Planning Department
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AGENDA ITEM NO.: **8** (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: December 1, 2021

SUBJECT: Continued Violation of Conditional Use Permit 2007-05/Pruett Ballarat Inc.

EXECUTIVE SUMMARY

This hearing is a continuation from September 22, 2021 and is being held pursuant to a Notice of Hearing issued to the operator of the Radcliff Mine (ID 91-14-0064) on September 3, 2021 and on November 3, 2021 (Exhibit 1). At the September 22, 2021 hearing Blair Will, the attorney for Bush Management (Bush), and the Planning Department agreed that 1) the hearing would be continued to the December Planning Commission meeting, 2) Bush would close portals 1 and 6 on or before the December 2021 meeting, and 3) Bush would secure from public access or close portals 3, 4, and 5 on or before the December Planning Commission meeting.

County staff inspected the mine site on October 21, 2021 and found no changes and no steps toward compliance with the agreed upon portal closures. The site remains in the same condition as the last inspection completed in March 2021. However, on November 16, 2021, County staff participated in a meeting with Mr. Will and individuals from Valley Wide Construction, a company that Bush has hired to close the portals. At this meeting, the County outlined the work that needs to be done to comply with the agreement reached on September 22 and County staff scheduled an inspection for November 29, 2021.

Staff is hopeful that Bush will be able to make sufficient progress to comply with the September 22 agreement and that it will be possible to take the upcoming December 1 hearing off calendar. However, as of the writing of the staff report (November 17, 2021), no work has been done on the mine site, and Bush has made no progress toward achieving the requirements of the September 22 agreement.

The Planning Commission approved Conditional Use Permit 2007-05/Pruett Ballarat ("2008 CUP") on April 23, 2008 (the staff report and Notice of Decision are attached as Exhibit 2). The 2008 CUP contained numerous conditions of approval, including:

> CONDITION OF APPROVAL
> III(2) The Conditional Use Permit is for the mining of the Radcliff mine by the applicant, Pruett Ballarat, Inc. This Conditional Use Permit is issued to the applicant. Any change in ownership, revisions, additions or expansions to the project description contained in the application shall comply with SMARA and other applicable State and Federal laws. .
>
> CONDITIONS FOR RECLAMATION PLAN
> IV(4) Upon the termination of underground mining activities (exceeding 90 days) all adits to the Radcliff Mine shall be physically sealed to the satisfaction of the Inyo County Planning Department. Backfilling or steel doors will be acceptable.

The Planning Department seeks to revoke the 2008 CUP for two reasons. First, the Radcliff Mine's operator placed adits outside of the 2008 CUP's permitted boundaries. The Planning Department gave the operator 1.5 years to fix this issue after it was brought to light, but the problem remains unresolved as of the writing of this staff report. Second, the Radcliff Mine has not been operational since December 2016. The 2008 CUP requires that all adits be sealed should underground mining terminate for more than 90 days.

Pursuant to Inyo County Code § 18.81.120 and 18.81.130, a hearing is being held to determine whether the Planning Commission will / will not 1) find that these violations have occurred and 2) issue an order revoke Conditional Use Permit 2007-05/Pruett Ballarat.

PROJECT INFORMATION

Supervisory District: 5

Project Applicant: John Hagestad with Bush Management.

Property Owner: Bush Management Company

Site Address: Pleasant Canyon

Community: Panamint, CA

A.P.N.: 039-240-01

General Plan: Rural Protection (RP).

Zoning: Open Space, 40 acre minimum (OS-40).

Size of Parcel: Approximately 137.52 Acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Vacant	Rural Protection (RP)	Open Space – 40 acre minimum (OS-40)
North	Vacant	State and Federal Land (SFL)	Open Space – 40 acre minimum (OS-40)
East	Vacant	State and Federal Land (SFL)	Open Space – 40 acre minimum (OS-40)
South	Vacant	State and Federal Land (SFL)	Open Space – 40 acre minimum (OS-40)
West	Vacant	State and Federal Land (SFL)	Open Space – 40 acre minimum (OS-40)

Staff Recommended Action: 1) Find that these violations have occurred and issue an order revoke the Conditional Use Permit.

Alternatives: 1) Dismiss the violations.
2) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Ryan Standridge, Associate Planner

STAFF ANALYSIS

Background and Overview

The Radcliff / World Beater Mine was first permitted for operation in May 1993. In January 2007, the mine changed hands, and the new owners obtained a new CUP. That CUP is the operative 2008 CUP that is at issue in this hearing. As explained above, the operators of the mine are violating two different conditions of the 2008 CUP. Each violation will be dealt with in turn.

Violation #1 – Installation of Adits Outside Permitted Boundaries

On June 9, 2020, former mine operator Charles McLaughlin emailed the Planning Department to inform them that he believed that two of the mine's adits (#1 and #6) were located outside of the permitted CUP boundary, despite the fact that the map submitted with and attached to the 2008 CUP showed those two adits to be within the permitted boundaries (**Exhibit 2, page 27**). The County requested that Mr. McLaughlin obtain a map from a licensed surveyor to confirm. This map shows that adits #1 and #6 are in fact outside the approved CUP and reclamation boundaries (**Exhibit 3**).

Condition of Approval III(2) of the 2008 CUP requires that any expansion of the mine beyond the permitted boundaries comply with the Surface Mining and Reclamation Act

("SMARA") and all other applicable state and federal laws. SMARA, in turn, requires that all mine operators obtain the proper permits from the lead agency (i.e. Inyo County). Public Resource Code § 2770(a). Adits that are located outside of the boundary approved by the 2008 CUP and/or the reclamation plan are not properly permitted under the 2008 CUP. To use a simple example, if an individual obtains a CUP to operate a store on a certain lot, that does not give the individual permission to operate the store on an adjacent lot, nor does it permit the individual to construct the store in a manner that encroaches beyond the permitted lot.

However, because the mine operator voluntarily raised the issue of adits #1 and #6 being located outside of the CUP boundary, the Planning Department did not take immediate enforcement action, as it seemed unfair to penalize the operator for voluntarily raising this noncompliance. Furthermore, in joint meetings between the mine personnel, the BLM (which manages the land that adits #1 and #6 are located on), and the Planning Department, the mine operator stated he wished to close up and reclaim adits #1 and #6. These meetings occurred on July 7, 2020 and March 10, 2021, as memorialized in post-meeting correspondence from the BLM (see **Exhibit 4**). Reclaiming these adits seemed to be a great solution, as it would bring the mine back into compliance with the CUP without requiring an enforcement action by the Planning Department.

Unfortunately, the mine operator's statements regarding his desire to voluntarily close adits #1 and #6 do not appear to match his actions. Almost 1.5 years have passed since Mr. McLaughlin first raised the issue of the adits located outside of the permitted boundaries, yet as of the writing of this staff report, the adits remain open and un-reclaimed. The Planning Department cannot allow this violation to linger forever. There has been consistent correspondence between BLM and the attorney for the Radcliff Mine (Blair Will) requesting information about the closure plan and progress (**Exhibit 5**). But to date, the only actions taken toward closure have been the completion of an environmental analysis by the BLM and the preparation of a closure memo (**Exhibit 6**). No physical work has been performed on site to close adits #1 and #6.

Violation #2 – Failure to close all adits within 90 days of the cessation of underground mining

Condition IV(4) for the reclamation plan (whose approval is a subpart of the CUP) states: "Upon the termination of underground mining activities (exceeding 90 days) all adits to the Radcliff Mine shall be physically sealed to the satisfaction of the Inyo County Planning Department." Underground mining has ceased at the Radcliff Mine for far more than 90 days. Pursuant to reports filed with the federal Mine Safety and Health Administration (MSHA), the Radcliff Mine as considered abandoned as of December 20, 2016 and MSHA "has not has [the Radcliff Mine] on [its] books since December of 2016 (**Exhibit 7**).

The County did not seek to enforce this condition sooner because former operator Mr. McLaughlin was constantly proposing a variety of ways that he hoped to expand and reinvigorate the Radcliff Mine. For instance, most recently, on September 15, 2020, Mr. McLauglin and John Hagestad gave a lengthy presentation to the Inyo County Board of

Supervisors detailing their plans for large operational expansions at the Radcliff Mine. The Planning Department would like to see this mine remain open and able to contribute to the economy of Southern Inyo County. However, as with the improperly located adits, the Planning Department cannot continue to ignore the 2008 CUP's conditions of approval. And, since Mr. McLaughlin ceased to be involved with this mine in approximately March 2021, there have been no new proposals for continued operation brought to the Planning Department.

Accordingly, the Planning Department believes that it is in the best interest of the public to not permit an abandoned, idle mine to remain un-reclaimed. It is particularly concerning that, when Planning Department personnel went to inspect the mine on March 30, 2021, the Planning Department observed at least three adits that were completely unfenced and open (**Exhibit 8**). This is a serious public safety concern that must be remedied via the sealing of unused adits.

History of These Proceedings

As the Commission may recall, this request for revocation of the 2008 CUP first came before the Planning Commission on September 22, 2021. However, on that date, the hearing was continued because Mr. Will stated that Bush would agree to reclaim adits 1 and 6 and either reclaim or fence off from public access adits 2, 3, 4, and 5 (**Exhibit 9**). Although 1.5 years have already passed with no action from Bush on this front, the Planning Commission was amenable to providing Bush with extra time given Mr. Will's firm commitment to have the issues with the adits resolved by December 1, 2021.

Following the September 22 meeting, Planning staff checked in with Bush regularly to assess their progress toward compliance with the September 22 agreement. On October 15, 2021, Mr. Will informed staff that Bush planned to use Valley Wide Construction Service to perform the necessary work. On October 21, Mr. Will stated that he believed that Valley Wide would have the work completed "within the next approximately four weeks" (**Exhibit 10**). However, when Planning staff spoke with Valley Wide personnel on November 3, Valley Wide seemed unaware that Bush was planning to utilize their services.

On November 16, 2021, Planning staff met with Mr. Will and Valley Wide to discuss the plan for closing the adits and removing some junk and debris from the site. The meeting went well, and Valley Wide and Bush seemed amendable to doing the necessary work. However, staff is very concerned that this meeting happened a mere two weeks before the December 1 hearing. As seems to be the pattern, Bush has waited until the last minute to perform complex and expensive work that it could have done at any time over the past 1.5 years. While staff is hopeful that Bush and Valley Wide will manage to complete sufficient work to fulfill the terms of the agreement arrived at on September 22, as of the writing of this staff report, the prospects do not appear optimistic. Therefore, at this time, staff is continuing to recommend revocation of the 2008 CUP.

RECOMMENDATION

Planning Department staff recommends finding Bush Management in violation of the 2008 CUP and revoking the CUP based on the following Findings:

1) Notice of the time and date of this hearing was given as required by law.
   [Evidence: Notice was provided via US mail and email on September 3, 2021, and additionally November 3, 2021 which exceeds the 10 day notice requirement in Inyo County Code § 18.81.240.]

2) Bush Management has violated Condition of Approval III(2) of the 2008 CUP.
   [Evidence: Bush Management has provided a surveyed map confirming that adits #1 and #6 are out of the permitted boundary of the 2008 CUP. These adits remain open and un-reclaimed despite Bush's statements regarding the plan to close them.]

3) Bush Management has violated Condition of Approval IV(4) of the 2008 CUP.
   [Evidence: MSHA records indicate that the Radcliff Mine has been abandoned since December 2016, yet all adits at the mine remain un-reclaimed.]

ATTACHMENTS

- September 22, 2021 Staff Report
- Exhibit 1 – Notice of Hearing dated September 3, 2021,
- Exhibit 2 – Conditional Use Permit 2007-05/Pruett Ballarat and associated Staff Report and Reclamation Plan
- Exhibit 3 – Map from licensed surveyor dated May 13, 2020
- Exhibit 4 – August 13, 2020 Letter from BLM
- Exhibit 5 – BLM correspondence with Blair Will
- Exhibit 6 – Environmental analysis prepared by BLM
- Exhibit 7 – Correspondence and report from MSHA
- Exhibit 8 – Pictures of unfenced adits
- Exhibit 9 – Summary of post-hearing agreement
- Exhibit 10 – Emails regarding progress since September hearing

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AGENDA ITEM NO.:	**09** (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE:	September 22, 2021
SUBJECT:	Violation of Conditional Use Permit 2007-05/Pruett Ballarat Inc.

EXECUTIVE SUMMARY

This hearing is being held pursuant to a Notice of Hearing issued to the operator of the Radcliff Mine (ID 91-14-0064) on September 3, 2021 (**Exhibit 1**). The mine is located on the western flank of the Panamint Range in Pleasant Canyon, approximately 5 miles east of Ballarat. The Conditional Use Permit 2007-05/Pruett Ballarat ("2008 CUP") was approved on April 23, 2008 (the staff report and Notice of Decision are attached as **Exhibit 2**). The 2008 CUP contained numerous conditions of approval, including:

> CONDITION OF APPROVAL
> III(2) The Conditional Use Permit is for the mining of the Radcliff mine by the applicant, Pruett Ballarat, Inc. This Conditional Use Permit is issued to the applicant. Any change in ownership, revisions, additions or expansions to the project description contained in the application shall comply with SMARA and other applicable State and Federal laws. .
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Pursuant to Inyo County Code § 18.81.120 and 18.81.130, a hearing is being held to determine whether the Planning Commission will / will not 1) find that these violations have occurred and 2) issue an order revoke Conditional Use Permit 2007-05/Pruett Ballarat.

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A.P.N.: 039-240-01

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Staff Recommended Action: 1) Find that these violations have occurred and issue an order revoke the Conditional Use Permit.

Alternatives: 1) Dismiss the violations.
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Project Planner: Ryan Standridge, Associate Planner

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Background and Overview

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Violation #1 – Installation of Adits Outside Permitted Boundaries

On June 9, 2020, former mine operator Charles McLaughlin emailed the Planning Department to inform them that he believed that two of the mine's adits (#1 and #6) were located outside of the permitted CUP boundary, despite the fact that the map submitted with and attached to the 2008 CUP showed those two adits to be within the permitted boundaries (**Exhibit 2, page 27**). The County requested that Mr. McLaughlin obtain a map from a licensed surveyor to confirm. This map shows that adits #1 and #6 are in fact outside the approved CUP and reclamation boundaries (**Exhibit 3**).

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However, because the mine operator voluntarily raised the issue of adits #1 and #6 being located outside of the CUP boundary, the Planning Department did not take immediate enforcement action, as it seemed unfair to penalize the operator for voluntarily raising this noncompliance. Furthermore, in joint meetings between the mine personnel, the BLM (which manages the land that adits #1 and #6 are located on), and the Planning Department, the mine operator stated he wished to close up and reclaim adits #1 and #6. These meetings occurred on July 7, 2020 and March 10, 2021, as memorialized in post-meeting correspondence from the BLM (see **Exhibit 4**). Reclaiming these adits seemed to be a great solution, as it would bring the mine back into compliance with the CUP without requiring an enforcement action by the Planning Department.

Unfortunately, the mine operator's statements regarding his desire to voluntarily close adits #1 and #6 do not appear to match his actions. Almost 1.5 years have passed since Mr. McLaughlin first raised the issue of the adits located outside of the permitted boundaries, yet as of the writing of this staff report, the adits remain open and un-reclaimed. The Planning Department cannot allow this violation to linger forever. There

has been consistent correspondence between BLM and the attorney for the Radcliff Mine (Blair Will) requesting information about the closure plan and progress (**Exhibit 5**). But to date, the only actions taken toward closure have been the completion of an environmental analysis by the BLM and the preparation of a closure memo (**Exhibit 6**). No physical work has been performed on site to close adits #1 and #6.

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The County did not seek to enforce this condition sooner because former operator Mr. McLaughlin was constantly proposing a variety of ways that he hoped to expand and reinvigorate the Radcliff Mine. For instance, most recently, on September 15, 2020, Mr. McLauglin and John Hagestad gave a lengthy presentation to the Inyo County Board of Supervisors detailing their plans for large operational expansions at the Radcliff Mine. The Planning Department would like to see this mine remain open and able to contribute to the economy of Southern Inyo County. However, as with the improperly located adits, the Planning Department cannot continue to ignore the 2008 CUP's conditions of approval. And, since Mr. McLaughlin ceased to be involved with this mine in approximately March 2021, there have been no new proposals for continued operation brought to the Planning Department.

Accordingly, the Planning Department believes that it is in the best interest of the public to not permit an abandoned, idle mine to remain un-reclaimed. It is particularly concerning that, when Planning Department personnel went to inspect the mine on March 30, 2021, the Planning Department observed at least three adits that were completely unfenced and open (**Exhibit 8**). This is a serious public safety concern that must be remedied via the sealing of unused adits.

RECOMMENDATION

Planning Department staff recommends finding Bush Management in violation of the 2008 CUP and revoking the CUP based on the following Findings:

1) Notice of the time and date of this hearing was given as required by law.
   [Evidence: Notice was provided via US mail and email on September 3, 2021, which exceeds the 10 day notice requirement in Inyo County Code § 18.81.240.]

2) Bush Management has violated Condition of Approval III(2) of the 2008 CUP.

[Evidence: Bush Management has provided a surveyed map confirming that adits #1 and #6 are out of the permitted boundary of the 2008 CUP. These adits remain open and un-reclaimed despite Bush's statements regarding the plan to close them.]

3) Bush Management has violated Condition of Approval IV(4) of the 2008 CUP.

[Evidence: MSHA records indicate that the Radcliff Mine has been abandoned since December 2016, yet all adits at the mine remain un-reclaimed.]

ATTACHMENTS

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Exhibit 1

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Denial of Financial Assurance Cost Estimate Pursuant to Public Resources Code § 2773.4(d)(2)(A)(i)

Notice of Hearing re: Revocation of Conditional Use Permit 2007-05 / Pruett Ballarat, Inc.

September 3, 2021

John Hagestad
Bush Management
PO Box 11179
Newport Beach, CA 92658
JHAGESTAD@Sares-Regis.com

Blair Will
Kronick Moskovitz Tiedemann & Girard
1331 Garden Hwy, 2nd Floor
Sacramento, CA 95833
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VIA CERTIFIED MAIL AND EMAIL

RE: Mine ID# 91-14-0064 / Radcliff

Dear Mr. Hagestad and Mr. Will:

As the lead agency under SMARA, the Inyo County Planning Department has received and reviewed the Financial Assurance Cost Estimate ("FACE") that you submitted for the above-referenced mine on August 23, 2021. As you are aware, Inyo County has been working with Bush Management ("Bush") to get an adequate FACE submitted since 2019. Pursuant to Cal. Public Resources Code ("PRC") § 2773.4(d)(2)(A)(i), the Planning Department has denied the August 23 FACE. The specific reasons for the denial are enumerated below. This letter also addresses Bush's violation of—and the commencement of proceedings to revoke—CUP 2007-05 / Pruett Ballarat, Inc. ("the 2007 CUP").

I. VIOLATION OF THE 2007 CUP

On June 9, 2020, previous mine operator Charles McLaughlin first raised this issue of two adits (#1 and #6) being located outside the CUP boundary. After Mr. McLaughlin raised this issue

and after discussions between the County, BLM, and Bush, it was determined that the best course of action was to simply reclaim these adits, thereby bringing Bush back into compliance with the CUP boundaries. The County informed Bush that it would not treat the installation of adits outside of the CUP boundaries as a violation of the CUP / reclamation plan or require Bush to increase its financial assurance mechanism to account for the cost of closing these two adits as long as Bush expeditiously proceeded with its stated plan of closing the two adits. This was discussed on numerous occasions, including two meetings on July 7, 2020 and March 10, 2021, which were attended by parties representing Bush Management, the BLM, and Inyo County personnel.

However, it has now been approximately 1.5 years since Mr. McLaughlin first raised the issue of adits located outside of the CUP boundaries, and these adits remain in the same state that they were 1.5 years ago. While the County was willing to hold any CUP violations in abeyance given repeated statements that Bush would voluntarily close these two unpermitted adits, the County cannot wait forever for Bush to act. Accordingly, the County will be proceeding with the revocation of the 2007 CUP on the grounds that the installation of adits outside of the CUP boundaries and the failure to rectify the problem over the past 1.5 years constitutes a violation of the conditions of approval of the 2007 CUP and the 2007 Reclamation Plan (the approval of which is a condition of approval of the CUP). Additionally, given that the Radcliff Mine has been idle for far more than 90 days with no reclamation activity conducted, the County will move to revoke the CUP for violation of Condition IV(4). A hearing on the revocation of the 2007 CUP will be held before the Inyo County Planning Commission on September 27, 2021 at 10 am. The Planning Commission is meeting via Zoom, and you will be provided with a Zoom link to join the meeting at a later date.

II. DENIAL OF THE AUGUST 23, 2021 FACE

Pursuant to PRC § 2773.4(d)(6), the reasons for this denial are as follows:

- **Section II (Description of Current Site Conditions)**

This section is incomplete and inadequate. On March 30, 2021, Inyo County inspected the Radcliff Mine and confirmed the existence of at least five adits (see photographs #4, 12, 13, 18-21, 28, 29, 32-34, and 36-38).[1] This was a notable contradiction to the statements of Andrew Heinemann, who stated during the March 10, 2021 meeting regarding the 2020 FACE that only two adits (#1 and #6) had been developed at the mine. This section fails to describe any adits, even the two whose existence Mr. Heinemann acknowledges.

This section further states that "[t]wo adits [i.e. #1 and #6] have been developed outside of the approved reclamation plan … and therefore cannot be included in the FACE under SMARA." This is incorrect. The fact that previous mine operators illegally installed adits outside of the Radcliff Mine's permitted boundaries does not absolve Bush of its reclamation responsibilities. Inyo County was willing to provide Bush with leniency regarding adits #1 and #6 due to representations that Bush was going to voluntarily seal and reclaim these adits. However, as

[1] Photographs taken by County personnel during this inspection are included with this letter. When reference is made to a specific numbered photograph, that number corresponds to the numbers on the lower right-hand corner of each photo.

explained above, this has yet to happen in the past 1.5 years. Given Bush's inaction, the County will now require Bush to include the costs to reclaim adits #1 and #6 (along with all other adits shown in the attached photos) in the FACE. Please edit this section accordingly.

This section also incorrectly describes the surface disturbance. Per the 2007 Staff Report accompanying the 2007 CUP and annual SMARA reports submitted to the state, the Radcliff Mine has at least 8.5 acres of surface disturbance, yet this section states that there is only 2.6 acres of disturbance. This error needs to be corrected, and the FACE updated accordingly.

During the County's March 30 inspection, personnel also observed a substantial amount of junk, debris, trailers, structures, and equipment scattered throughout the mine (see, for example, photos #1-12, 14, 15, 22, 25, and 39-61). None of this is described in this section. Please update this section to include a description of these conditions.

- **Section III (Description of Anticipated Site Conditions)**

The information provided is incomplete. By way of example, the 2007 CUP states as Condition IV(4) that "Upon the termination of underground mining activities (exceeding 90 days) all adits to the Radcliff Mine shall be physically sealed to the satisfaction of the Inyo County Planning Department. Backfilling or steel doors will be acceptable." Mining activity has ceased for more than 90 days at the Radcliff Mine. Therefore, pursuant to the 2007 CUP, within the next 90 days, all adits must be sealed. The cost to conduct this activity must be included in this section of the FACE.

- **Section IV (Description/Justification of Cost Increase/Decrease)**

Based on all of the comments that the County has provided you in this letter, the County anticipates that reclamation costs will rise once you have included all the required reclamation in the updated FACE. Therefore, when submitting the updated FACE, please ensure that you also update this section. Provide a brief description/justification for the proposed increase or decrease to existing financial assurance amount.

The County notes that the 2015 FACE submitted by Pruett puts reclamation costs at $102,242. Per the California Department of General Services Construction Cost Index, in today's dollars, that would set reclamation costs at $119,188.01. No reclamation has occurred since 2015. Therefore, should your FACE indicate a cost lower than $119,188.01, please describe in detail why costs have fallen and which aspects of the 2015 FACE are inaccurate.

- **Section V (Plant Structures and Equipment Removal)**

The "Current Site Conditions" section states that the only structure currently on site is a trailer. This is incorrect. During the March 30 inspection of the mine, the County observed numerous other structures equipment on site including, but not limited to, broken heavy machinery along the roadway, a cabin with construction work that appeared to be recent (< 10 years old), a Port-A-Potty, metal storage containers, tools, pipes, hoses, electrical infrastructure, fencing, and storage tanks / barrels. Please consult the attached pictures for additional details. This section must be updated to accurately describe the site conditions, as reflected in the attached photos.

The "Describe tasks" section will also need to be updated to include the additional tasks necessary to remove all of the equipment and structures that were not described in the August 23 FACE.

After you have updated the Current Site Conditions, it is also anticipated that you will need to make substantial edits to the "Methods to be used" section of the FACE. Specifically, this section will need to be updated to reflect the increased cost and complexity of removing all of the structures and equipment shown in the attached photos and present at the mine. When updating this section, you must also take into account the remote and rugged nature of the site. You must ensure that all equipment to be used is capable of rugged, off-road travel. Additionally, none of the trailers observed on-site by County staff during the March inspection are in operable or road-worthy condition. Therefore, the FACE must account for the cost of not simply towing these trailers, but rather hauling them out on a transport vehicle or disassembling them on-site. Please also account for the cost of hauling all trailers, equipment, structures, junk, and debris to the nearest municipal waste facility and the disposal fees that will need to be paid to that facility.

Finally, the FACE states that you must "provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department." This documentation must be provided with the updated FACE and must take into account the fact that the Radcliff Mine is located in an extremely remote area, approximately 2 hours from the nearest city (Ridgecrest). It is likely that, given the remote location and limited equipment options in Ridgecrest, actual quotes will be significantly higher than what is found in the CalTrans Labor Surcharge and Equipment Rental Rates.

- **Section VI (Primary Reclamation Activity)**

For reasons previously outlined, the "Current Site Conditions" and "Quantities" sections within this section are inaccurate. Issues include, but are not limited to, a failure to account for all disturbed acres and a failure to account for the all confirmed adits. With respect to disturbed acres, per Condition IV(8) of the 2007 CUP, you must account for all road disturbance on both patented and BLM land.

The "Methods to be used" section will need to be updated to account for the increased in disturbed acres and for the additional equipment and personnel that will be required to close all of the confirmed adits.

Finally, the FACE states that you must "provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department." This documentation must be provided with the updated FACE and must take into account the fact that the Radcliff Mine is located in an extremely remote area, approximately 2 hours from the nearest city (Ridgecrest). It is likely that, given the remote location and limited equipment options in Ridgecrest, actual quotes will be significantly higher than what is found in the CalTrans Labor Surcharge and Equipment Rental Rates.

- **Section VII (Revegetation)**

The labor hours described within this section need to be increased to account for the full 8.5 acres of disturbance. Additionally, the FACE must account for the fact that the terrain at this mine is steep and rugged (the County measured average gradients of 11.3% and 19.8% from Trona-Wildrose Rd. to Clair Camp and from Clair Camp to Adits #1 and #6, respectively). These steep grades would likely prevent a laborer from carrying a full broadcasting backpack, thereby necessitating additional time to repeatedly refill. The County notes that you have added half an hour a day from the previous FACE that you submitted, but this is not sufficient to complete the seeding.

Pursuant to PRC § 2773.4(d)(6), you have thirty days to either appeal the County's denial of the August 24 FACE or to submit a revised FACE that incorporates the changes suggested by the County. If you have any questions, you may contact the County Planning Department at (760) 878-0405 or email me at rstandridge@inyocounty.us.

Sincerely,

Ryan Smith-Standridge
Associate Planner / SMARA Coordinator

cc: Grace Chuchla, Deputy County Counsel
Cathreen Richards, Inyo County Planning Director

Exhibit 1

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

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning@inyocounty.us

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN the Inyo County Planning Commission will hold public hearings Wednesday, December 1, 2021 at 10:00 a.m. to consider the following:

CONTINUATION OF VIOLATION AND CONSIDERATION OF REVOCATION OF CONDITIONAL USE PERMIT (CUP) NO. 2007-05/PRUETT BALLARAT INC.

NOTICE TO THE PUBLIC: In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend certain requirements of the Brown Act. Please be advised that the Planning Commission will be conducting its hearing exclusively via videoconference by which Planning Commission Members and staff will be participating. The videoconference will be accessible to the public by computer, tablet or smartphone at:

https://us02web.zoom.us/j/81159246847?pwd=UFgvZWpsR0hiUTlyZ2hWMFJ0Qlh1dz09
Or by Phone at: 1-669-900-6833
Meeting ID: 811 5924 6847
Passcode: 453984

This item is continued from the September 22, 2021 hearing.

