

**Planning Department  
168 North Edwards Street  
Post Office Drawer L  
Independence, California 93526**

**Phone: (760) 878-0263  
(760) 872-2706  
FAX: (760) 872-2712  
E-Mail: InyoPlanning@qnet.com**

**DRAFT NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT**

**PROJECT TITLE: Conditional Use Permit No. 2007-04/Project Darwin, LLC**

**PROJECT LOCATION: Portion of Section 1, Township 19 South, Range 40 East and portions of Sections 16, 18, 30 and 32, Township 19 South, Range 41 East, Mount Diablo Base and Meridian, approximately ½ mile Northwest of Darwin and approximately 4 mile Southeast of the intersection of Darwin Road with State Route 190 in Inyo County (see Vicinity Map).**

**PROJECT DESCRIPTION: The proposed project involves the re-opening of the Darwin Mine, located in Darwin, Inyo County, CA. The Mine has been inactive since 1976.**

The project involves the issuance of a Conditional Use Permit (CUP) by the County of Inyo. The project site is located on 1,050 acres of privately owned land (patented mining claims) and is zoned Open Space, 40 acre minimum (OS-40). Under the provisions of the OS-40 zone "mining" is a conditional use per County Code Section 18.12.040(I).

The mining activity is almost entirely underground; the majority of the underground activities are regulated by Federal (MSHA)(ATF&E) and State (CAL-OSHA) agencies. Therefore, any conditions place on the CUP will primarily be restricted to the above ground activities.

The applicant is aware of the thresholds, which will initiate the implementation of the Surface Mining and Reclamation Act (SMARA) and anticipates no additional surface disturbance of over one acre or the removal of 1,000 cubic yards of surface material during the mining operation. Any surface improvements or construction will affect only the previously disturbed areas within the existing Darwin Mine facilities.

The project involves the mining of primarily the zinc and tungsten ore with other amounts of silver, copper, lead and gold being obtained as byproduct of the milling process.

All the ore will be removed from the Defiance portal on electric ore cars and deposited in a proposed ore bin located approximately 300-400 feet from the portal.

All waste rock shall be utilized to back-fill existing underground stopes.

Rails and hoists exist underground and will be up-dated to current MSHA guidelines.

Electrical (battery powered) locomotives will be utilized to avoid diesel particulate to avoid air-borne particulate. The locomotives will pull the ore cars to and from various underground loading chutes, where electric powered slushers will move the ore into chutes and eventually into the ore cars.

**Calcium chloride (salt) and a combination of sonic dust suppression will be used to neutralize air-borne particulate in the mine.**

**The mining operation has to be operated in accordance with all Federal MSHA mining regulations and California OSHA Mine & Tunnel Division requirements. Explosive storage and handling will comply with all ATF&E and Inyo County Sheriff's explosive regulations.**

**No new roads will be required. No additional surface disturbance beyond that now existing will occur in order to eliminate the necessity for a reclamation plan pursuant to SMARA (more than one acre or more than 1,000 cubic yards of disturbance).**

**No processing, including crushing, will occur on the site. The ore will exit the Defiance portal and deposited into a skid mounted dump side. Initially five (5) trucks per day will transport the ore to Millers Mill just north of Tonopah, Nevada. They will exit on Darwin Road to Highway 190 to Highway 395 to Highway 6 to Millers Mill. Trucks will travel during the evening hours.**

**Initially, 125 tons of ore per day (one shift, Mon-Fri) will be produced and shipped daily to Millers Mill. This will require up to 22 employees (including five truck drivers). This is called Phase One.**

**Once under production, this may increase to 500 tons per day (one shift, Mon-Fri) and shipped daily to Millers Mill. This would result in twenty (20) truck loads per day and an additional 35 employees. This is called Phase Two. Phase Two will require up to 57 employees including 20 truck drivers.**

**At this time, or if demand warrants it in Phase One, the company will provide bus service from Lone Pine and Keeler to the project site for the employees.**

