently approved mining operations. Therefore, the proposed project would have no impact on emergency access.				
f) Conflicts with adopted policies, plans, programs, regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) The mine site is located in a remote area that is not serviced by public transportation, bicycle, or pedestrian facilities. Therefore, no impact is expected.				

XIX UTILITIES AND SERVICE SYSTEMS

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) No wastewater would be produced, thus there is not a need for wastewater treatment. The operator is utilizing portable restrooms. No impacts are expected.				
b) Require or result in the construction of new water or water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) The Operator intends to utilize their water well that was previously approved by the Imperial County Planning Commission in 2008. The water will be utilized for dust suppression and will not require water treatment. Therefore, there will be no need for the construction of a water treatment facility and no impact is expected.				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The proposed project is an existing mining operation and the addition of an asphalt plant and does not require the use of a storm water drainage facility. Therefore, no impact is expected.				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In 2008, the Imperial County Planning Commission approved Pyramid's Conditional Use Permit #08-0001 for a water well to				

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
extract fifty-seven (57) acre feet of water per year. Based on the Operator's water well annual report, the Operator is currently using an average of seventeen (17) acre feet of water per year. No other entitlements will be needed; therefore, no impact is expected.				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) The proposed mining project utilizes portable restrooms, a scale and scale house with limited staff on-site; therefore, no wastewater or expanded entitlements needed. No impact is expected				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Any solid waste generated on site is transported to Pyramid's Heber location and properly permitted waste is collected by Allied Imperial Landfill. The Allied Imperial Landfill located in Imperial, CA has the capacity to serve the American Girl East pit; therefore, no impact expected.				
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XX. **WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) The proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones according to California Fire Prevention SRA Fee viewer, therefore, no impacts are expected related to substantially impair an adopted emergency response plan or emergency evacuation plan.				
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) As previously stated under item a) above, the proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, therefore, no impacts are expected related 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.				
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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) As previously stated under item a) above, the proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, therefore, it would not 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. Any impact would be less than significant.				
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"/>
d) As previously stated under item a) above, the proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, therefore it would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or				

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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drainage changes. Any impact 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

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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SECTION 3
III. MANDATORY FINDINGS OF SIGNIFICANCE

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

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| <p>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory?</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>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.)</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

IV. 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
- 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

- **Bureau of Land Management**

V. REFERENCES

1. "County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; and as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015
2. Conditional Use Permit #08-00001
3. Reclamation Plan #08-0001
4. BLM EA #CA-760-2008-76, dated November, 2011
5. Stormwater Pollution Prevention Plan #WDID# 7 13IO23923

VI. MITIGATION NEGATIVE DECLARATION – County of Imperial

The following Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.

Project Name:

American Girl East Conditional Use Permit #19-0026

Project Applicant:

Pyramid Construction & Aggregates, Inc.

Project Location:

The Pyramid Construction & Aggregates, Inc. has submitted Conditional Use Permit #19-0026 to amend Conditional Use Permit #16-0008 to construct and operate a portable asphalt batch plant on their existing, 40-acre American Girl East mining site. Their Reclamation Plan #08-0001 and Conditional Use Permit #08-0001 (for a water well, located on APN#050-120-009-000) were approved by the Imperial County Planning Commission on August 27, 2008. If approved, the asphalt plant will provide asphalt to projects in the area..

The asphalt plant has and will include a baghouse, drum mixer, incline conveyor, two ac tanks, cold feed bin, control house, and an 80-ton load out silo. A pug mill plant will also be installed along with a 1,000-gallon water tank, a fully portable 550 BBL silo to store lime, an enclosed rotary vane feed, and two enclosed conveyors. The maximum production is currently 250 tons per hour (tph) or as specified by the Imperial Air Pollution Control District Permit.

The mining site and asphalt plant will operate in daylight only (between 7:00 am and 4:00 pm) during winter months and the starting time in the summer will be 6:00 am, six (6) days a week. No Sundays or holiday operations. Annual extraction combined for both the mining site and plant is 500,000 cubic yards of material. Maximum daily truck trips is 250.

VII. FINDINGS

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environmental and is proposing this Negative Declaration based upon the following findings:

- The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

- The Initial Study identifies potentially significant effects but:
 - (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
 - (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.
 - (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A NEGATIVE DECLARATION will be prepared.

If adopted, the Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

NOTICE

The public is invited to comment on the proposed Negative Declaration during the review period.

1-21-2021 for [Signature]
Date of Determination Jim Minnick, Director of Planning & Development Services

The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.

[Signature] 1/21/2021
Applicant Signature Date

5-201912 12/17/19 Initial Study - Environmental Checklist Template 2019-0026

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SECTION 4

VIII. RESPONSE TO COMMENTS

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

. IV. RESOURCES BIOLOGICAL

BIO-1 Previous Mitigation Measure IV (a)

If Desert Tortoises are found, applicant shall contact the County and jointly contact the Service. The applicant shall fence the project area to prevent Desert Tortoises from moving onto the site, or migrating through the site. A worker education program must be implemented and the applicant may be required to obtain permits from CDFG. (The Operator has implemented the Desert Tortoises Mitigation as well as the BLM Stipulations stated in their EA#CA-760-2008-76, dated November 2011.)

BIO-2 Previous Mitigation Measure BLM EA#CA-760-2008-76, dated November 2011

The proposed asphalt batch plant is not expected to have an adverse effect on any riparian habitat or other sensitive natural community; however, the Operator has and will continue to comply with the BLM Stipulations (Measures to protect Wetland and Wash Habitat including Microhyll Woodlands) listed in the BLM EA#CA-760-2008-76, dated November 2011. Therefore, any impacts would be considered less than significant

XVIII. TRANSPORTATION / TRAFFIC

TRA-1

The applicant must implement all necessary improvements recommended by Traffic Study. Maintenance to roads used by haul trucks shall be maintained including but not limited to repairing ruts, potholes, dangerous shoulders, sweeping and watering roads for dust suppression.

S:\AllUsers\APN\050\320\031\PYRAMID CUP19 0026\EEC\Initial Study - Revised 01 12 2021.docx

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AIR POLLUTION CONTROL DISTRICT



RECEIVED

December 26, 2019

DEC 26 2019

Mr. Jim Minnick
Planning & Development Services Director
801 Main St.
El Centro, CA 92243

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

SUBJECT: Condition Use Permit 19-0026— Pyramid Hot Asphalt Batch Plant

Dear Mr. Minnick:

The Imperial County Air Pollution Control District ("Air District") would like to thank you for the opportunity to review the proposed application for an amended Conditional Use Permit (CUP) that would allow the continued operation of the Pyramid Construction and Aggregates Hot Asphalt Batch Plant ("Project") located at 3737 American Girl Road in Winterhaven, California.

As described in the letter submitted by the applicant, dated December 11, 2019, the intent of the amendment to the CUP is to allow the Project to operate as a full permanent 15-year CUP. As written, the current CUP is a bit outdated and will need amending to reflect consistency with the valid Permit to Operate as issued by the Air District in 2018. Thus, the Air District request a copy of the draft version of the CUP to assure the correct language is included to assure a 15 year applicability and consistency with Air District Rules and Regulations.

The Air District's rule book can be accessed via the internet at <http://www.co.imperial.ca.us/AirPollution>. Click on "Rules & Regulations" under "Resources" on the left side of the page. Should you have questions, please call our office at (442) 265-1800.

Sincerely,

Curtis Blondell
APC Environmental Coordinator

Reviewed by

Monica Soucier
APC Division Manager

CUP 19-0026

Page 1 of 1

ADMINISTRATION / TRAINING

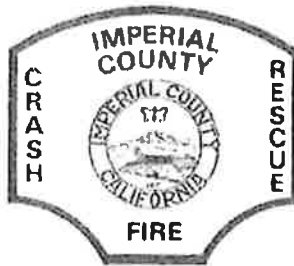
1078 Dogwood Road
Heber, CA 92249

Administration

Phone: (442) 265-6000
Fax: (760) 482 2427

Training

Phone: (442) 265-6011

**OPERATIONS/PREVENTION**

2514 La Brucherie Road
Imperial, CA 92251

Operations

Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention

Phone: (442) 265-3020

January 27, 2020

RE: Condition Use Permit 19-0026

Pyramid Construction & Aggregates Inc
3737 American Girl Road, Winterhaven, CA

Imperial County Fire Department would like to thank you for the chance to review and comment on CUP 19-0026 for proposed Hot Mix Asphalt Plan location at 3737 American Girl Road, Winterhaven CA, APN: 050-320-031

Imperial County Fire Department has the following comments and/or requirements.

- An approved water supply shall be installed and maintained in accordance with Imperial County Fire Department Rural Water Requirements for Firefighting.
- Fire department access roads shall be a width of a least 20 feet and all weather surface capable of supporting fire apparatus. Fire department access roads will be provided with approved turn around approved by Imperial County Fire Department. Gates will be in accordance with the current adapted fire code and the facility will maintain a Knox Box/lock for access on site.
- Secondary access shall be required and shall be kept clear of vehicle congestion and other factors that could limit access.
- A Hazardous Waste Material Plan (HWMP) shall be submitted to Certified Unified Program Agency (CUPA) for their review and approval. All spills shall be documented and reported to Imperial County Fire Department and CUPA as required by the Hazardous Waste Material Plan.
- Hazardous Material Management Plan (HMMP) shall be required for all hazardous materials on site.
- All storage and handling of flammable and combustible liquids shall be in accordance with the California Fire Code and all federal, state, and local regulations, codes, and ordinances.
- Compliance with all required sections of the fire code.

Imperial County Fire Department reserves the right to comment at a later time as we feel necessary.

If you have any questions, please contact the Imperial County Fire Prevention Bureau at 442-265-3020 or 442-265-3021.

