



Colorado River Basin Regional Water Quality Control Board

Certified Mail: 7020 1810 0002 0761 0575

September 30, 2021

Bill Martinich, General Manager
Western Mesquite Mines, Inc.
6502 East Highway 78
Brawley, CA 92227
bill.martinich@equinoxgold.com

NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER 2004-0004-DWQ, STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES TO WATERS DEEMED BY THE U.S. ARMY CORPS OF ENGINEERS TO BE OUTSIDE OF FEDERAL JURISDICTION, WESTERN MESQUITE MINES, INC.- BROWNIE NORTH EXPLORATION PROGRAM PROJECT (WDID 7A133167001), IMPERIAL COUNTY

On August 26, 2021, Western Mesquite Mines, Inc. (WMMI or Permittee) submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order 2004-0004-DWQ, *Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction*.

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) has reviewed your enrollment materials and finds that the dredge/fill discharges associated with the Brownie North Exploration Program Project (Project) meet the requirements for enrollment. You are hereby enrolled under Order 2004-0004-DWQ and may proceed with the Project in accordance with the Order.

A copy of [Order 2004-0004-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) can be found on the State Water Board's Adopted Orders webpage.

Please familiarize yourself with the requirements of Order 2004-0004-DWQ. You are responsible for complying with all applicable Order requirements. Failure to comply with Order 2004-0004-DWQ constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

NANCY WRIGHT, CHAIR | PAULA RASMUSSEN, EXECUTIVE OFFICER

PROJECT DESCRIPTION, IMPACTS, AND MITIGATION:

The Project is an exploratory drilling program in an area northeast of the City of Brawley, in Imperial County. The purpose of the Project is to gather geophysical data that helps to better define the mineralization in the Brownie North area and whether development of the area is economically feasible. Project work will take place within an area of the existing property of Mesquite Mine.

The Project involves the building of up to 25 pads to drill exploration holes and up to 1,850 feet of new roads to get to certain pads where there are no access roads. Drilling pads would be approximately 40 feet by 40 feet (0.037 acres) each, and each pad would include a temporary sump for containing drilling fluids and cuttings (i.e., native soils from bore holes). Once the geological data has been collected from the holes, WMMI will restore the area to pre-Project conditions.

The unnamed ephemeral streams where four of the drilling pads and portions of new access roads will be constructed are waters of the state. The Project will temporarily impact a total of 0.14 acres/236 linear feet of ephemeral streams as a result of dredge and fill. The ephemeral streams do not have any connectivity to federal waters.

WMMI will implement measures to protect Mojave Desert tortoise (*Gopherus agassizii*), other wildlife, plant resources, habitat; and use best management practices. WMMI will also implement the measures outlined in their Biological Opinion.

PROJECT LOCATION:

The Project is located approximately 35 miles east-northeast of the City of Brawley just north of Highway 78. The latitude and longitude of the waters of the state impacted by the Project are listed below. Maps showing the Project location and impact locations are found in Attachment A of this Order.

Impact Location	Latitude	Longitude
1	33°04'03" N	-115°00'21" W
2	33°04'05" N	-115°00'19" W
3	33°04'02" N	-115°00'17" W
4	33°04'08" N	-115°00'15" W
5	33°04'06" N	-115°00'13" W
6	33°04'06" N	-115°00'13" W
7	33°04'03" N	-115°00'13" W
8	33°04'03" N	-115°00'12" W
9	33°04'07" N	-114°59'59" W

FEES RECEIVED:

An Application fee of \$2,066 was received on July 20, 2021. The remaining Project fee of \$512, based on total Project impacts, was received on September 14, 2021. The fee amounts were determined as required by California Code of Regulations, title 23,

sections 3833(b)(3) and 2200(a)(3), and were calculated as category A – Fill and Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

On May 27, 1998, Imperial County, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse [SCH] Number 1998041136) for the Project and filed a Notice of Determination (NOD) at the SCH on May 27, 1998.

As a responsible agency, the Colorado River Basin Water Board has reviewed and considered the environmental document prepared by Imperial County and finds that it addresses the Project's water resource impacts. (California Code of Regulations, title 14, § 15096, subd. (h).) Pursuant to CEQA, the Colorado River Basin Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment B.