This hearing is being held pursuant to a Notice of Violation in regards to a Radcliff Mine (ID 91-14-0064) the location is on the western flank of the Panamint Range in Pleasant Canyon, approximately 5 miles east of Ballarat. Bush management is in violation of Condition of approval number 2, and 3 and Conditions of rec plan.

Written comments and all questions should be addressed to the Inyo County Planning Department, P. O. Drawer "L", Independence, CA 93526. Please contact the Inyo County Planning Department if you have any questions regarding this project at the Courthouse Annex, in Independence during business hours, or phone (760) 878-0263. Project materials are posted on the Planning Department website at: www.inyoplanning.org under "Current Projects."

Exhibit 2

RADCLIFF PROJECT AMENDED RECLAMATION PLAN FOR CONDITIONAL USE PERMIT (2007-05/Pruett Ballarat, Inc.)

PRUETT BALLARAT, INC.
443 Upper Colony Road
Wellington, Nevada 89444
Phone (775) 465-2240

David L. Pruett - President

Prepared for:

Inyo County Planning Department
Post Office Drawer L
168 N. Edwards Street
Independence, California 93526
Phone: (760) 878-0263
Fax: (760) 878-0382
inyoplanning@inyocounty.us

February 15, 2008

RADCLIFF PROJECT
AMENDED RECLAMATION PLAN
(2007-05/Pruett Ballarat, Inc. formerly RP#93-1)
FOR CONDITIONAL USE PERMIT
(2007-05/Pruett Ballarat, Inc. formerly CP#93-10)

Table of Contents

TABLES

FIGURES

APPENDICES

1 Introduction

The Radcliff Project site is located in all, or parts of, Sections 4, 5, 8, 9, 10, 15, 16, 17, 21 and 22, Township 22 South, Range 45 East, Mt. Diablo Base and Meridian. The property is on the western flank of the Panamint Range in Pleasant Canyon, approximately five (5) miles east of the town of Ballarat, in Inyo County, California (Figure 1). The Canyon Resources' Briggs deposit is located approximately eight miles southwest of the Radcliff property.

The Radcliff Project currently falls under the jurisdiction of both the U.S. Department of the Interior, Bureau of Land Management (BLM) and the Inyo County Planning Department (County) for mine permitting.

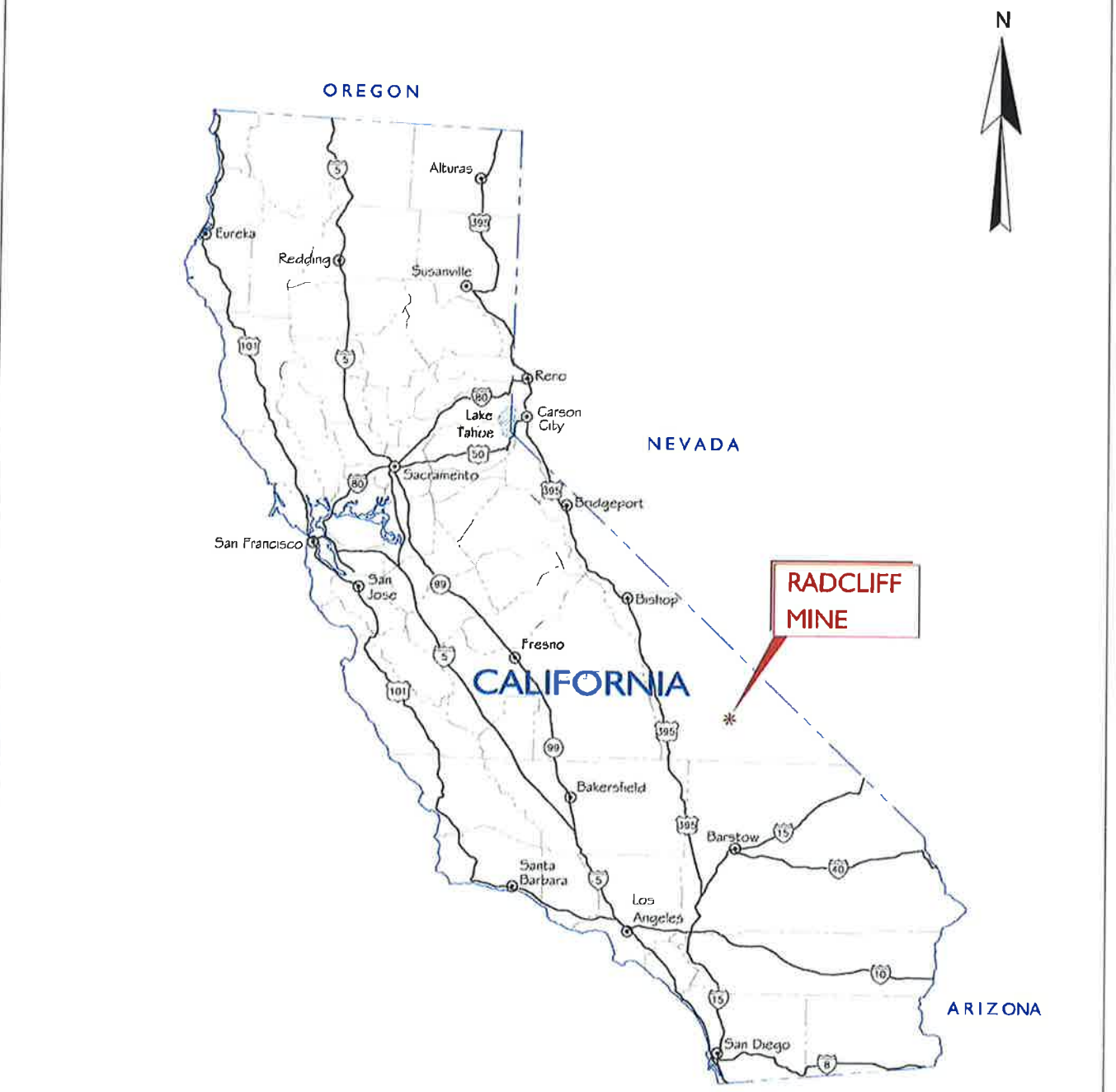
2 Access to Existing Site

Current, and historic access to the Radcliff property from Ballarat is via P-81, an unmaintained dirt road eastward for six (6) miles up Pleasant Canyon. P-81 is a BLM designated public access road. Once past the historic structures at Clair Camp, traditional access to the Radcliff is through the Worldbeater Project property; southward up the Kerr-McGee access/exploration road for a distance of approximately 1.7 miles, to the saddle at the top of the hill. From the saddle, existing exploration roads can be used to traverse down into Hope Canyon and the Radcliff site.

However, Pruett Ballarat Inc. (PBI) is proposing to access the Radcliff site through a new, by-pass road into Pleasant Canyon, and new Right-of-Way (ROW) from the main road (P-81) at Clair Camp directly up into Hope Canyon, eliminating the need to travel through the Worldbeater Project. PBI is currently coordinating with the BLM in creating the nearly three miles of new by-pass road of P-81 in an effort to protect what is deemed to be a sensitive riparian habitat. The upper 2 miles of wet willow riparian zone, which will remain part of the primary access route, will be modified by redirecting the creek from the uphill side of the road into its natural drainage on the downhill side of the road. This should protect the road from future washouts. This road will remain designated P-81, and will continue as a BLM public route. As such, no reclamation of this road is anticipated or proposed in this reclamation plan.

In addition, a new ROW application has been submitted to the BLM for access from P-81 directly into Hope Canyon, and the patented claims and existing exploration disturbance of the Radcliff Project (Figure 2). This will be created as an easement to the private land on which the Radcliff Project lies, but not as part of a Mining Plan under CFR 3809. Available surface material will be used as fill for the proposed road. Stockpiling growth media from this road is not currently deemed possible due to the steepness of surrounding terrain.

Exhibit 2



SRK Consulting
Engineers and Scientists

DESIGN: MW	DRAWN: ML	REVIEWED: -	
CHECKED: -	APPROVED: MW	DATE: 02/15/2008	
FILE NAME: Rec_Fig1_Loc_ML_20080215.dwg			

R:\Sites\Radcliff_Mine\Pruett_Ballarat_Inc\147602_000_Rec_Plan\CAD\Rec_Fig1_Loc_ML_20080215.dwg

PREPARED FOR:
RADCLIFF MINE
PRUETT BALLARAT INC

DRAWING TITLE:
LOCATION MAP

DRAWING NO.	FIGURE 1	REVISION NO.
SRK JOB NO.	147602	A

Exhibit 2

EXPLANATION

- Private Property
- Water Well

SRK Consulting
Engineers and Scientists

DESIGN:	DRAWN:	REVIEWED:
MW	JQG	MW
CHECKED:	APPROVED:	DATE: 02/14/2008
FILE NAME: Rec_Fig2_JQG_20080122.mxd		

RADCLIFF MINE
PRUETT BALLARAT INC

DRAWING TITLE:
SITE LOCATION AND ACCESS ROADS

DRAWING NO.	SHEET	REVISION NO.
FIGURE 2	2 OF 3	B
SRK JOB NO. 147602		

3 Project History

The Radcliff Project, and nearby Worldbeater mines, were discovered between 1896 and 1897. Production came largely from the Radcliff mine between 1898 and 1903, reportedly on the order of 14,500 ounces of gold (Au) from 14,000 tons or ore (slightly over one ounce per tone of ore mined). The property was opened as seven (7) underground levels, totaling about 2,400 feet of workings; over 500 vertical feet and 700 lateral feet. Owing to the steep topography, aerial tramways were used to get ore from the mine mouth to the mill at Clair Camp and below through Pleasant Canyon.

In 1989, Kerr-McGee leased the claims from land owner, Charles Mott. Echo Bay Exploration (EBX) then entered into a joint venture agreement with Kerr-McGee in May of 1992. EBX was the operating partner of the joint venture. Currently, PBI has purchased a lease and option on the claims, defined as the Radcliff Project, from Mr. Mott.

Table 1: Disturbance Summary

Date	Status	Operator	Description	Disturbance (Acres) Public	Disturbance (Acres) Private
1896 – 1989	Historic	Unknown	Worldbeater Mine (disturbance **NOT** subject to reclamation by PBI)	1.91	-
1989 – 1994	Existing/ Permitted	Kerr-McGee/ EBX	Exploration road and drill pad construction in Hope Canyon (disturbance **NOT** subject to reclamation by PBI – included in new BLM ROW)	0.54	-
1989 – 1994	Existing/ Permitted	Kerr-McGee/ EBX	Exploration road and drill pad construction (disturbance subject to reclamation by PBI)	2.47	1.73
Subtotal Historic Disturbance				4.92	1.73
Subtotal Historic Disturbance (subject to reclamation by PBI)				2.47	1.73
2008	Proposed	PBI	Six (6) Portal Locations	-	3.00
			Two (2) Yards	-	0.80
			New Roads (subject to reclamation)	-	0.20
			Borrow Area	-	0.36
Subtotal Proposed Disturbance (subject to reclamation by PBI)				0.0	4.36
Total Disturbance (subject to reclamation by PBI)				2.47	6.09

The current surface disturbance for the existing portions of the Radcliff Project is 6.65 acres. As part of the continued exploration and development of the project, an additional surface disturbance of 4.36 acres (entirely on private land) is proposed. This would include the new adits to access the ore body, laydown yards for

equipment storage and crushing unit, and a small development rock pile (rock dump). This proposed activity would bring total surface disturbance at the Radcliff Project (which is subject to reclamation by Pruett Ballarat Inc. under this plan) to **8.56** acres (Figure 3).

4 Project Environment

The principal area of mineralization is a steep, rocky hillside with sparse desert scrub vegetation consisting of sparse pinyon pine and juniper trees (below 6500' elevation and more abundant at higher elevation), desert holly salt brush, creosote, burr sage, galleta grass, Indian ricegrass, red bromegrass, very sparse barrel cactus, burro brush and four wing salt brush. Access to the area is also by way of steep, rocky hillsides with poorly developed "B" and "C" soil horizons supporting sparse sagebrush dominant desert vegetation on lower slopes and sparse pinyon, juniper and sagebrush vegetation on higher slopes. Wild Burros frequent the lower slopes. Annual rainfall is less than 7 inches. The California Natural Diversity Database identifies only one (1) threatened or endangered species (the Inyo California towhee) on the Ballarat 7.5 minute quadrangle and no endangered species on the Panamint quadrangle; though five species are in the database for Ballarat and seven are listed for Panamint.

5 Name and Address of Operator/Agent

Pruett Ballarat Inc. currently controls 10 patented lode (mineral) claims, 1 patented mill site claim, and 94 unpatented lode claims for a total of approximately 1,754 acres (Appendix A). The patented claims (137.5 acres), and certain unpatented claims, are held under an Exploration Agreement and Option to Purchase from Mr. Charles Mott of Little Rock, Arkansas.

Exhibit 2

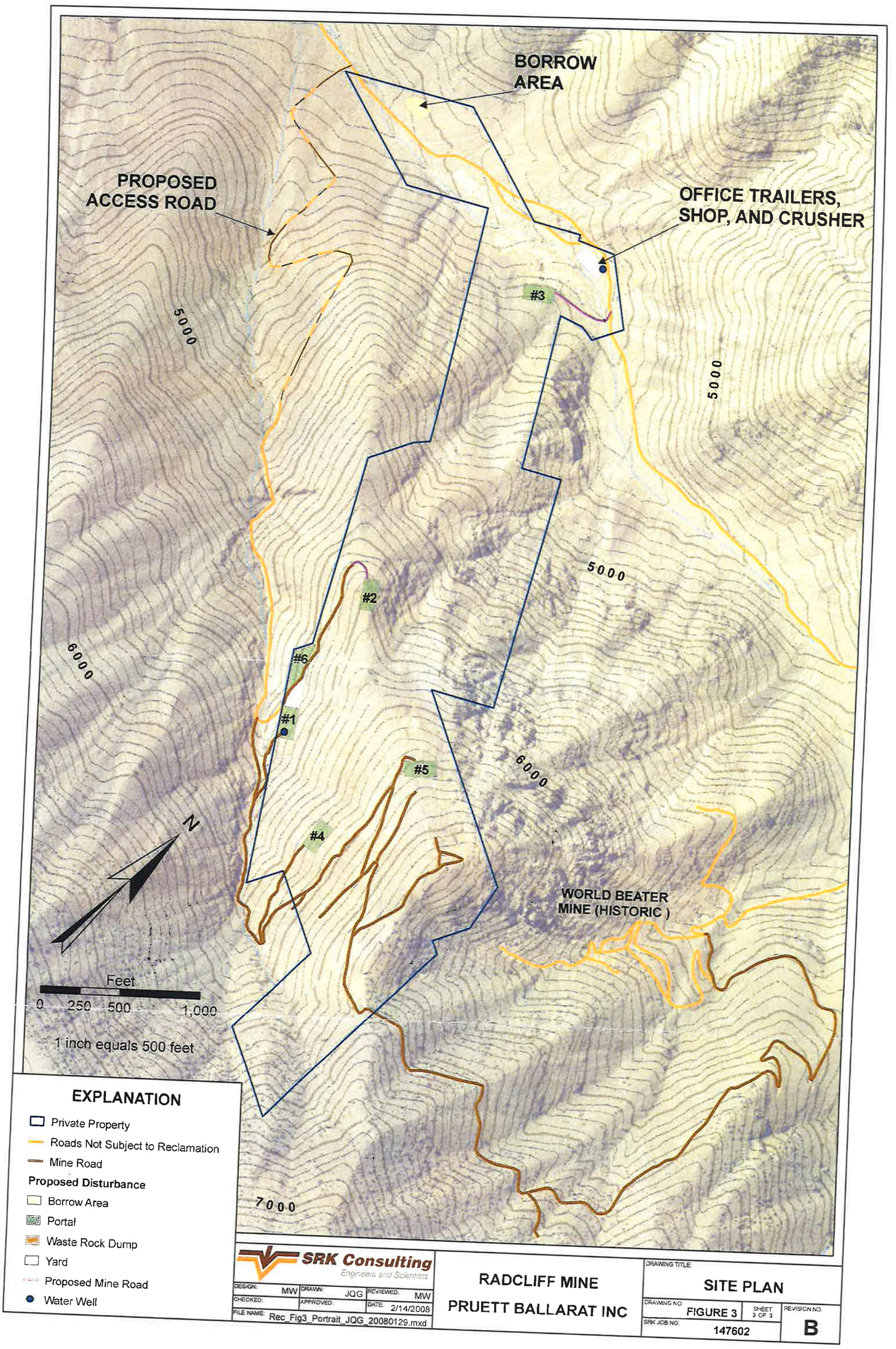

BORROW AREA
PROPOSED ACCESS ROAD
OFFICE TRAILERS, SHOP, AND CRUSHER
#1
#2
#3
#4
#5
#6
5000
6000
7000
WORLD BEATER MINE (HISTORIC)
N
Feet
0 250 500 1,000
1 inch equals 500 feet
EXPLANATION
Private Property
Roads Not Subject to Reclamation
Mine Road
Proposed Disturbance
Borrow Area
Portal
Waste Rock Dump
Yard
Proposed Mine Road
Water Well
SRK Consulting
Engineers and Scientists
DESIGN: MW
DRAWN: JQG
REVIEWED: MW
CHECKED:
APPROVED:
DATE: 2/14/2008
FILE NAME: Rec_Fig3_Portrait_JQG_20080129.mxd
RADCLIFF MINE
PRUETT BALLARAT INC
DRAWING TITLE:
SITE PLAN
DRAWING NO. FIGURE 3
SHEET 3 OF 3
SRK JOB NO. 147602
REVISION NO. B

Exhibit 2

5.1 Lessee/Operator

Pruett Ballarat Inc. (PBI)
443 Upper Colony Rd.
Wellington, NV 89444
Phone: (775) 465-2652
Operator: David L. Pruett, President

5.2 Designated Agent

Site Contact Person: David L. Pruett, President (PBI)
Designated Agent: Douglas Buchanan, Attorney at Law
363 Academy Avenue
Bishop, CA 93514
Phone: (760) 873-4211
Fax: (760) 873-4007

6 Anticipated Quantity & Type of Mineral to be Mined

The Radcliff Project is a pilot scale underground mine exploration operation. PBI intends to remove bulk ore for both metallurgical testing and processing.

6.1 Ore

PBI anticipates removing 100,000 tons of gold ore from the Radcliff underground workings. This ore will be crushed and transported offsite for testing and processing over the course of 15 years.

6.2 Waste

Initial underground mine development will require the storage of a small amount of development rock (waste) composed of non-mineralized rock. The development rock dump will be relatively small, less than 1,000 tons and down hill from portal disturbance. This disturbance will not be visible from Pleasant Canyon main public access road. Once ore stopes are available for backfill within the workings, some of the waste development rock will be returned underground. The volume of development rock disturbance anticipated is on the order of 1,500 yd^3.

6.3 Product

As gold ore will be crushed and transported offsite for testing and processing. No product will be produced at the site, at this time.

7 Initiation and Termination Dates for Surface Mining Operations

7.1 Initiation Date

The anticipated initiation date of activities at the site is February 20, 2008.

7.2 Termination Date

Based on current projections, the termination date of the Radcliff Project is **February 20, 2018**.

8 Maximum Depth of Surface Mining

The Radcliff Project is an underground mine exploration project; no surface mining is currently proposed, though some minor surface disturbance will be required.

9 Size, Legal Description of Land Effected by Surface Mining

9.1 Map with Boundary and Topography

Figure 3 shows the boundaries of the Radcliff Project with contour lines.

9.2 General Geology Description

Topography is extremely rugged, with slope angles ranging from 35° to 40°. Elevations vary from 6,580 ft at the top of the hill above the Radcliff glory hole, to 4,530 ft at the Clair Camp in Pleasant Canyon, a difference of 2,050 vertical feet. Vegetation is sparse due to lack of rain in this arid region and the rocky terrain.

Mineralization occurs within quartz-sulfide veins, disseminated sulfides and locally massive sulfides which were emplaced along zones of shearing and dilatency within argillite and amphibolite units of the Limekiln Spring Member of the Kingston Peak Formation. These units structurally and uncomformably overlie quarzofelspathic gneisses and granites of the Worldbeater complex. Quartz veins and shesar zones within the gneiss complex may also be mineralized. The argillites and amphibolites are comformably overlain by quartzite and diamictite units which are upper members of the Kingston Peak Formation.

9.3 Detail Geology Description for Surface Mining Area

Not applicable as no surface mining is proposed.

9.4 Location of All Streams, Roads, Railroads and Utility Facilities Adjacent to Mine Facility or Access Roads

No streams, railroads or utility facilities are adjacent to the Radcliff Project site. An existing riparian corridor exists along the lower reaches of Pleasant Canyon (along P-81). The historic structures of Clair Camp are located at the ROW access road into Hope Canyon.

9.5 Disturbance Not Subject to Reclamation

As indicated on Figure 3, the disturbance associated with the historic Worldbeater Project area, from Pleasant Canyon access road up to the entrance to the Kerr-McGee/Echo Bay Exploration (EBX) roads, predates the SMARA regulations (Pre-1976), and is therefore not subject to reclamation. It is not covered, nor included as part of this amended reclamation plan or financial assurance cost estimate for the proposed Radcliff Project.

In addition, approximately 2,150 ft of former Kerr-McGee/EBX road (ca. 1994) is being converted to a permanent easement to access the public land in Hope Canyon, and is therefore not subject to future reclamation requirements; nor is the new road that links this segment to the Pleasant Canyon access road.

9.6 Name and Address of Owners of all Surface Interest and Mineral Interest in the Lands

a) Land Owner

Charles B. Mott, Jr.
1501 North University Street
Prospect Building, Suite 966
Little Rock, Arkansas 72207
Phone: (501) 664-4808

b) The unpatented claims are administered by the U.S. Department of the Interior, Bureau of Land Management, Ridgecrest Field Office. PBI does not currently propose any activity on the unpatented portions of the Radcliff or Worldbeater projects.

c) Mineral Interest

Pruett Ballarat Inc.
443 Upper Colony Road
Wellington, Nevada 89444
Phone: (775) 465-2652

10 Surface Mining Plan and Schedule

This underground mining operation will have limited surface disturbance. This surface disturbance will be reclaimed at the close of operations. See Section 7 for initiation and termination dates.

11 Proposed Potential Use of Land after Reclamation

If the pilot scale/exploration portion of the operation is successful, the land will be used for full-scale underground mining. If program is unsuccessful, the land will be returned to Multiple Use Category, the prior status to exploration activity.

Evidence that all owners have been notified of proposed land use post-reclamation is offered by way of copy of the recorded memorandum of agreement between WB & Radcliff Inc. (Charles Mott) and Pruett Ballarat Inc. (David Pruett) (Appendix B).

12 Description of How Reclamation for Proposed Potential Use will be accomplished

This Reclamation Plan, and all proposed activities, will comply with California Surface Mining and Reclamation Act (SMARA) policies and procedures. Activities are currently only proposed for private land. In addition, PBI will comply with the standards described in 43 CFR 2809.1-3d and that all reasonable measures will be taken to prevent unnecessary or undue degradation of the federal lands surrounding the Radcliff Project.

Reclamation activities proposed for the Radcliff Project will include:

12.1 Pre-Operational Requirements

1 Secure financial assurances in the sum of **$85,295** in the form of a surety bond, irrevocable letter of credit or trust fund, shall be posted with the Inyo County Planning Department. Said financial assurance shall be payable to both the County of Inyo and the California Director of Conservation. A copy of the financial assurance cost estimate is provided in Appendix E.

2 PBI shall submit a notarized statement to the Planning Department accepting responsibility for reclaiming the lands, as per the conditions specified herein prior to any additional mining or exploration activities commencing.

3 Potential loss of native vegetation and wildlife habitat is considered to be in accord with the standards set by the Fish and Game Code for potential habitat loss. Because of the potential loss of native vegetation and wildlife habitat loss, however sparse, Section 711.4 of Fish and Game code requires the payment of a fee before this project becomes "operative, vested or final". The

potential impact is greater than the *de minimus* standard of section 711.4. Said fee and a document handling charge shall be paid by PBI at the time the Notice of Determination is filed by the Planning Department (10 days after the Reclamation Plan approval).

4 Mitigation recommendations:

a) **Vegetation** – PBI conducted a botanical survey of the site (Appendix D), specifically in the proposed areas of surface disturbance. A total of 78 plant taxa, occurring in 30 families were recorded. Eighteen special status plant species were identified as having some potential for occurring in the region, though none are expected to occur at the project site. Additional information regarding biological resources and environmental studies in the project area is provided in the Inyo County Conditional Use Permit (C.U.P.) application.

b) **Archeology** – A cultural resource inventory was performed for the P81 bypass road switchback leading in to Pleasant Canyon and approximately 10 acres of land adjacent to Ballarat (Pacific Legacy, Inc., 2008). The inventory identified and recorded one archeological site and four isolated artifacts deemed to contain limited data potential and do not appear to meet the criteria for National Register of Historic Places (NRHP) eligibility. Additional information regarding cultural and archeological resources in the project area is provided in the Inyo County C.U.P. application.

c) **Soil** - The soils are susceptible to accelerated erosion from wind and water especially when the surface has been disturbed due to poor developed and low vegetation coverage. Drainage control shall be ensured over the roads.

d) **Air** - PBI will curtail activities when wind speeds exceed 30 miles per hour (mph) to avoid carrying excessive dust into the nearby class II airsheds.

e) **Animal** - There are no known threatened or endangered species in the proposed action area. The project is outside the range of the desert tortoise and the Mohave ground squirrel.

Pale (Townsend) Bigeared Bats - The Townsend's bigeared bat is a Federal Category II Candidate species and a California Species of Special Concern. Even though the Radcliff Project is within the Worldbeater historic mining district, the risk is low of intercepting historic underground workings with the current exploration and pilot-scale mining plan. If existing underground workings are encountered, a bat study, potentially focused on the Pale (Townsend) Bigeared Bats, will be conducted prior to further activity.

12.2 Operational Requirements

1. Removal of pinyon trees will be kept to minimum while still allowing completion of the project. Trees will be limbed rather than removed whenever possible. PBI does not anticipate encountering any pinyon pines during this phase of the project.

2. Operations or road improvements and construction equipment will be confined to the existing and proposed road sections.

3. As practicable, topsoil from all future roads construction will be salvaged and stockpiled.

4. New Road construction will not exceed a total disturbed width of thirty feet (30'), with a 15-ft running width.

5. Inslope, full bench construction will be required for new road sections.

6. Water bars will be placed, as deemed necessary by the operator, for concurrence by the BLM and/or the Inyo County Planning Department.

   PBI intends to construct and operate a small (30ft × 50ft) maintenance shop at Claire Camp in accordance with County codes. In addition, a Man Camp with six parking sites with septic and water will be set up at Claire Camp. The area is currently disturbed.

   Upon abandonment, all drill holes will be plugged as outlined in the April 4, 1989 (BLM) Plan of Operations and the procedures used to plug the drill holes shall conform with BLM Manual Handbook H-3042-1, Section V. NOTE: All holes drilled to date have been plugged with the exception of the two holes which are proposed for re-entry to deepening with core drilling. Holes were plugged by method specified by BLM personnel in Ridgecrest Field Office.

7. The water source for the Radcliff Project comes from a very old, developed underground adit at an area called Stone Corral located approximately two miles east of Clair Camp. The water was developed by the Radcliff Mining Company on water right millsite(s) at Stone Corral around the late 1800's. BLM has indicated (verbally) that water rights are viable. Additionally, in 1989 the California State Water Resource Control Board Division of Water Rights acknowledged that the rights of Stone Corral Spring belong to a group represented by Mr. Charles Mott. Further, there is a 1932 decree by the District Court of the U.S. Southern District of California Central Division in Decree T-71-H that indicates these water rights belong to the claim holders. The above information indicates that all water rights to stone Corral belong to the claim owners. The water diversion site is on Federal Lands. Spring water rights will be used by diverting only to fill the 3,000 gallon water tank. Once

the tank is full, water will be allowed to flow back into the alluvial gravels. No well is proposed.

8. Any explosives used during operations will be stored in two powder magazines furnished by the supplier. One magazine will contain blasting caps and primers, while the other will store the explosive. The magazines will be located on fee land. Explosives are to be transported to the site via pickup truck, with blasting caps transported in a separate vehicle. Approval for these activities was granted by the Inyo County Sheriff on June 21, 2007 (Permit No. EP-98-007).

9. Sonic booms created by aircraft at supersonic speeds have the characteristics of explosives detonations. Please ensure that explosive handlers are made aware of this phenomenon. If any electric blasting is to occur, due to the potential of low-flying aircraft in the area, the operator shall schedule blasting activities with the Air Force Flight Test Center and the Naval Air Weapons Center, China Lake.