Sincerely

Andrew Loper
Lieutenant/Fire Prevention Specialist
Imperial County Fire Department
Fire Prevention Bureau

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CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME El Centro Bureau of Land Management, El Centro District Office		EMAIL ADDRESS	
2. MAILING ADDRESS (Street / P O Box, City, State) 161 South 4th Street, El Centro, CA		ZIP CODE 92243	PHONE NUMBER 760-337-4400
3. APPLICANT'S NAME Pyramid Construction and Aggregates, Inc.		EMAIL ADDRESS george@pyramidca.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 839 Dogwood Rd. Heber, CA		ZIP CODE 92249	PHONE NUMBER 760-337-5839
4. ENGINEER'S NAME	CA. LICENSE NO.	EMAIL ADDRESS	
5. MAILING ADDRESS (Street / P O Box, City, State)		ZIP CODE	PHONE NUMBER
6. ASSESSOR'S PARCEL NO. 050-320-031		SIZE OF PROPERTY (In acres or square foot) 40 acres of a 799.85 acre site	ZONING (existing) S2-G5
7. PROPERTY (site) ADDRESS 3737 American Girl Road, Winterhaven, CA			
8. GENERAL LOCATION (i.e. city, town, cross street) 3 miles northeast of Ogilby Road on American Girl Road			
9. LEGAL DESCRIPTION Section 19, Township 15 South, Range 21 East			

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)		HMA (hot mix asphalt plant) - see attached description
11. DESCRIBE CURRENT USE OF PROPERTY		HMA & mining operation
12. DESCRIBE PROPOSED SEWER SYSTEM		N/A
13. DESCRIBE PROPOSED WATER SYSTEM		N/A
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM		N/A
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? 5

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

George Flanigan 11/22/2011
Print Name Date
[Signature]
Signature

Print Name Date

Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	
B. FEE	\$5,500.
C. OTHER	Project description
D. OTHER	September 5th letter to Planning

APPLICATION RECEIVED BY:	<u>[Signature]</u>	DATE	<u>11/22/11</u>	REVIEW / APPROVAL BY	OTHER DEPT'S required.
APPLICATION DEEMED COMPLETE BY:	_____	DATE	_____	<input type="checkbox"/> P. W.	
APPLICATION REJECTED BY:	_____	DATE	_____	<input type="checkbox"/> E. H. S.	
TENTATIVE HEARING BY:	_____	DATE	_____	<input type="checkbox"/> A. P. C. D.	
FINAL ACTION:	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE	_____	<input type="checkbox"/> O. E. S.	
		DATE	_____	<input type="checkbox"/> _____	
		DATE	_____	<input type="checkbox"/> _____	

CUP #
19-0026

RECEIVED
DEC 12 2019
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

December 11, 2019

Conditional Use Permit for a Portable Asphalt Plant (as extension of CUP #16-0008)
American Girl Mine East, Winterhaven, CA

Project Description (Revised):

Pyramid Construction and Aggregates currently operates a mining operation and a portable hot mix asphalt plant located at the captioned location in Winterhaven, CA. The plant currently operates in accordance with general and specific conditions provided by CUP #16-0008. Pyramid Construction and Aggregates seeks to continue this operation under a conditional use permit for the maximum permissible time available under the Planning Dept. permit guidelines. We understand this to be a three year term with successive permit extensions for up to 15 years.

Asphalt is produced using one asphalt plant and associated equipment. The plant includes a baghouse, drummixer, Incline conveyor, two ac tanks, cold feed bin, and control house and an 80 ton load-out silo. A Pugmill plant is installed along with a 1,000 gallon water tank, a fully portable 550 BBL silo to store lime, an enclosed rotary vane feed and two enclosed conveyors. The maximum production is currently 250 tons per hour (tph) or as specified by the Imperial Air Pollution Control District Permit. The maximum annual production is 250,000 tons for ICAPCD evaluation purposes.

Water for the tank will come from the water well which is permitted under CUP # 08-0001. We anticipate the usage for the asphalt plant to be ½ an acre ft per year. Under the current CUP we are permitted for 57 acre feet per year of water. With the additional of only ½ an acre ft per year of water, we in no way will exceed the yearly allowable consumption.

In the asphalt process, aggregate material is fed from finished stockpiles to a series of cold bin hoppers/feeders via a front end loader. The aggregate then goes thru a Pugmill which adds lime and water to the aggregate. The Pugmill is enclosed and will comply with all ICAPCD and other regulatory requirements relating to this process. After passing thru the Pugmill, the treated aggregate is then conveyed to the remainder of the asphalt plant. The plant heats and dries the materials in a rotary dryer fired by propane that is vaporized for cleaner fuel efficiency where the aggregates are then mixed with asphaltic oil. The finished product is transported on an enclosed drag conveyor to an insulated and sealed load-out silo. All employees involved in this process have been trained and issued the proper PPE for these products, which is safety glasses, gloves & long sleeves. The lime is stored in enclosed storage vessels designed to hold lime and lime type products. As listed on the silo equipment, baghouse type equipment is

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be far less dangerous by lifting restrictions on hours of operation. Given the harsh climate of Imperial County, the current limitation on daytime operating hours requirement places our employees at a significantly higher risk of heat exhaustion and other high heat related injuries and illnesses. Operating the asphalt plant during nighttime hours with cooler temperatures will significantly improve worker safety.

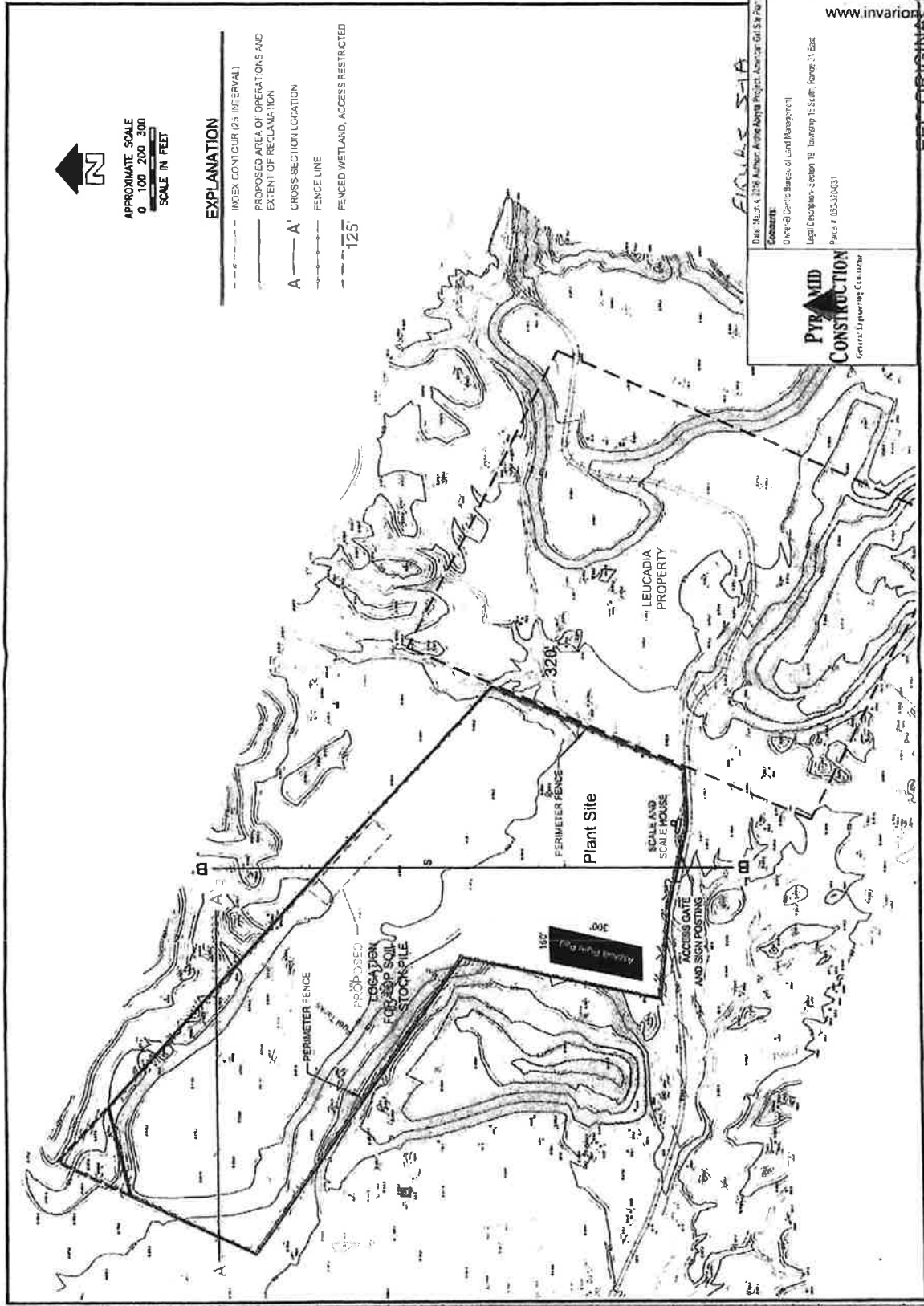
Further, it is our understanding that the CUP 16-0008 was issued by ICPDS as a temporary permit. We understand that the existing permit may be amended to be permanent in nature and that amendment would allow for 15 years with 5 successive three-year permit periods. At this time, Pyramid Construction and Aggregates would like to request that CUP #16-0008 be amended to be a full, permanent 15-year CUP.



APPROXIMATE SCALE
 0 100 200 300
 SCALE IN FEET

EXPLANATION

- INDEX CONTOUR (25' INTERVAL)
- PROPOSED AREA OF OPERATIONS AND EXTENT OF RECLAMATION
- CROSS-SECTION LOCATION
- FENCE LINE
- FENCED WETLAND, ACCESS RESTRICTED



DATE: 10/14/14 12:16 Author: Andrew Wright Project: Leucadia G&S&P
 Consultant:
 Client: Pyramid Construction
 Legal Description: Section 19 Township 13 South Range 31 East
 Parcel #: 035-5104031

PYRAMID CONSTRUCTION
 General Contracting & Construction

PLAN OF OPERATIONS

Prepared by Pyramid Construction and Aggregates Inc.

American Girl

Imperial County, California March 19, 2020

PLAN OF OPERATIONS

Prepared by Pyramid Construction and Aggregates, Inc.

American Girl

Imperial County, California March 19, 2020



**PYRAMID
CONSTRUCTION
AND AGGREGATES, INC.**

General Engineering Contractor
State Contractor Lic. No. 866533

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PLAN OF OPERATIONS

1. INTRODUCTION

Pyramid Construction (Pyramid) is submitting this Plan of Operations as part of the process to finalize the process for documenting the installation of an asphalt batch plant as described in the Finding of Not Significant Impact report issued by the Bureau of Land Management on February 28, 2020. This report also supports competitive mineral material sale contracts that have been issued to Pyramid for the American Girl Operation (AGO). This Plan of Operations has been prepared to comply with the Title 43 Code of Federal Regulations (CFR) Part 3600.

AGO is a construction aggregate mining and processing operation located in Imperial County, California (Figure 1). A Reclamation Plan has been submitted as a separate document to the Imperial County Planning/Building Department. The Reclamation Plan has been prepared to comply with the requirements of Imperial County and the Surface Mining and Reclamation Act of 1975 (SMARA), as amended.

The proposed AGO is located in a historic mining district with mining to be conducted entirely on lands mined as the former American Girl- Padre Madre Mining Operation. The proposed area of disturbance (Figure 2) has been the subject of extensive environmental studies conducted previously in support of the former American Girl- Padre Madre Mining Operation (BLM EA No. CA-067-88-65).