AVOIDANCE AND MINIMIZATION MEASURES:

The Permittee must implement the avoidance and erosion control methods as proposed in the Project application, as well as comply with all applicable requirements in Order 2004-0004-DWQ.

TERMINATION OF COVERAGE:

Upon completion of the Project, the Permittee shall submit a complete Notice of Termination (NOT) requesting to be disenrolled under Order 2004-0004-DWQ. Attachment 2 to Order 2004-0004-DWQ contains the NOT form.

If you have questions concerning this matter, please contact Kai Dunn, 401 Water Quality Certification Program Manager, at (760) 776-8986 or at Kai.Dunn@waterboards.ca.gov.

Sincerely,

Original Signed By

Paula Rasmussen
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

Enclosures: 1) Attachment A Project Maps
2) Attachment B CEQA Findings
3) Order No. 2004-0004-DWQ

KD/

cc via email: Ron Leiken, Environmental Manager, WMMI, ron.leiken@equinoxgold.com

File: 7A133167001, RM 444431, Western Mesquite Mines, Inc. Brownie North Exploration Program Project, Order 2004-0004-DWQ

Attachment A
Project Maps

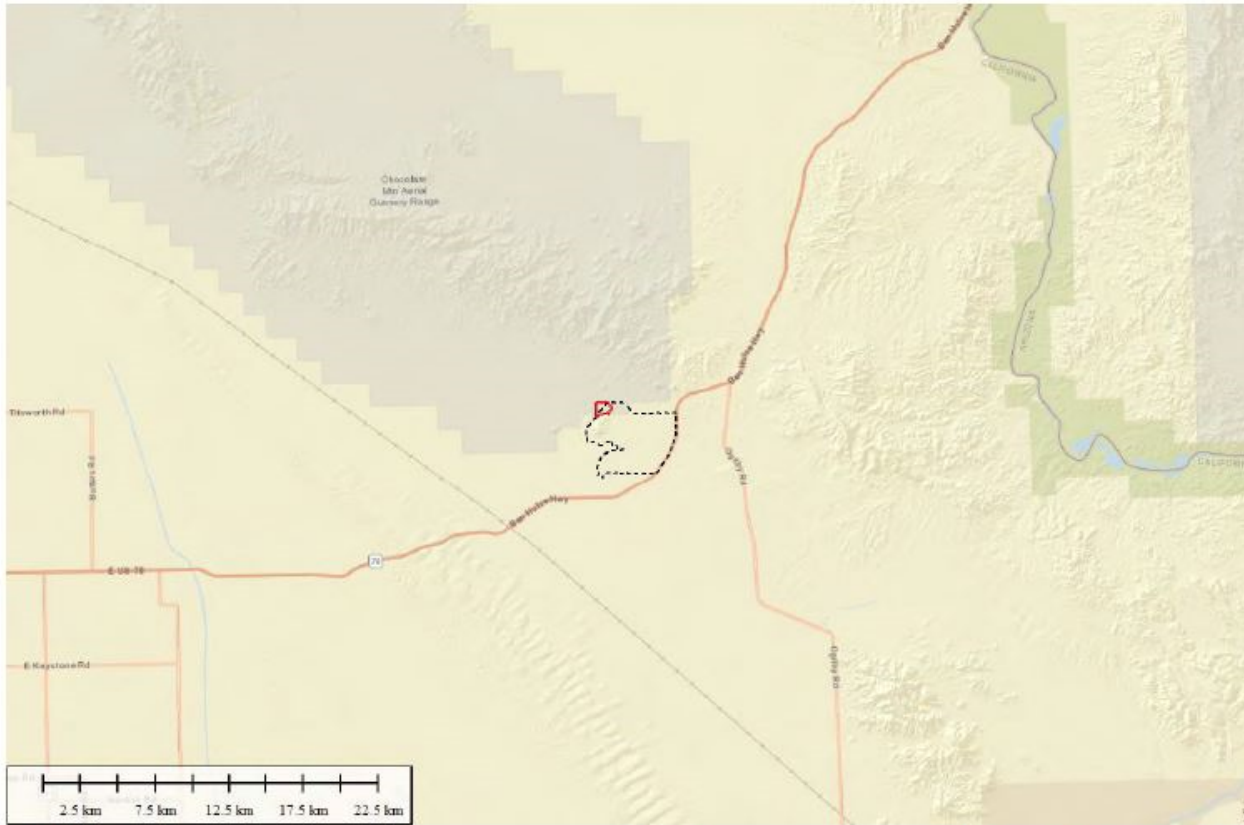




Figure 1
Location Map
Jurisdictional Delineation
Brownie Area, Mesquite Mine
Brawley, Imperial County, California