10. This Reclamation Plan shall be reviewed and PBI's compliance with the conditions listed above shall be evaluated every year, as required by Section 2774(b) of SMARA, after the date of approval. The amount of the financial assurances shall also be reviewed and adjusted as deemed appropriate, at that time.

11. PBI shall notify the Inyo County Planning Department and the BLM Ridgecrest Office prior to closure of the operation in order to coordinate reclamation of the site.

12.3 Final Closure Requirements

Final closure of the project will include the following.

1. Removal of all equipment from the site, including, but not limited to the portable crushers, office trailer(s), generators, fuel tanks, etc..

2. Removal of any portable toilets and refuse facilities.

3. Clean-up of any garbage or other solid waste inadvertently left at the site.

4. Removal of air and water lines on the surface.

5. Removal of all drill rods and bits.

6. Culverts, if used, will be removed, and pre-mining drainage courses will be restored which have been blocked by operations and/or road conditions.

7. Concrete foundations and slabs

8. Scarification of compacted or disturbed areas, as practicable, to promote revegetation. Compacted or disturbed areas include, but are not limited to post-1989 roads, drill pads, helicopter drill pads and the new laydown yard. All disturbances non-accessible by heavy equipment, i.e., helicopter drill pads, will be seeded but not scarified. Re-seeding of compacted or disturbed areas, as practicable, with a native species seed mix approved by both the BLM and Inyo County Planning Department.

9. PBI shall follow the guidelines presented in the Solid Minerals Reclamation Handbook (BLM Manual Handbook H- 3042 -1) in regards to reclamation of drilling pads, drill hole plugging and road beds.

10. Access to the exploration roads on the Worldbeater side of the operation (the Kerr-McGee/Echo Bay exploration roads) shall be denied by ripping and backfilling to the original contours from the first turnout of the canyon to the east (where the chain & post gate is located) to the property line (Figure 3). Reseeding shall occur on this stretch of reclaimed road to establish the vegetation and plant cover approved by the Inyo County Planning Department and BLM (Ridgecrest).

11. The mine adit will be closed to prevent unauthorized access by people and colonization by bats. The entrances will be plugged by rock backfill.

12. No special handling is proposed for the developmental rock pile, as studies indicate that the material is neither acid forming nor does it contain elevated levels of any deleterious elements. Part of the developmental rock pile will be used to plug the adit entrance. It is not proposed to cover or revegetate developmental rock pile.

Table 2: Waste Rock ABA Results

Quartzite Waste Rock	10.4	0.4	10.0
Chlorite/Schist Waste Rock	268.0	50.2	217.8

Sited from Table 10.1 Neutralization Potential Analyses from the Worldbeater Project Proposed Plan of Operation submitted August 1996.

13. PBI will develop a monitoring plan to assess revegetation to determine when reclamation is a success.

12.4 Post-Reclamation Requirements

Successful revegetation will be defined as 25% of the original plant cover with 80% of the native species growing on the reclaimed area.

The Inyo County Planning Department, in compliance with the requirements of SMARA, will monitor revegetation. Once revegetation is deemed a success, as per above criteria, the applicable mining reclamation financial assurances will be released.

12.5 Contaminants Control and Mining Waste Disposal

All fuel tanks and other containers will be properly emptied through consumption, recycling or transport to a designated waste handling or treatment facility. Containers will be removed for reuse, or disposed of in an approved landfill.

Explosives storage will be removed in accordance with the applicable Federal and State regulations, as administered by the Bureau of Alcohol, Tobacco, and Firearms, and the State Fire Marshall.

12.6 Affected Streambed, Channel and Streambank

The proposed project is not expected to have an adverse impact on water resources, and no 401 certification would be needed as long as normal mitigation is used.

13 Reclamation Plan Effect on Future Mining

The Reclamation Plan does not preclude future mining.

14 Responsibility for Reclaiming the Disturbed Lands

PBI hereby agrees to accept responsibility for the reclamation of any surface area affected by the exploration or mining operations at the Radcliff Project in accordance with the Reclamation Plan. See Appendix C for notarized Statement of Responsibility for Reclaiming the Disturbed Lands.

The applicant, PBI, shall defend, indemnify and hold harmless Inyo County, or its agents, officers and employees from any claim, action or proceeding against the county or its agents, officers, or employees to attack, set aside, void or annul an approval of the County, its advisory agencies, its appeals board, or its legislative body concerning Conditional Use Permit (2007-05/Pruett Ballarat, Inc.). The County reserves the right to prepare its own defense.

15 Public Health and Safety

The activities outlined herein have been designed to "avoid unnecessary or undue degradation" (43CFR§3809.5) as defined in the general and specific performance standards listed in §3809.420. The proposed activities are also designed to be

consistent with Nevada reclamation laws that govern private and public lands in the state of Nevada (NRS 519A.100). These laws define reclamation as actions that will:

" . . . shape, stabilize, revegetate or otherwise treat the land in order to return it to a safe, stable condition consistent with the establishment of a productive post-mining use of the land and the safe abandonment of a facility in a manner which ensures the public safety, as well as the encouragement of techniques which minimize the adverse visual effects."

16 Disposition of Old Equipment

All equipment on site is mobile and will be removed during closure.

17 Designated Areas for Equipment and Waste

Private land will be leased in or near the town of Ballarat for an administration building, equipment and storage yard and fuel and lube storage facility.

18 References

Bagley, M. 2008. *Botanical Report for the Pruett Ballarat Inc. Right of Way Application for P-81 BLM Route, Pleasant Canyon, Panamint Mountains, Inyo County, California.* February 5, 2008.

Colorado Mineral Research Institute. 1996. *Compass Minerals, Limited, Worldbeater Project, Inyo County, California, Proposed Plan of Operations.* August 1996.

County of Inyo Planning Department. 1994. *Planning Department Staff Report, Agenda Item No. 6, Reclamation Plan #93-1 and Conditional Use Permit #93-10.* Kerr-McGee Corporation/Echo Bay Exploration (Radcliff). January 1994.

Pacific Legacy, Inc. 2008. *A Cultural Resource Inventory for the Pruett Ballarat Inc., P81 – Ballarat thru Switchback to Pleasant Canyon.* February 2008.

APPENDIX A

Description of Mining Claims

Property Description and Location Exhibit 2

"Exhibit A" The Claims

The property consists of 10 patented mineral claims, 1 patented mill site claim and 94 unpatented claims
aggregating approximately 710 hectares as follow:

Patented Claims (11)

The ten (10) patented mining claims (MS 3713A) and one (1) patented mill site (MS 3713B) known as the Radcliff Consolidated Quartz mining and mill site claim consist of the the following: Sun Rise, Grover Cleveland, John G. Carlisle, Kentucky, Texas, Joker Extension, Never Give Up, Treasure Vault and W.G. Quartz claims and the Cleveland mill site claim, designated by the Surveyor General as Lot Nos. 3713A and 3713B containing a total of 137.487 acres, more or less and are located in all or portions of unsurveyed and protracted Sections 8, 9 and 16, Township 22 South, Range 45 East, Mount Diablo Meridian, County of Inyo, State of California.

Unpatented Claims

The following described 94 unpatented, lode mining claims and mill sites located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16, 17, 20, 21 and 22, of T.22 S, R 45 E, Mount Diablo Meridian, South Park Mining District, Inyo County, California, described as follows:

Name of Claim	Date of Location	Recording Data Doc. Number	BLM Serial No.
WB 52	1-12-1989	89 1368	CA MC 221764
WB 53	1-12-1989	89 1369	CA MC 221765
WB 54	1-12-1989	89 1370	CA MC 221766
WB 55	1-12-1989	89 1371	CA MC 221767
WB 59	1-26-1989	89 1372	CA MC 221768
WB 60	1-26-1989	89 1373	CA MC 221769
WB 61	1-26-1989	89 1374	CA MC 221770
WB 62	1-26-1989	89 1375	CA MC 221771
WB 64	1-15-1989	89 1376	CA MC 221772
WB 65	1-15-1989	89 1377	CA MC 221773
WB 66	1-12-1989	89 1378	CA MC 221774
WB 67	1-12-1989	89 1379	CA MC 221775
WB 68	1-12-1989	89 1380	CA MC 221776
WB 69	1-12-1989	89 1381	CA MC 221777
WB 72	1-20-1989	89 1384	CA MC 221780
WB 73	1-20-1989	89 1385	CA MC 221781

Name of Claim	Date of Location	Recording Data Doc. Number	BLM Serial No.
WB 79	1-16-1989	89 1391	CA MC 221787
WB 80	1-16-1989	89 1392	CA MC 221788
WB 81	1-15-1989	89 1393	CA MC 221789
WB 82	1-15-1989	89 1394	CA MC 221790
WB 83	1-15-1989	89 1395	CA MC 221791
WB 84	1-15-1989	89 1396	CA MC 221792

Exhibit 2

WB 85	1-15-1989	89 1397	CA MC 221793
WB 86	1-15-1989	89 1398	CA MC 221794
WB 87	1-15-1989	89 1399	CA MC 221795
WB 88	1-23-1989	89 1400	CA MC 221796

WB 94	1-16-1989	89 1406	CA MC 221802
WB 95	1-16-1989	89 1407	CA MC 221803
WB 96	1-16-1989	89 1408	CA MC 221804
WB 97	1-15-1989	89 1409	CA MC 221805
WB 98	1-15-1989	89 1410	CA MC 221806
WB 99	1-15-1989	89 1411	CA MC 221807
WB 100	1-15-1989	89 1412	CA MC 221808
WB 101	1-15-1989	89 1413	CA MC 221809
WB 102	1-15-1989	89 1414	CA MC 221810
WB 103	1-15-1989	89 1415	CA MC 221811

WB 109	1-17-1989	89 1421	CA MC 221817
WB 110	1-17-1989	89 1422	CA MC 221818
WB 111	1-17-1989	89 1423	CA MC 221819
WB 112	1-17-1989	89 1424	CA MC 221820
WB 113	1-17-1989	89 1425	CA MC 221821
WB 114	1-17-1989	89 1426	CA MC 221822
WB 115	1-17-1989	89 1427	CA MC 221823

WB 116	1-18-1989	89 1428	CA MC 221824
WB 117	1-18-1989	89 1429	CA MC 221825
WB 118	1-18-1989	89 1430	CA MC 221826
WB 119	1-18-1989	89 1431	CA MC 221827
WB 120	1-18-1989	89 1432	CA MC 221828
WB 121	1-18-1989	89 1433	CA MC 221829
WB 122	1-18-1989	89 1434	CA MC 221830

Name of Claim	Date of Location	Recording Data Doc. Number	BLM Serial No.
WB 131	1-17-1989	89 1443	CA MC 221839
WB 132	1-17-1989	89 1444	CA MC 221840
WB 133	1-17-1989	89 1445	CA MC 221841
WB 134	1-17-1989	89 1446	CA MC 221842
WB 135	1-17-1989	89 1447	CA MC 221843
WB 136	1-17-1989	89 1448	CA MC 221844
WB 137	1-18-1989	89 1449	CA MC 221845
WB 138	1-18-1989	89 1450	CA MC 221846
WB 139	1-18-1989	89 1451	CA MC 221847
WB 140	1-18-1989	89 1452	CA MC 221848
WB 141	1-18-1989	89 1453	CA MC 221849

WB 147	3-17-1989	89 2117	CA MC 223448
WB 148	3-18-1989	89 2118	CA MC 223449
WB 149	3-18-1989	89 2119	CA MC 223450
WB 150	3-17-1989	89 2120	CA MC 223451
WB 151	3-17-1989	89 2121	CA MC 223452
WB 152	3-17-1989	89 2122	CA MC 223453
WB 153	3-17-1989	89 2123	CA MC 223454
WB 154	9-16-1993	93 5159	CA MC 223457
WB 155	9-16-1993	93 5160	CA MC 261458
WB 156	9-16-1993	93 5161	CA MC 261459
WB 157	9-10-1996	96 3652	CA MC 269957
WB 158	9-10-1996	96 3653	CA MC 269958

Unpatented lode mining claims located in portions of all or protracted Sections 9, 10, 15 and 16, Township 22 South, Range 45 East, Mount Diablo Meridian, South Park Mining District, Inyo County, State of California, the location notices of which are recorded in the Office of the County Recorder of Inyo County and filed in the California State Office of the United States Department of the Interior, Bureau of Land Management and are more particularly described as follows:

Name of Claim	Date of Location	Date of Recording	Recording Data Doc. Number	BLM Serial No.
Margaret 1	03-16-1989	04-18-1989	89 2101	CA MC 223432
Margaret 2	03-16-1989	04-18-1989	89 2102	CA MC 223433
Margaret 3	03-16-1989	04-18-1989	89 2103	CA MC 223434
Margaret 4	03-16-1989	04-18-1989	89 2104	CA MC 223435
Margaret 5	03-16-1989	04-18-1989	89 2105	CA MC 223436
Margaret 6	03-16-1989	04-18-1989	89 2106	CA MC 223437
Margaret 7	03-16-1989	04-18-1989	89 2107	CA MC 223438
Margaret 8	03-16-1989	04-18-1989	89 2108	CA MC 223439
Margaret 9	03-16-1989	04-18-1989	89 2109	CA MC 223440
Margaret 10	03-16-1989	04-18-1989	89 2110	CA MC 223441
Margaret 11	03-16-1989	04-18-1989	89 2111	CA MC 223442
Margaret 12	03-16-1989	04-18-1989	89 2112	CA MC 223443
Margaret 13	03-16-1989	04-18-1989	89 2113	CA MC 223444
Margaret 14	03-16-1989	04-18-1989	89 2114	CA MC 223445
Margaret 15	03-16-1989	04-18-1989	89 2115	CA MC 223446
Margaret 16	03-16-1989	04-18-1989	89 2116	CA MC 223447

Unpatented Mill Sites, Water Claims and/or Water Rights known as STONE CORRAL WATER CLAIMS as described in deed recorded March 4, 1962 in Book 149, Page 593 of the Records of Inyo County, California which are located in all or a portion of unsurveyed and protracted Section 11, Township 22 South, Range 45 East, Mount Diablo Meridian, County of Inyo, State of California, the location notices of which are recorded in the Office of the County Recorder of Inyo County and filed in the California State Office of the United States Department of the Interior, Bureau of Land Management and are more particularly described as follows:

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Exhibit 2

Dover	Sec. 11 T. 22S., R. 45E	08-24-1898 01-03-1899	L&W BK.A., Pg.8(LN) Vol.B-1, Pg. 456(Deed)	CA MC 6856
Wingfield and Harrison	Sec. 11 T. 22S., R. 45E	08-24-1898 09-07-1898	L&W Vol.I, Pg.650 (LN) Vol.D-1 Pg.64 (Deed)	CA MC 6856
Sales-J.F. Cooper	Sec. 11, T. 22S R.45E	04-22-1897 04-23-1897	So. Park Mining District Records Page 226 (LN) Vol.C-1, Pg. 132(Deed)	CA MC 6856
McNulty	Sec. 11, T.22S R. 45E.	12-17-1898 12-28-1898	L&W BK.A, Pg 7 (LN) Vol.C-1 Pg. 178 (Deed)	CA MC 6856
James Wingfield		01-12-1899 02-20-1899	L&W BK.A, Pg 13(LN) Vol.C-1 Pg.182 (Deed)	CA MC 6856

See Figure (Figure@local.geo.) for disposition of the claims.

APPENDIX B

Notification of Proposed Post-Reclamation Land Use

Exhibit 2

MEMORANDUM OF AGREEMENT

AND OPTION

An Agreement effective as of the 20th day of January,2007(**Effective Date**) is between
(i)
WB and Radcliff Inc, a Nevada corporation, whose malling address is 14300 Chenal Parkway, Unit 7038, Little Rock, Arkansas 72211, herein after referred to as "WB" and
(ii)
Pruett Ballarat Inc. a Nevada corporation, whose mailing address is 443 Upper Colony Rd. Wellington, Nevada 89444 hereinafter referred to as "Pruett"

RECITALS

Lease and Option
WB gives exclusive Mining Lease and Option To Purchase to Pruett for all those properties more particularly described in Exhibit "A" attached hereto

Term
The initial term begins on the Effective Date and continues thru December 11, 2011.
The term may be extended for additional periods of five(5) years.

Possession
Pruett shall have exclusive possession of the claims (Exhibit "A")
WB designates Pruett as the "Operator" under BLM, Inyo County, California Regulations
Pruett shall assume the position as Operator under any
Plans Of Operation , United States Dept of Interior, Bureau of Land Management
Permits from Lahanton Water Polution Control District
Conditional Use Permits Inyo County, California
Any additional permits require by governmental agencies

Taxes
Pruett shall pay all taxes levied against the claims(Exhibit A") including state Mineral production taxes .

Bonding
Pruett shall provide any and all bonding for operational permits

Option to Purchase
WB grants to Pruett the sole and exclusive option to purchase the claims (Exhibit A"

Liability and Responsibility
Pruett shall have sole liability and responsibility for the activity upon the claims (Exhibit (A) and shall provide insurance as required by the Agreement

Recording
This Memorandum of Agreement will be notarized and then recorded with Inyo County California

In witness whereof the parties have executed this **Memorandum of Agreement**

WB and Radcliff Inc
Charles B. Mott
President

Pruett Ballarat Inc
David L. Pruett

This Document Prepared By:
David L. Pruett, President
Pruett Ballarat Inc.

"Exhibit A" The Claims DZD

Property Description and Location Exhibit 2

The property consists of 10 patented mineral claims, 1 patented mill site claim and 94 unpatented claims aggregating approximately 710 hectares as follow:

Patented Claims (11)

The ten (10) patented mining claims (MS 3713A) and one (1) patented mill site (MS 3713B) known as the Radcliff Consolidated Quartz mining and mill site claim consist of the the following: Sun Rise, Grover Cleveland, John G. Carlisle, Kentucky, Texas, Joker Extension, Never Give Up, Treasure Vault and W.G. Quartz claims and the Cleveland mill site claim, designated by the Surveyor General as Lot Nos. 3713A and 3713B containing a total of 137.487 acres, more or less and are located in all or portions of unsurveyed and protracted Sections 8, 9 and 16, Township 22 South, Range 45 East, Mount Diablo Meridian, County of Inyo, State of California.

Unpatented Claims

The following described 94 unpatented, lode mining claims and mill sites located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 15, 16, 17, 20, 21 and 22, of T.22 S, R 45 E, Mount Diablo Meridian, South Park Mining District, Inyo County, California, described as follows:

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WB 83	1-15-1989	89 1395	CA MC 221791
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WB 87	1-15-1989	89 1399	CA MC 221795
WB 88	1-23-1989	89 1400	CA MC 221796

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WB 109	1-17-1989	89 1421	CA MC 221817
WB 110	1-17-1989	89 1422	CA MC 221818
WB 111	1-17-1989	89 1423	CA MC 221819
WB 112	1-17-1989	89 1424	CA MC 221820
WB 113	1-17-1989	89 1425	CA MC 221821
WB 114	1-17-1989	89 1426	CA MC 221822
WB 115	1-17-1989	89 1427	CA MC 221823

WB 116	1-18-1989	89 1428	CA MC 221824
WB 117	1-18-1989	89 1429	CA MC 221825
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WB 134	1-17-1989	89 1446	CA MC 221842
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WB 138	1-18-1989	89 1450	CA MC 221846
WB 139	1-18-1989	89 1451	CA MC 221847
WB 140	1-18-1989	89 1452	CA MC 221848
WB 141	1-18-1989	89 1453	CA MC 221849

WB 147	3-17-1989	89 2117	CA MC 223448
WB 148	3-18-1989	89 2118	CA MC 223449
WB 149	3-18-1989	89 2119	CA MC 223450
WB 150	3-17-1989	89 2120	CA MC 223451
WB 151	3-17-1989	89 2121	CA MC 223452
WB 152	3-17-1989	89 2122	CA MC 223453
WB 153	3-17-1989	89 2123	CA MC 223454
WB 154	9-16-1993	93 5159	CA MC 223457
WB 155	9-16-1993	93 5160	CA MC 261458
WB 156	9-16-1993	93 5161	CA MC 261459
WB 157	9-10-1996	96 3652	CA MC 269957
WB 158	9-10-1996	96 3653	CA MC 269958

Unpatented lode mining claims located in portions of all or protracted Sections 9, 10, 15 and 16, Township 22 South, Range 45 East, Mount Diablo Meridian, South Park Mining District, Inyo County, State of California, the location notices of which are recorded in the Office of the County Recorder of Inyo County and filed in the California State Office of the United States Department of the Interior, Bureau of Land Management and are more particularly described as follows:

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Margaret 2	03-16-1989	04-18-1989	89 2102	CA MC 223433
Margaret 3	03-16-1989	04-18-1989	89 2103	CA MC 223434
Margaret 4	03-16-1989	04-18-1989	89 2104	CA MC 223435
Margaret 5	03-16-1989	04-18-1989	89 2105	CA MC 223436
Margaret 6	03-16-1989	04-18-1989	89 2106	CA MC 223437
Margaret 7	03-16-1989	04-18-1989	89 2107	CA MC 223438
Margaret 8	03-16-1989	04-18-1989	89 2108	CA MC 223439
Margaret 9	03-16-1989	04-18-1989	89 2109	CA MC 223440
Margaret 10	03-16-1989	04-18-1989	89 2110	CA MC 223441
Margaret 11	03-16-1989	04-18-1989	89 2111	CA MC 223442
Margaret 12	03-16-1989	04-18-1989	89 2112	CA MC 223443
Margaret 13	03-16-1989	04-18-1989	89 2113	CA MC 223444
Margaret 14	03-16-1989	04-18-1989	89 2114	CA MC 223445
Margaret 15	03-16-1989	04-18-1989	89 2115	CA MC 223446
Margaret 16	03-16-1989	04-18-1989	89 2116	CA MC 223447

Unpatented Mill Sites, Water Claims and/or Water Rights known as STONE CORRAL WATER CLAIMS as described in deed recorded March 4, 1962 in Book 149, Page 593 of the Records of Inyo County, California which are located in all or a portion of unsurveyed and protracted Section 11, Township 22 South, Range 45 East, Mount Diablo Meridian, County of Inyo, State of California, the location notices of which are recorded in the Office of the County Recorder of Inyo County and filed in the California State Office of the United States Department of the Interior, Bureau of Land Management and are more particularly described as follows:

Name of Claim	Legal Description	Location Notice/Record Date	Recording Data Book/Page	BLM Serial No.

DLP

Exhibit 2

Dover	Sec. 11 T. 22S., R. 45E	08-24-1898 01-03-1899	L&W BK.A., Pg.8(LN) Vol.B-1, Pg. 456(Deed)	CA MC 6856
Wingfield and Harrison	Sec. 11 T. 22S., R. 45E	08-24-1898 09-07-1898	L&W Vol.I, Pg.650 (LN) Vol.D-1 Pg.64 (Deed)	CA MC 6856
Sales-J.F. Cooper	Sec. 11, T. 22S R.45E	04-22-1897 04-23-1897	So. Park Mining District Records Page 226 (LN) Vol.C-1, Pg. 132(Deed)	CA MC 6856
McNulty	Sec. 11, T.22S R. 45E.	12-17-1898 12-28-1898	L&W BK.A, Pg 7 (LN) Vol.C-1 Pg. 178 (Deed)	CA MC 6856
James Wingfield		01-12-1899 02-20-1899	L&W BK.A, Pg 13(LN) Vol.C-1 Pg.182 (Deed)	CA MC 6856

See Figure (Figure@local.geo.) for disposition of the claims.

APPENDIX C

Statement of Responsibility for Reclaiming the Disturbed Lands

Exhibit 2

Responsibility for Reclaiming the Disturbed Lands

A. It is understood that should the nature of the Radcliff Project change an Amended or Supplemental SMARA Reclamation Plan and Conditional Use Permit may be required.

B. It is understood that approval of this plan does not relieve me of my responsibility to comply with any other Applicable State or Federal Laws, rules or regulations.

C. It is understood that a Bond Equivalent to the actual cost of performing the agreed upon reclamation measures will be required before this plan can be approved. Bonding amounts will be set on a site-specific basis by the Lead Agency in coordination with the Cooperating Agencies.

PBI have reviewed and agree to comply with all conditions in the SMARA Reclamation Plan and Conditional Use Permit, including the reclamation requirements. PBI understands that the Bond will not be released until Inyo County, the BLM or the State Agency in charge gives written approval of the reclamation work.

David L. Pruett 24 Jan 08

Operator (or Authorized Official) PRINT Date

David L Pruett

Signature Owner/Agent

Pruett Ballarat Inc,

Company

Subscribed and sworn before me this 24 day of Jan, 2008

Notary Public in and for the County of Washoe,

State of NV.

My Commission expires 11/13/08.

Rebecca L Butler

Notary Signature Notary Seal

REBECCA L. BUTLER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 93-0176-2 - Expires November 13, 2008

APPENDIX D

Botanical Report

Exhibit 2

Botanical Report for the Pruett Ballarat Inc. Right of Way Application for P81-BLM Route, Pleasant Canyon, Panamint Mountains, Inyo County, California

Prepared for:

Mr. David L. Pruett
Pruett Ballarat Inc.
443 Upper Colony Road
Wellington, NV 89444

For submittal to:

Bureau of Land Management
Ridgecrest Field Office
Ridgecrest, CA
(P81. Pleasant Canyon Rd. CACA 049401)

and

Inyo County Planning Department
P.O. Drawer L
Independence, CA 93526
(Hope Canyon Rd. CACA 49401)

Prepared by:

Mark Bagley
Consulting Biologist
P.O. Box 1431
Bishop, CA 93515

February 5, 2008

Botanical Report
for the Pruett Ballarat Inc. Right of Way Application for P81-BLM Route, Pleasant Canyon, Panamint Mountains, Inyo County, California

INTRODUCTION AND PROJECT DESCRIPTION

Pruett Ballarat Inc. is planning to modify the historic right of way into Pleasant Canyon, BLM route P81, used to access the Radcliff Mine site, located on private lands (D.L. Pruett 2007). The project area is located in the Mojave Desert, on the west side of the Panamint Mountains, east and east-southeast of Ballarat.

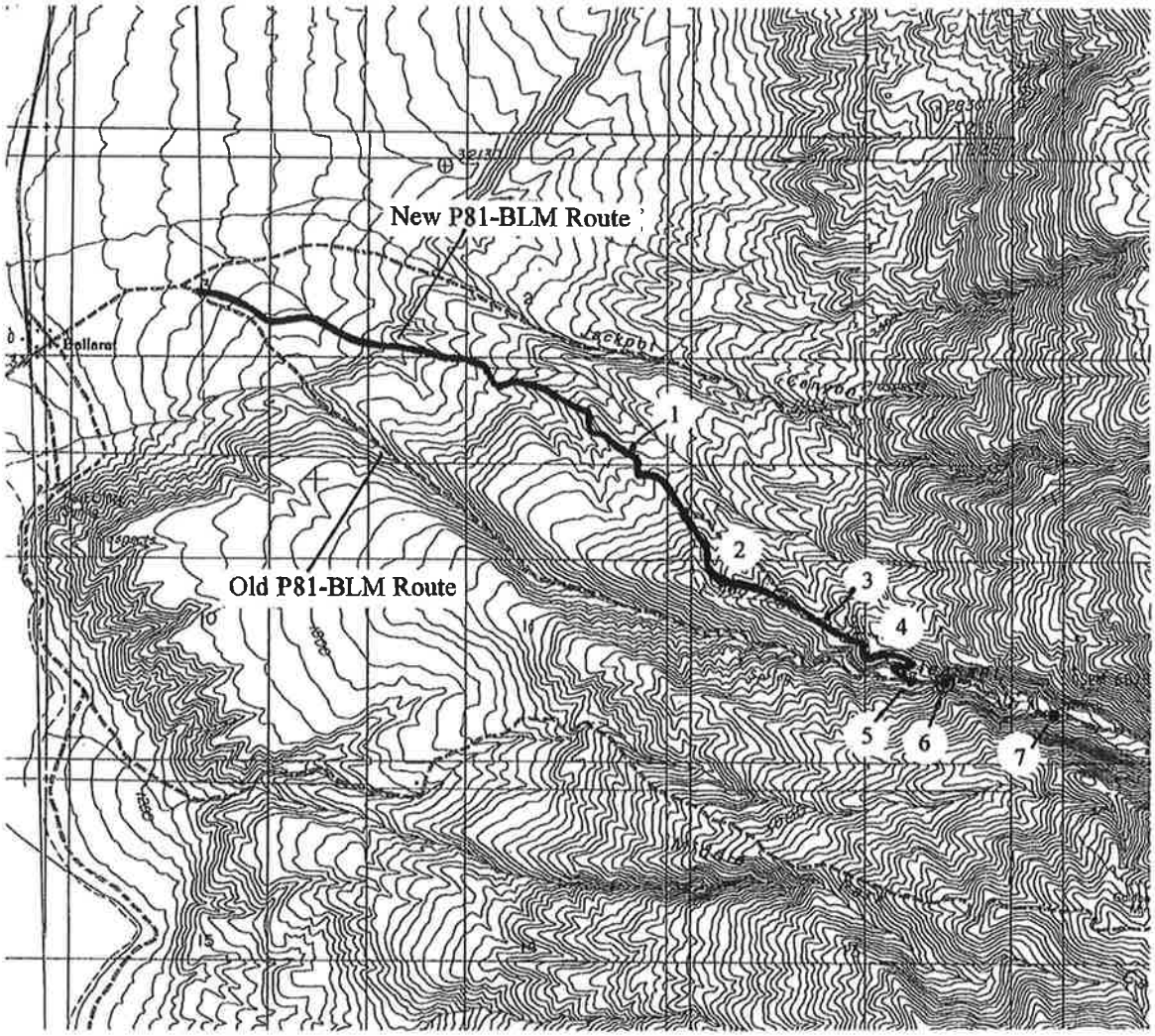
The proposal is to provide a new right of way for a portion of BLM route P81 to replace the lower portion of the current P81 route. Most of the new right of way will use an existing dirt road from Ballarat to the north rim of Pleasant Canyon (Figure 1). However, there are two areas where the new right of way will diverge from the existing road in order to make the grade more gentle (Figure 1, numbers 2 and 3). Near the center of Section 12, on the north rim of Pleasant Canyon, the new right of way diverges southeastward from the existing road, traversing around a small ridge and then descending to the canyon bottom with a set of new switch backs (Figure 1, number 4). At the end of the switch backs the new route will connect with the old route P81 (Figure 1, number 5). This new route has been selected because it avoids much of the sensitive riparian habitat along and in the creek bed in Pleasant Canyon that the old P81 route passes through. Elevations in these areas are approximately 2050 to 2900 feet.