**There is currently housing on site for eight (8) employees and an additional eight (8) houses could be utilized for future housing if brought up to current building code.**

**Employees will arrive at the existing recreation facility and park where after a brief on-site safety meeting they will enter into the fenced portal area and will then be issued necessary lighting and safety equipment. They will then be hauled underground to their designated work areas.**

**The ore will be continuously hauled out of the portal and placed into a skid mounted dump slide. It will be located at the end of the existing rails of the Defiance Mine portal (approximately 300-400 feet). The proposed location of the skid mounted dump slide, the truck loading area and the truck scales was previously the site of the ball mill and flotation mill, which was removed in 1995. No outside ground storage of the ore will be necessary.**

**Haul truck maintenance will be done at Millers Mill in Nevada.**

**All surface facility upgrades that are required (septic systems, plumbing, lavatories, electrical, building structural improvements) shall be accomplished under Inyo County building permits.**

**Any requirements for improvements, or signage, to any intersection with the Darwin Road (County road) shall be accomplished under Inyo County Road department encroachment permits.**

## SURFACE FACILITIES:

The surface development is quite extensive. The crusher and mill was removed in 1995 and most hazardous materials were removed from the site and disposed of at that time.

The main offices and upper level housing originated in 1921 and are still in use today. Also, the original cafeteria, machine shop, warehouse, office, managers house, battery room, carpenters shop, blacksmith shop, recreation room, shower/changing room and a 90,000 gallon swimming pool (used for fire suppression) are present and in usable condition (with upgrades).

During 1947-1950 homes for the miners were constructed on the patented and unpatented mining claims (lower level housing). The unpatented mining claims have since expired but the applicant is in the process of re-claiming them (as well as other adjacent areas of the mine) to insure control over the immediate area. These homes and outbuildings are in general disrepair and may be removed/demolished in the future but that is not part of this project.

The electrical service to the Department of Water and Power substation (33,000 volts) and phones service are active and will provide enough services to the project. All the electrical transmission lines, services, and transformers on the site are company maintained and serviced. They are adequate for all future needs of the company.

The company has it's own water rights (.32cfs) which is pumped from 4.5 miles away in Darwin Wash through a 4 inch pipe line crossing legally existing easements. No effect on the Darwin Community Service District water supply will occur, as their water source is located at a spring on the China Lake Naval Weapons Center.

Existing septic systems are in place and in use.

Currently, security is provided by an on-site caretaker.

## UNDERGROUND FACILITIES:

The Darwin Mine is composed of a number of mines all interconnected. The main portal (adit) is at the Defiance Mine (Radiore Portal) located at the surface facilities (next to the battery room and the changing/shower room building).

The inter-workings of the mine consist of approximately 150-200 miles of tunnels and drifts in fourteen different levels. There are 28 miles of existing rail line underground. All operations are conducted using electric motors.

There is a natural airflow of 21,500 cfm in the main access tunnel (Radiore Tunnel). All existing ventilation shafts have been fenced in accordance with SMARA. No additional ventilation is required. Temperature in the mine is a constant 56 degrees.

Little tunnel timber shoring is required due to the hard rock characteristics of the mine. The mine is "dry" and contains no water.

## FINDINGS:


An Initial Study and Evaluation of Potential Impacts has been prepared by the Planning Department (attached). The Initial Study, including an environmental checklist, indicates that the proposed project would not have a significant adverse impact on the environment for the following reasons:

- A. The proposed project is consistent with the goals and objectives of the Natural Resources land use designation of the 2001 Inyo County General Plan. No conflicts exist with policies and objectives in other adopted elements of the General Plan. Therefore, the project is consistent with the adopted General Plan.
- B. The proposed project is consistent with the requirements of the Inyo County Zoning Ordinance and the Open Space, 40-acre minimum zone.
- C. The proposed project does not fall under the requirements of Chapter 7.70 (Surface Mining and Land Reclamation) of the Inyo County Code.
- D. Existing public and private services are adequate to meet the requirements of the proposed project without the need for their expansion.
- E. Based upon the Initial Study and environmental evaluation of the proposed project, it has been found the project does not have the potential to create a significant impact on flora or fauna; natural, scenic and historic resources; the local economy; or, public health, and welfare. This constitutes a negative finding for each of the Mandatory findings required pursuant to Section 15065 of the California Environmental Quality Act (CEQA) Guidelines.