PLAN OF OPERATIONS

2. APPLICANT INFORMATION

2.A Individual Completing Application

Mr. Daryl Dickerson
Owner
Pyramid Construction and Aggregates Incorporated
Application Date: January 2008 (updated March 2020)

2.B Applicant's Business Address

Pyramid Construction and Aggregates, Incorporated
839 Dogwood Rd.
Heber, California 92249

2.C Applicant's Business Telephone Number

(760) 337-5839

2.D Corporate Information

Corporate Name Pyramid Construction and Aggregates, Incorporated
839 Dogwood Rd.
Heber, California 92249
Telephone Number: (760) 337 5839

Owner

Mr. Daryl Dickerson
Pyramid Construction and Aggregates, Incorporated
839 Dogwood Rd.
Heber, California 92249

2.E Partnership Information

Not Applicable

2.F Authorized Field Representative

Pyramid personnel will be onsite at all times during active mining or processing operations and will be responsible for ensuring compliance with this Plan of Operations and associated Reclamation Plan. At this time, the American Girl operation is managed on a day-to-day basis by Pyramid employee William Crimm (760-455-5476).

PLAN OF OPERATIONS

3.A Project Location

The proposed AGO is located in an uninhabited area of the southern Cargo Muchacho Mountains (about 15 miles northwest of Yuma, Arizona, and 45 miles east of El Centro, California) in an un-surveyed portion of Section 19, Township 15 South, Range 21 East, San Bernardino Meridian, California (see Figure 1). The physical address for the project is 3737 American Girl Rd., Winterhaven, California, on a property described as Assessor's Parcel Number 050-320-031-000 located in Imperial County, with latitude longitude of 32.849813, -114.779655.

The AGO is located entirely upon previously disturbed lands associated with the former American Girl Mine-Padre Madre Mining Operation, which was part of the American Girl Canyon Mining Area. The AGO will mine a portion of existing overburden stockpiles remaining at the site and process these materials for sale and construction aggregate in the local Imperial County Market. The project will reduce, reuse, and reclaim or recycle what are considered to be wastes, thus removing waste stockpiles and restoring the area to near- original surface contours.

Estimated Acreage of the Proposed Disturbances

The estimated areas of disturbance associated with the project are listed in Table 3-1 and shown on Figure 2. The mining disturbance associated with the proposed AGO will affect previously reclaimed lands and will be focused on mine overburden stockpiles created by historic mining operations. Mining of these stockpiles will return the area to near original land surface contours or road base elevation.

Table 3-1 Estimated Areas of Disturbance/ Year Reclaimed		
Location	Acres	Year Reclaimed
Plant Site	5	Concurrent
Haul Road Year 1-5	3	END
Year 1 Mining	25	2
Year 2-3 Mining	5.5	4
Year 4-5 Mining	0	6
Year 5-10 Mining	0	N/A
Access Road	1	END
Well*	0.5	END
Long-term Monitoring	N/A	Post-Reclamation
Project Total	40	

* The proposed well is located on a non-contiguous parcel of land. See Figure 2.

3.B Surface Ownership

The land surface is owned by the Federal Government of the United States and is administered by the Department of the Interior, Bureau of Land Management (BLM). The BLM has the right to dispose of sand, gravel, and other mineral materials pursuant to the Act of July 31, 1947, as amended (30 U.S.C.601 et.seq.), commonly referred to as the Materials Act. The BLM can award non-competitive and competitive sales contracts pursuant to 43 CFR 3600. Included with such contract is the right to occupy the land to the extent necessary for fulfillment of the contract.

3.C Use and Occupancy of Public Lands

As required by the BLM's regulations and governing Use and Occupancy under the Materials Act, 43 CFR 3600, this section of the Plan of Operations describes the existing and proposed uses and occupancies of applicable public lands to be mined under this Plan of Operations. The types of existing and proposed uses and occupancies on public lands include portable buildings, portable storage facilities, and temporary fences. These proposed uses and occupancies are depicted on Figures 3A and 3B, and a typical cross-section is provided in Figure 4.

Portable buildings will be used for beneficiation operations, administrative, communications, maintenance, and security functions. Storage facilities will be used to secure, safely store, and protect mining equipment, supplies and material from improper or unauthorized use, theft, vandalism, and exposure to weather. Fences will be constructed to comply with Federal, State, and local regulatory and safety requirements, to protect employees, the public, and wildlife, and to provide security for Pyramid's operations and the mining equipment, supplies, materials, and mineral products present of the site. More detailed descriptions of the particular uses and occupancies on public land are provided throughout Section 5.0 of this Plan of Operations,

The proposed AGO is located in an uninhabited area of the southern Cargo Muchacho Mountains (about 15 miles northwest of Yuma, Arizona, and 45 miles east of El Centro, California) in an un-surveyed portion of Section 19, Township 15 South, Range 21 East, San Bernardino Meridian, California (see Figure 1). The physical address for the project is 3737 American Girl Rd., Winterhaven, California, on a property described as Assessor's Parcel Number 050-320-031-000 located in Imperial County, with latitude longitude of 32.849813, -114.779655.

Access to the site is via Interstate 8 to the Ogilby Road exit, traveling four miles north on paved Ogilby Road/ State Route S34, and traveling three miles northeast from Obilby Road along American Girl Mine Road, a county gravel road. Pyramid's mining-related uses and occupancies of public land will continue for the duration of the Project until reclamation is completed and approved by the Imperial County Planning Department located in El Centro, California.

PLAN OF OPERATIONS

4. HISTORIC MINING AND PRIOR DISTURBANCES

The AGO is located in an area not previously surveyed by the United States Geological Survey (USGS) but that is estimated to be Section 19, Township 15 South Range 20 East, Imperial County, California on a portion of the former, American Girl Mine-Madre Padre Operations. The associated water well is located in Section 25, Township 15 South Range 20 East, Imperial County, California. This district has a long history of mining-related activities including exploration, prospecting, pilot testing, and commercial production using both open pit and underground mining methods. Mining in the district dates back over 50 years with the more recent commercial production (American Girl Mine-Padre Madre) ceasing in 1996.

The AGO plans to operate within the reclaimed land boundary and will not disturb any native ground (Figure 2). Instead, Pyramid plans to mine the existing overburden stockpiles remaining at the site and process these materials for sale as construction aggregate and asphalt in the local Imperial County market. The project will reduce, reuse, and reclaim or recycle what are considered to be wastes, thus removing waste stockpiles and restoring the area to a more original land form.

5.C Project Access

Access to the AGO will be over the existing county roads (i.e., same road originally used for access to the American Girl Mine- Padre Madre Operation). A short section of unpaved access road will require some dust control upgrades including the possible use of industry-standard chemical dust control treatments such as magnesium chloride (Figure 2). Additionally, a short section of road will be re-graded along the Country route to provide access to the process plant and material load-out area as shown in Figure 2. The road will not be relocated but rather the grade of an approximately 300 foot section will be reduced to better accommodate haul trucks that will pass through the area. This process will not be achieved through blasting but rather "ripping" the grade with mining equipment. Excess materials resulting from this grade reduction will be processed as saleable material. Additionally, a small access road will be constructed for site access and the scale house. This road will be constructed within the confines of the property and will not affect the existing county road.

Based on communication with the United States Army Corps of Engineers (USACE), construction for this road will be performed under the authority of Nationwide Permit Number 14 and is therefore exempt from 404 and 401 permitting requirements. Further, since the former American Girl cyanide leach piles are not on the AGO parcel and there is no indication of cyanide being used historically along the roads related to the AGO parcel, the site is exempt from a Water Discharge Requirement (WDR) permit.

For potential discharges to the surface waters outside of the site, the federal NPDES permit application Forms 1 and 2D will be completed and submitted to the California SWRCB.

5.D Proposed AGO

Pyramid proposes to mine and process all the overburden and stockpiled materials within a small portion of the confines of the formerly mined American Girl Mine-Padre Madre Mine Operation and will not disturb any native or previously undisturbed ground. The extraction of materials from these stockpiles will be accomplished with conventional mining methods using loaders and haul trucks. No blasting will be required. The operation will include mining, crushing, screening, and washing and a portable asphalt plant.

Each of the stockpiles will be mined systematically in order to facilitate concurrent reclamation in parallel with the proposed operation. Approximately one million cubic yards of stockpiled material is estimated and planned for extraction under the current contract with BLM.

Material processing will include crushing and screening, washing when necessary, to meet the required specification of the respective construction aggregates being sold. Some materials will require crushing and screening as well as washing to remove fines, while others may require only washing. All plant reject material will be temporarily stockpiled in the north portion of the site (Figure 3A) for eventual spreading over the reclamation areas and graded into the final contours.

Truck weights will be measured using a scale house that has been installed on site. Truck weights will be measured before and after they are loaded to determine tonnage that has been removed from the site. Total records of aggregates materials removed will be maintained on a daily and monthly basis.

PLAN OF OPERATIONS

5. OPERATING PLAN

5.A Summary of Proposed Operations

The AGO will mine existing overburden stockpiles, at the site and process these materials for sale as construction aggregates in the local Imperial County market. The project objective is to reuse and reclaim all saleable resources via removal of the stockpiles within a minimum of two years and up to 25 years, depending on market conditions.

Pyramid projects a total of approximately one million cubic yards of material are available for mining as construction aggregate materials within the 40-acre footprint of the operations and within the limits of the current contract with BLM. The maximum mining rate is established by 43 CFR 3600 and is dependent upon the BLM award of competitive mineral material contracts to Pyramid as well as approval of this Plan of Operations and associated Reclamation Plan (submitted to Imperial County under separate cover). Pyramid also anticipates installation, usage, and maintenance of Hot Mix Asphalt Plant as described further below.

The operation is planned as a temporary construction site and will have no permanent foundations, structures, or support facilities. All materials, including sanitary and non-sanitary wastes, maintenance wastes, including waste oil, will be removed from the site on a daily or weekly basis or other logical frequency. All operating facilities will be temporary in nature and will be hauled in on over-the-road transports.

5.B Period of Operations

Mobilization of the AGO will begin when applicable Federal, State, and local approvals have been obtained. Pyramid commenced project planning, mobilization and initial commercial sales in the second quarter of 2008. Reclamation activities will occur in parallel with mining and material beneficiation operation with final reclamation planned for completion following the cessation of operations at the site. Based on the resource and extraction rates described in this Plan of Operations, the life of the AGO is planned to be up to 25 years. This operating life estimate is dependent upon a variety of economic variables, including production costs, material sales contracts, and commodity prices.

The hours of operation are limited from 7:00 AM to 4:00 PM, Monday through Saturday. The summer hours for the operation will commence at 6:00 AM. The plant will not operate Sundays or holidays or any night operations.

5.D.1 Stockpile Excavation

All mining will occur at elevations above natural ground level (i.e., no new open pits will be created at the site as a result of the mining operation). The stockpile extraction will be accomplished with conventional surface mining equipment including front-end loaders, haul trucks, bulldozers, motor graders, and water trucks. Table 5-1 below lists the proposed mining equipment fleet. The maximum annual extraction rate is dictated by the BLM's material sales contract limitations and market demand. The maximum daily extraction rate is planned at 4,500 cubic yards. Mining not changed from original mine operations and there is no expectation that any temporary or permanent slopes will be created .