However, where the the new route joins the old P81 BLM route the existing road in the canyon bottom will be rebuilt or repaired in an area extending eastward about 900 meters through a portion of the canyon with flowing water and riparian habitat (Figure 1, between numbers 5 and 7). Elevations along this portion of the route are approximately 2720 and 3160 feet. Above this section the canyon bottom is dry and any road work will be within the existing road bed. Within the riparian area where the road with be rebuilt or repaired, roadwork will occur within a 30' right of way centered on the exising road. There is one location in the riparian area where a sharp curve in the road will be straightened by blasting away the end of a bedrock ridge on the south side of the existing road (Figure 1, number 6). Where this rock will be removed to realign the road, some road work will extend south of the existing road beyond the usual 30' right of way centered on the existing road bed.

Two additional project elements are borrow pits for gravel to be used for road bed material. The lower borrow pit is located on the north side of the new right of way in the southeast quarter of Section 2 (Figure 1, number 1). The upper borrow pit is located on the north side of the current P81 route in the vicinity of Hope Canyon, west of Clair Camp.

The objectives of the current study are to conduct a floristically based botanical field survey to determine if any special status plant species occur in the project areas and to

Figure 1. Location of botanical survey areas within the Pleasant Canyon P81 BLM route right of way project area. (One survey area, the upper borrow pit in the vicinity of Hope Canyon, is not shown.)



LEGEND

1 – lower borrow pit
2 – lower road realignment
3 – upper road realignment
4 – north rim switch backs
5 – resume old P81-BLM route eastward through wetted riparian habitat
6 – site where bedrock will be blasted to straighten road
7 – end of wetted riparian habitat, dry to east

SCALE 1:24 000

KILOMETERS 0 1 2
METERS 1000 0 1000 2000
MILES 1 .5 0 1
FEET 1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10 000

CONTOUR INTERVAL 40 FEET

NORTH

Basemap: USGS Ballarat Quadrangle, California, 7.5 Minute Series (Topographic), Provisional Edition 1988

provide a plant species list and description of the vegetation for the project survey areas. All work in this study was conducted by Mark Bagley. It is anticipated that this information will be used by the Bureau of Land Management and the County of Inyo in preparing their environmental reviews for this project.

METHODS

A review of special status species that occur in the vicinity of the project area was prepared using information from the California Natural Diversity Data Base (CNDDB), a Department of Fish and Game (CDFG) inventory of sensitive plants, animals and natural communities (CDFG 2008); the California Native Plant Society inventory of rare and endangered plants of California (CNPS 2008), consultation with Glenn Harris, BLM Ridgecrest Field Office; and previous environmental reports from the region (Bagley 1989, 1993, 1996; BLM 1982; Tierra Madre Consultants, Inc. 1995). A plant was considered a special status species if it is federally or state listed or proposed as a rare, threatened, or endangered species (CDFG 2008); or a CNDDB special plant (CDFG 2008); or listed by the California Native Plant Society inventory (CNPS 2008).

No special status plant species have previously been reported within the project area. However, 18 special status plant species are known to occur in the region at elevations similar to those in the project area and in habitats that were thought to have some potential in the area (Table 1). For each of these species, information was gathered on status, flowering period, habitat preferences, and general distribution. In addition to the sources listed above, this information and additional information on identification of these species was gathered from Abrams and Ferris (1923-1960), Bagley (1986), CalFlora (2008), DeDecker (1977, 1984), Hickman (1993), Munz (1974), Munz and Keck (1959), Thorne et al. (1981), and information in my own files.

Of the 18 special status plant species on Table 1, none are state or federally listed as threatened or endangered. Plants on Table 1 are separated into two sections, first are those plants listed by CNPS on Lists 1B and 2, plants considered by CNPS to be rare, threatened or endangered in California, then second are the plants listed by CNPS on List 4, considered by CNPS as plants of limited distribution, a watch list.

From discussions with Glenn Harris of BLM and my previous work in the area, it appears that the special status plants with the highest potential to occur in the project area are Panamint dudleya (*Dudleya saxosa* ssp. *saxosa*), Panamint daisy (*Enceliopsis covillei*), Hoffmann's buckwheat (*Eriogonum hoffmannii* var. *hoffmannii*), and Panamint Mts. lupine (*Lupinus magnificus* var. *magnificus*). However, because the project areas are mainly at fairly low elevations and, except for the bottom of the canyon, most of the slopes are very dry, the potential for occurrence of these species was considered to be fairly low.

Botanical surveys, with a special focus on special status plant species, were conducted over the project site on January 11 and 12, 2008. Botanical surveys were conducted in areas along the new right of way north of Pleasant Canyon where construction activities will occur

Table 1. Status, distribution and habitat data for special status plant species known in the region of the Pleasant Canyon P81 BLM route right of way project area and with known elevational ranges and habitats with some potential to occur in the project area.

Scientific/Common Name (Plant Family)/Life Form/ Flowering Period	Rank or Status [1] FWS	DFG	NDDB	CNPS	Distribution [2]	Habitat Types In Calif. [3]	Elevational Range and Habitat Preferences
PLANTS RARE, THREATENED, OR ENDANGERED IN CALIFORNIA (CNPS LISTS 1B AND 2)							
Aliciella ripleyi Ripley's aliciella (Polemoniaceae) herbaceous perennial/ May-July	--	--	S1.3	2.3	Inyo, Last Chance, Panamint, Grapevine, and Funeral mts., Kingston Range; INY, SBD, sw NV.	MCBS, MMWS, DCS	1000-6400 ft (305-1950 m) Crevices on steep limestone or dolomite cliffs, sometimes in loose talus or gravelly slopes below.
Arabis dispar pinyon rock cress (Brassicaceae) herbaceous perennial/ Mar.-June	--	--	S2.3	2.3	Wide ranging, but infrequent. Little San Bernardino and San Bernardino mts. to southern Sierra Nevada and Coso, Argus, Panamint, and White-Inyo mts.; INY, MNO, TUL, SBD, to sw NV.	MDScr, JTWld, GBScr, PJWdl	4000-8000 ft (1200-2450 m) Loose gravelly, stony or rocky slopes and mesas, coarse alluvium, and compact talus; gentle to steep slopes; on granitic rock, sandstone and basalt.
Arctomecon merriamii white bear poppy (Papaveraceae) herbaceous perennial/ Apr.-May	--	--	S2.2	2.2	Death V. region (Dry Mtn., Panamint, Amargosa and Nopah ranges), Silurian Hills, and Clark Mts.; INY, SBD, to sw NV.	MCBS, MMWS, ChScr	1600-6250 ft (490-1900 m) Slopes and ridges, bajadas, washes, flats, old lake beds; shallow gravelly-rocky soils, outcrops, talus, sand or clay; on limestone, dolomite or gypsum rich soil.
Dudleya saxosa ssp. *saxosa* Panamint dudleya (Crassulaceae)/leaf succulent perennial/ (Apr.) May-Sept.	--	--	S3.3	1B.3	Endemic to Panamint Mts.; INY.	MCBS, MMWS, PJWld	3000-7220 ft (900-2200 m) Dry rocky or stoney slopes and in bedrock cracks; on granitic rock, limestone or dolomite.
Enceliopsis covillei Panamint daisy (Asteraceae) herbaceous perennial/ Mar.-June	--	--	S3.3	1B.2	Endemic to west side of Panamint Mts., from Wildrose Cyn. south to just south of Happy Cyn.; INY.	MCBS	1200-6000 ft (375-1850 m) Dry canyon walls, slopes, and washes; clayey, gravelly and rocky soils, talus; on sedimentary and metamorphic rocks.
Eriogonum hoffmannii var. hoffmannii/Hoffmann's buckwheat/(Polygonaceae) annual/ June-Sept.	--	--	S2.3	1B.3	Panamint Mts. and Amargosa Range; INY.	MDScr (MCBS, MMWS)	1500-5580 ft (450-1700 m) Washes and along roadsides, occasionally on dry talus slopes.
Eriogonum intrafractum jointed buckwheat (Polygonaceae)/herbaceous perennial/ May-Oct.	--	--	S2.3	1B.3	Panamint Range, Grapevine Mts, one site in Funeral Mts.; INY.	MDScr (DCS)	2000-6400 ft (600-1950 m) Rock crevices in carbonate cliffs and canyon walls; less common on steep gravelly or rocky talus.

Exhibit 2

Table 1. (Cont.) Status, distribution and habitat data for special status plant species known in the region of the Pleasant Canyon P81 BLM route right of way project area and with known elevational ranges and habitats with some potential to occur in the project area.

Scientific/Common Name (Plant Family)/Life Form/ Flowering Period	Rank or Status [1] FWS	DFG	NDDB	CNPS	Distribution [2]	Habitat Types In Calif. [3]	Elevational Range and Habitat Preferences
PLANTS RARE, THREATENED, OR ENDANGERED IN CALIFORNIA (continued)							
Juncus nodosus knotted rush (Juncaceae)/herbaceous perennial July-Sept.	--	--	S2.3	2.3	So. and central Sierra Nevada; White, Panamint, Funeral, and Clark mts.; INY, SBD, TUL, STA, + scattered across US and s Canada	Medws, MshSw, desert oasis woodland	below 5600 ft (1700 m) in Calif. Wet places near springs, ponds, streams and seepage areas.
Lupinus magnificus var. magnificus Panamint Mts. lupine (Fabaceae)/herbaceous perennial Apr.-June	--	--	S1.2	1B.2	Endemic to the Panamint Range, only known from the east side of Hunter Mtn., Wildrose, Surprise, Johnson, Pleasant, and South Park cyns, and east slope of Rogers Pk.; INY.	MDScr, GBScr, PJWdl, UCFrs (?)	2380-8500 ft (1000-2600 m) Dry gravelly or sandy slopes and washes, at higher elevations on rocky or talus slopes.
Penstemon fruticiformis var. amargosae/Death Valley beardtongue/(Scrophulariaceae) herbaceous perennial Apr.-July (Sept.)	--	--	S2.3	1B.3	Amargosa and Panamint ranges, Argus, Kingston and Avawatz mts.; INY, SBD, NV.	MCBS	2780-4600 ft (850-1400 m) Gravelly washes, rocky scree slopes, canyons.
Petalonyx thurberi ssp. *gilmanii* Death Valley sandpaper plant (Loasaceae) shrub/ May-Sept.	--	--	S2.3	1B.3	Death V., Panamint V., and one report in Argus Mts. near Darwin; INY.	DeDns, MCBS, wash scrub	200-3500 ft (60-1050 m) Darwin site at 5000 ft (1525 m) Loose sandy-gravelly alluvium, sand; bajada washes, canyon bottoms, dunes; also on cinder slopes at Ubehebe Crater.
Phacelia mustelina Death Valley round-leaved phacelia (Hydrophyllaceae) annual/ May-July	--	--	S1.3	1B.3	Mainly Panamint and Amargosa ranges to sw NV, two sites in Pilot Knob area on China Lake NAWS, one site in Inyo Mts.; INY, SBD, NV.	MCBS, MMWS, BBS, GBScr, PJWld	2400-8600 ft (730-2620 m) Only 2 sites >7300 ft, one <3000ft. Rock crevices and ledges, cliffs, talus, gravelly or rocky slopes, few in sandy soils, one in gravelly wash; on limestone, volcanic, and granitic rocks.

Exhibit 2

Table 1. (Cont.) Status, distribution and habitat data for special status plant species known in the region of the Pleasant Canyon P81 BLM route right of way project area and with known elevational ranges and habitats with some potential to occur in the project area.

Scientific/Common Name (Plant Family)/Life Form/ Flowering Period	Rank or Status [1] FWS	DFG	NDDB	CNPS	Distribution [2]	Habitat Types In Calif. [3]	Elevational Range and Habitat Preferences
PLANTS OF LIMITED DISTRIBUTION – A WATCH LIST (CNPS LIST 4)							
Cryptantha holoptera winged cryptantha (Boraginaceae)/annual, sometimes a perennial/ Mar.-Apr.	--	--	S?	4.3	Panamint Mts., Amargosa Range, and very scatteringly in the eastern Mojave and Colorado deserts of CA; IMP, INY, RIV, SBD, SDG, to w AZ, NV.	SDScr, MDScr (MCBS)	330-5550 ft (100-1690 m) Moist washes and gravelly or rocky slopes and ridges.
Enceliopsis nudicaulis var. nudicaulis/naked-stemmed daisy (Asteraceae) herbaceous perennial/ Apr.-May	--	--	S3.3	4.3	Inyo, Saline, Last Chance, Panamint, and Clark Mtn. ranges; INY, MNO, SBD, AZ, NV, UT, ID.	MDScr (BBS), GBScr, PJWld	2875-6560 ft (875-2000 m) In clayey soil, or sand and gravel, on slopes, cliffs and ridges; in volcanic, carbonate or gypsicolous soils.
Mimulus rupicola rock-midget (Scrophulariaceae) annual/ Feb.-June	--	--	S3.3	4.3	Last Chance Mts., Amargosa, Panamint and Argus ranges; INY.	MDScr (MCBS, DCS)	1000-6000 ft (300-1830 m) Crevices in carbonate rocks.
Oenothera caespitosa ssp. *crinita*/caespitose evening-primrose/(Onagraceae) herbaceous perennial/ June-Sept.	--	--	S3.3	4.2	White-Inyo and Argus ranges, Coso, Panamint, Last Chance, Grapevine, and Clark mts., INY, SBD, to UT.	MDScr, PJWdl, SCFrs	3800-11,080 ft (1150-3370 m) Carbonate soils, dry rock-crevices and outcrops.
Sclerocactus polyancistrus Mojave fish-hook cactus (Cactaceae)/stem succulent perennial/ Apr.-July	--	--	S3.2	4.2	Wide ranging, but infrequent. From near Victorville, north through the w Mojave and Great Basin deserts of CA, to w NV; INY, KRN, SBD, NV.	MDScr, JTWld, GBScr, PJWld	2000-7610 ft (600-2320 m) Well-drained soils, rocky gravelly mesas, slopes, and outcrops, occasionally on flats below.
Selaginella leucobryoides Mojave spike-moss (Selaginellaceae) herbaceous perennial/ June	--	--	S3.2	4.3	Panamint and Providence mts., Kingston Range; INY, SBD and Spring Mts., NV, AZ.	MDScr, GBScr, PJWld, LCFrs	2000-10,350 ft (600-3150 m) Carbonate rock crevices and in shade among bolders.

[1] Rank or status abbreviations:

FWS (U.S. Fish and Wildlife Service) listings under the Endangered Species Act (CDFG 2008, CNPS 2008): FE= federally-listed, endangered; FT= federally-listed, threatened; PE= federally-proposed, endangered; PT= federally-proposed, threatened, -- = not listed

DFG (California Department of Fish and Game) listings under the California Native Plant Protection Act and California Endangered Species Act (CDFG 2008, CNPS 2008): CE= state-listed, endangered; CT= state-listed, threatened; CR= state-listed, rare, -- = not listed.

Table 1. (Cont.) Status, distribution and habitat data for special status plant species known in the region of the Pleasant Canyon P81 BLM route right of way project area and with known elevational ranges and habitats with some potential to occur in the project area.

NDDB (California Natural Diversity Data Base, a section within CDFG) Heritage state ranks are (CDFG 2008):
The state rank (S-rank) is a reflection of the overall condition of an element in California, it often also contains a threat designation attached to the S-rank.
S1 = Less than 6 Eos (element occurrences) OR less than 1,000 individuals OR less than 2,000 acres
S1.1 = very threatened; S1.2 = threatened; S1.3 = no current threats known
S2 = 6-20 EOs OR 1,000-3,000 individuals OR 2,000-10,000 acres
S2.1 = very threatened; S2.2 = threatened; S2.3 = no current threats known
S3 = 21-80 EOs or 3,000-10,000 individuals OR 10,000-50,000 acres
S3.1 = very threatened; S3.2 = threatened; S3.3 = no current threats known
S4 = Apparently secure within California; this rank is clearly lower than S3 but factors exist to cause some concern; i.e. there is some threat, or somewhat narrow habitat. No threat rank.
S5 = Demonstrably secure to ineradicable in California. No threat rank.

Note that more factors are reviewed than just numbers of EOs. Other considerations used in ranking include the pattern of distribution on the landscape, fragmentation of the population/stands, condition of individual populations, and historical extent as compared to the plant's modern range. It is important to take a bird's eye or aerial view when ranking sensitive elements rather than simply counting EOs.

Uncertainty about the rank of an element is expressed in two major ways: 1) by expressing the rank as a range of values: e.g., S2S3 means the rank is somewhere between S2 and S3, and 2) by adding a ? to the rank: e.g., S2? This represents more certainty than S2S3, but less than S2.

CNPS (California Native Plant Society) ranks are (CNPS 2008):
1A= List 1A, plants presumed extinct in Calif.; 1B = List 1B, rare, threatened, or endangered in Calif. and elsewhere
2 = List 2, rare, threatened, or endangered in Calif., but more common elsewhere; 3 = List 3, plants about which we need more information - a review list
4 = List 4, plants of limited distribution - a watch list.

A Threat Code extension follows the CNPS List (e.g. 1B.1). These extensions and their meanings are:
.1 = Seriously endangered in Calif.; .2 = Fairly endangered in California; .3 = Not very endangered in California

[2] Note that the Panamint Range consists of the Panamint Mountains in the south half of the range and the Cottonwood Mountains in the north. Abbreviations used are: AZ = Arizona; CA = California; ID = Idaho; IMP = Imperial Co., CA; INY = Inyo Co., CA; KRN = Kern Co., CA; MNO = Mono Co., CA; NAWS = Naval Air Weapons Station, China Lake, CA; NV = Nevada; RIV = Riverside Co., CA; SBD = San Bernardino Co., CA; SDG = San Diego Co., CA; STA = Stanislaus Co., CA; TUL = Tulare Co., CA; UT = Utah.

[3] Habitat type designations largely follow the nomenclature developed by the California Natural Diversity Data Base (Holland, 1986) and abbreviations used in Skinner and Pavlik (1994). They include: BBS = blackbush scrub, ChScr = chenopod scrub; DeDns = desert dunes, GBScr = Great Basin scrub; JTWld = Joshua tree woodland; LcFrs = lower montane coniferous forest; MDScr = Mojavean Desert scrub (of which MCBS = Mojave creosote bush scrub, wash scrub = Mojave wash scrub, MMWS = Mojave mixed woody scrub, and DCS = desert calcicolous scrub are elements); Medws = meadows and seeps; MshSw = marshes and swamps; PJWld = pinyon-juniper woodland; SCFrs = subalpine conifer forest (includes bristlecone and limber pine forests in desert mountains); SDScr = Sonoran desert scrub, and UCFrs = upper montane coniferous forest.

Additional references: Abrams and Ferris 1923-1960; Bagley 1986, 1989, 1993, 1996; BLM 1982 ; CalFlora 2008; DeDecker 1977, 1984; Hickman 1993; Munz 1974; Munz and Keck 1959; Thorne et al. 1981; Tierra Madre Consultants, Inc. 1995.

Exhibit 2

outside of the existing dirt road. These areas include the lower borrow pit (Figure 1, number 1), the lower road realignment (Figure 1, number 2), the upper road realignment (Figure 1, number 3), and the new road and switch backs from the north rim down to the canyon bottom (Figure 1, number 4). Elevations in these areas are approximately 2050 to 2900 feet.

Along the old P81 BLM route, botanical surveys were conducted east in the bottom of Pleasant Canyon about 900 meters from the north rim switch backs where the road will be rebuilt or repaired within an existing flowing creek and riparian habitat (Figure 1, between numbers 5 and 7). This included the area that will be realigned by blasting away some bedrock on the south side of the existing road (Figure 1, number 6). Elevations along this portion of the route are approximately 2720 and 3160 feet.

Surveys were also conducted at the upper borrow pit in the vicinity of Hope Canyon at an elevation of approximately 4360 feet.

David Pruett, the project proponent, showed me where each of these sites was located. Each of the road realignments and the new road and switch backs down the north rim were staked and flagged as were the borrow pits. The location and how the survey was conducted in each area is as follows (all coordinates are in UTM Zone 11, NAD 83, taken with a Garmin GPSmap 60cxs):

- Lower borrow pit: Located just north of the existing dirt road, the survey area extended 300-400 feet along the road and northward approximately 100-125 feet. The existing road is cut into the side of a ridge and the borrow pit is the ridge above and north of the road. Stakes were located at the SE corner: E 482766, N 3988727, and SW corner: E 482654, N 3988766. The top of the ridge was surveyed by walking two east-west transects about 50 feet apart. The south-facing road cut along the south side of the pit area was surveyed by walking the length of the road between the stakes.
- Lower road realignment: The east end of the route diverges from the existing road at E 483475, N 3988062 and the west end at E 482980, N 3988459. The route lies south of the existing road. A portion of the western part of the route was bladed in the past, but will need much new work. The staked route was surveyed by a meandering transect within a corridor about 25 feet above the staked route and 50 feet below.
- Upper road realignment: Located on the east end at the point where the new road to the north rim switch backs takes off. The route lies north and down slope of the existing road. The staked route was surveyed by a meandering transect within a corridor about 25 feet above the staked route and 50 feet below.
- New road and north rim switch backs: The new road diverges from the existing road at E 483807, N 3987823. The route traverses eastward around a ridge line to the point where the switch backs cross a very steep south facing slope. The switch backs start at about E 483927, N 3987712. The stake at the far east end of the switch back area was located at E 484139, N 3987722. The stake at the west end of the lower switchback was at E 484065, N 3987680. The route out to the

start of the switch backs was walked down and back surveying a corridor approximately 50-80 feet below the staked route and 50 feet above the staked route. The switch back area was surveyed by walking across the steep slope, observing the area from approximately 50 feet above the staked route out to the far east stake, then walking back below as far west as the west switch back stake, and then waking back east below to the canyon bottom. In the switch back area the survey route meandered as needed for safety reasons on the very steep slope and to view the very sparsely distributed plants on the slope.

- Road rebuild in riparian habitat: Located on the old P81 route in the bottom of Pleasant Canyon from where the north rim switch backs join the old route, at approximately E 484127, N 3987614. The survey area extended up canyon until the wet riparian habitat ended and the canyon bottom only had upland plant species. The east end of the survey area was at E 484859, N 3987463. The lower part of the area, from the west end to the rock removal site was walked using the existing road and looking approximately 25 feet on either side of the road way. This more than covered the 30 foot right of way. East of the rock, the riparian area was surveyed from the vehicle, looking at one side as drove up and the other as drove down.
- Rock removal for realignment on old route: Located on the south side of the existing road at approximately E 484322, N 3987605. The bedrock is a small ridge off of the south canyon wall in a very narrow part of the canyon. The rock that will be blasted away is about 20 feet high. The rock was surveyed by climbing up the west side to the top and by walking on the existing road around the rock.
- Upper borrow pit: Located just north of the existing dirt road, the survey area extended 200-300 feet along the road and northward approximately 100 feet. This is on an alluvial terrace above the road in the bottom portion of the canyon. Hope Canyon is south and a bit west of the site and Clair Camp lies to the east. The corners of the site were staked and located at:
  SW corner – E 487565, N 3987572, SE corner – E 487616, N 3987549,
  NW corner – E 487575, N 3987597, NE corner – E 487626, N 3987572.
  The site was covered by walking four east-west transects across the site, each transect about 20-40 feet apart.

Walking surveys were not conducted in the other portions of the new P81 BLM route and on the old route eastward from the north rim switchbacks. This is because road construction activities in these areas will be conducted within the existing disturbed road bed. However, all of the existing roads were driven and the habitats in and adjacent to the road were observed while driving slowly

Field surveys were floristically based, that is all plant species encountered in the survey areas were identified to at least genus and to the level necessary to ensure that they were not plant species of concern. A list was made of all plant species encountered. Plants that were not readily identifiable in the field were collected for later determination by Mark Bagley.

RESULTS AND DISCUSSION

Vegetation

The vegetation in each of the project survey areas is described below:

- Lower borrow pit: This area is gravelly alluvium. Vegetation is very sparse Mojave creosote bush scrub with widely scattered creosote bush (*Larrea tridentata*) and few other shrubs and some scattered annuals. Associated species include desert holly (*Atriplex hymenelytra*), white bursage (*Ambrosia dumosa*), brittlebush (*Encelia farinosa*), Mojave indigo bush (*Psorothamnus arborescens* var. *minutifolius*), pebble pincushion (*Chaenactis carphoclinia*), rigid spineflower (*Chorizanthe rigida*), plantain (*Plantago* sp.), and Mediterranean grass (*Schismus* sp.).
- Lower road realignment: This route traverses moderate to steep north and east-facing slopes. The substrate is unsorted, fairly rocky, alluvium. Vegetation is sparse Mojave creosote bush scrub, dominated by creosote bush and white bursage, with scattered brittlebush. Some areas are very strongly dominated by creosote bush. Other associated species include beavertail cactus (*Opuntia basilaris* var. *basilaris*), desert trumpet (*Eriogonum inflatum* var. *inflatum*), and scattered annuals, including little desert trumpet (*Eriogonum trichopes*), pebble pincushion, rigid spineflower, brittle spineflower (*Chorizanthe brevicornu*), plantain, red brome (*Bromus madritensis* ssp. *rubens*), and devil's lettuce (*Amsinckia tessellata*).
- Upper road realignment: The route traverses a steep north-facing rocky slope. The substrate is composed of volcanic tuff and carbonate (limestone or dolomite) rock. The vegetation is sparse Mojave creosote bush scrub. The most common shrubs are creosote bush, shadscale (*Atriplex confertifolia*), and chaff-bush (*Amphipappus fremontii*). Other associated species include scattered desert holly, white bursage, brittlebush, plantain, and red brome.
- New road and north rim switch backs: On the west end where the route diverges from the existing road there is a mixture of tan and brown limestone or dolomite rock and welded volcanic tuff. Eastward on the point of the ridge, before the start of the switch backs the rock becomes all tuff. The steep south-facing slope with the switch backs is primarily volcanic tuff, but with some outcrops of carbonate rocks just up slope. Much of the slope is covered in alluvium and some carbonate rocks are in the alluvium. The vegetation in this area is very, very sparse. There are a few creosote bush and brittlebush, with occasional desert holly and white bursage. Other associated species include chaff-bush, sticky snakeweed (*Gutierrezia microcephala*), shadscale, Nevada ephedra (*Ephedra nevadensis*), arrow-leaf (*Pleurocoronis pluriseta*), desert trumpet, and a few small cacti, including beavertail cactus, hedgehog cactus (*Echinocereus engelmannii*), and clustered barrel cactus (*Echinocactus polycephalus* var. *polycephalus*). Creosote bush is more common on the bedrock of the western part of the route and brittlebush is by far the most common plant on the steeper alluvium covered slopes where the switch backs are located. On the lower switch back slope

allscale (*Atriplex polycarpa*) becomes more abundant. One little fishhook cactus (*Mammillaria tetrancistra*) occurred in the switch back area and two small (less than 1 foot tall) California barrel cactus (*Ferocactus cylindraceus*) occurred just upslope from the upper switch back route.