The review period (30 day review) for this Negative Declaration expires on November 06, 2007. Inyo County is not required to respond to any comments received after this date.

Additional information is available from the Inyo County Planning Department. Please contact Project Planner, Adena Fansler, if you have any questions regarding this project.

9/28/07  
Date

  
Pat Cecil, Planning Director

Attachments: Initial Study,  
Evaluation of Potential Impacts  
Vicinity Map

# INYO COUNTY PLANNING DEPARTMENT

## APPENDIX G

### Environmental Checklist Form

#### EVALUATION OF ENVIRONMENTAL IMPACTS:

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).

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.

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.

"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 Section XVII, "Earlier Analyses," may be cross-referenced).

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:

**Earlier Analysis Used.** Identify and state where they are available for review.

**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.

**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.

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.

**Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

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.

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

# INYO COUNTY PLANNING DEPARTMENT

## Environmental Checklist Form

1. **Project title:** Conditional Use Permit No. 2007-04/Project Darwin, L.L.C
2. **Lead agency name and address:** Inyo County Planning Department, P.O. Drawer L, Independence, CA 93526.
3. **Contact person and phone number:** Adena Fansler, Associate Planner (760) 878-0263.
4. **Project location:** Portion of Section 1, Township 19 South, Range 40 East and portions of Sections 16, 18, 30 and 32, Township 19 South, Range 41 East, Mount Diablo Base and Meridian, approximately ½ mile Northwest of Darwin and approximately 4 miles Southeast of the intersection of Darwin Road with State Route 190 in Inyo County (see Vicinity Map).
5. **Project sponsor's name and address:** Project Darwin, LLC, P.O. Box 1367, Tonopah, Nevada 89049.
6. **General plan designation:** Rural Protection (RP).
7. **Zoning:** Open Space, 40-acre minimum.
8. **Description of project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.) The proposed project involves the re-opening of the Darwin Mine, located in Darwin, Inyo County, CA. The Mine has been inactive since 1976.

The project involves the issuance of a Conditional Use Permit (CUP) by the County of Inyo. The project site is located on 1,050 acres of privately owned land (patented mining claims) and is zoned Open Space, 40 acre minimum (OS-40). Under the provisions of the OS-40 zone "mining" is a conditional use per County Code Section 18.12.040(I).

The mining activity is almost entirely underground; the majority of the underground activities are regulated by Federal (MSHA)(ATF&E) and State (CAL-OSHA) agencies. Therefore, any conditions placed on the CUP will primarily be restricted to the above ground activities.

The applicant is aware of the thresh-holds, which will initiate the implementation of the Surface Mining and Reclamation Act (SMARA) and anticipates no additional surface disturbance of over one acre or the removal of 1,000 cubic yards of surface material during the mining operation. Any surface improvements or construction will affect only the previously disturbed areas within the existing Darwin Mine facilities.

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Any requirements for improvements, or signage, to any intersection with the Darwin Road (County road) shall be accomplished under Inyo County Road Department encroachment permits.

## SURFACE FACILITIES:

The surface development is quite extensive. The crusher and mill was removed in 1995 and most hazardous materials were removed from the site and disposed of at that time.

The main offices and upper level housing originated in 1921 and are still in use today. Also, the original cafeteria, machine shop, warehouse, office, managers house, battery room, carpenters shop, blacksmith shop, recreation room, shower/changing room and a 90,000 gallon swimming pool (used for fire suppression) are present and in usable condition (with upgrades).

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There is a natural airflow of 21,500 cfm in the main access tunnel (Radiore Tunnel). All existing ventilation shafts have been fenced in accordance with SMARA. No additional ventilation is required. Temperature in the mine is a constant 56 degrees.