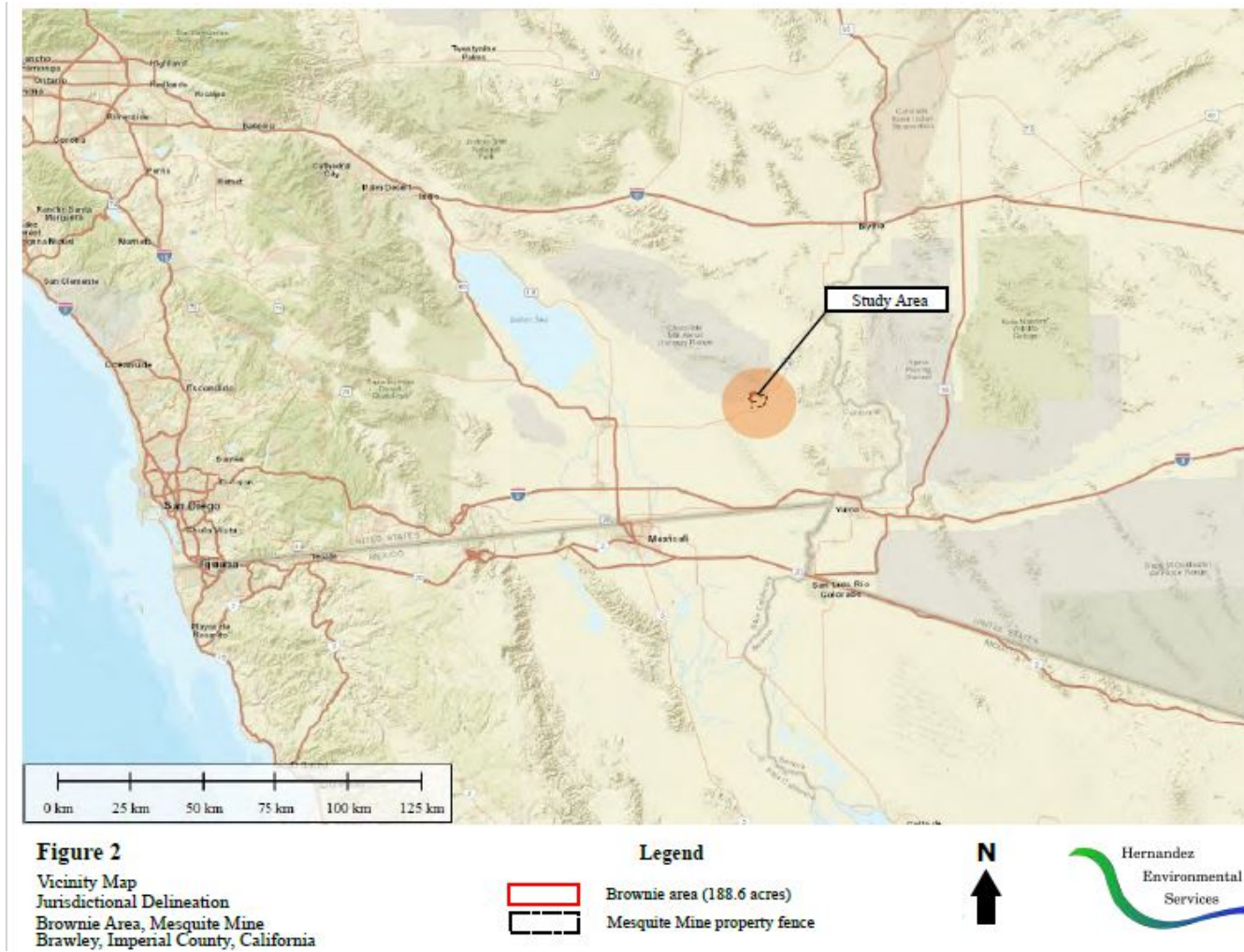
Legend

-  Brownie area (188.6 acres)
-  Mesquite Mine property fence



(Hernandez Environmental Services, 2021).¹

¹ Hernandez Environmental Services (HES), June 2021. Jurisdictional Delineation for Mesquite Mine Brownie North Exploration Drilling- Imperial County California.