- Road rebuild in riparian habitat: This area is in the bottom of the canyon. The existing road is adjacent to a flowing creek and crosses the creek. Parts of the road will be realigned within the 30 foot right of way in order to reduce the impacts on the creek and place the road on higher ground so the creek has less potential to run down the road. Most of the vegetation is very dense riparian scrub dominated by desert baccharis (*Baccharis sergiloides*). Associated species in the riparian scrub include mulefat (*Baccharis salicifolia*), Inyo brickellbush (*Brickellia multiflora*), narrowleaf willow (*Salix exigua*), red willow (*Salix laevigata*), virgin's bower (*Clematis ligusticifolia*), desert wild grape (*Vitis girdiana*), common reed (*Phragmites australis*), and a few screw bean mesquite (*Prosopis pubescens*). In the wetter areas and creek crossings other species include cutleaf water-parsnip (*Berula erecta*), water cress (*Rorippa nasturtium-aquaticum*), bluegrass (*Poa* sp.), cattail (*Typha* sp.), spikerush (*Eleocharis* sp.), and iris-leaved rush (*Juncus xiphioides*). In some of the narrow parts of the canyon, on higher ground or on the canyon sides, there is desert saltbush scrub adjacent to the road. This is dominated by dense growth of allscale, with brittlebush sometimes common. Other species in the saltbush scrub include sweetbush (*Bebbia juncea* var. *aspera*), sticky snakeweed, arrow-leaf, and rock nettle (*Eucnide urens*).
- Rock removal for realignment on old route: Riparian scrub vegetation occurs along the base of the rock. The rock is schist that has some cracks and small ledges where a few plants are growing. The most common species include red brome, brittlebush, sticky snakeweed, and Emory rock daisy (*Perityle emoryi*). One small little fishhook cactus occurs on the top and a few hedgehog cactus occur in rock crevices.
- Upper borrow pit: This area is on rocky, gravelly alluvium derived primarily from metasedimentary rock. It has gentle to moderate slopes with rolling terrain. The vegetation is Mojave creosote bush scrub with fairly low shrub density. Creosote bush is the dominant shrub. Associated species are primarily the annual species red brome and devil's lettuce, with an occasional small shrub. Associated shrubs include white bursage, Anderson box-thorn (*Lycium andersonii*), Death Valley goldeneye (*Viguiera reticulata*), chaff-bush, bladder-sage (*Salazaria mexicana*), and Acton encelia (*Encelia actoni*).

The riparian scrub vegetation is the only sensitive vegetation type. It is sensitive because it is a wetland vegetation type and is not abundant in the desert mountains. However, the road improvements are intended to improve the impact of the existing road in the canyon bottom. In fact, by rerouting the P81 BLM route south of the canyon and then bringing the new route down into the canyon via the north rim switch backs, the new route will avoid impacts to most of the riparian scrub that is currently affected by the existing P81 route downstream of the switch backs.

Flora

A total of 78 plant taxa, occurring in 30 plant families, were recorded in the botanical survey of the project areas (Table 2). Because the survey was done in the winter, most annuals and herbaceous perennials were dormant, with the remains of the previous season's growth dry, brittle and in many cases broken off. Additional annual and herbaceous perennial species would be expected in the spring of a year with adequate precipitation. The 2007 winter and spring rainy season, preceeding the survey, was very dry and few annuals grew.

Special Status Plant Species

Eighteen special status plant species were identified as having some potential for occurring in the project area (Table 1). None of these species have previously been reported from the project area, none were observed in the January field survey, nor were any other sensitive plant species found or expected to occur in the project area. The January field survey was conducted when most of the annual and herbaceous perennial plants on site, except many of those adjacent to and in the creek, were dormant and only potentially identifiable from dry remains of the previous season's growth.

After evaluating the habitats on the study site, many of the plants on the sensitive plant species search list (Table 1), known to occur in the region, are not expected to occur on the site. This is mainly due to a lack of limestone and loose sandy habitats, and the relatively low elevations of most of the site.

Seven of the 18 taxa on Table 1 occur exclusively or mainly on carbonate (limestone, marble or dolomite) soils and bedrock. Carbonate soils and bedrock occur in the study area only in small outcrops and thin exposed layers on the north rim switch back area. The limestone areas in the project area were carefully checked and very little was growing on them. Some sign of the old growth of the seven carbonate special status plants would be expected to have been observable if they occurred in the study area. The seven carbonate special status plants include: Ripley's aliciella (*Aliciella ripleyi*), white bear poppy (*Arctomecon merriamii*), Panamint dudleya (*Dudleya saxosa* ssp. *saxosa*), jointed buckwheat (*Eriogonum intrafractum*), rock-midget (*Mimulus rupicola*), caespitose evening-primrose (*Oenothera caespitosa* ssp. *crinita*), and Mojave spike-moss (*Selaginella leucobryoides*).

One of the Table 1 species, Death Valley sandpaper plant (*Petalonyx thurberi* ssp. *gilmanii*), occurs in loose sandy or sandy-gravelly alluvium. This taxa is known within a few miles of the lower portions of the new P81 route. However, this shrubby species is easily observable and identifiable in the winter. It was not observed in the project area.

Mojave fish-hook cactus (*Sclerocactus polyancistrus*) is a CNPS watch list species (list 4) on Table 1. It is a small barrel type cactus that would be readily observable and identifiable in the winter. It was not observed in the project area.

Six of the remaining Table 1 species are herbaceous perennials. Four of these, Panamint daisy (*Enceliopsis covillei*), naked-stemmed daisy (*Enceliopsis nudicaulis* var.

nudicaulis), Panamint Mts. lupine (*Lupinus magnificus* var. *magnificus*), and Death Valley beardtongue (*Penstemon fruticiformis var. amargosae*), have persistent and distinctive stems and/or leaves that make them observable and identifiable in the winter. None of these four perennials were observed in the project area.

The other two herbaceous perennials on Table 1 are pinyon rock cress (*Arabis dispar*) and knotted rush (*Juncus nodosus*). The stems and fruits of these species may or may not persist and be observable and identifiable in the winter. The absence of an observation in the winter is inconclusive for these species.

Pinyon rock cress has a known elevational range of 4000-8000 feet. The upper borrow pit, at 4360 feet, is the only project survey area within that range. That area has a low density and low diversity Mojave creosote bush scrub and appears to be rather dry for pinyon rock cress. In the Radcliff Mine survey, pinyon rock cress was found up canyon from the current project area, "infrequently in pinyon pine woodlands at the project site's highest elevations" (Tierra Madre Consultants, Inc. 1995). The highest elevation in that project site was approximately 6500 feet. Tierra Madre concluded that due to pinyon rock cress' widespread distribution outside the Panamint Mountains, the large area of suitable habitat upslope of the Radcliff Mine project area, and the fact that it has no status with the US Fish and Wildlife Service, "project-specific and cumulative impacts to this species will not be significant" (Tierra Madre Consultants, Inc. 1995). It appears the the current project, with its impacts limited to relatively small areas, mostly located well below the known elevational limit of pinyon rock cress, does not have the potential for significant impacts to this species.

Knotted rush is a grass-like herb, 15-60 cm tall, that occurs only in wet areas, such as springs, ponds, streams and seeps. It is known in California from only nine quads (USGS 7.5 minute series) in the Sierra Nevada and several desert mountain ranges (CNPS 2008). There is one known population in the Panamint Mountains, located at Wildrose Spring approximately 16 miles north of the project area at an elevation of approximately 3600 feet. However, this is a very widespread species outside of California. It occurs in the northern and central United States and southern Canada; from Nova Scotia and Virginia westward to British Columbia and the Pacific northwest, then south and east of the Cascade Mountains in widely scattered sites in the Great Basin, to Arizona, New Mexico and Texas. The only potential habitat in the project area for this species is the riparian area in Pleasant Canyon (Figure 1, between numbers 5 and 7). Much of the habitat in that area, within the right of way, is very dense riparian scrub where this species is unlikely to occur. There are some areas, as at the creek crossing and a few other areas, where there is some dense herbaceous growth that is more likely to be able to support knotted rush. The project impacts to the riparian habitat in this area will be in a relatively small area directly adjacent to the existing road. The rerouting of most of P81 to the new route north of the canyon will have beneficial impacts to the riparian habitat west of the north rim switch backs, which represents the majority of this habitat type in Pleasant Canyon. Given the beneficial impacts of the project, the relatively small portion of riparian habitat in Pleasant Canyon negatively impacted by road construction, the very widespread distribution of knotted rush, and the lack of status with the US Fish and Wildlife Service, it appears that the current project will not have significant project or cumulative impacts on this species.

Four annual taxa occur on Table 1. These taxa are Hoffmann's buckwheat (*Eriogonum hoffmannii* var. *hoffmannii*), Death Valley round-leaved phacelia (*Phacelia mustelina*), winged cryptantha (*Cryptantha holoptera*), and rock-midget (*Mimulus rupicola*). The latter is also a carbonate endemic and given the limited habitat in the project area, the low quality of the carbonate habitat for this species in the area, and the probability that remnants of the plant would have been observable if it occurred, it is very unlikely this species occurs in the project area (see above). Rock-midget and winged cryptantha are both CNPS watch list species (list 4). Winged cryptantha has a very widespread distribution in the Mojave and Colorado deserts in California, but it is known to occur in only a relatively few widely scattered populations. The nearest known population occurs in Surprise Canyon, about 5-6 miles north of Pleasant Canyon. It is a bristly, erect annual that sometimes is a perennial. It is likely that remains from the previous year's growth of winged cryptantha would still be observable in January, but because of the dry year in 2007 it cannot be ruled out with any certainty. However, given the status of winged cryptantha as a CNPS List 4 taxa, any potential project impacts to this taxa would not likely be considered significant.

The other two annuals, Hoffmann's buckwheat and Death Valley round-leaved phacelia, are both CNPS List 1B.3 species. The nearest known populations of both species occur in Surprise Canyon, about 5-6 miles north of Pleasant Canyon. Hoffmann's buckwheat is a large annual with distinctive and persistent stems that would have been observable and identifiable if it occurred in the project survey areas. This taxa was not observed in the project area.

Death Valley round-leaved phacelia occurs in a variety of rocky, gravelly and sandy soils with a know elevational range of approximately 2400-8600 feet. However, only one known population occurs below 3000 feet. The project areas lie in the lower portion of the known elevational range for Death Valley round-leaved phacelia. Except for the upper borrow pit and the upper portion of the road rebuild in the canyon bottom above the north rim switch backs, both of which do not appear to be very suitable habitat for Death Valley round-leaved phacelia, the project areas are below 3000 feet. The nearest known population in Surprise Canyon occurs at an elevation of approximately 4800 feet (BLM 1982). Death Valley round-leaved phacelia is a relatively small branching annual, usually 1-3 dm high. It is not very likely that dry remains from previous year's growth would be observable or identifiable in January. Lack of observation in January is therefore not conclusive for this species. Nonetheless, the habitats in the project area are relatively low and dry for this species and its occurrence in the project area appears to be unlikely.

In conclusion, the project is not expected to have significant potential project-specific or cumulative impacts on plant species of special concern.

Table 2. Plant species observed in portions of the Pruett Ballarat Inc. Pleasant Canyon P81 BLM route right of way project area, January 11-12, 2008 (nomenclature from Hickman 1993).

FAMILY Species[1]	Common Name	Project Location[2] Lower Borrow Pit	Lower Realign-ment	Upper Realign-ment	North Rim Switch -backs	Road Rebuild in Riparian	Rock Removal for Realignment	Upper Borrow Pit	Habit[3]
GYMNOSPERMS (CONIFERS)									
EPHEDRACEAE	EPHEDRA FAMILY								
Ephedra nevadensis	Nevada ephedra			x	x				s
DICOT ANGIOSPERMS (FLOWERING PLANTS)									
AMARANTHACEAE	AMARANTH FAMILY								
Amaranthus sp.	pigweed, amaranth					rs			a
Tidestromia oblongifolia	honeysweet		x						p
APIACEAE	CARROT FAMILY								
Berula erecta	cutleaf water-parsnip					rs			p
ASTERACEAE	SUNFLOWER FAMILY								
Ambrosia dumosa	white bursage	x	x	x	x			x	s
Amphipappus fremontii	chaff-bush			x	x			x	s
Baccharis salicifolia	mulefat					rs			s
Baccharis sergiloides	desert baccharis					rs			s
Bebbia juncea var. *aspera*	sweetbush	x			x	mds			s
Brickellia multiflora	Inyo brickellbush					rs	x		s
Chaenactis carphoclinia	pebble pincushion	x	x						a
Chaenactis sp.	pincushion		x						a
* *Cirsium vulgare*	bull thistle					rs			p
Encelia actoni	Acton encelia							x	s
Encelia farinosa	brittlebush	x	x	x	x	rs, mds	x		s

[1] * = exotic (non-native) species

[2] x = present; rs = present in riparian scrub; mds = present in Mojave desert scrub

[3] Habit: a = annual; b = biennial; p = perennial; ss = subshrub; s = shrub; t = tree; wv = woody vine; ph = parasitic herb

Exhibit 2

Table 2. (Cont.) Plant species observed in portions of the Pruett Ballarat Inc. Pleasant Canyon P81 BLM route right of way project area, January 11-12, 2008 (nomenclature from Hickman 1993).

FAMILY Species[1]	Common Name	Project Location[2]							Habit[3]
		Lower Borrow Pit	Lower Realign-ment	Upper Realign-ment	North Rim Switch -backs	Road Rebuild in Riparian	Rock Removal for Realignment	Upper Borrow Pit	
Gutierrezia microcephala	sticky snakeweed				x	mds	x		s
Perityle emoryi	Emory rock daisy						x		a
Peucephyllum schottii	pigmy-cedar				x				s
Pleurocoronis pluriseta	arrow-leaf				x	mds			s
Prenanthella exigua	annual lygodesmia		x						a
Psathyrotes sp.	turtleback	x							a
Viguiera reticulata	Death Valley goldeneye							x	p
Xylorhiza tortifolia var. *tortifolia*	Mojave aster							x	ss
BORAGINACEAE	BORAGE FAMILY								
Amsinckia tessellata	devil's lettuce		x					x	a
Cryptantha sp.	forget-me-not, cryptantha	x						x	a
BRASSICACEAE	MUSTARD FAMILY								
Lepidium fremontii	desert alyssum			x					ss
Rorippa nasturtium-aquaticum	water cress					rs			p
CACTACEAE	CACTUS FAMILY								
Echinocactus polycephalus var. *polycephalus*	clustered barrel cactus		x	x	x				s
Echinocereus engelmannii	hedgehog cactus		x		x		x		s
Ferocactus cylindraceus	California barrel cactus				x				s
Mammillaria tetrancistra	little fishhook cactus				x		x		s
Opuntia basilaris var. *basilaris*	beavertail cactus	x	x	x	x			x	s
CHENOPODIACEAE	GOOSEFOOT FAMILY								
Atriplex confertifolia	shadscale			x	x				s
Atriplex hymenelytra	desert holly	x		x	x				s
Atriplex polycarpa	allscale				x	rs, mds			s
CUSCUTACEAE	DODDER FAMILY								

Table 2. (Cont.) Plant species observed in portions of the Pruett Ballarat Inc. Pleasant Canyon P81 BLM route right of way project area, January 11-12, 2008 (nomenclature from Hickman 1993).

FAMILY Species[1]	Common Name	Project Location[2] Lower Borrow Pit	Lower Realign-ment	Upper Realign-ment	North Rim Switch -backs	Road Rebuild in Riparian	Rock Removal for Realignment	Upper Borrow Pit	Habit[3]
Cuscuta sp.	dodder			x	x				ph
EUPHORBIACEAE	SPURGE FAMILY								
Chamaesyce sp.	prostrate spurge	x							a
Stillingia paucidentata	toothleaf stillingia	x							p
FABACEAE	LEGUME FAMILY								
Prosopis pubescens	screw bean					rs			t
Psorothamnus arborescens var. *minutifolius*	Mojave indigo bush	x							s
LAMIACEAE	MINT FAMILY								
Salazaria mexicana	bladder-sage				x			x	s
Salvia columbariae	chia							x	a
LOASACEAE	LOASA FAMILY								
Eucnide urens	rock nettle		x			mds			p
LYTHRACEAE	LOOSESTRIFE FAMILY								
Lythrum californicum	California loosestrife					rs			p
MALVACEAE	MALLOW FAMILY								
Sphaeralcea ambigua	apricot mallow					mds			p
NYCTAGINACEAE	FOUR O'CLOCK FAMILY								
Anulocaulis annulatus	ringstem	x			x				p
ONAGRACEAE	EVENING PRIMROSE								
Camissonia boothii	woody bottle-washer	x							a
PLANTAGINACEAE	PLANTAIN FAMILY								
Plantago sp.	plantain	x	x	x	x				p
POLYGONACEAE	BUCKWHEAT FAMILY								
Chorizanthe brevicornu	brittle spineflower		x		x				a

Exhibit 2

Table 2. (Cont.) Plant species observed in portions of the Pruett Ballarat Inc. Pleasant Canyon P81 BLM route right of way project area, January 11-12, 2008 (nomenclature from Hickman 1993).

FAMILY Species [1]	Common Name	Project Location [2] Lower Borrow Pit	Lower Realign-ment	Upper Realign-ment	North Rim Switch -backs	Road Rebuild in Riparian	Rock Removal for Realignment	Upper Borrow Pit	Habit [3]
Chorizanthe rigida	rigid spineflower	x	x						a
Eriogonum deflexum	flat-topped buckwheat				x			x	a
Eriogonum inflatum var. *inflatum*	desert trumpet	x	x	x	x			x	p
Eriogonum rixfordii	Rixford's buckwheat	x							a
Eriogonum sp. 1	wild buckwheat				x				a
Eriogonum sp. 2	wild buckwheat		x						a
Eriogonum trichopes	little desert trumpet	x	x		x				a
RANUNCULACEAE	BUTTERCUP FAMILY								
Clematis ligusticifolia	virgin's bower					rs			wv
RUBIACEAE	MADDER FAMILY								
Galium sp.	bedstraw						x		p
RUTACEAE	RUE FAMILY								
Thamnosma montana	turpentine-broom							x	s
SALICACEAE	WILLOW FAMILY								
Salix exigua	narrowleaf willow					rs	x		s
Salix laevigata	red willow					rs			t
SOLANACEAE	NIGHTSHADE FAMILY								
Datura wrightii	Jimson weed					rs, mds	x		p
Lycium andersonii	Anderson box-thorn			x				x	s
Solanum sp.	nightshade					rs			ss
VITACEAE	GRAPE FAMILY								
Vitis girdiana	desert wild grape					rs			wv
ZYGOPHYLLACEAE	CALTROP FAMILY								
Larrea tridentata	creosote bush	x	x	x	x			x	s
MONOCOT ANGIOSPERMS (FLOWERING PLANTS)									

Exhibit 2

Table 2. (Cont.) Plant species observed in portions of the Pruett Ballarat Inc. Pleasant Canyon P81 BLM route right of way project area, January 11-12, 2008 (nomenclature from Hickman 1993).

FAMILY Species [1]	Common Name	Project Location [2]							Habit [3]
		Lower Borrow Pit	Lower Realign-ment	Upper Realign-ment	North Rim Switch -backs	Road Rebuild in Riparian	Rock Removal for Realignment	Upper Borrow Pit	
CYPERACEAE	SEDGE FAMILY								
Eleocharis sp.	spikerush					rs			p
JUNCACEAE	RUSH FAMILY								
Juncus xiphioides	iris-leaved rush					rs			p
POACEAE	GRASS FAMILY								
Aristida sp.	three-awn				x				a
* *Bromus madritensis* ssp. *rubens*	red brome, foxtail chess		x	x			x	x	a
* *Bromus tectorum*	cheat grass							x	a
Erioneuron pulchellum	fluff grass				x				p
Muhlenbergia asperifolia	scratchgrass					rs			p
Phragmites australis	common reed					rs			p
Poa sp.	bluegrass					rs			p
* *Polypogon monspeliensis*	annual beard grass					rs			a
* *Schismus* sp.	Mediterranean grass	x	x						a
TYPHACEAE	CATTAIL FAMILY								
Typha sp.	cattail					rs			p

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APPENDIX E

Financial Assurance Cost Estimate

Exhibit 2

State of California

APPENDIX E

DEPARTMENT OF CONSERVATION
Financial Assurance Cost Estimate
Form OMR-23 (New 06/96)

FINANCIAL ASSURANCE COST ESTIMATE

FOR

Radcliff Project (C.U.P. 2007-05/Pruett Ballarat, Inc.)

CA MINE ID # 91- 14-0064

Prepared by:

SRK Consulting (U.S.), Inc.
5250 Neil Road, Suite 300
Reno, Nevada 89502

Date: February 15, 2008

Note: This worksheet was developed by the Office of Mine Reclamation to assist lead agencies and operators prepare a reclamation cost estimate and determine an appropriate amount for the financial assurance in conformance with Section 2773.1 of SMARA. It should be used in conjunction with the *Financial Assurance Guidelines* adopted by the State Mining and Geology Board.

VII. SUMMARY OF COST

Total of all Primary Reclamation Activities Costs	$	36,520.00
Total of all Revegetation Costs	$	5,245.00
Total of all Plant Structures & Equipment Removal Costs	$	12,651.00
Total of all Miscellaneous Costs	$	3,301.00
Total of all Monitoring Costs	$	5,000.00
Total of Direct Costs	$	62,717.00
Supervision (7 %)	$	4,390.00
Profit/Overhead (14 %)	$	8,780.00
Contingencies (10 %)	$	6,272.00
Mobilization (5 %)	$	3,136.00
Total of Indirect Costs	$	22,578.00
Total of Direct and Indirect Costs	$	85,295.00
Lead Agency Administrative Cost* (Determined by the Lead Agency)	$	
Total Estimated Cost of Reclamation	$	

*NOTE The Financial Assurance Guidelines recommend that when reviewing and approving a financial assurance cost estimate, lead agencies should include their administrative cost to draw on the financial assurance and implement the reclamation plan, should it become necessary.

Reclamation Cost Estimate

The following estimate provides costs and supporting documentation that will be the basis for establishing a reclamation bond as required by BLM and SMARA regulations. The estimate projects the costs to reclaim existing and proposed facilities that are to be constructed over the life of the Radcliffe mine. Pruett Ballarat, Inc plans to bond for 8.6 acres of disturbance.

Labor and Equipment Rates

Labor

Equipment Type or Job Description	Group	Base Rate ($/hr)	Fringe ($/hr)	Hourly Wage ($/hr)	FICA/Medicare 7.65% ($/hr)	Unemployment 3.0%($/hr)	Workman's Comp 13.27% ($/hr)[1]	Total ($/hr)
D8[2]	8	$36.51	$15.82	$52.33	$4.00	$1.57	$5.63	$63.53
325C Excavator[2]	11	$37.76	$15.82	$53.58	$4.10	$1.61	$5.76	$65.05
Drill Rig (Heavy Duty)[2]	10	$36.66	$15.82	$52.48	$4.01	$1.57	$6.96	$65.02
Seeding	1	$21.25	$6.87	$28.12	$2.15	$0.84	$3.73	$34.84
Wheel Loader	10	$36.66	$15.82	$52.48	$4.01	$1.57	$6.96	$65.02
Dump Truck		$20.56	$10.39	$30.95	$2.37	$0.93	$4.11	$38.36

Notes:

1. From R.S. Means 2007, R0113-60-6217 Excavation Rock.
2. From Davis Bacon General Decision CA20070031 – ENGI0012-003 7/9/2007.
3. From R. S. Means 2007, 01-31-13.20-0280 Project Management and Coordination.
4. SRK Consulting (Total inc. O&P – 10%).

Equipment

Equipment Type	Monthly Rental Rate[1]	Hourly Rate[2]	Fuel/Lube/Wear[3]	Total ($/hr)
D8	$17,820	$101.25	$34.88	$77.96
Heavy Duty Drill/pump Rig	$82,170	$466.88	0	$466.88
325C Excavator	$7,885	$44.80	$23.38	$68.18
928 Wheel Loader	$5,495	$31.22	$18.24	$49.46
10 cy Dump Truck	$7,885	$44.80	$23.38	$68.18

Notes:

1. Rental rates from R.S. Means.
2. Assumed single shift of 176 hours per month.
3. From Cat Handbook and experience.

Exhibit 2

Equipment Performance Calculations

Dozers

Dozer Productivity vs. Grading Distance	
	Production (LCY/hr)
Average Dozing Distance (feet)	D8R
50	1400
100	850
200	475
300	275
400	175
500	125
600	100

% Grade vs. Dozing Factor	
% Grade	Dozing Factor
-30	1.6
-20	1.4
-10	1.2
0	1
10	0.8
20	0.55
30	0.3

Source: Caterpillar Performance Handbook Edition 35

Exhibit 2

Job Condition Correction Factors - Bulldozers	
OPERATOR	
Average	0.75
MATERIAL [1]	
Loose stockpile	1.2
Normal	1
Hard to cut; frozen —	
with tilt cylinder	0.8
Hard to drift; "dead" (dry,non-cohesive material) or very sticky material	0.8
Rock, ripped or blasted	0.6
SLOT DOZING OR SIDE BY SIDE DOZING	1.2
VISIBILITY	
Good conditions	1
JOB EFFICIENCY	
50 min/hr	0.83

Source: Caterpillar Performance Handbook Edition 35

Excavators

Track Excavator Specifications	
Description	**325C**
Bucket Capacity (cy)	2.22 cy
Fill Factor	0.90
Average Bucket Load (cy)	1.998 cy
Soil Type	hard clay
Job Condition	med-hard
Cycle Times (minutes) - based on hard clay	
Load Bucket	*0.09*
Swing Loaded	*0.06*
Dump Bucket	*0.04*
Swing Empty	*0.06*
Total Cycle Time	0.25
Job Efficiency	0.83
Operator Efficiency	0.75
Corrected Productivity (LCY/hr)	299 cy
Exploration Road Cycle Time [1] (min)	0.40
Exploration Road Corr Prod (LCY/hr)	187 cy

1. Exploration bucket time assumes feathering and smoothing.

Exhibit 2

Track Excavator w/Hammer Specifications	
Description	**325C**
Hydraulic Hammer	H120D s
Material	
Min Shift Production (8hr)	160 cy
Max Shift Production (8hr)	300 cy
Avg Shift Production (8hr)	230 cy
Job Efficiency	0.83

Wheel Loader

Wheel Loader Specifications	
Description	**928G**
Payload Capacity	
Struck	2.5 cy
Heaped	3.25 cy
Average	2.88 cy
Matched Truck	N/A
Average Cycle Time	0.45 min
Production/Hour	384 cy/hr

Source: Caterpillar Performance Handbook Edition 35

Drill Hole and well Removal Productivity

Drill Hole Plugging Productivity		
Description	**Drill Rig**	**Pump Rig**
Move-to-hole, set-up, tear-down	1.5 hr	1.5 hr
Pulling casing (threaded, not cemented)	80 ft/hr	
Single-pass perforating (water wells)		
4-inch	240 ft/hr	
6-inch	240 ft/hr	
8-inch	200 ft/hr	
12-inch	150 ft/hr	
18-inch	40 ft/hr	
Perforation setup,trip in/out,tear-down time	1.0 hr	
Perforation tool cost (wear cost)	$1.25 ft	
Inert Material Placement (backfill)		
Grouting/Cement		5.33 cy/hr
Cuttings (see below)		3.50 cy/hr
		Sournce: WDC Exploration, Dec 2005

Site Demolition and Equipment/Facility Removal

Site demolition activities will involve demolition of concrete foundations and removal of debris and facilities. The following activities are planned:

- demolish maintenance shop;
- demolish concrete pads;
- remove portable facilities and
- cleanup and dispose of miscellaneous waste,

Maintenance Shop

The steel maintenance shop will be demolished by dismantling and removing the structural steel for re-use off-site. The building is planned to be 30 feet by 50 feet with an eave height of 20 feet. The total volume of the building will be 30,000 cubic feet. Although it is anticipated the building will be dismantled and used off-site for costing purposes it will be assumed that it is demolished and disposed off-site. The cost for this is taken from 2007 Means 02-41-16-0500 and is provided below. There will be a 12-inch thick concrete foundation for this building. The foundation will be broken up using a demolition hammer mounted on the excavator. The broken concrete will be buried under 5-feet of cover using the dozer.