Equipment Type	Model Equivalent	Quantity
Front-End Loader- 7 Cubic Yards	CAT 980	1
Motor Grader	CAT 140	1
Haul Truck- 35 ton	CAT D350	3(future)
Bulldozer	CAT D8	1
Generator	Cummins QSX15-G9 (725 kW)	1
Water Truck	4,000 gallon	1
Water Pull	5,000 gallon	1

The hours of operation are limited from 7:00 AM to 4:00 PM, Monday through Saturday. The summer hours for the operation will commence at 6:00 AM. The plant will not operate Sundays or holidays or any night operations.

Approximate post-mining contours are depicted in Figure 5.

5.D.2 Plant Reject Materials

Plant reject/ wash material will be stored in a small sediment pond as shown in Figure 3A. All plant reject materials will be used as part of concurrent reclamation and graded into the final reclamations contours.

5.D.3 Haulage and Access Roads

Haulage and access roadways will follow existing access and exploration roads. All mine roads will be developed to an operating width of 25 feet which is no greater than the current approximate width of the roads leading the site. Road grades will be limited to overall gradients of eight percent or less.

Roadway drainage will be intercepted by haul road drainage channels, which will be incorporated within the roadway construction to promote drainage along the inside edge of the roadway. These channels will route runoff from precipitations to the nearest sediment control best management practices (BMP). The combined use of these channels with additional stormwater BMP's, such as temporary straw bale diversion and/or sedimentation ponds, will control sediment transport during high precipitation events.

Ambient roadway dust emissions will be suppressed using water application and industry-standard chemical roadway dust suppressant agents (e.g., magnesium chloride) where necessary.

Construction techniques will ensure compliance with all Federal, State and local safety regulations.

5.D.4 Crushing and Screening Facility

A crushing and screening facility will be used to manufacture construction aggregate materials to meet specific market needs. Mined stockpile material will be delivered directly to the crushing plant feeder hopper. Material will be fed from the hopper into the jaw crusher and then conveyed to the portable screen plant and either routed to a product pile or to a secondary cone crusher, which returns material to the screen plant. The entire crushing and screening plant is designed as a portable system such that no permanent foundations are required, and the plant can be relocated as necessary. Table 5-2 below lists the anticipated crushing and screening equipment.

The plant production is limited on an annual basis by the BLM's material sales contract limitations and by market demand. The maximum daily production is planned to be 4,500 cubic yards.

Table 5-2. Proposed Process Equipment Including Equipment Type Description
1-3 144 Pioneer jaw crusher (1 50 HP)
1-7' X 20' JCI triple deck screen, Model 7203-38 (50 HP)
1-1400LS JCI cone crusher (300 HP)
1-48" X 30' jaw under crusher conveyor (30HP)
1-42"X 60 conveyor (30 HP)
1-60" X 25' screen conveyor (30HP)
1-36"x 25' screen conveyor (15HP)
1-36"X 15' screen conveyor (10HP)
1-42" X 30' cone crusher feed conveyor (30 HP)
1-48" x 15' cone under crusher conveyor (20 HP)
1-30"x 30' portable conveyor (10 HP)

Table 5-2. Proposed Process Equipment Including Equipment Type and Description
2-30" x60' portable conveyors (15 HP each)
1-30"x 100' radial stacking conveyor (25 HP)
1-36"x 30' portable conveyor (15 HP)
1-36" x 60' portable conveyor (20 HP)
1-36" x 100' radial stacking conveyor (30 HP)
1- Caterpillar generator set, powered by a cat diesel- fueled engine, Model 3412CDITA, rated at 1,186 HP @ 1800RPM
1- JCI 7 X 20 Screening plants s/n 2006165
1- Thor 36 x 150 telescopic portable radial
12- RF 36 x 80 stackable conveyor
1- riprap separator
1- Ford F800 (maintenance truck)

5.D.4A Portable Asphalt Plant

Asphalt is produced using one asphalt plant. The plant includes a baghouse, drummixer incline conveyor, two ac tanks, cold feed bin, and control house and an 80 ton load out silo. A Pugmill plant will also be installed along with a 1,000 gallon water tank, a fully portable 550 BBL silo to store lime, an enclosed rotary vane feed and two enclosed conveyors. The maximum production is currently 250 tons per hour (tph) or as specified by the Imperial County Air Pollution Control District Permit. The maximum annual production is 250,000 tons for ICAPCD evaluation purposes.

In the asphalt process, aggregate material is fed from finished stockpiles to a series of cold bin hoppers/feeders via a front-end loader. The aggregate then goes through a Pugmill which adds lime and water to the aggregate. The Pugmill is enclosed and will comply with all ICAPCD and other regulatory requirements relating to this process. After passing thru the Pugmill, the treated aggregate is then conveyed to the remainder of the asphalt plant. The plant heats and dries the materials in a rotary dryer fired by propane that is vaporized for cleaner fuel efficiency where the aggregates are then mixed with asphaltic oil. The finished product is transported on an enclosed drag conveyor to an insulated and sealed load-out silo. All employees involved in this process have been trained and issued the proper personal protective equipment for these products, which is safety glasses, gloves & long sleeves. The lime is stored in enclosed storage vessels designed to hold lime and lime type products. As listed on the silo equipment, baghouse type equipment is installed on equipment for collection of dust during loading and transfer of lime. All process and handling procedures are done in compliance with all known industry and regulatory standards.

Trucks will then be loaded out with asphalt products and transported to projects in need of hot mix asphalt. With the addition hot asphalt plant at American Girl, truck traffic has not increased because asphalt aggregates that are currently hauled off will be processed in the asphalt plant on site. Therefore, there is no additional truck traffic and we will be able to stay below our daily threshold which is 250 truck-loads. The maximum existing truck traffic will be adhered to during this project.

Trucks will deliver propane fuel to a state-approved portable propane service holding tank as required when the plant is operating. All NEPA #58 code of requirements will be adhered to. Asphaltic oil will be delivered to above ground portable tanks that are constructed of steel and specifically designed for storing hot asphalt oil. Because the tanks are portable, no permanent containment is required. The plant is also equipped with emission control devices including a baghouse that is state of the art designed to reduce fugitive emissions. The plant is also equipped with emission control devices which include ducting to the different components of the plant designed to draw and catch fugitive emissions. The cold feed bin has a fugitive dust provision as well.

The plant will set on a 3" thick 160' by 300' asphaltic pad. The purpose of the pad is to eliminate penetration into native soil in the unlikely event of any sort of spill. The pad will also serve as an enhancement to housekeeping procedures. Upon removal of the portable asphalt plant, the asphaltic pad will be completely removed and disposed of in a certified recycling facility that can legally accept asphaltic material for the purpose of recycling.

5.D.5 Material Washing

Product specifications may require washing of materials on order to remove fines. Plant reject/ wash material will be stored in a small sediment pond as shown in Figure 3A. Once dried, the fines materials will be incorporated into soils used for final reclamation.

5.D.6 Fuel and Other Supply Transport and Storage

Fuel and other supplies to be used at the proposed AGO include diesel fuel, motor oil, and lubricating compounds. Fuels to be stored at the site will be contained in two 12,000 gallon diesel storage tanks (Figure 3A). A secondary containment area will be constructed around the storage tanks to hold 100 percent of the capacity of the largest single-walled tank as well as the area displaced by all other tanks in the secondary containment. This is in addition to calculated freeboard to accommodate the average daily rain event. All refueling of vehicles will occur within the bounds of the containment area. All appropriate State and local storage permits will be obtained prior to delivery to the project area.

Daily fuel consumption estimates are included in Table 5-3 below.

Table 5-3. Estimated Fuel Consumption					
Equipment Type	Model Equivalent	Quantity	Estimated Fuel Consumption/ Hr/ Vehicle (gallons)	Hours of Operation Per Day	Estimated Fleet Fuel Consumption/ Bay (gallons)
Front-End Loader-7 cubic yards*	CAT 980	1	11.25	8	90
Motor Grader*	CAT 140	1	5.05	8	40.4
Haul Truck- 35 ton*	CAT D350	3	9.25	8	222
Bulldozer*	CAT D8	1	8.75	8	70
Generator^	Cummins QSX15-G9 (725kW)	1	39.3	8	314.4
Water Truck*	4,000	1	5.8	8	46.4
Water pull*	5,000	1	6.5	8	52
Total Daily Consumption (gallons)					835.2

Source: (*) Cat Handbook Edition 31 (assumes "medium" duty)
(^) Diesel Service and Supply, Brighton, Colorado (assumes 3/4 load)

A Spill Prevention Control and Countermeasure (SPCC) Plan will be prepared prior to start-up to comply with 40 CFR Part 112.

5.D.7 Offices and Support Facilities

The portable crushing and screening plant includes a small control room. No other office facilities are planned for the site. The site will operate as a construction site on an intermittent basis and no permanent facilities are planned. A maximum of 10 employees will be needed for the proposed project.

5.D.15 Safety and Fire Protection

The proposed AGO will operate in conformance with all Federal and State safety regulations. Site access will be restricted to employees, contractors, consultants, and authorized visitors. Fire protection equipment and a fire protection plan will be established in accordance with State and local standards.

5.D.16 Fencing and Site Security

Public access will be restricted within proposed AGO site area by erecting a temporary fence around the entire property perimeter. The fence will be a minimum of six feet high, constructed of crossed wire, with a gate and a keyed lock. Keys will be restricted to Pyramid crew assigned to the site. The access road to the facility will be roped off with high-visibility tape along its southern length, where the road forks toward the property, to direct traffic away from the wash to the south of the American Girl Mine Road and the fence surrounds the entire proposed area of operations as the mine originally opened (Figure 3A). The fence and gate will be removed following completion of site reclamation activities.

In addition to the above site wide fencing, Pyramid will restrict access to the wetlands area from inside the property by erecting fencing on the side perimeter of sensitive property thereby excluding the wetlands portion from the active portions of the property. The fencing, coupled with signage warning people away from the habitat, will help the wetlands from human and vehicle encroachment from inside the property, and will allow wildlife to reach the wetlands from outside the fenced area. Further, a 15-foot interior buffer zone will be established between the fence line and the active stockpile areas to provide additional protection. Once the project is complete, the fencing and signage will be removed as part of site reclamation.

5.E. Control of Air Emissions

Because the area is largely undeveloped and uninhabited, the major air quality issues are particulate matter (PM) and ozone. PM standards pertain to the size of the particulates and are generally evaluated by their ability to be inhaled (e.g., PM10).

The project area is located in a part of the Imperial Valley that is designated as an "unclassifiable attainment area" (any area that cannot be classified on the basis of available information as meeting the national primary or secondary ambient air quality standard for the pollutant) for PM by the U.S. Environmental Protection Agency (USEPA) (USEPA 2004). The California Air Resources Board (2007) has indicated that the entire Imperial County is a state nonattainment area for PM10 and unclassified for PM2.5 under the California Health and Safety Code Section 39608.