Little tunnel timber shoring is required due to the hard rock characteristics of the mine. The mine is "dry" and contains no water.

**9. Surrounding land uses and setting: Briefly describe the project's surroundings:**

- North: Bureau of Land Management land, General Plan designation, State and Federal Land, zoned Open Space, 40-acre minimum.
- South: Bureau of Land Management land, General Plan designation, State and Federal Land, zoned Open Space, 40-acre minimum.
- East: Bureau of Land Management land, General Plan designation, State and Federal Land, zoned Open Space, 40-acre minimum.
- West: Bureau of Land Management land, General Plan designation, State and Federal Land, zoned Open Space, 40-acre minimum.

**10. Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement.)**

- Federal MSHA – Underground mining
- Federal ATF&E – Storage and use of explosives
- Federal BLM – Possible road access issues regarding the expired unpatented mining claims
- California Office of Mining Regulation - SMARA (does not propose to exceed thresholds)
- California OSHA mine & Tunnel division – Underground mining
- CALTRANS – Use of Highways 190, 395 and 6.
- Lahontan - WQCB (initial contact by applicant indicated no permits required)
- Great Basin Air Quality Control District – Dust & particulates (initial contact by applicant indicated no permits required)
- County Sheriff – Storage of explosives
- County Road Department – Intersection(s) with and use of the Darwin Road
- County Building Department – Building, electrical and plumbing permits for surface activities
- County Environmental Health Department – Sewage disposal & domestic water quality
- County Weights and Measures – Truck scales

**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 Resources	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology /Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance	

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

On the basis of this initial evaluation:

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


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

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

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

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
\_\_\_\_\_  
Adena Fansler  
Associate Planner  
Inyo County Planning Department

  
\_\_\_\_\_  
Date

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**I. AESTHETICS** -- Would the project:

a) Have a substantial adverse effect on a scenic vista?  
*No. The project does not result in any new development or structures on the property's surface except for an ore loading facility and truck scales. The project site is already extensively developed with mining and residential structures. The project will not have a substantial adverse effect on any scenic vista from the Darwin Road.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?  
*No. The project does not result in any new development or structures on the property's surface except for an ore loading facility and truck scales. The project site is already extensively developed with mining and residential structures. The project will not have a substantial adverse effect on any scenic vista from the Darwin Road. There is no state scenic highway in the area. None of the existing structures are proposed to be removed by this project.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Substantially degrade the existing visual character or quality of the site and its surroundings?  
*No. The project does not result in any new development or structures on the property's surface except for an ore loading facility and truck scales. The project site is already extensively developed with mining and residential structures.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?  
*No. The project does not result in any new development or structures on the property's surface except for an ore loading facility and truck scales. The project will not create any new source of lighting or glare which would adversely affect day or nighttime views in the area.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**II. AGRICULTURE RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. 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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Agency, to non-agricultural use?

No. The project is not located on prime or unique farmland, or farmland of statewide importance.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No. The project is located on non-agricultural lands.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No. The project is located on non-agricultural lands.

**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 make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No. Very little dust will be generated by the project except for during the dumping of the ore (150-500 tons per day) into the dump slide and then into the trucks. The project will not conflict with or obstruct implementation of the applicable air quality plan. Initial contact with the Great Basin Air Quality Control District by the applicant indicated that no permits would be required as the project was presented to them.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

No. Very little dust will be generated by the project except for during the dumping of the ore (150-500 tons per day) into the dump slide and then into the trucks. The project will not violate any air quality standards or contribute substantially to an existing or projected air quality violation.

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)?

No. The cumulative impact due to the dust generated by this project is less than significant. All mining, drilling, blasting will be accomplished underground and all ore removal equipment will be electric.

d) Expose sensitive receptors to substantial pollutant concentrations?

No. Very little dust will be generated buy the project except for the dumping of the ore into the dump slide and then into the trucks and will not expose sensitive receptors to substantial dust.

e) Create objectionable odors affecting a substantial number of people?