Assumptions:

- Building demolition is $0.23 $/cu.ft. x 30,000 cu.ft = $6,900.
- Load debris into dump truck 0.5 hours.
- Offsite hauling and disposal is assumed to be 2 dump truck loads to local landfill in Trona, California (35 miles) at average speed of 25 mph = 1.4 hours per direction plus 2 hours for load and disposal time = 3.4 hours per trip or 7.8 hours total.
- Disposal fees are assumed to be $250 per load.
- Concrete volume is 30 ft x 50 ft x 1 ft = 1,500 cu.ft. ÷ 27 cu. ft./cy = 56 cy.
- Time to attach and detach demolition hammer is 1 hours.
- Time to break concrete is 56 cy ÷ (230 cy/shift ÷ 8) = 2.0 hours.
- Earthwork volume is five times the concrete volume moved three times to account for digging a hole over 5 feet deep, pushing the concrete in and covering it (5 x 56 cy x 3 = 840 cy.
- Average push distance is 50 feet.
- Uncorrected production = 1,400 cubic yards per hour;
- Correction Factors
  - Flat = 1
  - Average operator = 0.75
  - Average Material, normal = 1
  - Job efficiency = 50 min/hr = 0.83

- Corrected production = 1,400 x 1 x 0.75 x 1 x 0.83 = 871.5 cy/hr
- Hours required = 840 cy ÷ 871.5 cy/hr = 1.0 hours.

Task	Hours	Labor Rate (Hourly)	Total Labor ($)	Equipment Rate (Hourly)	Total Equipment ($)	Materials ($)	Total for Task ($)
Demolish Building			$3,000		$3,900		$6,900
Load	0.5	$65.02	$35.51	$49.46	$24.73		$60.24
Transport and Disposal	7.8	$38.36	$299.01	$68.18	$531.80	$250.00	$1080.81
Break Concrete	3	$65.05	$190.59	$68.18	$204.54		$395.13
Bury concrete	1.0	$63.53	$63.53	$77.96	$77.96		$141.49
Total			**$3,588.64**		**$4,739.03**	**$250.00**	**$8,577.67**

Crusher and Ore Transfer Facility

To support the crusher and have loading space an 80 feet by 150 feet 12-inch thick concrete pad will be built. The pad will be demolished by breaking it up using the excavator mounted demolition hammer and burying it in-place using the dozer.

- Concrete volume is 80 ft x 150 ft x 1 ft = 12,000 cu.ft. ÷ 27 cu. ft./cy = 444 cy.
- Time to attach and detach demolition hammer is 1 hours.
- Time to break concrete is 444 cy ÷ (230 cy/shift ÷ 8) = 15.4 hours.
- Earthwork volume is five times the concrete volume moved three times to account for digging a hole over 5 feet deep, pushing the concrete in and covering it. 5 x 444 cy x 3 = 6,660 cy.
- Average push distance is 50 feet.
- Uncorrected production = 1,400 cubic yards per hour;
- Correction Factors
  - Flat = 1
  - Average operator = 0.75
  - Average Material, normal = 1
  - Job efficiency = 50 min/hr = 0.83

- Corrected production = 1,400 x 1 x 0.75 x 1 x 0.83 = 871.5 cy/hr
- Hours required = 6,660 cy ÷ 871.5 cy/hr = 7.6 hours.

Task	Hours	Labor Rate (Hourly)	Total Labor ($)	Equipment Rate (Hourly)	Total Equipment ($)	Materials ($)	Total for Task ($)
Break Concrete	15.4	$65.05	$1001.77	$68.18	$1049.97		$2051.74
Bury concrete	7.6	$63.53	$428.83	$77.96	$592.50		$1021.33
Total			**$1430.60**		**$1642.47**		**$3073.07**

Septic Tank Demolition

The septic tank will be pumped out and broken up with the excavator and buried in place. It is anticipated that the septic tank will be a 3,000-gallon capacity. The cost to pump the septic tank is estimated to be $1,000. The cost to demo with the excavator and bury with the dozer is estimated to be 1 hour each for a total cost of $274.72

Earthwork

Earthwork operations include regrading, ripping and revegetation. Cost projections to perform the earthwork activities for each category are subdivided as follows:

- Waste rock storage area;
- Portal sites;
- Exploration areas;
- Yards; and
- Roads.

Waste Rock Storage

There will be minimal waste rock taken out of the underground, however there will be some waste rock storage in areas near each portal site. Up to 1,500 cubic yards (cy) of waste rock at each portal will be placed near the portals at the locations shown on Figure 3. The waste rock storage piles will be about 10 feet high and 50 feet by 60 feet. The waste at portal #1 may be placed in area W-1 near the portal.

It is expected that during the course of operation the waste rock will be placed back into underground stopes as they become available and that at the end of the mine-life no waste will remain above ground[1]. However, for the purpose of this estimate it will be assumed that there will be waste rock stockpiles that will require sloping should the county be required to perform the reclamation. The disturbance for each area will be about 0.1 acres (total of 0.5 acres). Seeding cost will be included in the section below for re-contouring the portal sites.

For the purpose of costing reclamation it is assumed that 25% of each stockpile will need to be pushed with a dozer for one-half the length of the stockpile.

Assumptions:

- Earthwork volume = 5 x 1,500 cy x 0.25 = 1,875 cubic yards;
- Dozing distance for D8 = 30 feet. (assume flat);
- Uncorrected production = 1,400 cubic yards per hour;
- Correction Factors
  - Flat = 1
  - Average operator = 0.75
  - Average Material, normal = 1
  - Job efficiency = 50 min/hr = 0.83

- Corrected production = 1,400 x 1 x 0.75 x 1 x 0.83 = 871.5 cy/hr
- Hours required = 1,875 cy ÷ 871.5 cy/hr = 2.1 hours.
- To account for the small project scale and walking the dozer to each portal site, one hour for each portal will be added bringing the total hours required to 7 (rounded to nearest hour).

From production assumptions the cost to regrade all of the stockpiles will be:

Task	Hours	Labor rate (Hourly)	Total Labor ($)	Equipment Rate (Hourly)	Total Equipment ($)	Total for Task ($)
Slope waste rock stockpiles	7	$63.53		$77.96		$990.43

[1] Sufficient waste rock will be left above ground to plug the portals.

Portal Sites

There will be up to five portal sites. The locations are shown on Figure 3. Each of the sites will be located adjacent to existing roads except for Portal #2 which will require the addition of approximately 600 feet of new road. To the extent possible the pads will be re-sloped to blend with the natural topography.

Reclamation of the portal sites will consist of the following:

- Plugging the entrance with waste rock;
- sloping the area to blend with the surrounding topography;
- scarifying compacted surfaces and
- seeding the surface.

Plugging Portal Entrance

A dozer will be used to push the waste rock from the stockpiles into the portal entrance. Since the portal pad will be pulled back up to replace the natural topography a minimum amount of backfill into the portal entrance will be required for plugging. For the purpose of this estimate a minimum of 10 feet will be required.

Assumptions:

- portal size 10' wide by 12' high;
- earthwork volume (1 site) = 10 ft x 12 ft x 10 ft ÷27 cu ft/cy = 53.3 cubic yards x 5 sites = 267 cy.
- Dozing distance for D8 = 100 feet. (assume flat).
- Uncorrected production = 850 cubic yards per hour.
- Correction Factors
    - Flat = 1
    - Average operator = 0.75
    - Average Material, normal = 1
    - Job efficiency = 50 min/hr = 0.83

- Corrected production = 850 x 1 x 0.75 x 1 x 0.83 = 529 cy/hr.
- Hours required = 267 cy ÷ 529 cy/hr = 0.5 hours.
- To account for the small project scale and walking the dozer to each portal site, one hour for each portal will be added bringing the total hours required to 6.0 (rounded to nearest hour).

Exhibit 2

From production assumptions the cost to regrade all of the stockpiles will be:

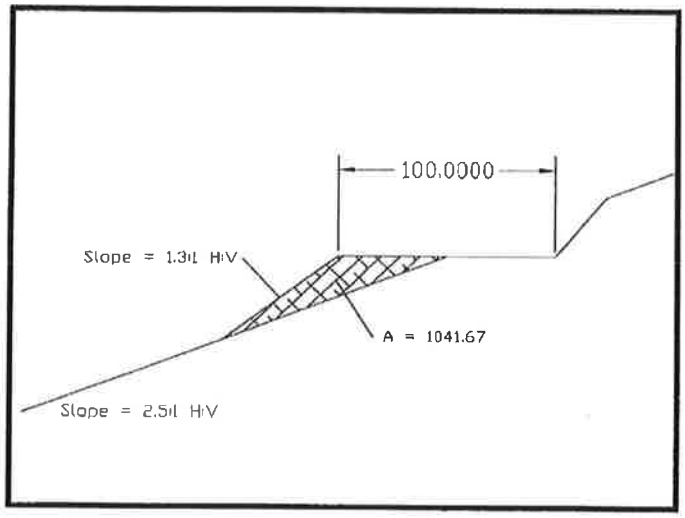
Task	Hours	Labor rate (Hourly)	Total Labor ($)	Equipment Rate (Hourly)	Total Equipment ($)	Total for Task ($)
Backfill Portal Entrances	6	$63.53	$381.18	$77.96	$467.76	$848.94

Regrading Portal Site

Assumptions;

- five portal sites at 0.5 acres of disturbance = 3.0 acres;
- portal pad area will be created using a balanced cut-to-fill;
- average slope of ground is 2.5:1 H:V or 22 degrees;
- fill slope is angle of repose at 1.3:1 H:V;
- pads long axis will be parallel to contour; and
- regrading is accomplished using the dozer.

Cross sectional area of portal fill is shown below.



Given the cross-sectional area is 1042 square feet, the volume of earth (bank) to be pulled back for re-sloping is calculated by multiplying the cross sectional area by the length of the fill and converting to cubic yards.

Dozer

- Bank Yards = 1042 feet x 150[2] feet / 27 cu.ft./cy = 5,788 cy per pad.

[2] 150 feet is used to account for the volume of material at the ends of the pad.

- Adding a "fluff factor" of 20% brings this number to 6,946 cy per pad or 34,733 cy or material to replace.
- Average distance of push is 150 feet.
- Uncorrected production is 475 cy/hr + (850 cy/hr – 475 cy/hr) ÷ 2 = 662.5 cy/hr
- Correction Factors
    - Uphill push (20%) = 0.55
    - Average operator = 0.75
    - Average Material, normal = 1
    - Job efficiency = 50 min/hr = 0.83

- Corrected production = 662.5 x 0.55 x 0.75 x 1 x 0.83 = 227 cy/hr.
- Hours required = 34,733 cy ÷ 227 cy/hr = 153 hours.
- It is assumed that this work will be performed after portal backfill so no additional walk-in hours will be required.

Seeding

- Total acres to seed is 3.0 acres.
- Area will be hand seeded.
- Walking speed accounting for re-filling backpack seeder is 2 mph (10,000 ft per hour).
- Seeding width per pass is 8 feet.
- Production is 10,000 feet/hr x 8 ft/hr = 80,000 sqft/hr = 1.8 acres per hour.
- Seeding cost is 3.0 acres ÷ 1.8 acres/hour = 1.7 hours.
- Seed cost is $300 per acre[3].

From production assumptions the cost to regrade all of the portal sites will be:

Task	Hours	Labor rate (Hourly)	Total Labor ($)	Equipment Rate (Hourly)	Total Equipment ($)	Materials	Total for Task ($)
Regrade Portals – Dozer	153	$63.53	$9,720.09	$77.96	$11,927.88		$21,647.97
Seeding	1.7	$34.84	$59.23			$900.00	$959.23
Totals			**$9,779.32**		**$11,927.88**	**$900.00**	**$22,607.20**

Yards

There will be a total of 0.8 acres of yards constructed. The yards will be constructed on relatively flat ground and not require much regrading. For the purposes of this cost estimate 2 hours of dozer time will be applied for regrading. The costs to reclaim the yards is given below.

[3] Seed mix will be determined by BLM consultation, $300 dollars per acre is chosen as a conservative amount.

Task	Hours	Labor rate (Hourly)	Total Labor ($)	Equipment Rate (Hourly)	Total Equipment ($)	Materials	Total for Task ($)
Regrade Yards – Dozer	2	$63.53	$127.06	$77.96	$155.92		$282.98
Seeding	0.8	$34.84	$27.87			$240.00	$267.87
Totals			**$154.93**		**$155.92**	**$240.00**	**$550.85**

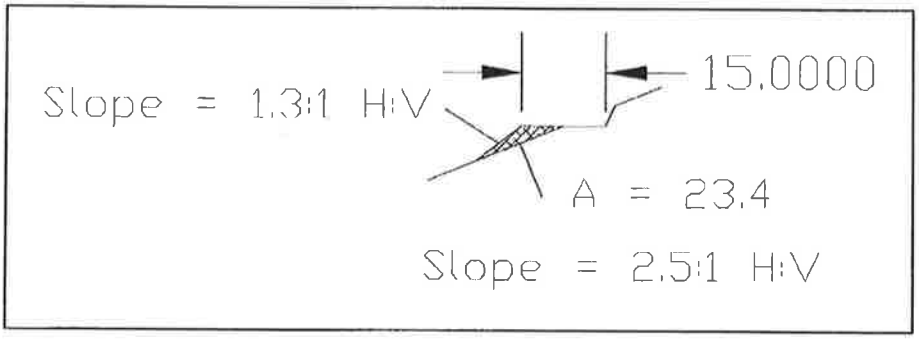
Roads

There are approximately 17,204 feet of roads to be reclaimed at the end of the mine life. The average width of the roads is assumed to be 15 feet. This will be about 5.9 acres of disturbance.

Assumptions;

- 17,204 feet x 15 feet ÷ 43,560 sq ft = 5.9 acres.
- Roads will be created using a balanced cut-to-fill.
- Average slope of ground is 2.5:1 H:V or 22 degrees.
- fill slope is angle of repose at 1.3:1 H:V;
- regrading is accomplished using the 325 excavator
- The roads will be hand seeded.

Cross sectional area of portal fill is shown below.



Excavator

- Bank Yards = 17,204 feet x 23.4 feet / 27 cu.ft./cy = 14,910 cy.
- Adding a "fluff factor" of 20% brings this number to 17,892 cy.
- Corrected production = 187 cy/hr.
- Hours required = 17,892 cy ÷ 187 cy/hr = 95.7 hours.

Exhibit 2

Task	Hours	Labor rate (Hourly)	Total Labor ($)	Equipment Rate (Hourly)	Total Equipment ($)	Materials	Total for Task ($)
Regrade Roads	95.7	$68.18	$6,524.83	$65.05	$6,225.28		$12,750.11
Seeding	12[4]	$34.84	$418.08			$3,600	$4,018.08
Totals			**$6,942.91**		**$6,225.28**	**$3,600**	**$16,768.19**

Well Abandonment

The well is estimated to be a maximum of 100 feet deep. The casing size will be 12-inch or less in diameter. Because of the small size of the well the cost will be based upon 4 hours of drilling rig rental with 2 hours of mobilization cost included.

Drill Rig cost will be 6 x $466.88 = $2,801.28
Miscellaneous materials will be $500.00

Monitoring

Vegetation monitoring will be conducted once per year for 5 years, at a cost of $1,000 dollars per visit for a total of $5,000.

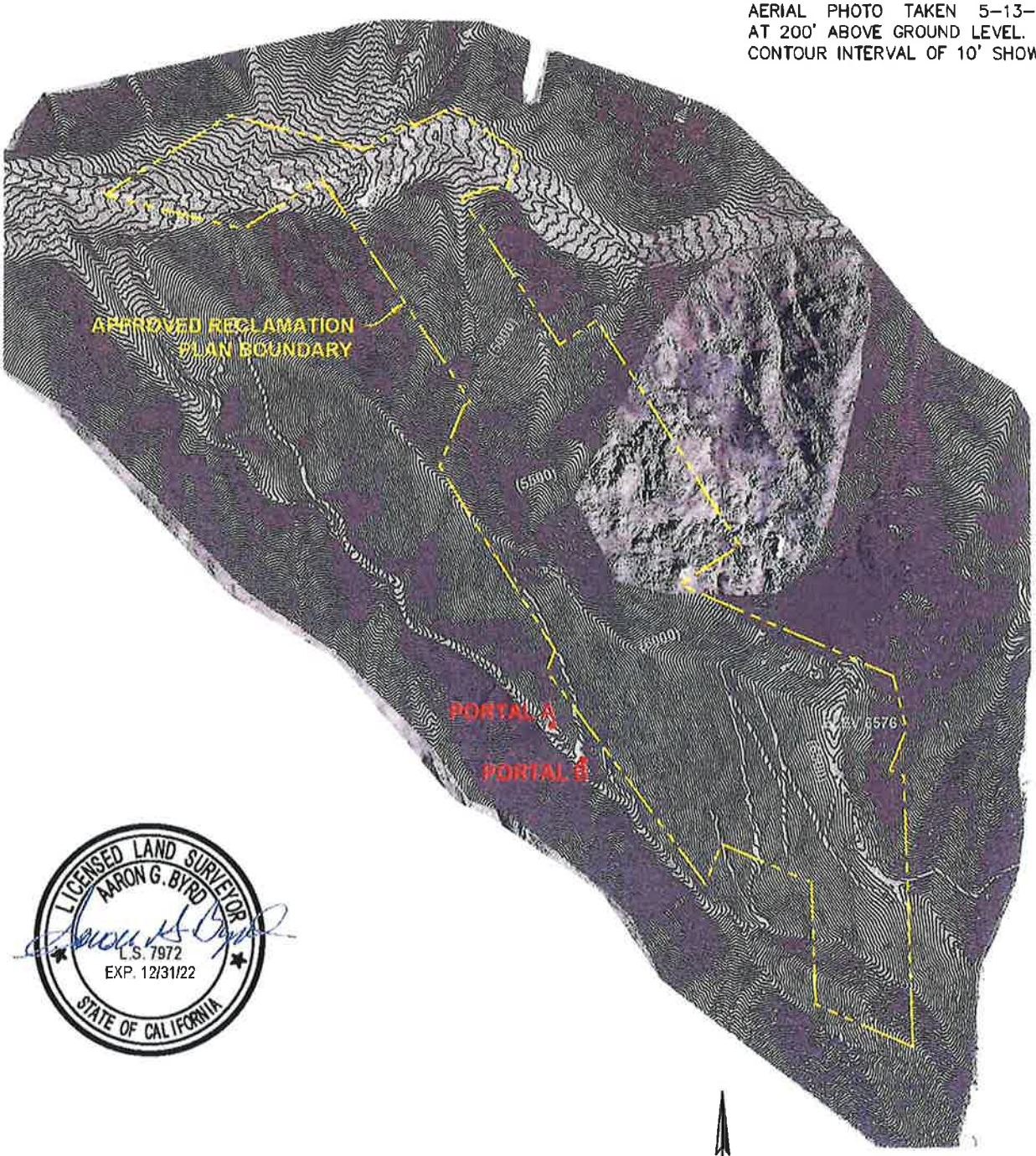
Mobilization/Demobilization of Equipment

Equipment will be mobilized from Ridgecrest, California.

[4] Acreage is doubled to account for full road footprint disturbance including cuts and fills.

Exhibit 3
RADCLIFF/WORLDBEATER MINE COMPLEX

NOTE:
AERIAL PHOTO TAKEN 5-13-20
AT 200' ABOVE GROUND LEVEL.
CONTOUR INTERVAL OF 10' SHOWN.



LICENSED LAND SURVEYOR
AARON G. BYRD
L.S. 7972
EXP. 12/31/22
STATE OF CALIFORNIA

N

SCALE: 1" = 800'

0 400 800 1,60

LAV// Pinnacle Engineering
ENGINEERING • PLANNING • SURVEYING
12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312
Phone: (661) 869-0184 Fax: (661) 885-4155

Exhibit 4

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Grand Junction, Colorado 81506
https://www.blm.gov

August 13, 2020

In Reply Refer To:
CACA-59060
9230(P)
LLCAD05000.51

Black Swan Advisors
Attn: Charles McLaughlin
P.O. Box 11179
Newport Beach, CA 92658

Mr. McLaughlin,

On June 9, 2020 you informed the Bureau of Land Management (BLM) Ridgecrest Field Office of two portals that were installed on BLM land near your patented land in an unsurveyed portion of Township 22 South, Range 43 East, Mount Diablo Meridian. These portals were constructed by a previous operator at the site without any BLM approval. You subsequently requested a meeting with Inyo County, the lead agency for the California Surface Mining and Reclamation Act (SMARA), California State Division of Mine Reclamation, and the BLM to discuss the portals. That meeting was held on July 7, 2020. At the meeting, the BLM informed you of the need to file a plan of operations in order to use those portals in a mining operation. After that meeting, you informed the BLM that you preferred to close the portals on BLM land.

You have stated that the closures will be closed by backfilling the adits and that the work will be done by a contractor who has previously worked with the BLM Abandoned Mine Land (AML) program. This letter requests additional information regarding the closures. Please provide to the BLM a closure plan that includes:

1) A detailed description of the closure method to be used including the proposed fill material, fill depth, and any measures used to compact the material.
2) A proposed schedule of closure activities including a timeframe to complete the closure.
3) Any measures proposed to protect resources within the vicinity of the portals.

Please note that since this action is taking place on public land managed by the Ridgecrest Field Office, approval is required prior to performing the work. This action is also subject to the requirements of the National Environmental Policy Act (NEPA). Supplying the requested closure plan in a timely manner will expedite our approval of this action.

Exhibit 4

If you have any questions about this information request, please contact Brian Ferwerda, Ridgecrest Field Office geologist, by phone at (760)384-5451, or by email at bferwerda@blm.gov.

Sincerely,

CARL SYMONS

Digitally signed by CARL SYMONS
Date: 2020.08.13 11:33:11 -07'00'

Carl B. Symons
Field Manager

cc:

(1) Ryan Smith-Standridge, Inyo County SMARA Coordinator

Exhibit 5

From: Porter, Randall K
To: Porter, Randall K
Subject: Fw: [EXTERNAL] RE: Radcliff Mine
Date: Monday, August 23, 2021 3:56:41 PM
Attachments: image001.png

From: Will, Blair <bwill@kmtg.com>
Sent: Monday, August 23, 2021 3:40 PM
To: Porter, Randall K <rporter@blm.gov>
Cc: 'Andrew Heinemann' <aheinemann@benchmarkresources.com>
Subject: RE: [EXTERNAL] RE: Radcliff Mine

Hi Randy,

At present, the adits remain screened. BMC is seeking contractor bids for the work necessary to execute the closure plan submitted by Benchmark Resources. BMC hopes to have the contractor hired within a couple weeks. I will update you when we have an estimated date to conduct the work.

Please note that I have changed law firms and have new contact information. The Pioneer law group address is no longer active.

Best,
Blair

Blair W. Will | Attorney
Kronick Moskovitz Tiedemann & Girard kmtg.com
office: 916.321.4500 | mobile: 619.757.6332

From: Porter, Randall K <rporter@blm.gov>
Sent: Monday, August 23, 2021 3:23 PM
To: Blair Will <blair@pioneerlawgroup.net>
Subject: Re: [EXTERNAL] RE: Radcliff Mine

Mr. Will:
What is the news for closing the adits at Radcliff??

What will I find if I go see the adits we agreed to close??

Exhibit 5

Please respond

From: Blair Will <blair@pioneerlawgroup.net>
Sent: Friday, April 23, 2021 11:31 AM
To: Porter, Randall K <rporter@blm.gov>
Cc: Bickauskas, Thomas V <TBickaus@blm.gov>
Subject: [EXTERNAL] RE: Radcliff Mine

Hello Randy,

Patricia Brown completed the bat exclusion action and it is her opinion that no bats remain in the Pruett Portals. She will be providing BLM with her closure report shortly.

Meanwhile, Andrew is designing the hard closure. The adits are installed in competent rock and, in general terms, the closure will include backfill with some reinforcement. I plan to have the closure design forwarded to you for review next week. I anticipate that document will be transmitted to you electronically.

Best regards,
Blair

pioneer

Blair W. Will, Of Counsel
1122 S Street | Sacramento, CA 95811
Office 916.287.9500 | **Direct** 916.287.9506 | **Fax** 916.287.9515
blair@pioneerlawgroup.net | www.pioneerlawgroup.net

From: Porter, Randall K <rporter@blm.gov>
Sent: Wednesday, April 14, 2021 6:45 PM
To: Blair Will <blair@pioneerlawgroup.net>
Cc: Bickauskas, Thomas V <TBickaus@blm.gov>
Subject: Radcliff Mine

Mr. Blair:

Good Evening !
I thought you agreed to send us a written closure plan for the adit(s) at Radcliff. Are you going to do what you agreed? An email is a good start. But please also put (or have Bush Management put) a closure proposal in an envelope and mail it to

Exhibit 5

Ridgecrest Field Office
300 S. Richmond Rd
Ridgecrest, CA 93555

Thank you !

Exhibit 6

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
Ridgecrest Field Office

CATEGORICAL EXCLUSION REVIEW AND APPROVAL

Project Name: Radcliff Adits Remediation

NEPA Number: DOI-BLM-CA-D010-2021-0028-CX

Lead Preparer: Caroline Woods

Project Lead: Carl Symons

General Location: Inyo County, California

A. Project Description and Rationale, including Stipulations:

The Radcliff Mine is an underground gold prospect on private land (patented claims) and has a conditional use permit and reclamation plan approved by Inyo County. Two adits on adjacent public lands managed by the USDI Bureau of Land Management (BLM) were inadvertently created by previous operators outside of the parcel and permit boundaries without necessary BLM approvals. The mine owner intends to close the openings and reclaim the surface disturbance in a manner consistent with BLM land management objectives and reclamation standards and does not intend to operate from those adits by obtaining a permit from the BLM.

The proposal is to close the two mine adits for public health and safety. The method involves backfilling the adits with the native rock that was excavated, placed, and piled up directly outside each adit when the adits were originally excavated. The native rock will be used to create a "bulkhead backfill" by completely filling the opening to prevent human and wildlife access. Access to each mine feature to be remediated would be limited to existing routes. The proposed project would require transporting equipment, supplies and personnel from existing trails and/or roads to the two features. Access may be limited in some cases therefore requiring a small amount of trail or road improvements prior to construction. For example, an open route may have a wash out and a backhoe would be used to smooth the route for passage. Reclamation of disturbed areas will be done on completion of remediation including reseeding of the fill surface and borrow area. Revegetation would use native species common to the region and approved by the BLM.

The subject adits, hereafter referred to as "Adit A" and "Adit B," are located in a remote area of the western flank of the Panamint Range in Pleasant Canyon, approximately five (5) miles east of the town of Ballarat, in Inyo County, California (Appendix B-Figure 1, "Regional Location"). The adit locations can be seen on Attachment A, "Site Survey," are specifically at:

- Adit A: 36° 01' 26.66"N, 117° 07' 52.63" W
- Adit B: 36° 01' 264.96"N, 117° 07' 50.17" W

Elevation at the sites are approximately 5,500 feet (ft) and 5,600 ft, respectively. The site is accessed by following P-81, a BLM-designated public access but unmaintained dirt road, eastward from Ballarat for six (6) miles along Pleasant Canyon to Hope Canyon. Remediation for the sites will follow protective measure and stipulations (Appendix A).

An investigation of the conditions and use by the adits was completed on April 15 and 16, 2021 by a qualified biologist. The investigation included a survey for any occupation and installation of exclusion netting to preclude wildlife entry prior to the closure work. No bats were detected in Adit A, and one bat was detected in Adit B. The bat left Adit B, after which both Adit A and B were closed with chicken wire in April, to prevent any bats from entering either adit. **IF THE EXCLUSION WIRE HAS BEEN BREACHED, another survey of the adits for person(s) and/or wildlife must occur prior to closure.**

B. Plan Conformance

This action conforms to the following Land Use Plan: California Desert Conservation Area Plan, as amended.

Other applicable plans, regulations, and policies:

The Northern and Eastern Mojave Plan, 2002, an amendment to the CDCA Plan

Desert Renewable Energy Conservation Plan, 2016, an amendment to the CDCA Plan - The Proposed Action has been reviewed for conformance with this plan and is consistent with the type and degree of actions allowed under the Plan for this area.

C. Compliance with the National Environmental Policy Act

The action described above generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found to not individually or cumulatively have a significant effect on the human environment.