USEPA found that the Imperial County failed to attain the 8-hour ozone national ambient air quality standard that was required to be reached in June 2007, and has proposed that Imperial Country be reclassified as a moderate 8-hour ozone nonattainment area (USEPA 2007).

Pyramid has committed to comply with the Imperial County Air Pollution Control District (APCD) standards for dust control within the mine site. In accordance with the Dust Plan submitted to the Imperial County APCD for this project, the active mining area will be watered by a water truck during all mining activities. The haul roads and access road will also receive water periodically, as needed, to control dust emissions. Pyramid may also apply an industry-standard dust palliative (magnesium chloride) to access road that meets all environmental regulations upon approval from the BLM and

Imperial County. Air quality will be addressed on an as-needed basis. If there is equipment that is not self-permitting, Pyramid will perform periodic monitoring and implement BMPs and products to reduce emissions as necessary to meet local, State and Federal standards.

Imperial County Air Pollution Control District (ICAPCD) Rule 401 prohibits the emissions of plumes beyond certain opacity. In general, the opacity that cannot be exceeded is No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines (USBM). This is determined visually and subjectively by a trained and certified person.

6. Environmental Studies

6.A Existing Studies

Equipment maintenance will be provided by owner or vendor service truck. Temporary or permanent maintenance facilities are not required.

5.D.8 Electrical Power

The proposed AGO will utilize 2 portable diesel generators for site power. The portable generators will be rated at approximately 725 kW and will operate at 480 volts. No permanent power lines are planned for the project. A maintenance service truck will refuel the generator on an as-needed basis using fuel stored in the 12,000 gallon tanks discussed above.

5.D.9 Water Supply

The maximum daily water requirement is proposed to be 60,000 gallons, or approximately 42 gallons per minute.

Construction of a new alluvial well is proposed for the water source for the project. The location of the proposed well is approximately 1.5 miles southwest of the proposed AGO along the north side of American Girl Mine Road on Assessor's Parcel Number 0501200009000 (Figure 2, 3B). This location was chosen for its proximity to access roads, the proposed mine site and roads that will be subject to dust control measures. Several wells are currently or were historically located in this alluvial setting and reportedly produce up to four times the required volume for the proposed AGO.

Water extracted from this well will be transferred to two portable storage tanks at the well site and conveyed in water trucks to portable storage tanks to be located on the site (Figure 3A). Use of this well will require coordination with BLM and use and right-of-way access as well as a Conditional Use Permit from Imperial County.

For more detailed information on the location of the proposed water well refer to the Well Sitting Study provided as Appendix A to this Plan of Operations (Brown and Caldwell, 2008).

5.D.10 Refuse and Sewage Disposal

The proposed AGO is planned as a pack-it-in/ pack-it-out project with no permanent on-site disposal facilities. All refuse will be required to be removed by the operating crew on a daily or weekly basis or some other reasonable interval. The refuse will be deposited in the dumpster located at the Pyramid offices in Heber, California.

Temporary sanitary facilities will be provided as rented portable toilets suitable in number to support the operating crews. Toilets will be maintained by the rental firm.

5.D.11 Operating Period/Workforce

Pyramid plans to operate the proposed AGO on an intermittent basis, 12 months per year for up to 25 years. The project will typically operate only during daylight hours. No night shifts are planned.

An intermittent work force of approximately 5 to 10 employees is planned for the life of the project. These workers are currently employed by Pyramid therefore an increase in workforce is not planned or anticipated.

5.D.12 Growth Medium Management

The proposed AGO will stockpile any growth medium soils and the limited topsoil present on the site encountered during mining in the north portion of the property (Figure 3A). These materials will be used during concurrent reclamation. More information on reclamation can be reviewed in the Reclamation Plan submitted to Imperial County under separate cover.

5.D.13 Reasonable Foreseeable Development

Possible future plans for the site include additional associated support facilities. Any additional equipment would be based on specific project needs.

5.D.14 Surface Waters

Surface water consists of intermittent drainages, such as American Girl Wash. These drainages contain water only following major precipitation events. Sheet washing and flash flooding are common following heavy rainstorms.

Surface water issues will be addressed through the Storm Water Pollution Prevention Plan (SWPPP) and through the regular use of BMP's.

The proposed AGO will utilize a roadway under the authority of USACE National Permit Number 14. Under this national permit, the proposed AGO has been issued an exemption from 401 and 404 permitting requirements.

Surface water managements will be performed under the authority of the California State Water Resources Control Board (SWRCB) Water Quality Order No. 97-03-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001. A Storm Water Pollution Prevention Plan (SWPPP) will be prepared prior to operations start-up. Stormwater monitoring and visual inspections will be performed once the site is in operation, and appropriate BMP's will be installed, as necessary.

For potential discharges to surface waters outside of the site, the federal NPDES permit application Forms 1 and 2D will be completed and submitted to the California SWRCB. The proposed AGO is exempt from a Water Discharge Requirement (WDR) permit, due to the fact that the materials used for construction of the access road are free of cyanide. The cyanide leach piles from the previous mining activity are not located on the same property as the proposed AGO.

Surface water flow at the proposed AGO project area consists of ephemeral drainage, such as the American Girl Wash. These drainage ways only contain water following major precipitation events. The proposed AGO project is not within a flood hazard area according to the Flood Insurance Rate Map (FIRM) Community- Panel Number 060065 0900 B. The closest flood hazard designated zone is Zone C. The Zone C designated corresponds to areas outside the 1-percent annual chance floodplain.

A Final Environmental Assessment/ Environmental Impact Report (EIR) (BLM EA No. CA-067-88-65) was prepared for the former American Girl Mining Project. Environmental studies were previously conducted over a 2,100 acre Study Area, which includes the proposed 40 acre proposed AGO area. Thirteen environmental resource areas were studied in the previous assessment of impacts due to the former mining operations. The EIR states "In the context of the regional environment, none of the adverse impacts identified were determined to be significant." Based on the nature and scope of the proposed AGO project, impacts will be even less than those identified and documented for the former American Girl gold-mining operations, and none will be environmentally significant.

A summary of 13 key environmental resource areas has been addressed below with respect to the proposed AGO.

6.A.1 Topography

The proposed project area is characterized by desert landscape and low mountain ranges with barren, rocky slopes interspersed with arroyos (washes) and alluvial plains. While the general views are expansive and marked by sparse development, the Cargo Muchacho Mountains have been an area of active mining and vistas in the project area reflect the associated surface disturbance.

While the proposed AGO will alter the landscape in the project area, the proposed operation will remove the "unnatural" landforms created and resulting from past mining activities. The project will reduce, reuse, and reclaim or recycle what are considered to be wastes, thus removing waste stockpiles and restoring the area to more natural surface contours.

6.A.1 Geology and Seismic Setting

The Cargo Muchacho Mountains are a small part of the Chocolate Mountain Range in the eastern portion of the Colorado Desert Geological Province. Four geological settings have been identified for this area: sheared rocks, linear zones trending north-northeast, chemically and physically altered Cenozoic metamorphosed rock, and fractured quartz in east-trending thrust faults. Highly mineralized zones, believed to have originated from hydrothermal activity in the area, are generally developed within shear zones. Many of the mineralized deposits are no longer in place as the entire region has been heavily mined for gold and associated metals.

The proposed project is located in the Imperial Valley at the southern end of the San Andreas Fault system, a seismically active area. Active and potentially active faults exist in the area, although no recently active faults were identified in the 1988 EA/EIR. Recent information indicated that the very active Imperial Fault lies roughly 42 miles west of the proposed AGO site. This fault experienced significant activity in 1940, 1966, 1968, 1971, 1977, and 1979. Some of this activity was surface ruptures and some was classified as triggered creep. Despite the very active nature of this fault, however, it falls outside of the Earthquake Fault Zone for the proposed project site as defined by the Alquist Priolo Act (Hart 1994).

Soils in and around the project site are derived from the host granitic or meta-sedimentary substrate, either as weathered in place or as material deposited as shallow alluvial over bedrock. Soils in the project area are characterized as shallow and poorly developed. Native soils on the project site are covered with stockpiles from previous mining activity and are not generally exposed.

6.A.3 Air Quality and Climatology

Because the area is largely underdeveloped and uninhabited, the major air quality issues are particulate matter (PM) and ozone. PM standards pertain to the size of the particulates and are generally evaluated by their ability to be inhaled.

The project area is located in a part of the Imperial Valley that is designated as an "unclassifiable attainment area" (any area that cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for the pollutant) for PM by the U.S. Environmental Protection Agency (USEPA) (USEPA 2004). The California Air Resources Board (2007) has indicated that the entire Imperial County is a state nonattainment area for PM10 and unclassified for PM2.5 under the California Health and Safety Code Section 39608.

USEPA found that Imperial County failed to attain the 8-hour ozone national ambient air quality standard that was required to be reached in June 2007, and has proposed that Imperial County be reclassified as a moderate 8-hour ozone nonattainment area (USEPA 2007).

The proposed AGO will have fewer emissions than previous mining operations in the area since the overall mining rates and times of operation are significantly less. All equipment, if not self-permitting, will be permitted in accordance with Federal, State and local regulations.

The calculations for PM10 for the proposed mining operation are based on "Modeling Fugitive Dust Sources", a guidance document from the National Stone, Sand and Gravel Association (NSSGA), and U.S. EPA's AP-42 Handbook of Emissions Factors. The estimates include PM10 emissions from various processes/operations such as equipment (i.e., crushers, screens, and conveyors); customer truck traffic on unpaved roads within the property boundary; and stockpile emissions, including dust created from wind erosion, truck loading, and stockpile construction. Whenever applicable, the guidance document presents uncontrolled emissions in contrast to controlled emissions. Table 6-1 below contains variable diesel engine horsepower ratings and their corresponding emission output, including those for PM10.

Imperial County Air Pollution Control District (ICAPCD) Rule 401 prohibits the emissions of plumes beyond certain opacity. In general, the opacity that cannot be exceeded is No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines (USBM). This is determined visually and subjectively by a trained and certified person.

A Dust Plan has been submitted under separate cover to and discussed with the ICAPCD. Air quality will be addressed on an as-needed basis. If there is equipment that is not self-permitting, Pyramid will perform periodic monitoring and implement best management practices and products to reduce emissions as necessary to meet local, State and Federal standards.

Dust emissions associated with travel to and from the site on access roads and site roads will be regularly addressed with water suppression or industry-standard dust suppression chemicals such as magnesium chloride.

Pollutant	10 HP	15 HP	20 HP	25 HP	30 HP	150 HP	300 HP	1186 HP
	Emissions (ton/yr.)							
PM10	0.1	0.14	0.19	0.24	0.29	1.45	2.89	11.43
SOx	0.09	0.13	0.18	0.22	0.27	1.35	2.69	10.65

NOx	1.36	2.04	2.72	3.39	4.07	20.37	40.73	161.04
CO	0.29	0.44	.44	.073	.88	4.39	8.78	34.70

6.A.4 Noise

There is currently no regulated threshold for noise in the vicinity of the proposed AGO. The proposed project will not use blasting to mine mineral materials and there is no 24-hour per day milling or processing operation proposed.