*No. The project will not create objectionable odors as No onsite ore processing is proposed. All equipment will be electric (except for the ore hauling trucks) and a small number of employees are required which are dispersed throughout the mine. Darwin, the nearest community is approximately 1/2 mile to the southwest.*

**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 Game or U.S. Fish and Wildlife Service?

*No. No sensitive habitat exists at this site. No vegetation or surface disturbance is proposed by this project.*

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

*No. The project site is not in riparian habitat and will not cause a substantial adverse effect on any riparian or other sensitive habitat.*

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

*No. The project site contains no wetlands and will not impact any wetlands in the area.*

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

*No. The project will not interfere with movement of any native resident or migratory fish or wildlife species. No vegetation removal or surface disturbance is proposed by this project.*

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

*No. The project will not conflict with any local policies or ordinances protecting biological resources. No vegetation removal or surface disturbance is proposed by this project.*

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

*No. The project will not conflict with any Habitat Conservation Plan or Natural Community Conservation Plans protecting*

biological resources. No vegetation removal or surface Disturbance is proposed by this project.

**V. CULTURAL RESOURCES:** Would the project:

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

*No. Some of the buildings date back to the 1920's but none are proposed to be removed or structurally altered by this project.*

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

*No. This site (Darwin Hills) has been mined since the 1870's but none of the existing structures are proposed to be removed or structurally altered by this project. No human occupation of this site prior to this time are known to exist on the project site. No surface disturbance is proposed by this project.*

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

*No. No known paleontological resource or unique geologic Features exist on the site. No surface disturbance is proposed by this project.*

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

*No. No surface disturbance is proposed by this project.*

**VI. GEOLOGY AND SOILS:** Would the project:

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

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

*No. No known earthquake fault is located on this site. The Owens Valley Fault is 24 miles to the west and the Panamint Valley Fault is 12 miles to the east.*

ii) Strong seismic ground shaking?

*No. The mine has been used by the Department of Energy for a seismic station since the early 1960's and is considered as a "quite zone".*

iii) Seismic-related ground failure, including liquefaction?

*No. The mine is in a seismic "quite zone" and no water exist in the surface or within the mine. Deep drilling at Darwin to an elevation of 3,100 feet revealed no water. This is 500 feet deeper than the Darwin Mine.*

iv) Landslides?

No. The mine is in a seismic "quite zone" and none of the project's facilities would be impacted by any landslides. most of the terraine above the Darwin mine facilities are bare rock

b) Result In substantial soil erosion or the loss of topsoil?

No. The project will not result in any soil erosion or loss of topsoil. No new surface disturbance is proposed by this project.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

No. The project is located on stable soils. The only Proposed new structure is an ore slide dump and truck Scales occupying the site previously occupied by the Ball crusher and floatation mill which was removed in 1995.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

No. The project site is not located on expansive soils.

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?

No. No wastewater disposal structures or systems are proposed to be constructed however, existing systems may be upgraded.

**VII. HAZARDS AND HAZARDOUS MATERIALS:**

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No. The only hazardous material on the site will be explosives which will be permitted by the Federal ATF&E and the Inyo County Sheriff as to its transport, Storage and use.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No. No processing of the ore onsite is proposed. Basically it involves the bringing of the ore to the surface and placing it into trucks for transport to Millers Mill in Nevada for processing. No hazardous materials will be used.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No. The project site is not within 1/4 mile of an existing or proposed school.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

*No. No such site is listed at this location.*

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

*No. The project site is not located within two miles of an airport.*

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

*No. There is no private airstrip in the project area.*

g) Impair Implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

*No. The project will not interfere with the Inyo County Standardized Emergency Management Systems Response Plan.*

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 wild-lands?

*No. The very sparse vegetation at the site is not conducive to wild-land fires.*

**VIII. HYDROLOGY AND WATER QUALITY:** Would the project:

a) Violate any water quality standards or waste discharge requirements?