This Proposed Action qualifies as a categorical exclusion under Departmental Categorical Exclusions 516 DM 11.9 - J. Other:

(8) Installation of minor devices to protect human life (e.g. grates across mines).

(10) Removal of structures and materials of no historic value, such as abandoned automobiles, fences, and buildings, including those built in trespass and reclamation of the site when little or no surface disturbance is involved.

Exceptions to Categorical Exclusion Documentation

Exhibit 6

The action has been reviewed to determine if any of the below listed exceptions apply:

The project would:

Exceptions		
1. Have significant impacts on public health or safety.		
Yes	**No**	**Rationale:** *The proposed project will not have significant impacts on public health and safety. The project is located on previously disturbed land in the Panamint Mountains, Inyo County. There would be no hazardous or solid waste generated by remediating these mine features.* *Effects would be predominantly positive and related to preventing people from entering hazardous areas.*
	X	
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Yes	**No**	**Rationale:** *The proposed action would not take place in any designated park, recreation or refuge lands, Wilderness or Wilderness Study Areas, proposed Prime or Unique Farmlands, national natural landmark areas or national monuments. No water sources are available for farming purposes. There would not be any runoff to surface or ground water as a result of this project. These mines are currently located within washes or where riparian areas would be found.* *This action would comply with relevant protection measures under the Migratory Bird Treaty Act, and associated federal regulations and BLM policies, and would not measurably affect any of the species regulated by those acts.*
	X	
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		

Yes	No	
	X	**Rationale:** *The proposed action will not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.. In addition, the effects of the proposed actions on recreation, visual resources, biological resources and cultural resources are negligible.* *The effects of mine closures are well known and not controversial.*

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes	No	
	X	**Rationale:** *Overall, the proposed ground disturbance and resultant environmental effects would be insignificant. New disturbance will be limited, which would limit any wind blown dust to a very small area and would be stabilized by the first rain fall*

5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.

Yes	No	
	X	**Rationale:** *The implementation of the proposed projects would have negligible cumulative effects on floodplains, wetland/riparian zones, environmental justice, water quality (surface/ ground), and energy. The effects of the proposed actions on recreation, visual resources, biological resources and cultural resources are also negligible.*

6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Yes	No	
	X	**Rationale:** *The proposed action is not related to other past, present or reasonably foreseeable actions likely to result in any significant impacts. The area has been previously disturbed by mineral exploration and mining. Overall, the proposed ground disturbance and resultant environmental effects would be minimal.*

7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

Yes	No	
	X	**Rationale:** *The Cultural Findings are- Appendix A, Exempt Undertakings, Class B Activities: Activity B-4: Hazards abatement, including elimination of toxic waste sites, filling, barricading, or screening of abandoned mine shafts, and stopes where such features are not historic or contributing properties. The exemption number is: CA-650-EX-2021-16.*

8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

Yes	No	
	X	**Rationale:** *The project would not have a significant impact on any current threatened, endangered or proposed to be listed wildlife species. No federally listed plants occur in the vicinity. Implementation of mitigation measures will ensure that there is a No Effect for any federally listed species.*

9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

Yes	No	
	X	**Rationale:** *The proposed action does not violate Federal, State, and local laws or requirements for the protection of the environment.*

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes	No	
	X	**Rationale:** *The proposed action is a part of the BLM's plan to mitigate and remediate physical safety hazards. The project would not detrimentally affect the minority and low-income populations of local communities. The project would not have disproportionate effects on low-income or minority populations because it is located in a remote uninhabited area of Inyo County.*

11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Yes	No	
	X	**Rationale:** *Based upon the past 15 years of Tribal consultation by the BLM with Tribes within the region, there are no sacred sites, or any other significant Tribal cultural resources made known to the BLM that occur within the project area.*

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
Yes	**No**	**Rationale:** *The proposed action would not involve clearing of vegetation. Design features would include washing and/or inspection of all equipment prior to entering and exiting the project site; this would prevent any non-invasive species from being introduced and/or spread in the project area.*
	X	

Land Use Plan Conformance and Categorical Exclusion Review Record

Resource	Assigned Specialist Signature	Date
Air Quality	C.Woods	**7/21/2021**
Areas of Critical Environmental Concern	C.Woods	**7/9/2021**
Cultural Resources	D. Storm	**7/21/2021**
Environmental Justice	C.Woods	**7/9/2021**
Farm Lands (prime or unique)	CWoods	**7/9/2021**
Floodplains	C. Helms	**7/12/2021**
Invasive, Non-native Species	C.Woods	**7/21/2021**
Native American Religious Concerns	D. Storm	**7/21/2021**
Threatened, Endangered, or Candidate Species	C.Helms	**7/12/2021**
Wastes (hazardous or solid)	C.Woods	**7/21/2021**
Water Quality (drinking or ground)	C Helms	**7/12/2021**
Wetlands / Riparian Zones	C.Helms	**7/12/2021**
Wild and Scenic Rivers	C.Woods	**7/9/2021**
Wilderness	C.Beck	**7/21/2021**
Other:		

Exhibit 6

***NOTE**: Each item of the review record should be completed by the assigned resource specialist. The Team Leader, NEPA Coordinator or authorized officer may sign the review record when they are acting as a specialist.*

Environmental Coordinator: Caroline Woods Date: 7/21/2021

Approval and Decision

Based on a review of this AML Remediation project described above (DOI-BLM-CA-D010-2021-0028-CX) and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (see below Appendix A):

Authorized Officer: CARL SYMONS Digitally signed by CARL SYMONS Date: 2021.07.21 11:22:39 -07'00' Date: _____

Exhibit 6

Appendix A: STIPULATIONS / CONDITIONS OF APPROVAL

Biological stipulations

1. General

a. If special-status biological resources are found (burrows, etc.), they will be flagged for avoidance. Please notify BLM biologist with any questions.
b. Construction equipment and vehicles should be washed off prior to ingress onto to minimize spread of invasive seeds.
c. All trash and food items shall be promptly contained within closed, raven-proof containers or placed out of sight in vehicles with closed windows.
d. Soil disturbance will be minimized, when possible, shrubs should be crushed rather than bladed, and previously disturbed areas within the project site shall be utilized for parking vehicles and storing equipment.

2. Nesting Birds

a. Let the biologist know if the proposed action occurs during the general bird-nesting season (March 1 through August 31), because a pre-construction nesting survey should be conducted.

a. Bird nests should be avoided. Shrubs with nests in them should not be severely trimmed back. If work takes place during breeding season and an active nest is found, the BLM should be notified.

3. Bats

a. Remediate features as recommended by Dr. Pat Brown Berry (per her data sheets).

4. Recommended Closure Techniques

d. A few nights prior to hard closure, the features that require wildlife exclusions must be watched and excluded with chicken wire, at least an hour before to an hour after sunset.

e. If the exclusion has been breached before closure, a second wildlife sweep must be made to ensure no wildlife moved back into the adits.

Appendix B: Proposal including a Map of location

Exhibit 6

DATE: 6/18/2021

TECHNICAL MEMORANDUM

ADIT CLOSURE

ADJACENT TO RADCLIFF MINE

The Radcliff Mine is an underground gold prospect on private land (patented claims) and has a conditional use permit and reclamation plan approved by Inyo County. Two adits on adjacent public lands managed by the USDI Bureau of Land Management (BLM) were inadvertently created by previous operators outside of the parcel and permit boundaries without necessary BLM approvals. The mine owner intends to close the openings and reclaim the surface disturbance in a manner consistent with BLM land management objectives and reclamation standards and does not intend to operate from those adits by obtaining a permit from the BLM.

This Technical Memorandum provides a recommended approach to securing the adit openings in a manner similar to methods already provided in the Radcliff Mine reclamation plan. The method involves backfilling the adits with the native rock that was excavated, placed, and piled up directly outside each adit when the adits were originally excavated. The native rock will be used to create a "bulkhead backfill" by completely filling the opening to prevent human and wildlife access.

LOCATION

The subject adits, hereafter referred to as "Adit A" and "Adit B," are located in a remote area of the western flank of the Panamint Range in Pleasant Canyon, approximately five (5) miles east of the town of Ballarat, in Inyo County, California (Figure 1, "Regional Location"). The adit locations can be seen on Attachment A, "Site Survey," are specifically at:

- Adit A: 36° 01' 26.66"N, 117° 07' 52.63" W
- Adit B: 36° 01' 264.96"N, 117° 07' 50.17" W

Elevation at the sites are approximately 5,500 feet (ft) and 5,600 ft, respectively. The site is accessed by following P-81, a BLM-designated public access but unmaintained dirt road, eastward from Ballarat for six (6) miles along Pleasant Canyon to Hope Canyon.

GENERAL GEOLOGY

Topography at the Radcliff Mine is extremely rugged, with slope angles ranging from 35° to 75°. Elevations vary from 6,580 ft at the top of the hill above the Radcliff glory hole, to 4,530 ft at the Clair Camp in Pleasant Canyon, constituting a difference of 2,050 vertical ft. Vegetation is sparse in this arid region and the rocky terrain. There is little or no topsoil throughout the site area, and any occurrence is generally only along stream valleys at lower elevations. Mineralization occurs within quartz-sulfide veins, disseminated sulfides, and locally massive sulfides, emplaced along zones of shearing and dilatancy within argillite and amphibolite units of the Limekiln Spring Member of the Kingston Peak Formation. These units structurally and unconformably overlie quartzofeldspathic gneisses and granites of the World Beater complex. Quartz veins and shear zones within the gneiss complex may also be mineralized. The argillites and amphibolites are conformably overlain by quartzite and diamictite units, which are upper members of the Kingston Peak Formation. The adits appear to be within the argillites, amphibolites, and the quartzite and diamictite. The host rock appears to be very stable with stable back and ribs of the adits. No water is present in either of the adits.

EXISTING CONDITIONS

Adits A and B have openings that are approximately 12 feet high and 12 feet wide. The openings are gated, and some limited equipment exists. Excavated rock was piled near the entrances in adequate quantities to support the closure. The rock is the same geologic material as observed on the Radcliff Mine property, whereas studies of this material have indicated that the material is neither acid forming nor containing elevated levels of any deleterious elements that would create acid rock drainage. No water was observed anywhere inside or around either of the adits. No special management practices are therefore required to address potential exposure or water quality.

WILDLIFE INVESTIGATION

An investigation of the conditions and use by the adits was completed on April 15 and 16, 2021 by a qualified biologist. The investigation included a survey for any occupation and installation of exclusion netting to preclude wildlife entry prior to the closure work. No bats were detected in Adit A, and one bat was detected in Adit B. The bat left Adit B, after which both Adit A and B were closed with chicken wire to prevent any bats from entering either adit. See Attachment B, "Wildlife Exclusion Report."

BULKHEAD CLOSURE PLAN

A single bulkhead backfill will be constructed across both horizontal to sub-horizontal mine openings. The bulkhead will provide a secure seal that completely eliminates access into the adits and is suited for sites like this that do not require access for wildlife or natural airflow. Future entry into the mine opening for mineral exploration or historical purposes would still be possible by demolition of the bulkhead.

The fill will be comprised of native rock recovered from rock piles directly outside of each adit. Prior to installation, loose rock around the perimeter of the opening, including the floor, should be removed to ensure a stable foundation. Uneven floors may need to be leveled and smoothed. The seal between the foundation, back (roof), walls, and the bulkhead will be tight. The fill will be watered to optimum moisture levels for compaction during the construction of the bulkhead backfill. Fill will be compacted as it is placed.

The backfill will be placed as shown in Figure 2, "Bulkhead Adit Backfill." Each adit will receive a length of fill that is 3 times the height of the adit or 36 feet. Once the length and height of fill within the adit are met, a 2:1 slope will be developed and compacted, at the portal entrance creating the bulkhead. Each adit is calculated to require approximately 192 cubic yards of fill material. No drainage pipes will be installed as there is not any water present at either of the adits.

REVEGETATION

While there is little native vegetation cover, reseeding of the fill surface and borrow area will be completed to assist in controlling erosion of the closure. Revegetation would use native species common to the region. The planned seed list is shown in Table 1, "Revegetation Seed List."

TABLE 1
REVEGETATION SEED LIST[1]

Common Name	PLS lbs/acre
Shadscale saltbrush	2.00
Spiny hopsage	1.00
Rabbitbrush	0.25
Mormon tea	1.00
Winterfat	1.00

Common Name	PLS lbs/acre
California Buckwheat	1.00
Galleta grass	1.00
Indian ricegrass	2.00
Needlegrass	0.25
Total: 9.5 Pounds PLS per Acre	

Notes: PLS= Pure Live Seed.

[1] Minor species and/or quantity adjustment may be made based on test plot results or availability at the time of purchase.

Seeding will take place in the first fall after closure is completed and when there is sufficient moisture and soil development to optimize survival and growth.

Attachments

Figure 1, "Regional Location"

Figure 2, "Bulkhead Adit Backfill"

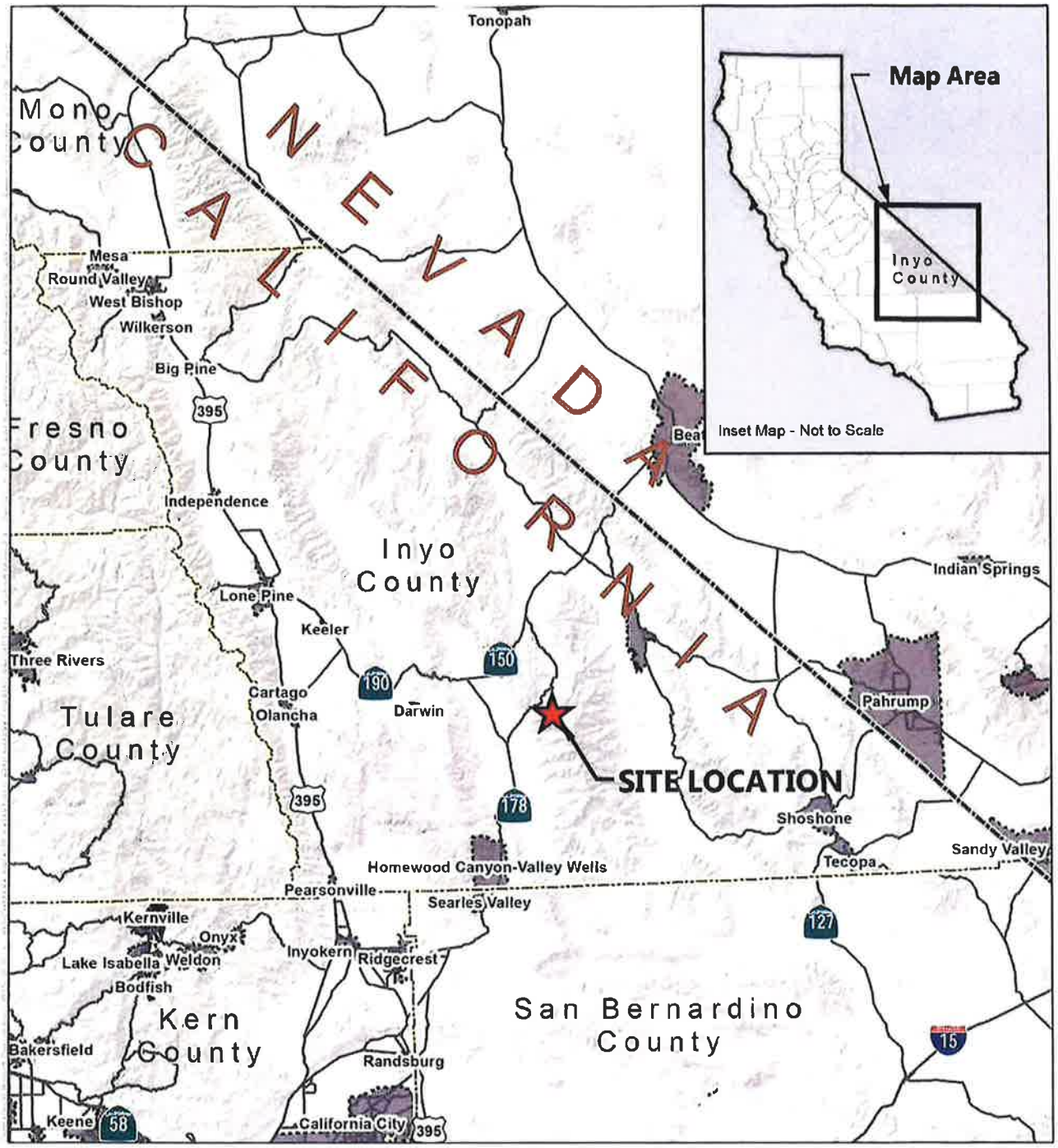
Attachment A "Site Survey"

Attachment B, "Wildlife Exclusion Report"

Exhibit 6

FIGURES

Exhibit 6



SOURCES: ESRI World Shaded Relief accessed June 2021, ESRI World Topographic Map accessed June 2021, ESRI World Streetmap, 2009; compiled by Benchmark Resources in 2021

Site Location
California State Boundary
County Boundary
Highway
City
Water Body

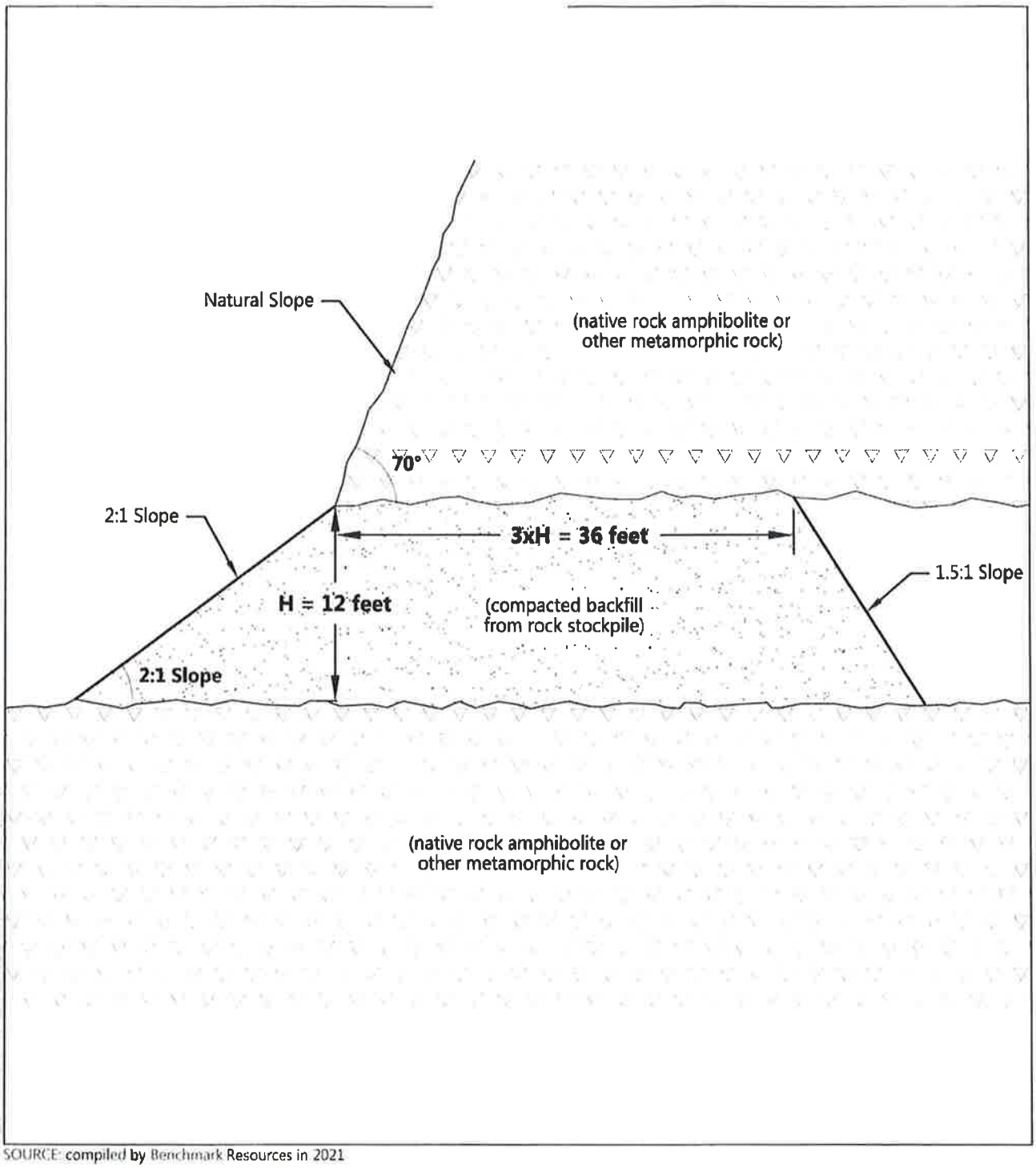
BENCHMARK RESOURCES

N

0 12.5 25 50 Miles

Regional Location
RADCLIFF MINE–ADIT BACKFILL
Figure 1

Exhibit 6



SOURCE: compiled by Benchmark Resources in 2021

NOTES:
1. Figure not to scale.

BENCHMARK RESOURCES

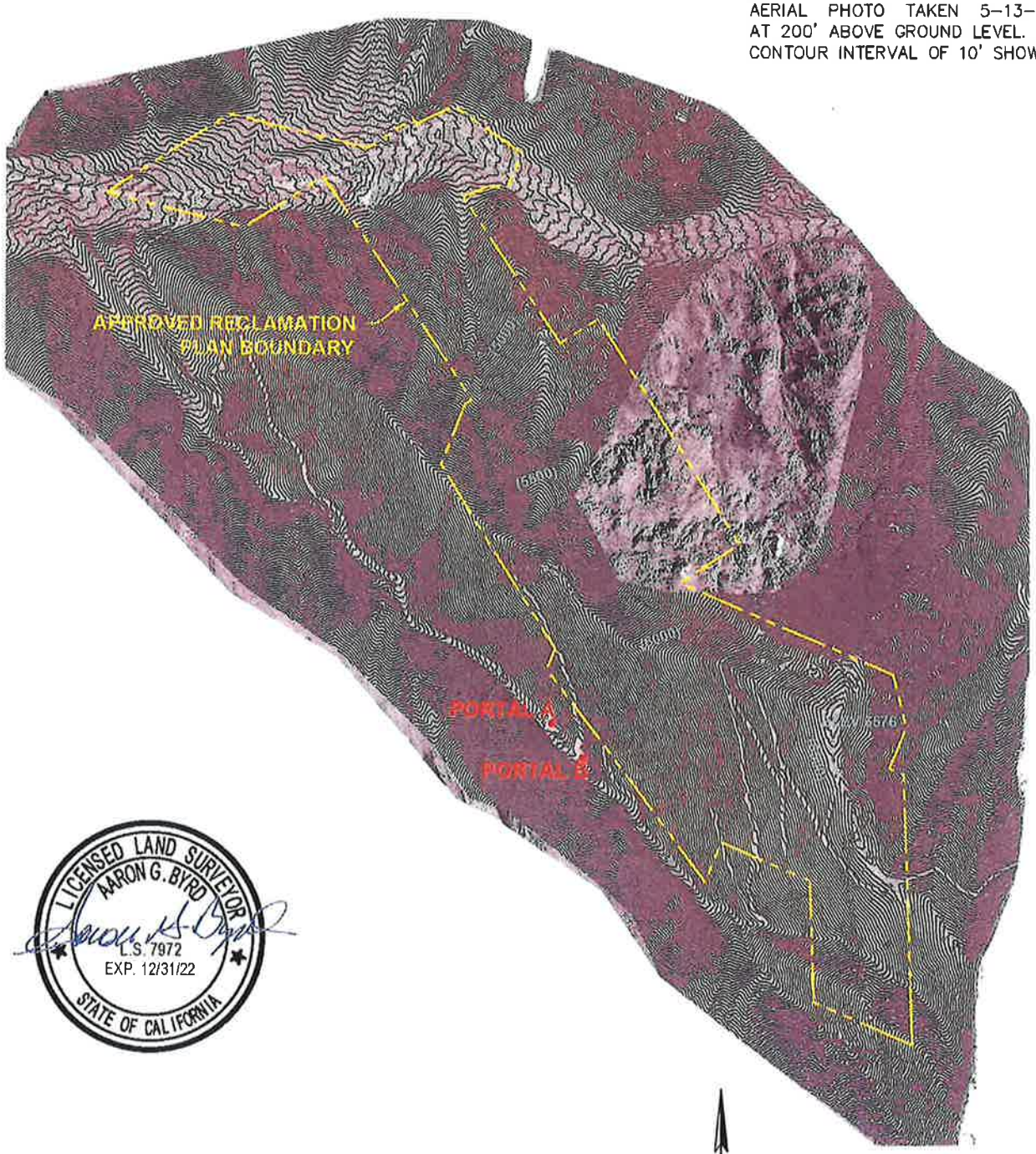
Bulkhead Adit Backfill
RADCLIFF MINE—ADIT BACKFILL
Figure 2

ATTACHMENTS A—SITE SURVEY

Exhibit 6

RADCLIFF/WORLDBEATER MINE COMPLEX

NOTE:
AERIAL PHOTO TAKEN 5-13-20
AT 200' ABOVE GROUND LEVEL.
CONTOUR INTERVAL OF 10' SHOWN.



LICENSED LAND SURVEYOR
AARON G. BYRD
L.S. 7972
EXP. 12/31/22
STATE OF CALIFORNIA

N

SCALE: 1" = 800'

0 400 800 1,600

LAV// Pinnacle Engineering
ENGINEERING • PLANNING • SURVEYING
12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312
Phone: (661) 869-0184 Fax: (661) 885-4155

Exhibit 6

ATTACHMENTS B—WILDLIFE EXCLUSION REPORT

Exhibit 6

April 21, 2021

From: Patricia Brown, Ph.D.

134 Eagle Vista, Bishop, CA 93514

760 920 3975

Patbobbat@aol.com

To: John Hagestad

Bush Management Company

Regarding: Results of Wildlife Exclusion from the Radcliff Mine, Pruett Portals

On April 15 and 16, we conducted wildlife exclusions of the two Pruett Portals as described in the proposal of March 31, 2021. Since no advance preparation of the portals had been done prior to our arrival, the job took more time and required more assistance. The chain link mine gate and other potential access areas around the sides and top of the mine portal were covered with half inch hardware cloth to block the entry and exit of bats, leaving only the areas open above the gate on the lower portal and a side "window" on the upper portal for their access. These were covered with one inch chicken wire after we finished watching for exiting bats on April 15 and opened again before dark on April 16. These temporary access areas were sealed with one inch chicken wire after the exclusion was completed around 2300 hours on April 16. One inch chicken wire was chosen because most bat species caught inside the mine could squeeze through the openings if trapped inside the mine but would likely be deterred from entering.

On April 15, we entered the mine adits and searched visually for bats and other wildlife. With numerous drill holes and crevices in the mines, bats of many local species are usually hard to observe. We did not see any bats or other wildlife. We placed two ultrasonic bat detectors inside each adit (one near the portal and one near the face) to record echolocation signals (with a time stamp) of bats flying inside the mine. These

were left operating in the mine until the following evening. At dusk on April 15, we watched each adit with night vision goggles, augmented by UV light sources for at least 120 minutes. No bats exited from the lower portal. Inside the upper portal, a California myotis (*Myotis californicus*) was observed circling behind the hardware cloth for over 90 minutes, until it finally exited via the side "window". No other bats were observed exiting, but two other myotis and a Townsend's big-eared bat (*Corynorhinus townsendii*) approached the portals from up the canyon and attempted to enter the screened area over the gate before flying away down the canyon. They did not discover the open side "window".

The following afternoon, I entered the adits, searched for visible bats and retrieved the bat detectors. The detector data cards were downloaded on a laptop computer and analyzed for bat signals. No signals were recorded on either detector in the lower portal. Multiple California myotis signals were recorded within the upper adit for 90 minutes after dark on April 15 (until about the time that the bat exited). The detectors were left in the upper adit until they were retrieved on April 16 at the end of watching that adit. No more echolocation signals were recorded.

At dusk on April 16, we opened the areas of both portals covered with chicken wire and watched for exiting bats with night vision goggles for another night. No bats emerged from either portal. The chicken wire was firmly attached and other areas between boards or beams that bats could crawl through to enter the mine were sealed with hardware cloth. The hard closure by your company should ideally be completed within the next week before these barriers that have been placed over the mines are opened by people or other sources of site disturbance.

Sincerely,

Patricia Brown

Patricia Brown, Ph.D.

