

REQUIRED STIPULATIONS for BLM Sale Contract CACA-58637

1. The operator shall have and maintain an authorized Reclamation Plan in conformance with the California Surface Mining and Reclamation Act and ordinances of the County of Inyo. Before commencing any operations other than reclamation, the operator shall supply BLM with a copy of a County Use Permit authorized by the County of Inyo, and a copy of reclamation bond/performance guarantee complying with county, state & federal requirements. The operator named on the financial instrument (Surety bond, certificate of deposit or other financial instrument) shall conform with that of the authorized operator..

2. Air Quality Control Measures.

a. The operator will employ reasonably available measures to control PM10 emissions including:

<i>Emission Source</i>	<i>Mitigation Measure</i>
Disturbed Surface Area	Apply water and/or dust suppressants as required. Re-vegetate finished areas using native seeds and/or stockpiles topsoil.
Open storage piles	Continuously apply water and/or dust suppressants to produce a surface crust.
Loading/Hauling	Apply water to all stockpiles before loading. Cover loads prior to transport. Remove spilled materials from the loading area to maintain a lower-dust driving surface.
Mobile Equipment	Operate equipment when wind speed is low (25mph or less), at a speed of 15mph or that which produces a maximum of 20% opacity.
Unpaved road(s)	Improve road surface. Control vehicular traffic speed. Continuously apply water and/or dust suppressants. Track out onto paved road Sweep the paved road to reduce entrainment dust.

Other air quality protection measures include:

- The permittee shall have and implement the correct state Air Pollution Control District (APCD) permits before excavating any material. The permittee is required to comply with Rules 400 and 401 of the Great Basin Unified Air Pollution Control District.
- Operations that generate fugitive dust emissions shall be curtailed when wind velocities exceed 25 MPH. Dust-suppressing procedures shall be used on unpaved roads (that is, improving the road surface, applying dust suppressants or water, and/or limiting vehicle speeds to 15 MPH)
- Similar dust suppression measures will be used on open storage piles as needed; particularly if the silt content of such piles exceed 5%. The operation will be modified or additional mitigation applied if fugitive dust emissions exceed APCD standards.

3. Biological Resources

- a) CDFW shall be contacted and any regulations or mitigations proposed by this agency shall be completed, including an incidental-take permit authorizing the take of the Mohave ground squirrels. Further mitigation to reduce the impacts to less than significant levels would be specified in the 2081 Incidental Take Permit issued by CDFW.
- b) All native breeding birds, (except game birds) regardless of their listing status, are protected under the Migratory Bird Treaty Act (MBTA). Potential impacts to nesting birds are significant. When mining occurs between April 15th and July 15th, a survey (within three days prior to work in those areas) is required and must be conducted by a qualified biologist to determine presence/absence of active nests within or adjacent to the area to be mined. This stipulation prevents killing the young of federally and state protected migratory birds. If no nesting activities are detected within 200 feet of the proposed work area, mining activities may proceed. If nesting activity is confirmed, work activities within 200 feet of the active nest shall be delayed until the young birds have fledged and left the nest. Work shall proceed in another location that is at least 200 feet from the nest. A pre-mining survey will not be required if mining activities take place between July 16th and April 14th.
- c) All applicable DRECP Conservation Management Actions (Appendix E of EA) related to minimizing impacts to sensitive plant species, features, communities, or alliances will be implemented, including but not limited to the following:
 - 1 LUPA-BIO-7 Salvage and relocate cactus, nolina, and yucca (e.g., Joshua tree) from the site prior to disturbance using BLM protocols. To the maximum extent practicable for short-term disturbed areas (see Glossary of Terms), the cactus and yucca will be re-planted back to the original site.
 - 2 LUPA-BIO-VEG-5 All activities will follow applicable BLM state and national regulations and policies for salvage and transplant of cactus, yucca, other succulents, and BLM Sensitive plants (e.g., Booth's evening-primrose).

4. Lands and Access

- a. Prior to hauling any material from the Makayla 2 project area, the operator will obtain a BLM-authorized road right-of-way for commercial access between the Makayla 2 minesite and the Gill Station/ Coso Junction (county) Road. This right-of-way will include necessary portions of already-existing BLM travel routes SE-431, SE-435 and (if BLM judges necessary) SE-430.
- b. BLM route SE-435 presently averages approximately 30 feet from berm-to-berm. No widening, re-routing or expansion SE-435 is authorized.
- c. The proposed action includes rerouting⁴ a small portion of BLM Route SE-431 in order to mitigate conflict between heavy equipment usage within the Makayla 2 pit and recreational traffic on SE-431 (see above *Design Features/Environmental Protection Measures*). Such rerouting will be done in a way that retains visitor enjoyment and retains safe access.