*No. The project will not violate water quality standards or discharge requirements. No water exists on the project site. Existing septic systems will be utilized and no processing of the ore will occur on the site. No water discharge or any kind is part of this project.*

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

*No. The project will have water needs for domestic uses (lavatories, showers, and a couple of residences). Water will be utilized in the drilling of the ore but is not considered significant. Water supply will be by an existing well in Darwin*

Wash (4.5 miles to the east), which has been utilized by the mine since about 1920. The community of Darwin receives its domestic water from a spring in the Coso Mountains over seven (7) miles to the southwest.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>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?<br/> <i>No. No erosion or siltation will occur as a result of this project. No surface disturbance is proposed by this project.</i></p>              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?<br/> <i>No. No drainage patterns will be altered by this project nor would it increase surface runoff.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>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?<br/> <i>No. This project will not increase any surface runoff from the site. There are no existing or planned storm water drainage systems in the area.</i></p>                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>f) Otherwise substantially degrade water quality?<br/> <i>No. Water quality will not be degraded by this project. Only domestic use of the water is proposed except for the drilling activities. The mine is dry with no water. A dry well was drilled in Darwin which was 500 feet below the lowest level of the Darwin Mine.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| <p>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?<br/> <i>No. The project site is not within a 100-year flood hazard Area. No new housing is proposed by this project.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?<br/> <i>No. No structures will be built for this project. The site is not within a designated 100 year flood zone.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>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?<br/> <i>No. There are no levees or dams in the area. The site is above any dry desert washes which may have water during flash floods.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

j) Inundation by seiche, tsunami, or mudflow?

*No. The project area is not subject to seiche or tsunami due to the distance from any large bodies of water. Water Does not exist on the site and the rocky soils are not Conducive to mudflows.*

**IX. LAND USE AND PLANNING:** Would the project:

a) Physically divide an established community?

*No. The project site is located in a remote location and will not divide any community. The nearest community is Darwin, located approximately 1.2 mile to the southeast. Darwin and the Darwin Mine are closely intertwined.*

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

*No. This project is not inconsistent with the goals and objectives of the Open Space and Recreation land use designation or any other element of the County's General Plan.*

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

*No. The project will not conflict with any applicable habitat conservation plan or natural community conservation plan No surface disturbance is proposed by this project.*

**X. 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?

*No. The project will not result in the loss of availability of a known mineral resource. The reactivation of the mine will produce zinc, lead, tungsten, gold, silver and copper which is of value to the region, the state and nation. Extensive exploration is proposed as the amount of profitable ore is unknown.*

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

*No. This project will, in fact, restore the availability of a locally-important mineral resource site.*

**XI. NOISE:** Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

*No. The remote location of this project will not expose the public to excess noise. Drilling, blasting and ore excavation will be done entirely underground. The only*

noise will be the dumping of the ore into the slide dump and then into the trucks on the north side of a high waste dump. The nearest residence to the south in Darwin is about 1.2 mile away and will not be affected.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?  
*No. All mining shall be conducted underground with only the dumping of the ore into trucks causing noise levels to increase. Drilling, blasting and ore excavation will be done entirely underground. The only noise will be the dumping of the ore into the slide dump and then into the trucks on the north side of a high waste dump. The nearest residence to the south in Darwin is about 1.2 mile away and will not be affected.*

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  
*No. The project will not create a permanent increase in Noise in the area. . All mining shall be conducted underground with only the dumping of the ore into trucks causing noise levels to increase. Drilling, blasting and ore excavation will be done entirely underground. The only noise will be the dumping of the ore into the slide dump and then into the trucks on the north side of a high waste dump. The nearest residence to the south in Darwin is about 1.2 mile away and will not be affected.*

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  
*No. During operations there will be a temporary increase in the ambient noise level of the area. All mining shall be conducted underground with only the dumping of the ore into trucks causing noise levels to increase. Drilling, blasting and ore excavation will be done entirely underground. The only noise will be the dumping of the ore into the slide dump and then into the trucks on the north side of a high waste dump. The nearest residence to the south in Darwin is about 1.2 mile away and will not be affected.*