The project area is largely uninhabited and underdeveloped, so natural noise sources are generally limited to wind, rain, thunder, insects, birds, and other wildlife. Man-made noise in the area, when present, would be created by periodic vehicle travel along Ogilby Road, Sidewinder Road, and American Girl Mine Road, and is related mainly to haul trucks associated with mining and other sporadic vehicle travel including seasonal "snowbird" recreational vehicles that frequent the area in the winter months. Occasional light aircraft and military aircraft, such as fighter jets and helicopters, also produce minor noise. Mining activity will produce noise from generators and other aggregate processing equipment. These impacts will be mitigated through installation of MSHA- approved mufflers on necessary equipment to dampen noise if applicable as well as regular maintenance of all equipment.

6.A.5 Hydrologic Resources

A detailed groundwater evaluation was undertaken for the former 1988 Padre Madre EA/ EIR. The Imperial Valley groundwater reservoir consists of Cenozoic-era valley fill deposits underlain by a basement complex of pre-Tertiary rock. Moderate to high groundwater yields have been obtained in the eastern part of the Imperial Valley by deep wells tapping into marginal alluvial deposits of the Colorado River. Regional groundwater recharge in Imperial Valley is controlled by the Colorado River, while underflow from tributary areas, direct precipitation, and local runoff are minor contributors to recharge. Flowing wells are common in the eastern Imperial Valley.

Alluvial aquifer waters are predominantly a sodium- chloride type. The water quality has been determined suitable for non-potable uses in mining and milling operations.

The proposed AGO will use less groundwater for the mining operation than the former American Girl- Padre Madre Mining Operation, currently estimated at roughly 60,000 gallons per day (gpd), and is not expected to appreciably impact groundwater supply. No chemical processes are necessary for the proposed AGO and therefore there will be no impacts to groundwater from potential process discharges.

Surface water issues will be addressed through the SWPPP (see Section 5.D.14 above) and through the regular use of BMP's.

6.A.6 Cultural Resources

Cultural resources include both prehistoric and historic resources. The Imperial Valley area has a well-documented history of prehistoric occupation. Historic settlements and mining operations are also well known in the Valley.

A cultural resources site records search was conducted for this project in January 2008 by the Southeast Information Center, the state repository for Imperial County cultural resource information. A total of 11 sites and 10 field surveys have been recorded covering the project area up to a 1-mile radius of the project boundaries, indicating that the area has been well studied. One potentially significant historic mining feature was recorded in 1987 within 1 mile of AGO project area: 4-IMP-3303-H, the town and mills of Obregon. This resource was considered eligible for the National Register of Historic Places.

One resource, 4-IMP-5300-H, was recorded in 1986 within the proposed AGO project boundaries. It consisted of a highly disturbed isolated artifact scatter and one group of disturbed historic features. As reported in the 1988 Draft EA/ EIR, due to the disturbed nature of the resources, in 1987 the State Historic Preservation Officer concurred with the report recommendation that 4-IMP-5300-H was not National Register eligible. Therefore, 4-IMP-5300-H was not considered significant and no mitigation measures were required. Because the area was used subsequently for the American Girl-Padre Madre Mining Operation, the resource no longer exists.

A preliminary archaeological site visit was conducted by a Registered Professional Archaeologist in March 2008 to evaluate the potential for undisturbed cultural resources remaining on the property. The RPA also consulted with an historic archaeologist (also an RPA) regarding potential historic resources in the project area. Based upon review of the site records search results, map information, aerial photographs of the project site, site visit, and historic consultation, it was concluded that the potential for cultural resources on the site is essentially nonexistent due to the extensive site disturbance caused by previous mining activity.

The two proposed well locations were also evaluated by aerial photo and were driven past during the site visit. It was concluded that the well and alternative well locations have no undisturbed surface and therefore no potential for undisturbed archeology in this area exists.

The segment of existing road proposed for lowering and regrading was also examined via map, aerial photo, and drive-over. It was concluded that the road is within the area previously surveyed for cultural resources in the past (as addressed in the 2008 site records search) and no cultural resources were located there. The letter report that addresses cultural resources is included as Appendix B plan of Operations. The project area is not known to have religious/sacred or traditional cultural significance to local Native American groups.

6.A.7 Soils Resources

Soils in and around the project site are derived from the host granitic or meta- sedimentary substrate, either as weathered in place or as material deposited as shallow alluvial over bedrock. Soils in the project area are characterized as shallow and poorly developed. Native soils on the project site are covered with stockpiles from previous mining activity and are not generally exposed.

The proposed AGO will be removing the existing steep-sloped stockpiles and returning the area to near original contours or road base. The steepest planned slope will be 4:1, horizontal to vertical, and will help reduce any surface erosion potential from current conditions.

6.A.8 Wildlife Resources

No listed animal species were observed on the site during the biological reconnaissance. A search of the CNDDDB revealed eight sensitive animal species known to occur in the general vicinity of the proposed AGO site, including three bat species (pallid bat, western mastiff bat, and California leaf-nosed bat). Because of the lack of suitable roosting habitat, the bats roost off site but may use the project area for foraging. No suitable on-site habitat exists to support the other five species (two beetles, two birds, and a lizard). The presence of one CDFG sensitive animal, the mule deer, was detected on the project site.

The desert tortoise, a federally and state-listed threatened species, is not known to occur in the project area; however, desert tortoise are known to occur about 2.5 miles north of the project site, according to the U.S. Fish and Wildlife database. Tortoises were not observed during the 2008 field survey. Because the project site is too disturbed and lacks appropriate burrowing and foraging habitat, desert tortoise are not expected to occur on the project site or proposed well locations. It is possible; however, that desert tortoise may traverse the access road area leading to the mine site.

The project site provides potential foraging habitat for raptors. However, suitable habitat for tree-nesting or cliff-nesting raptors does not occur on site as the trees present on the property are not tall enough to provide adequate protection for raptor nests.

Mitigation measures will be designed and enforced at proposed AGO to prevent on-site impacts to bats and desert tortoises by AGO personnel operating on site. These measures include education and avoidance. For a more thorough discussion of these measures, please refer to the Environmental Assessment submitted to the BLM under separate cover.

6.A.9 Vegetation

The proposed AGO project area is highly disturbed from past mining activities and the site itself supports mostly disturbed Sonoran creosote bush scrub that has re-established on abandoned mine spoils and tailing. Due to the disturbed nature of the site, the Sonoran creosote scrub has little to very low wildlife habitat quality because the plants are widely spaced over open and uneven topography and provide no cover for animals. Of the plant communities observed in the project area, desert dry wash woodland is designated as sensitive habitat by California Department of Fish and Game (CDFG) and requires mitigation. Plants observed in this community include ironwood, cat-claw acacia, blue palo verde, creosote, brittlebush, and sweetbush. This habitat was observed along the wash in the southern portion of the property. This habitat and a small wetland located on the property are discussed in more detail in the Reclamation Plan and Environmental Assessment both submitted under separate cover.

No listed or sensitive plant species were observed on the site during the biological survey, nor are they expected to occur due to the disturbed nature of the site. Further, listed species are not known to occur in the general site vicinity according to the 2007 CDFG California Natural Diversity Database (CNDDDB). Following cessation of construction aggregate extraction at the site, Pyramid plans to provide the same or greater level of re-vegetation as prescribed by SMARA. Re-vegetation is discussed in more detail, including planned vegetation density and seed mixes, in the Reclamation Plan submitted to the Imperial County under separate cover.

6.A.10 Visual Resources

The proposed project area is characterized by desert landscape and low mountain ranges with barren, rocky slopes interspersed with arroyos (washes) and alluvial plains. While the general views are expensive and marked by sparse development, the Cargo Muchacho Mountains have long been an area of active mining and the vistas in the project area reflect the associated surface disturbance.

While the proposed AGO will alter the landscape in the project area, the proposed operation will remove the "unnatural" landforms created and resulting from past mining activities. The project will reduce, reuse, and reclaim or recycle what are considered to be wastes, thus removing waste stockpiles and restoring the area to more natural surface contours.

While the proposed AGO will alter the landscape in the project area, the proposed operation will remove the "unnatural" landforms created during former mining operations. As a result, the proposed aggregate extraction will return the previously mined areas to near-original surface contours.

6.A.11 Socioeconomics

According to the 1988 EA/EIR, mining employs about 1 percent or less of the employed population. Traditionally, mining in Imperial County has involved quarry products such as sand and gravel, stone, clay, gypsum, and limited precious metals production. Currently, there is no job activity on the project site and therefore no employees.

The largest residential center is El Centro, the Imperial Valley seat, about 45 miles west of the proposed project site. The largest residential center near the project site is Yuma, Arizona, located about 15 miles southeast.

The proposed AGO plans utilize existing employees to operate the project; therefore, no impacts on the socioeconomics of the area are impacted.

6.A.12 Transportation

The largest transportation artery is Interstate 8, located less than five miles south of the project site. Interstate 8 passes through both El Centro and Yuma. The project site is reached from Interstate 8, by taking State Route 34/ Ogilby Road north about four miles to American Girl Mine Road and traveling roughly two miles northeast on American Girl Mine Road. This road is well-maintained County gravel road and also serves as public access to BLM lands.

The proposed AGO will have truck traffic associated with the removal of mineral materials related to the sale of construction aggregates. The anticipated maximum daily trip-count for aggregate trucks is 250. Because the area is largely uninhabited there are no schools, parks, or other public facilities in the project area. Fire protection is provided by the Imperial County Fire Department/ Office of Emergency Services and the California Department of Forestry. Police protection is provided by the Imperial County Sheriff's Department.

The proposed AGO plans to utilize the same roads already established in the area.

6.A.13 Land Use

The Cargo Muchacho Mountains historically and presently are largely devoted to mining and mineral exploration. This area is designated as "Class M" or "Moderate" in use under the California Desert Conservation Act due to past, present, and potential future mining activities. Other land uses in the general area include military and Indian reservation lands.

The project site is zoned S-Open Space with Recreational Use under the Imperial County General Plan. The proposed AGO plans no modification to the intended land use once reclamation is complete and the land is returned to reclaimed land status.

7. Reclamation Plan

The Reclamation Plan (Brown and Caldwell, April 2008) describes the work necessary to reclaim the proposed AGO site. The Reclamation Plan has been prepared to comply with the requirements of Imperial County and the California SMARA of 1975, as amended, and has been submitted as a separate document to the Imperial County Planning/ Building Department.

Bonding for site is described in the FACE.