5. Soils.

The operator will ensure compliance with the existing reclamation plan and California Surface Mining and Reclamation Act, including:

- a. Scraping topsoil from the top 6 inches of the area to be mined prior to mining operations;
- b. stockpiling, labeling, and protecting removed soil during the operation;
- c. spreading that soil over the re-contoured areas when reclaiming the site to a uniform depth of not less than 6 inches and then stabilized in a manner that retains the material in place and will insure maximum seed-bed preparation.
- d. Ensure that topsoil is not be compacted or stabilized to the degree that the topsoil is not a viable growing medium. Upon completion of operations, reclaim the area to simulate natural contours and native vegetative cover.

6. Special Areas- ACEC and CDNCL

- a. For the portion of the proposed activity that is located on undisturbed land (12.8 acres), the required disturbance mitigation ratio is 3:1 (per DRECP), therefore 38.4 acres will need to be mitigated. It takes decades for arid environments such as this area to fully restored, but active rehab will assist with this process.

Following reclamation, the abundance and diversity of plants would be lower than prior to the operation. Pioneer species would colonize the sites. These plants, in turn, would be followed by short-lived shrubs and eventually long-lived shrubs. The site would not return to its pre- disturbance species mix and biomass for at least 50 years.

- b. Ground disturbance mitigation must occur within the management unit within which it occurs. Mitigation opportunities would be investigated and decided on in consultation with the BLM and other agencies or parties as required. Ground disturbance mitigation is required to be completed within 12 months of disturbance. Southwest Pumice would remain in communication with the BLM regarding project progress and actual disturbance of the chosen alternative to ensure the correct acreage of ground disturbance mitigation is completed within the required time frame. The BLM must approve any restoration and revegetation techniques.
- c. In addition, the Design Features and Environmental Protection Measures in Section 2.1 will minimize impacts to both the CDNCL and ACEC units. Some important measures include resource setbacks to avoid Focus and BLM special status species, no surface disturbance is authorized outside of the proposed operational areas, and weed management including but not limited to monitoring of non-native invasives and cleaning vehicles, which would assist with re-vegetation of natives in the future.

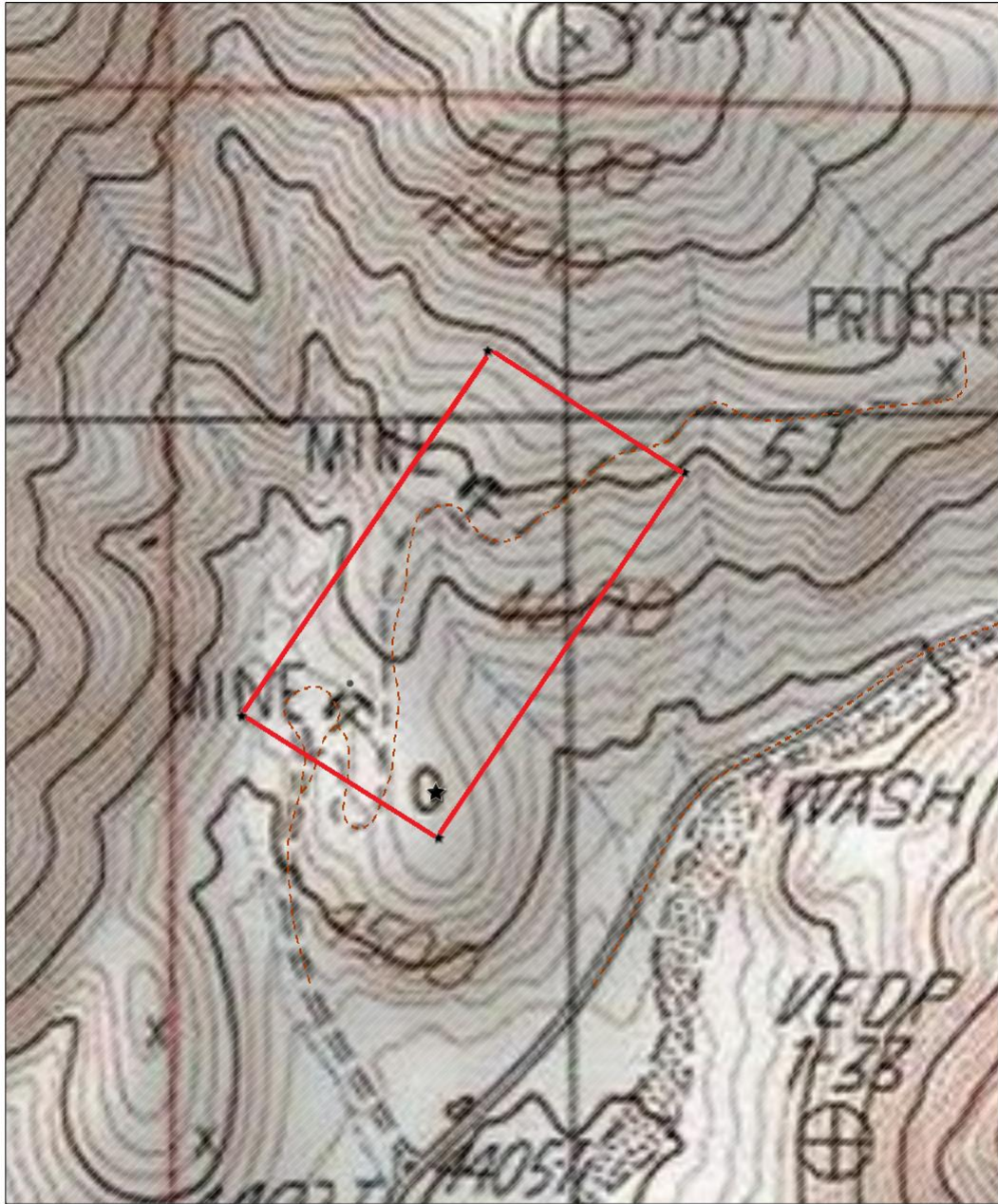
7. Applicant Design Features/Environmental Protection Measures. The following measures of the applicant are accepted and made part of the stipulations of this contract, as:

- A biologist would be on-site during excavations and equipment movement as needed to ensure avoidance and minimization measures are appropriately implemented;
- Pre-construction surveys for special status wildlife species will be conducted prior to activities to establish resource avoidance areas such as.
- The presence of a biological monitor would be used to establish sensitive resource avoidance areas as needed.
- Resource setbacks would be identified to avoid and minimize adverse effects to specific biological resources such as suitable habitat for Focus and BLM special status species, if present;
- Seasonal restrictions would be implemented or visual barriers installed for activities which may impact BLM special status species, if present;
- Worker education would be implemented to cover topics including, but not limited to, biological resource identification and protections, avoidance, reporting, and protection measures; the described predator subsidy management standards would be implemented as part of the Project design including, but not limited to, controlling food subsidies, water subsidies, and breeding site
- Subsidized predator standards will be implemented-All trash and food items shall be promptly contained within closed, raven-proof containers or placed out of site in vehicles with closed windows.

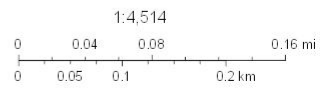
- Check under vehicles and equipment for tortoises before moving. If a tortoise is found underneath one, operator must wait until it leaves on its own accord.
- Vehicular traffic will not exceed 15 miles per hour on BLM access roads.
- All native breeding birds, (except game birds) regardless of their listing status, are protected under the Migratory Bird Treaty Act (MBTA). Potential impacts to nesting birds are significant. When mining occurs between April 15th and July 15th, a survey (within three days prior to work in those areas) is required and must be conducted by a qualified biologist to determine presence/absence of active nests within or adjacent to the area to be mined. This stipulation prevents killing the young of federally and state protected migratory birds. If no nesting activities are detected within 200 feet of the proposed work area, mining activities may proceed. If nesting activity is confirmed, work activities within 200 feet of the active nest shall be delayed until the young birds have fledged and left the nest. Work shall proceed in another location that is at least 200 feet from the nest. A pre-mining survey will not be required if mining activities take place between July 16th and April 14th.
- Weed management practices would be implemented as part of the Proposed Action operations including but not limited to vehicle cleaning, use of weed-free materials, and monitoring for weeds;
- Proposed Action activities would be confined to the designated routes and mine site.
- CDFW shall be contacted and any regulations or mitigations proposed by this agency shall be completed, including an incidental-take permit authorizing the take of the Mohave ground squirrels, Joshua trees, etc. Further mitigation to reduce the impacts to less than significant levels would be specified in the 2081 Incidental Take Permit issued by CDFW.
- The described closure and decommissioning measures would be covered by the site reclamation activities which will be approved by BLM
- The operator will obtain and adhere to the required permits or authorizations from the Great Basin Unified Air Pollution Control District (GBUAPCD). The operator will adhere to the required GBUAPCD prohibitions including fugitive dust precautions such as road watering or chemical applications for dust control, particulate matter standards, and nitrous oxide emission standards. A fugitive dust control plan would be prepared. Measures include covering loads and removing spilled materials from the loading area to maintain a lower-dust driving surface.
- Up-to-date industry practices would be used to prevent toxic substances from leaching into the soils;
- An emergency response plan would be prepared for the control of spills prior to Project initiation;

- The proponent will be required to follow all federal and state laws and regulations, including the Clean Air Act and the California Surface Mining and Reclamation Act, with site reclamation to be guaranteed by a reclamation bond mutually acceptable to the Bureau of Land Management, the County of Inyo and the State of California.
- No surface disturbance is authorized outside of the proposed operational areas.
- Rerouting of a small portion of BLM Route SE-431 will be done to mitigate conflict between heavy equipment usage within the Makayla 2 pit and recreational traffic on SE-431.

Makayla 2 Pumice Sale CACA-58637



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