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

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

**XII. POPULATION AND HOUSING --** Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

*No. The project is not growth enhancing. It anticipates approximately 22 employees in Phase One and 57 employees in Phase Two. Due to the remoteness of the area it is anticipated some employees may live in Darwin, Keeler and Olancho however, most would probably reside in Lone Pine and commute to the site. Some of the truck Drivers (5 in Phase One and 20 in Phase Two) may reside in Tonopah near the processing facility at Millers Mill.*

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

*No. The project will not displace any housing. It will not necessitate the construction of housing.*

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

*No. The project will not displace people or require construction of any housing.*

**XIII. PUBLIC SERVICES:** Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new of 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:

*No. No new government facilities will be needed because of this operation.*

Fire protection?      
*Fire protection will not need to be increased.*

Police protection?      
*Police protection will not need to be increased.*

Schools?      
*School facilities will not need to be increased.*

Parks?      
*Parks facilities will not need to be increased.*

Other public facilities?      
*Other public facilities in the area will not need to be increased.*

**XIV. RECREATION:** Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

*No. The project will have no effect on any existing parks or recreational facilities.*

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

*The project does not include recreational facilities or require construction or expansion of recreational facilities.*

**XV. TRANSPORTATION/TRAFFIC --** Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

*The project does not result in any increase of traffic volume beyond that which will be generated by the mining activity itself. ADT's will increase by 10 from the trucks Hauling ore in phase One and by 40 from the trucks Hauling ore in Phase Two. Employees (17 in Phase One and 37 in Phase Two) would probably commute to the site from Darwin, Keeler, Olancho and Lone Pine. If warranted, the applicant will provide a daily employee bus from Lone Pine and Keeler to reduce the cost of commuting. Additional ADT's would result from contractors servicing the mining operation.*

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

*No. The cumulative level of service standards will not change.*

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

*No. This project will not result in a change to air traffic.*

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

*No. There are no hazardous design features on any route traveled.*

e) Result in inadequate emergency access?

*No. The project would not result in inadequate emergency access to the site.*

f) Result in inadequate parking capacity?

*No. The project will not cause parking problems.*

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

*No. The project will not conflict with any alternative transportation policies or programs.*

### XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

*No. The project does not require any wastewater facilities nor will any be required.*

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

*No. No water or wastewater treatment facilities will be needed because of this project.*

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

*No. No new surface facilities are proposed except for the slide dump and truck scales. No new water drainage facilities are required.*

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

*Yes. The project applicant has a guaranteed water source from Darwin Wash, 4.5 miles to the east, which provides 138 gallons per minute to the project site. This is entirely sufficient for the project.*

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?

*Not applicable. There will be no need for wastewater treatment as the result of this project.*

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

*Yes. The project will not generate any solid waste requiring offsite disposal.*

g) Comply with federal, state, and local statutes and regulations related to solid waste?

*The project will not generate any solid waste requiring offsite disposal. All waste rock will be disposed of underground. Domestic garbage will be hauled to the Keeler transfer station or the Lone Pine Landfill which has sufficient capacity*

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE:**

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

*No. The impact of this project on the quality of the environment will be less than significant.*