References

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- State (of California) Mining and Geology Board, January 2000 (third revision). Special Publication 51, California Surface Mining and Reclamation Policies and Procedures with the Surface Mining and Reclamation Act of 1975
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http://www.epa.gov/region09/airmaps/r9_pm10.html
- _____. 2007. Proposed Rule for Imperial County, California, 8-hour Ozone Failure to Attain and reclassification of the Imperial County Nonattainment Area. [http:// www.epa.gov/region09/air/imperial/imperialOzone-fs-pdf](http://www.epa.gov/region09/air/imperial/imperialOzone-fs-pdf). November 14.

PERSONS AND AGENCIES CONSULTED

United States Bureau of Land Management, El Centro Field Office
Walter Todd, III- Environmental Assessment
Daniel Steward- Biology
Jesse Irwin- Biology
Carrie Simmons- Cultural Resources

United States Army Corps of Engineers
Laurie Monarres- 404/401 permit exemption

California Regional Water Quality Control Board, Region 7
Joan Stormo- Water Discharge Requirement Waiver

County of Imperial Planning Department
Patricia Valenzuela- SMARA and Conditional Use Permit

County of Imperial Air Pollution Department
Joe Hernandez- Traffic Control Plan

FIGURES

- Figure 1. Vicinity Map
- Figure 2. Site Map
- Figure 3A. Existing Site Conditions
- Figure 3B. Detail of Well Site
- Figure 4. Cross- Sections
- Figure 5. Post Reclamation Grading Plan

9665 Chesapeake Drive, Suite 201
San Diego, California 92123

Tel: (858) 514-8822
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April 7, 2008

Mr. Daryl Dickerson
Pyramid Construction and Aggregates, Incorporated
839 Dogwood Road
Heber, California 92249

Subject: Water Well Siting Study Project
Proposed American Girl Operation

Imperial County, California

Dear Mr. Daryl Dickerson

In accordance with our January 31, 2008 Task Order Proposal, Brown and Caldwell is pleased to provide Pyramid Construction and Aggregates, Incorporated (Pyramid) the results of the water well siting study for the proposed American Girl Operation in Imperial County, California (proposed AGO). This study was prepared to evaluate potential locations for a groundwater production well that will provide process water and dust suppression water exclusively for the proposed AGO. The well siting study consisted of identifying the most feasible location for a groundwater production well based on available background data and applicable regulations. This report documents the methods, findings, and conclusions of the study and presents recommendations for proposed water well locations.

Brown and Caldwell performed the following activities to identify potential locations for water supply wells.

- Collected available background, geological, and hydrologic data for the site and vicinity. This task included compiling publicly available information on wells near the proposed AGO mine site and an informal interview with a knowledgeable local well driller who has been working in the region for over a decade.
- Reviewed aerial photography to evaluate geological and hydrological conditions of the region.
- Contacted the Bureau of Land Management (BLM) and Imperial County Planning and Building Department to determine well siting regulations in the area.
- Conducted field reconnaissance of the study area to verify geology, locate existing wells, and confirm access to possible well locations.
- Brown and Caldwell did not conduct any subsurface investigation, nor did they verify the accuracy of any background data, unless otherwise specified herein.

The following sections summarize the project background, study area definition, study findings, regulatory review, conclusions, and well siting recommendations.

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Project Background

Brown and Caldwell and currently assisting Pyramid with permitting a 40-acre parcel of land in the eastern Imperial County, California. This parcel is small portion of the significantly larger former American Girl Mining Canyon, which operated as a gold mining facility from the early 1980's through the mid- 1990's. This parcel is managed by BLM who has awarded Pyramid a contract through competitive bid to mine the aggregate resources remaining on the parcel as a result of the previous gold mining.

Water will be required as part of Pyramid's daily operations. This water will be used for dust suppression as well as process water. The maximum daily water requirement for the proposed AGO is estimated to be 60,000 gallons per day, or approximately 42 gallons per minute (Brown and Caldwell, 2008). Well water will be transferred to two portable storage tanks at the well site and will be conveyed in water trucks to portable storage tanks to be located on the plant site.

The wells that were used for the previous American Girl Mining activities are still in existence and are reported to produce up to 240,000 gallons a day (Steffan Robertson & Kirsten, 1987). These wells are currently owned by BLM and are leased by Mr. Robert Orlosky. It is our understanding that Pyramid's initial desire was to secure Mr. Orlosky's lease with BLM and use the existing wells. Brown and Caldwell has been asked to assume that water from Orlosky's lease will be unavailable. This well-siting effort was undertaken so Pyramid can secure its own well and water for the proposed AGO.

Study Area Definition

The well siting study area was limited to the area underlain by alluvial west of the proposed AGO site. The proposed AGO Site itself is underlain by fractured crystalline rocks, which have negligible primary porosity and low secondary porosity due to fractures. Due to their low porosity, crystalline basement rock units generally do not have the hydraulic characteristics required for adequate water production (Driscoll, 1986). Wells in crystalline rock units may be productive if they intersect water-bearing fractures. However, blasting and earth-moving from past mining activities around the proposed AGO have obscured the natural bedrock fracture pattern making it impossible to evaluate fracture intersections that might provide the best chance for siting a productive well.

There are no known water production wells in the crystalline rock unit in the vicinity of the proposed AGO site. Due to the lack of adequate hydrogeological data at the proposed mine site, only the portion of the basin underlain by alluvial west of the site where a number documented water wells are present, including the wells used to supply process water for the former American Girl Mine, was considered in this study. The area investigated during this well-siting study generally included sections 24,25, and 26 of township 15 south/range 20 east, as shown on Figure 1. Land within the study area is owned by the federal government and is managed by the BLM.

Study Findings

The following sections summarize the finding of this study.

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Study Area Setting and Geology

The proposed AGO Site and study area are located in the eastern portion of the Colorado Desert geological province of California, which is generally characterized by extensional mountain ranges alluviated valleys bordering the Salton Trough, the southern portion of which is known as the Imperial Valley. The area is dominated by the San Andreas Fault system, the surface trace of which, although concealed by the Algodones Dunes, is thought to be approximately seven miles southwest of the proposed AGO site. The study area is west of the Cargo Muchacho Mountains on Pilot Knob Mesa near the mouth of American Girl Wash at an elevation ranging from approximately 400 to 520 feet above sea level, sloping to the southwest (Figure 1).

The proposed AGO Site is located within the Cargo Muchacho Mountains approximately 4,500 feet by road east of the study area and is underlain by crystalline rocks of the Precambrian Vitrefrax Formations and Mesozoic granitic rocks (Morton, 1966). The study area is underlain by recent alluvial material

largely derived from local uplands. The alluvium, consisting of unconsolidated, poorly sorted silt, and gravel, extends to variable depths and is underlain by crystalline basement rocks related to those exposed to the east. In the study area, the alluvium extends to at least 400 feet below ground surface (bgs).

Area Hydrogeology

A detailed groundwater evaluation was undertaken for the former American Girl-Padre Madre Environmental Assessment/ Environmental Impact Report (Steffan Robertson & Kirsten, 1987). The Imperial Valley groundwater reservoir consists of Cenozoic- era valley fill deposits underlain by a basement complex of pre-tertiary rock. Moderate to high groundwater yields have been obtained in the eastern part of the Imperial Valley by deep wells tapping into marginal alluvial deposits of the Colorado River, while underflow from tributary areas, direct precipitation, and local runoff are minor contributors to recharge.

Alluvial aquifer waters are predominantly a sodium-chloride type. The water quality has been determined suitable for non-potable uses in mining and milling operations.

The proposed AGO site and well-siting study area are located within the Amos-Ogilby watershed, which is encompassed by the Amos- Ogilby hydrologic unit (HU 726.00), as defined by the Regional Water Quality Control Board (RWQCB) - Colorado River Basin (Region 7) (RWQCB, 2002). The Amos-Ogilby hydrologic unit has designated beneficial uses for municipal production. This basin has not been identified by the RWQCB as being in an overdraft condition.

Existing/Historical Water Wells in the Area

Brown and Caldwell researched data on existing or historical water wells in the study area by consulting California Department of Water Resources (DWR) and United States Geologic Survey (USGS) databases. DWR and USGS records indicated six water wells within the study area as shown in Figure 1 (DWR, 2008 and USGS, 2008). Pertinent data from these records are summarized in Table 1. The databases contained no information on wells in the Cargo Muchacho Mountains.

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Available data from the DWR and USGS included well identification, geographic coordinates, ground surface elevation, depth to groundwater and measurement date, and in some cases the total depth of the well and borehole. Groundwater gauging data from the wells were collected between 1979 and 1998. Depth to groundwater in the wells ranged from 273 feet bgs in well 15S20E26R001S in the southern portion of the study area to 391 feet bgs in well 15S20E24H001S in the northern portion of the study area. Groundwater levels in the wells were relatively stable during the period of monitoring, varying by six feet or less. The pumping status of these wells was not noted. Available well total depths ranged from 407 feet bgs in well 15S20E26R001S to 473 feet bgs in well 15S20E25N001S. Available borehole total depths ranged from 393 feet bgs in well 15S20E26R002S to 447 feet bgs in well 15S20E25L001S.

Brown and Caldwell requested confidential Water Well Drillers Reports from the DWR and received permission to review the well log for well 15S20E26R001S. This well is claimed by Mr. Orlosky (as

discussed above) and was one of the water supply wells for the former American Girl Mine. The well log indicates alluvial materials (sand and gravel) to a depth of 405 feet bgs, below which gneissic bedrock encountered. Groundwater was first encountered during drilling at a depth of 390 feet bgs and the well screen was placed between 387 and 407 feet bgs. Water levels subsequently rose to 287 feet bgs, suggesting possible confined groundwater conditions. Pump testing indicated a production rate of 36 gallons per minute after 24 hours with 0.5 feet of drawdown.

Using the available topography and well data, a cross section was constructed (Figure 2). Based on the limited data, the piezometric head between wells 15S20E26R001S in the southwest and 15S20E24H001S in the northeast appear to vary by nine feet when measured in 1997. These wells are separated by 9,000 linear feet suggesting a low gradient of 0.001. The piezometric head difference between wells 15S20E25L001S, which had the highest groundwater elevation in 1997, and 15S20E24H001S, which had the lowest groundwater elevation in 1997, was approximately 16 feet. The estimated potentiometric gradient between these wells was approximately 0.003 with a component of groundwater flow to the northeast. Given the generally linear arrangement of the six wells in the study area and the lack of knowledge with regard to pumping status, the regional groundwater flow direction could not reasonably be determined.

Well Driller Interview

Brown and Caldwell contacted Mr. Jesse McKeever of McKeever Water Well & Pump Service Incorporated (Thermal, California) during the course of the well-siting study. Mr. McKeever is familiar with drilling conditions in the region and has installed many water wells in the eastern Imperial County. He had recently conducted reconnaissance of the study area and reported that well 15S20E26R001S had a depth to water of approximately 265 feet bgs and that well 15S20E26R002S appeared to have an obstruction or collapse at approximately 80 feet bgs.