Exhibit 7

From: Wrobel, Bart - MSHA
To: Ryan Smith-Standridge
Subject: 04-05839 Rad Clift Mine
Date: Wednesday, September 8, 2021 9:18:09 AM
Attachments: image001.png
04-05839 209 Closure. .pdf

CAUTION: This email originated from outside of the Inyo County Network. DO NOT click links or open attachments unless you recognize and trust the sender. Contact Information Services with questions or concerns.

Here is the Closure form filled out for 04-05839 Rad Clift Mine.
MSHA has not had this operation on our books since December of 2016

Bart Wrobel
Supervisory MSHA
Henderson, NV
Office 702-558-4665
Direct 702-800-8405
Cell 702-521-4362

Mine Information Form
Page 1

Reset Form

Exhibit 7

U.S. Department of Labor
Mine Safety and Health Administration

New	All fields are required
Change	X The Mine ID Number is required, otherwise fill out only those fields that have changed

1. MSHA Mine ID Number: **04 - 05839**

2. Operating Company Name: PRUETT BALLARAT INC

3. Mine or Mill Name: RADCLIFF MINE

3a. Mine Emergency Phone No.

4. Type of Operation: COAL ☐ Metal / Non-Metal ☐

5. Portable Operation ☐

6. Primary Mine Type: ☐ Underground ☐ Surface ☐ Facility

7. MSHA Office Code:

8a. Work Group

8b. Travel Area

9. Nearest Town, Landmark, or Post Office:

10. County Name Where Mine Is Located:

11. State Abbreviation:

12. Cong. Dist. (Coal Only)

13. Mileage from Field Office

14. Directions to Operation from Field Inspection Office:

15. Total Employees:

16. Schedule of Operation:
a. Hours per Production Shift _____ b. Production Shifts per Day _____ c. Maint. Shifts per Day _____ d. Work Days per Week _____

17. Longitude and Latitude:
a. Longitude: Degrees _____ Minutes _____ Seconds _____ b. Latitude: Degrees _____ Minutes _____ Seconds _____

18. Mine Status
New Mine ☐ Active ☐ Intermittent ☐ Non-Producing ☐ Abandoned ☒ Temporarily Idle ☐ Abandoned Sealed (COAL ONLY) ☐

19. Status Date (mm/dd/yyyy) 12/20/2016

20. Types of Minerals being Extracted or Processed:
a. Primary Commodity _____ b. Secondary Commodity (Optional) _____
c. Other Commodities (Optional) _____

21. Mine Characteristics: a. Applicable to ALL MINES (Check all that apply)
Auger ☐ Dredge ☐ Laboratory ☐ Mill / Prep Plant / Loading Dock ☐ Open Pit / Strip ☐ Shop or Yard ☐ Remining Culm Bank/ Refuse Pile/Tailings ☐

b. Applicable to COAL MINES Only
Highwall Miner ☐

c. Applicable to METAL and NON-METAL MINES Only
Adit ☐ Block Caving ☐ Cut and Fill ☐ Dimensions ☐ Quarry ☐ Longwall ☐
Shaft ☐ Slope ☐ Heap Leaching ☐ In-Situ Leaching ☐ Room & Pillar ☐

22. Other Mine Information: a. Applicable to ALL MINES (check all that apply)
103(i) Status: Ignition ☐ Hazard ☐ 5 Day ☐ 10 Day ☐ 15 Day ☐ Removed ☐ Date entered 103(i) status (mm/dd/yyyy) _____
Explosives Used ☐ Explosives Stored on Surface ☐ Explosives Stored Underground ☐ Treasury Permit/License ☐
Government Owned ☐ Government Operated ☐ Mine Rescue Station at Mine ☐ Safety Committee at Mine ☐ Methane Liberation: _____ cubic ft/24 hrs

b. Applicable to Coal Mines ONLY
No. of Producing Pits _____ No. of Non-Producing Pits _____ No. of Drift Openings _____ No. of Slope Openings _____ No. of Shaft Openings _____ Average Daily Coal Production _____ tons
Primary Coal Bed Name: _____ Average Mine Height (inches): _____ Surface Mines: CH4/02 Test Required ☐ Requires Underground Plans where Non-producing (Y or N) ☐

c. Applicable to METAL and NONMETAL MINES ONLY
Mine Gas Category: _____ No. of Impoundments: _____ No. of Escapeways to Surface: _____ No. of Hoists: _____ No. of Refuge Chambers: _____
Associated Cement Mill: ☐ Kilns: ☐ Electrowinning as Part of Milling: ☐ Produces Ground Silica as a Product: ☐ Hazardous Waste Burned as Fuel: ☐ Channel Burners: ☐ Wire Saws: ☐
Metal Refinery as Part of Milling: ☐ Retort ☐ Roaster ☐ Mechanical Ventilation for Underground Mine: ☐ Natural Ventilation for Underground Mine ☐

Exhibit 7

Mine Information Form
Page 2

MINE - ID **04 - 05839**

U.S. Depart...ent of Labor
Mine Safety and Health Administration

23. Quarterly Report Mailing Address

First Name _____ Middle Initial _____ Last Name _____

Street Address _____

P.O. Box _____

City _____ State _____ Zip Code _____

Phone No. _____ Fax No. _____

24. Mailing Address for Respirable Dust Materilas (COAL ONLY)

First Name _____ Middle Initial _____ Last Name _____

Street Address _____

P.O. Box _____

City _____ State _____ Zip Code _____

Phone No. _____ Fax No. _____

25. Miner's Representative Information (for transmittal of documents)
(Use separate paper for more than one Miner's Representative)

First Name _____ Middle Initial _____ Last Name _____

Street Address _____

P.O. Box _____

City _____ State _____ Zip Code _____

Phone No. _____ Fax No. _____

26. Union Information
(Use separate paper for more than one Union Local Information)

Union Name _____ Local Union Number _____ Union Abbreviation _____

Start Date: (mm/dd/yyyy) _____

End Date: (mm/dd/yyyy) _____

Union Name _____ Local Union Number _____ Union Abbreviation _____

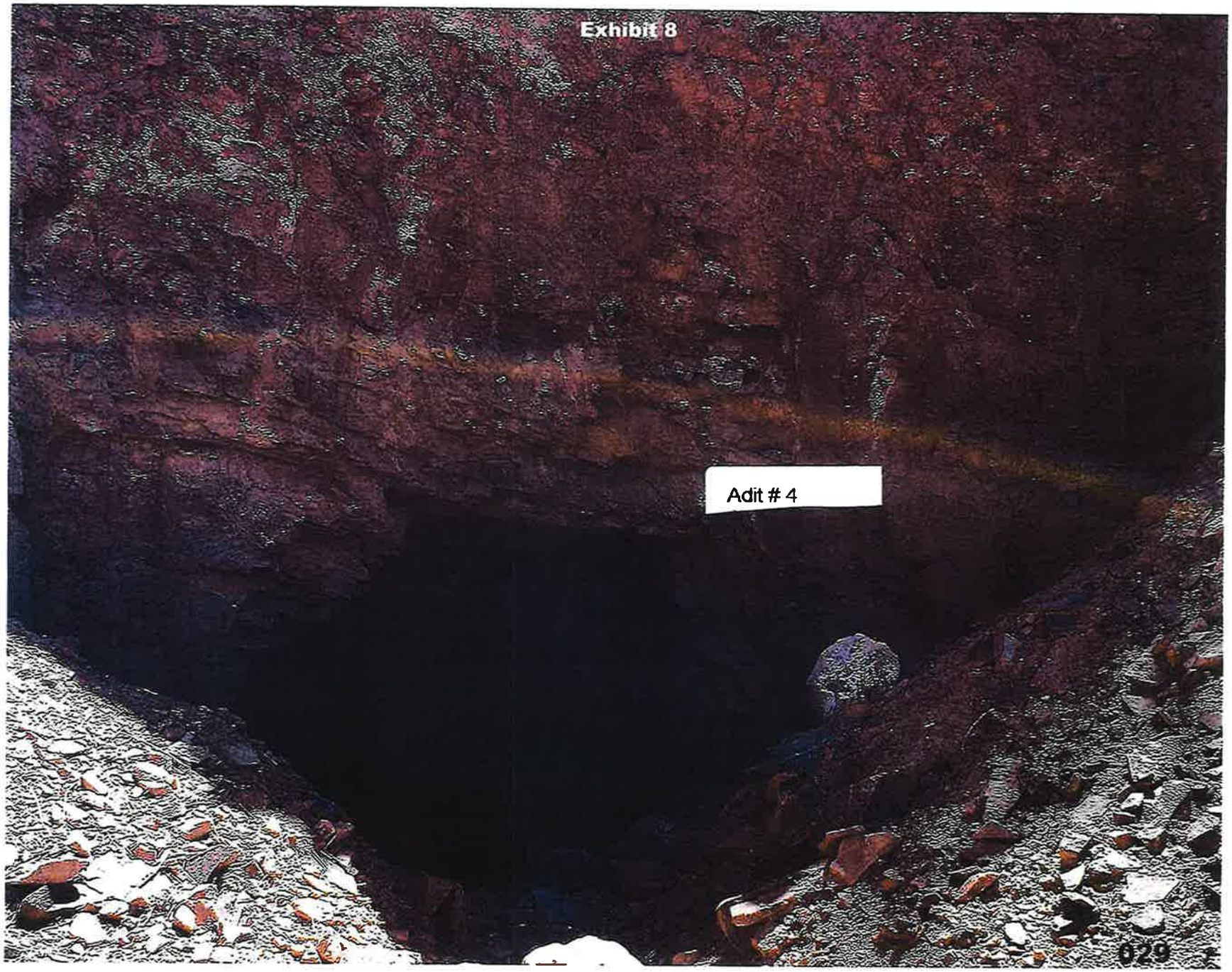
Start Date: (mm/dd/yyyy) _____

End Date: (mm/dd/yyyy) _____

27. Submitted By

AR Number 4080 Date 03/09/2017

AR Name: Miles D. Frandsen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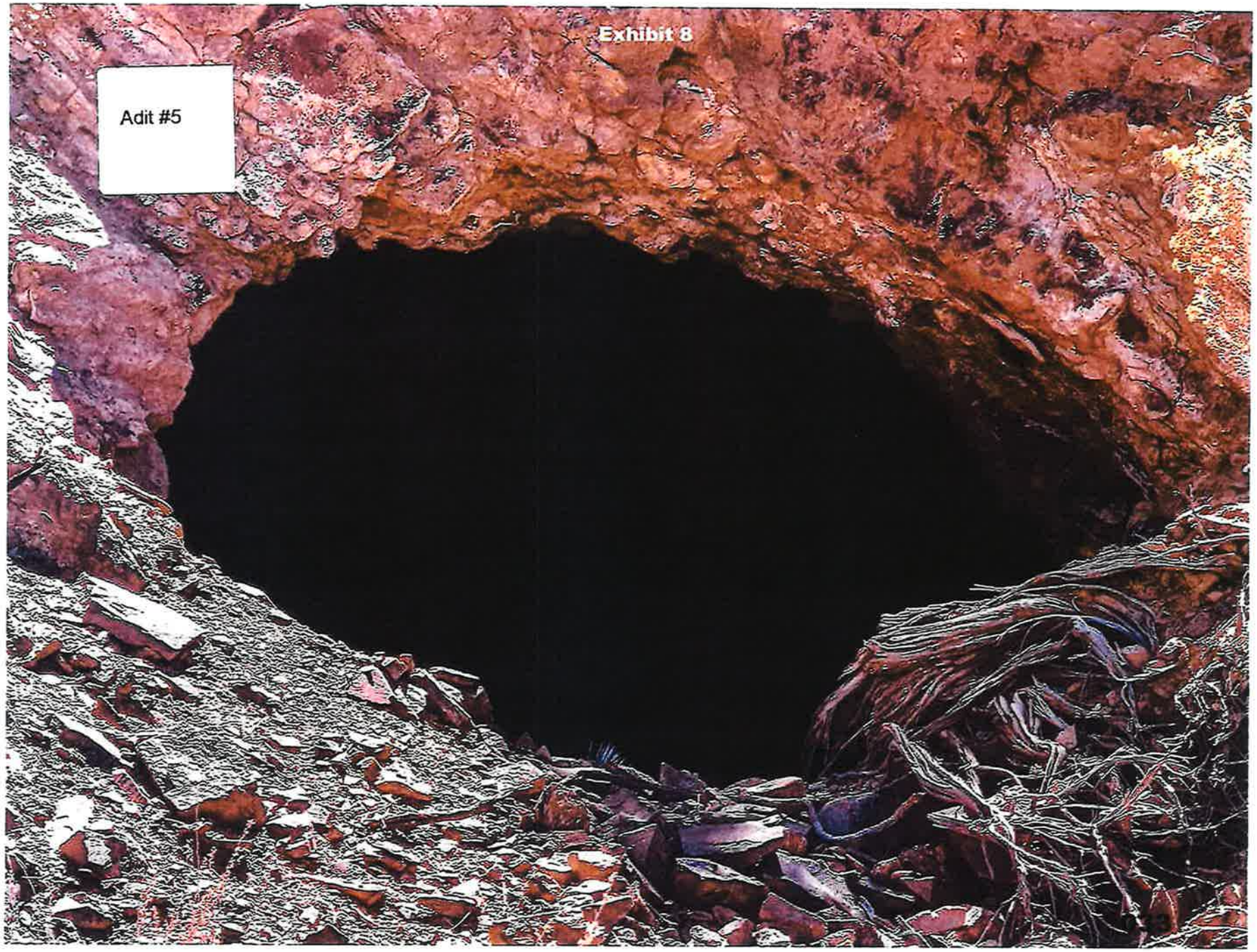
Adit # 4
029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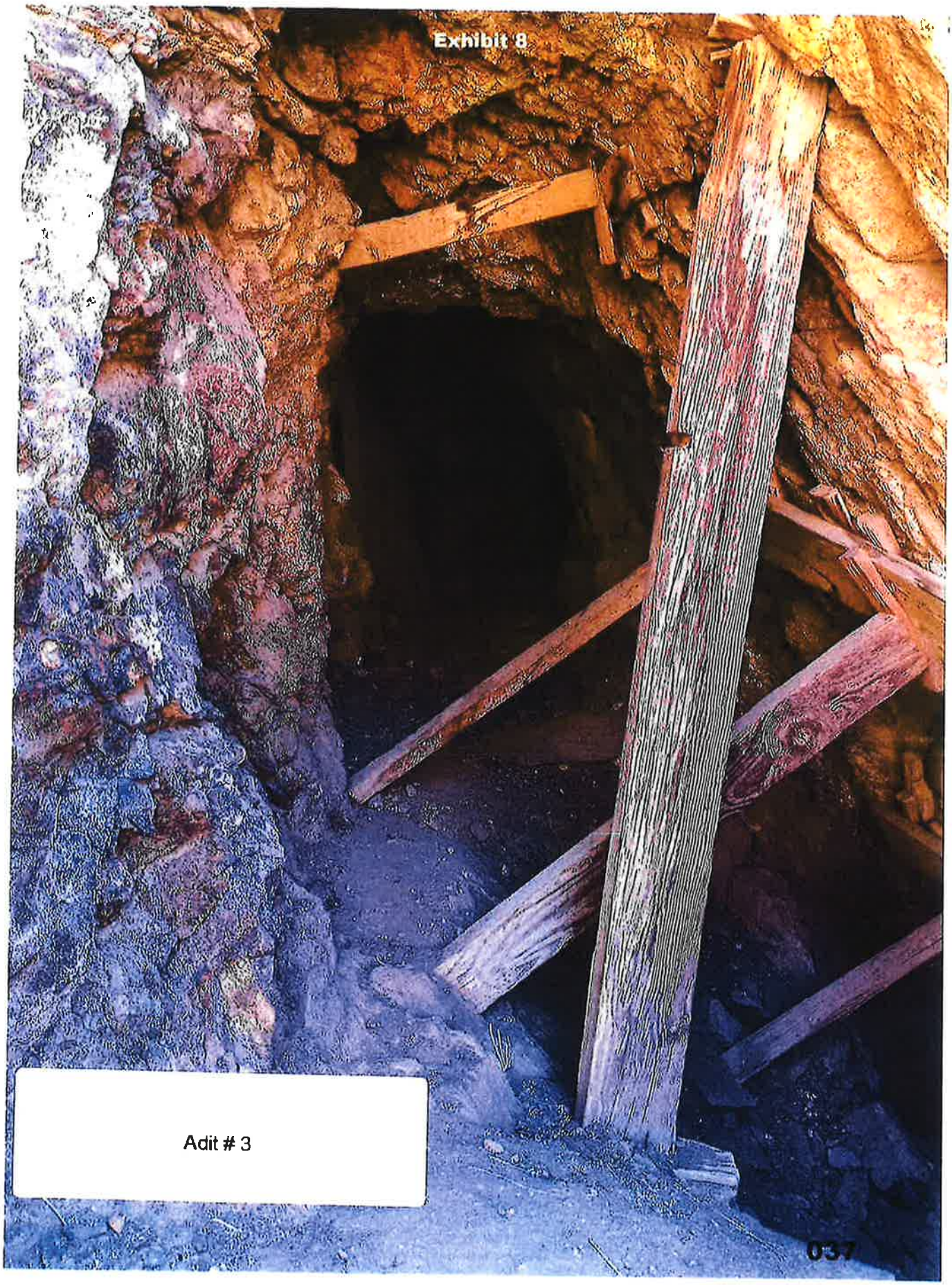
Adit #5

Exhibit 8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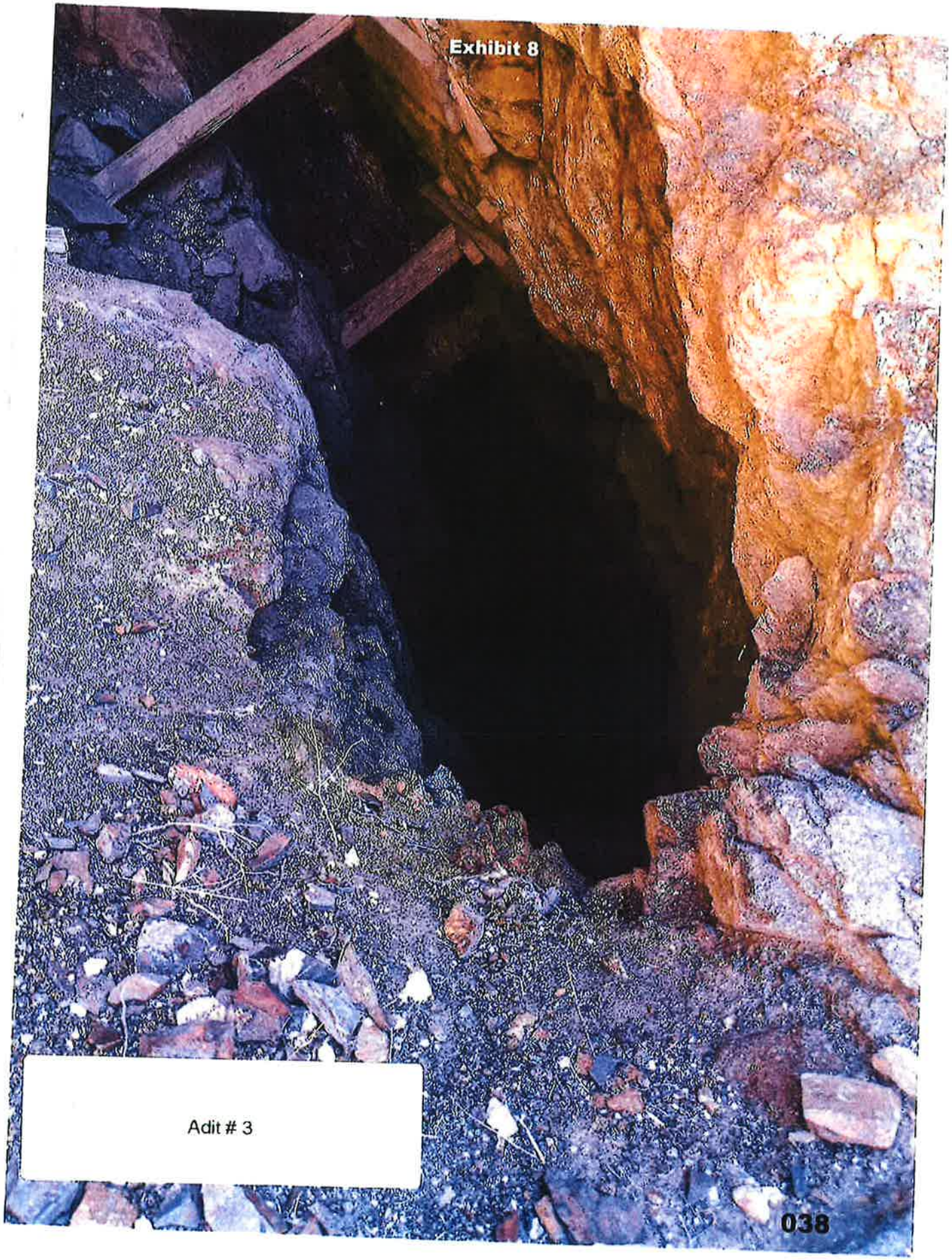
Exhibit 8
Adit # 3

Exhibit 9

Grace Chuchla

From: Will, Blair <bwill@kmtg.com>
Sent: Wednesday, September 22, 2021 1:43 PM
To: Grace Chuchla
Cc: Ryan Smith-Standridge; Cathreen Richards; Porter, Randall K
Subject: RE: Radcliff Mine - Planning Commission Hearing

Hello Grace, Ryan and Cathreen,

It was nice to speak with you today as well. BMC agrees to the closure of Portals 1 and 6 in conformance with the plan approved by BLM. Doug Clair is teed up to do it as soon as he is available, early November at the latest. If you know some recommended excavators who might be available sooner, please forward contact information.

I just got off the phone with John and Andrew. BMC agrees to close or fence the historical portals. Closing Portal 3, the one closest to Clair Camp, should be the easiest, and it will most likely be done with an excavator. Machine access to some of the other portals may be more challenging. It is possible that fencing material may have to be hand-carried to those locations. Andrew is going to go down there and take a look to get a better understanding how to proceed.

I understand your contention regarding the old portals and the Site Plan reference, but I still have the view that those old portals, which were clearly installed prior to enactment of SMARA, do not became subject to the Reclamation Plan simply by a reference on the Site Plan. Had Dave Pruett installed modern portals at those locations (aka "there will be"), then those portals would obviously be subject to SMARA. But the old diggings, no. Those are pre-SMARA site conditions. However, let's not quibble about that, because I don't think we have to. BMC will secure the old adits from public entry and that should resolve the issue.

Best regards,
Blair

Blair W. Will | Attorney
Kronick Moskovitz Tiedemann & Girard | kmtg.com
office: 916.321.4500 | mobile: 619.757.6332

From: Grace Chuchla <gchuchla@inyocounty.us>
Sent: Wednesday, September 22, 2021 10:06 AM
To: Will, Blair <bwill@kmtg.com>
Cc: Ryan Smith-Standridge <rstandridge@inyocounty.us>; Cathreen Richards <crichards@inyocounty.us>; Porter, Randall K <rporter@blm.gov>
Subject: Radcliff Mine - Planning Commission Hearing

Hi Blair:

Good to talk to you today. As we discussed, we'll agree to continue the CUP revocation hearing to the December 8, 2021 Planning Commission meeting. By that date, Radcliff will have portals 1 and 6 fully closed and reclaimed. By that date, Radcliff will also have portals 2, 3, 4, and 5 either 1) closed and fully reclaimed or 2) locked and fenced in a manner that prevents public access to the portals. If both of those things have occurred by December 8, we can take the hearing off calendar. If they haven't both occurred, the Planning Department will pursue revocation of the CUP on December 8.

While we didn't discuss this on the call, I wanted to provide you with some additional information about portals 2, 3, 4, and 5 and the county's basis for believing that those portals fall within BMC's reclamation responsibilities. In the 2007 reclamation plan (attached), section 9.5 calls out the areas not subject to reclamation. That section explains that the historic World Beater mine is not within your reclamation responsibilities and further refers you to Figure 3 (p. 12 of the PDF), which is a map showing areas that do and do not need to be reclaimed. Figure 3 shows that portals 2, 3, 4, and 5 are not within the historic World Beater Mine area, but rather are within the patented land for the Radcliff Mine. Furthermore, the 2007 reclamation plan includes a FACE that was prepared and submitted on February 15, 2008. Under the "Portal Sites" section of that FACE (p. 70 of the PDF), the document state "There *will be* up to five portal sites. The locations are shown on Figure 3." The use of the future tense suggests that, as of the preparation of that FACE, the portals shown on Figure 3 did not exist. Therefore, those portals cannot be pre-SMARA.

Best,
Grace

Grace Chuchla
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gchuchla@inyocounty.us
760-872-0933 (Direct)
760-878-0229 (Main)

Exhibit 10

Grace Chuchla

From: Will, Blair <bwill@kmtg.com>
Sent: Thursday, November 4, 2021 11:23 AM
To: Ryan Smith-Standridge; jhagestad@sares-regis.com
Cc: Grace Chuchla
Subject: RE: radcliff closure

Hello Ryan,

I have spoken with Kyle about this several times and it was my understanding that he was aware we are moving forward with his proposal. I was also under the impression that he knows time is of the essence. I am trying to track him down today to confirm, and find out when he can get out there and do the work. Did you have a chance to tag the debris that you want removed from the site? Thanks.

Regards,
Blair

From: Ryan Smith-Standridge <rstandridge@inyocounty.us>
Sent: Wednesday, November 3, 2021 3:46 PM
To: Will, Blair <bwill@kmtg.com>; jhagestad@sares-regis.com
Cc: Grace Chuchla <gchuchla@inyocounty.us>
Subject: RE: radcliff closure

Blair,
I have talked with Shawn Barker, Kyle's Business partner, since I could not get through to Kyle, and they have not spoken with you. You will need to coordinate with Valley Wide; they were unaware you had chosen to move forward. I wanted to send you a copy of the Public Notice published for the Public hearing. The Planning Department could pull the item depending on if you meet the closure requirement. You are running out of time, and I wanted to keep you moving in the right direction.

From: Ryan Smith-Standridge
Sent: Tuesday, October 26, 2021 5:01 PM
To: 'Will, Blair'
Subject: RE: radcliff closure

Blair,
Yes, please have the check made out to Inyo County Planning. Also, since John has decided to do a surety bond, I have attached the State's newest forms to process the bonds. You will need to submit a rough Draft to DMR-Submittals@conservation.ca.gov while you submit it to Inyo County for approval before the Bonding Company can complete the actual bond. I will include you in the email to DMR when the FACE is approved.

From: Will, Blair [mailto:bwill@kmtg.com]
Sent: Tuesday, October 26, 2021 3:57 PM
To: Ryan Smith-Standridge
Cc: Grace Chuchla
Subject: RE: radcliff closure

Hello Ryan and Grace,

Kyle Mohr, info below. I have made him aware that BMC is under deadline on this and I am trying to get him to commit to a date certain to go to the site, ASAP.

I will speak to John about the inspection fee. Is a check made out to the County ok?

Please let me know if/when you approve the revised FACE. BMC plans to use a surety bond for the new amount, rather than a CD, because (as you may recall) Union Bank is such a pain to deal with.

Best,
BW

Kyle Mohr
Valley Wide Engineering & Construction, Inc.
82740 Trona Rd, Trona, CA 93562
PO Box 907, Trona, CA 93592
P: 970-646-1935
E: Kmohr@vwconstructionservices.com

From: Ryan Smith-Standridge <rstandridge@inyocounty.us>
Sent: Tuesday, October 26, 2021 11:41 AM
To: Will, Blair <bwill@kmtg.com>
Cc: Grace Chuchla <gchuchla@inyocounty.us>
Subject: RE: radcliff closure

Blair,
I am sorry for the delayed response. I have been out in the field. I have gone up and inspected with the Deputy Director of Public works. The 2021 Inspection fee of $450 is due; please submit payment. Would you please provide a contact name and number? I will start marking items the first day Valley Wide plans to arrive at the site.
Also, I wanted to acknowledge that I have received the FACE. Thank you

---

From: Will, Blair [mailto:bwill@kmtg.com]
Sent: Thursday, October 21, 2021 11:29 AM
To: Ryan Smith-Standridge
Cc: Grace Chuchla
Subject: RE: radcliff closure

Hello Ryan,

BMC is using Valley Wide Engineering and Construction to close the portals at Radcliff and do the general clean up. Valley Wide plans to get this work completed within the next approximately four weeks. However, I was unfortunately unable to organize a representative from Valley Wide to attend today's site visit. I appreciate your effort

to identify the specific debris that needs to be cleaned up. Please let me know if the site visit revealed any other items of concern that I should instruct Valley Wide to address when onsite to close the portals etc. Thanks.

Best regards,
Blair