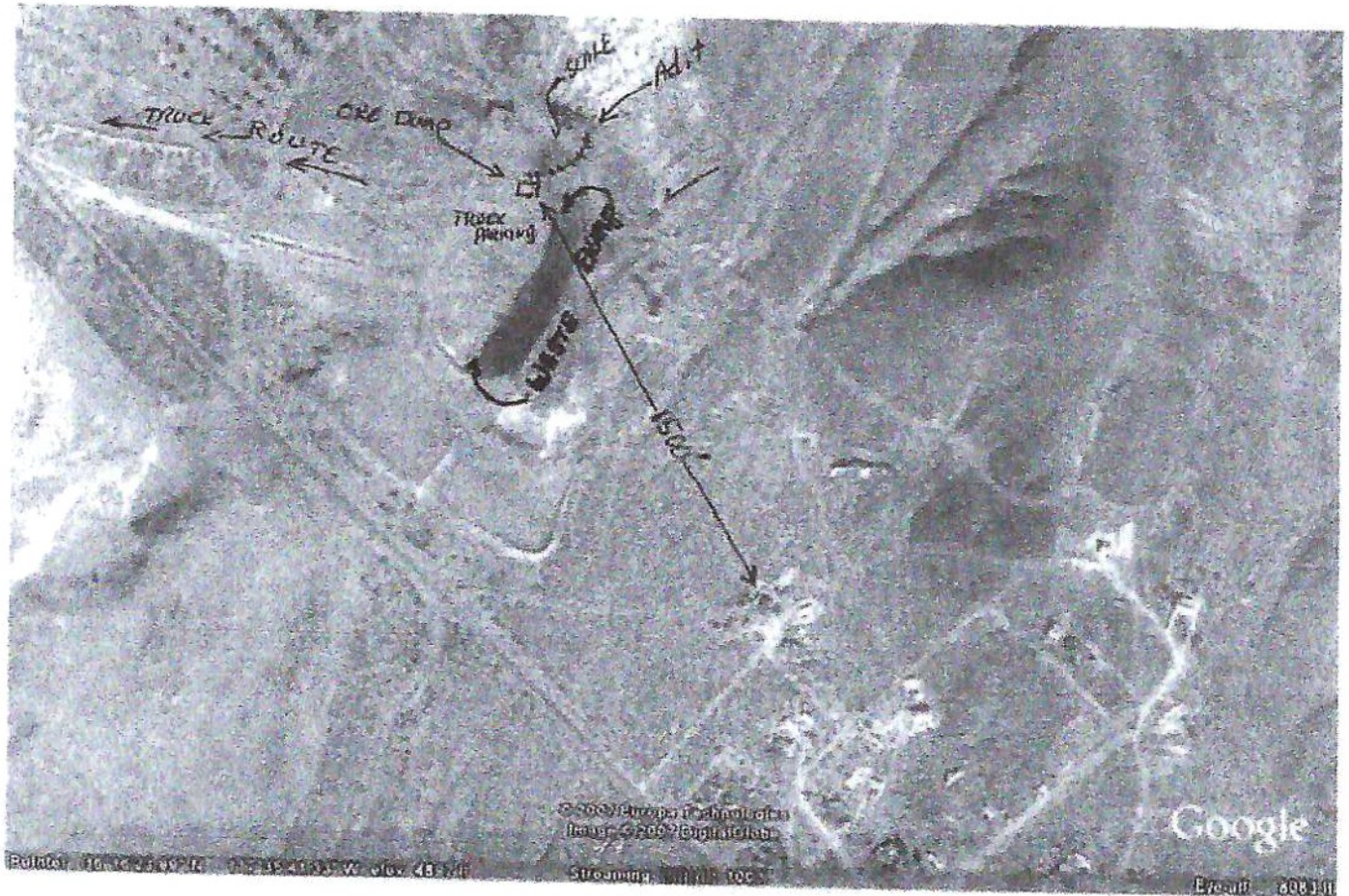
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

*No. None of the impacts of this project together are considered cumulatively considerable.*

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

*No. The project will have no environmental effects, which will cause substantial adverse effects on human beings.*

Attachment: Vicinity Map



**1" = 500 feet**

**DIESEL TRUCK:** Different dB(a) charts rate a diesel truck at 90dB(a) and at 100dB(a) at one meter (3 feet) distance. Assuming a 95dB(a) reading at the source then at 1500 feet the dB(a) reading would be 41dB(a) which is comparable to a "Quiet Conversation."

This 41dB(a) is without any physical obstruction located between the noise source and the receptor. In this case, there is a 50'-75' high waste dump located adjacent to the truck parking area and ore dump which will deflect much of the noise upward from the Darwin Community. Likely, no noise from the diesel trucks will reach Darwin.

The trucks will only operate during entry, ore loading, weighing and exiting. Five per day in Phase One and twenty per day in Phase Two.