Aerial Photographer Review

Brown and Caldwell obtained commercially available aerial photographs of the study area dated February 1, 2005. The photographs are included with this letter report and illustrate the sparse desert vegetation of the study area and the dry braided washes oriented to the southwest. You will note that the gated compounds surrounding wells 15S20E26R001S, 15S20E26R002S, and 15S20E2NR001S

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are visible on the aerial photographs. Figure 3A includes the actual locations of these wells and the estimated locations of the other three wells in the study area based on their geographic coordinates. Road traces in the area have been highlighted for clarity in Figure 3A.

The photographs provided no discernible evidence of springs or tectonic faulting in the study area, or fracture patterns in the crystalline rock units to the east.

Regulatory Review

Brown and Caldwell conducted a preliminary review of applicable regulations pertaining to well-siting in the study area. The following is a brief bulleted summary of the regulatory findings based on our preliminary review.

BLM

- To access property managed by the BLM, a right-of-way (ROW) permit must be obtained

DWR

- State well standards for well construction are applicable and include construction of a surface annular seal of at least 50 feet, adequate well protection from flooding including top casing terminating above the ground surface and above known flood levels, and proper destruction when the well is abandoned.

Imperial County

- A well permit is required to install a water well
- A water well installed for mining purposes must be included and approved as part of the mining conditional use permit.
- Groundwater exportation is regulated per the Imperial County Land Use Ordinance, Division 22, Chapter 3, Section 92203.01, which states, "...no groundwater shall be exported from the County or from the groundwater basin from which the groundwater is derived unless the operator of the exportation facility has applied for and obtained a permit which establishes the quantity of groundwater which may be exported and the conditions of such exportation."

Site Reconnaissance

Brown and Caldwell performed reconnaissance of the study area during a site visit on March 11, 2008. This consisted of an automobile and foot tour of the proposed AGO mine site and study area and observation of the area from the topographic highs such as Vitrefrax Mountain. The general drainage of the region is to the southwest but the small proposed well sites are nearly level. No visual indications of faulting or surface water were observed in the study area. The locations of wells 15S20E26R001S, 15S20E26R002S, and 15S20E25N001S were confirmed. None of these wells appeared to be under production. Wells 15S20E24H001S, 15S20E25L001S, and 15S20E25L002S could not be found and their status is, therefore, unknown. The locations of potential water well sites for the proposed AGO were scouted along American Girl Mine Road because the proposed AGO site is underlain by low porosity crystalline bedrock that is likely unsuitable for groundwater production. Photographs were taken to document conditions in the area (see attached photo log).

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Summary Findings

Based on the above preliminary findings, and with the caveat that such findings are based largely on information from third parties and not verified by Brown and Caldwell, Brown and Caldwell concludes the following:

- The study area is reported to be underlain by alluvial material consisting of sand and gravel to a variable depth of up to 405 feet bgs or more.
- The proposed AGO mine site is underlain by low porosity crystalline bedrock that is likely unsuitable for groundwater production. No other water supply wells are known to be located within the crystalline rocks units that underlie the Cargo Muchacho Mountains.

- Six existing or historic wells were present in the alluviated study area. Depth to groundwater in these wells ranged from 273 to 391 feet bgs, with depth increasing to the northeast. The inferred piezometric surfaces based on these few wells were relatively flat at an elevation ranging from 116 to 132 feet above sea level. The groundwater flow direction could not be reliably determined.
- Groundwater in the former American Girl Mine supply well (15S20E26R001S) was first encountered while drilling at a depth of 390 feet bgs, above the interface with the underlying crystalline basement unit. The recent static water level in this well was approximately 265 feet bgs.
- A BLM ROW permit will likely be necessary for installation and operation of a water supply well for the proposed AGO within the study area.
- Construction of a water supply well within the study area must comply with applicable state well standards including but not limited to specific construction and destruction specifications
- Imperial County will likely require inclusion of plans for the proposed Ago water supply well in the Conditional Use Permit. The County will also likely require a well permit prior to installation of the well.
- A water supply well for the proposed AGO should be in compliance with Imperial County groundwater exportation regulations without applying for an exportation permit provided the produced groundwater is used in the confines of the proposed AGO mine site. The proposed AGO mine site and study area are within both Imperial County and the Amos-Ogilby hydrologic unit.

Conclusions

The conclusions and findings in this report are preliminary and based only on information generated by third parties, which has not independently been verified by Brown and Caldwell. Because of the inherent uncertainties in predicting the precise locations of groundwater and the geological formations that may be encountered when drilling, and because Brown and Caldwell did not undertake any subsurface investigation as part of this study, Brown and Caldwell cannot guarantee that any particular location will or will not yield water when a well is installed.

With those caveats in mind, based on the information reviewed to date, Brown and Caldwell believes installation of a groundwater supply well at the primary or alternate locations shown on Figures 3A and Daryl Dickerson

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3B and located on Assessors Parcels Number 050120009000 would be the most likely locations to result in a viable water supply of the various alternatives reviewed. Based on the limited data set described above, water-bearing alluvium may be encountered at a depth of approximately 440 to 520 feet, similar to the depth of the existing wells/ boreholes that are 2,000 to 4,000 feet southwest of the proposed well locations, corrected for the 40- foot elevation differential. Static depth to groundwater in the vicinity of the proposed well locations may be approximately 310 feet bgs based on historical groundwater depths documented in wells 15S20E25L001S and 15S20E25L002S, which were reported within approximately 1,000 feet of the proposed locations.

Expected groundwater production rates are highly uncertain. The former American Girl Mine water supply well, 2,000 to 4,000 feet southwest of the proposed well sites but located in similar

hydrogeologic conditions, reportedly produced sufficient water for previous mining operations, which would have been more than four times the amount of water necessary for the proposed AGO project. The proposed well sites are located close to the American Girl Mine Road for easy access to the proposed AGO water trucks (Figure 3B). Both locations will require little to no disturbance to native vegetation.

Brown and Caldwell cannot provide a recommendation for locating a water supply well within the boundaries of the proposed AGO mine site due to the nature of the underlying geology and nearly complete lack of available hydrologic data for the crystalline rock unit surrounding it.

The well completion must be compliant with state well standards. Based on the needs of Pyramid for the proposed AGO, Brown and Caldwell preliminary recommends an eight-inch well with a 100 gallon per minute Grunfos pump and roughly 40 feet of screening starting approximately 20 feet below groundwater. The well should include at least 50 feet of surface seal with an above- grade surface completion to protect the well and aquifer from floods. It should be noted that the above recommendations on well construction are preliminary and will be dependent upon the final approved locations of the well. Following approval, Brown and Caldwell can draft design specifications with all well construction details. It should be noted that this design is preliminary only and will be contingent upon actual conditions encountered when drilling.

In addition to the suggested well construction outlined above, Brown and Caldwell strongly recommends constructing a small concrete structure over and around the well to protect the wellhead from the harsh elements of the desert as well as potential vandals and thieves. The compound should include a secure roof and a key entry for authorized personnel only. The compound should be immediately adjacent to the two proposed gravity-feed storage tanks with a circular drive so water haul trucks can easily maneuver to load water. Further, the structure, tanks and circular drive (Figure 3B) should be fenced to prevent access from unauthorized individuals.

Daryl Dickerson
Pyramid Construction and Aggregates, Inc.
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Brown and Caldwell looks forward to assisting Pyramid with the well installation and permitting process. Please contact the undersigned at (858) 514-8822 if you have any questions or comments regarding this report.

Very truly yours,

Brown and Caldwell

Enclosures:

Table 1- Existing/ Historic Water Well Data Site Photographs

Figure 1- Site Location Map with Existing/ Historic Well Locations

Figure 2- Cross Section A-A

Figure 3A- Proposed Water Well Locations

Figure 3B- Proposed

cc: File

Patricia Valenzuela

From: Rosa Soto
Sent: Tuesday, May 25, 2021 8:45 AM
To: Patricia Valenzuela
Cc: Jim Minnick; Michael Abraham; Carina Gomez; Rosa Soto
Subject: RE: East Mesa & Green Hydrogen Project Pre-Application Meeting

Good Morning Pat,

As of today the following days are open in the afternoons:

Tues June 1: 12:30-1, 2-3

Weds June 2: 11-12:30, 2:30-3:30

Thurs June 3: 12-1, 2:30-5

From: Patricia Valenzuela <PatriciaValenzuela@co.imperial.ca.us>
Sent: Tuesday, May 25, 2021 8:19 AM
To: Rosa Soto <RosaSoto@co.imperial.ca.us>
Cc: Jim Minnick <JimMinnick@co.imperial.ca.us>; Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Subject: FW: East Mesa & Green Hydrogen Project Pre-Application Meeting

Rosa
Can you let me know if these dates work for Jim and Mike. I need to contact BLM whether we are going to be involved in this project before we accept a meeting with this applicant.

Patricia Valenzuela

**Planner IV
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243
442-265-1749**

From: Camille Wasinger <camille@intersectpower.com>
Sent: Monday, May 24, 2021 3:30 PM
To: Planning <deptmb-planning@co.imperial.ca.us>; Patricia Valenzuela <PatriciaValenzuela@co.imperial.ca.us>
Cc: marisa@intersectpower.com; Vstrong@aspenerg.com
Subject: Re: East Mesa & Green Hydrogen Project Pre-Application Meeting

CAUTION: This email originated outside our organization; please use caution.

Hi Patricia,

Thank you for setting up the pre-application meeting on our East Mesa project last week. It was extremely helpful for us and we're looking forward to working with the various agencies on the project. Per our conversation on the call, we would love to set up a 30min follow-up call with the Imperial County Planning Dept to discuss next steps. See below some times that work for our side in the next couple weeks (all Pacific); let us know which of these would work for you. Thanks!

Tues May 25: 2-3, 4-5

Weds May 26: 11-11:30, 1:30-2, 3-3:30

Thurs May 27: 11-1,

Tues June 1: 12:30-1, 2-3

Weds June 2: 11-12:30, 2:30-3:30

Thurs June 3: 12-1, 2:30-5

Fri June 4: 9-10:30, 11:30-3

Best,
Camille

.....
Camille Wasinger
Principal
INTERSECT POWER
(c) 303.909.6396
(e) camille@intersectpower.com
www.linkedin.com/in/camillewasinger

On Wed, May 12, 2021 at 1:58 PM Planning <deptmb-planning@co.imperial.ca.us> wrote:

Patricia Valenzuela is inviting you to a scheduled Zoom meeting.

Topic: East Mesa & Green Hydrogen Project Pre Application Meeting

Time: May 20, 2021 10:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/91982191834?pwd=TS9kbnNlaUd4QVpCVFFCRXUzb0dJQT09>

Meeting ID: 919 8219 1834

Passcode: 524023

One tap mobile

+14086380968,,91982191834#,,,,*524023# US (San Jose)