(HES, 2021).



Figure 3
Drill Pads and Roads Map
Jurisdictional Delineation
Brownie B Area, Mesquite Mine
Brawley, Imperial County, California



(HES, 2021).

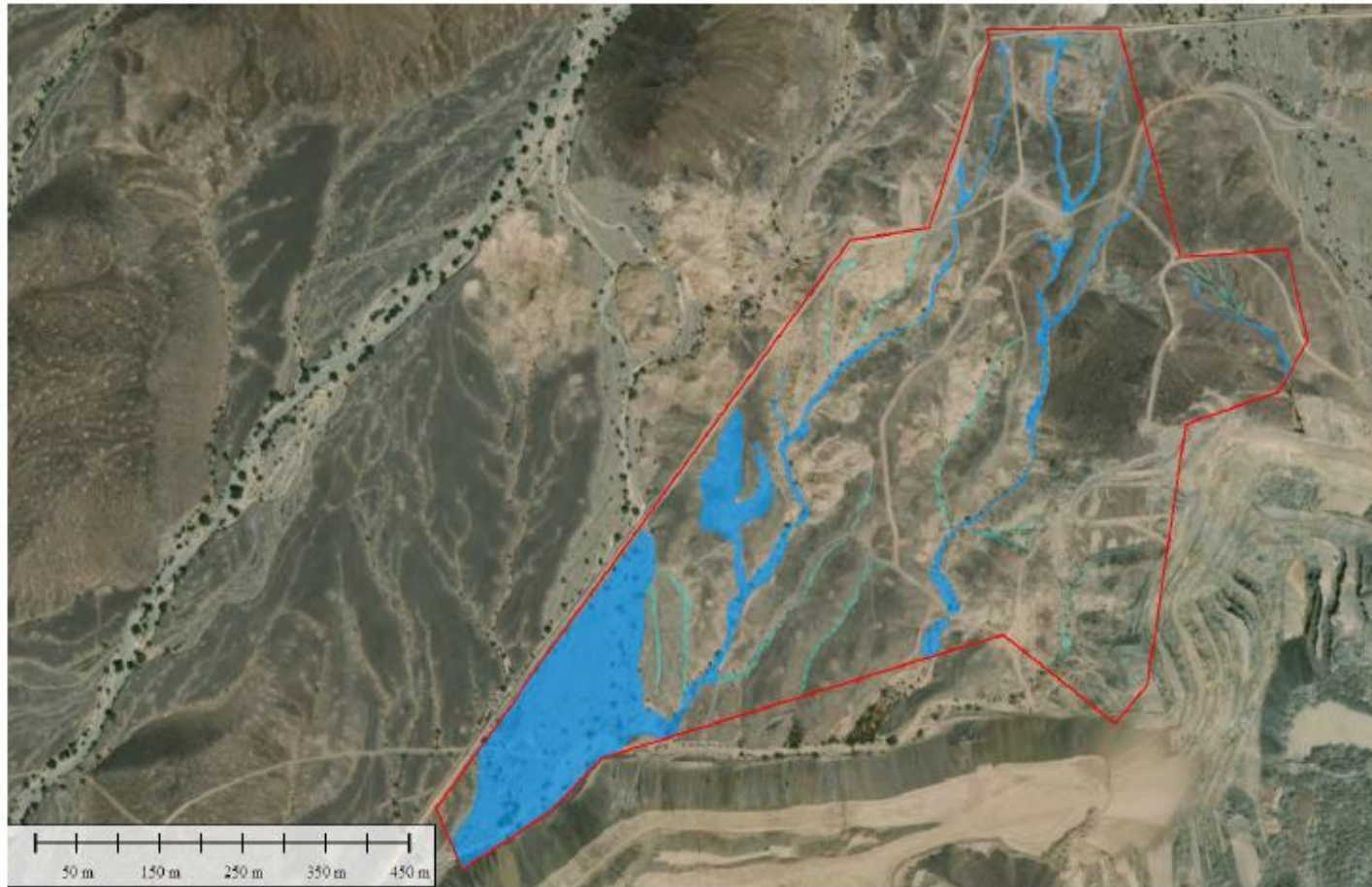
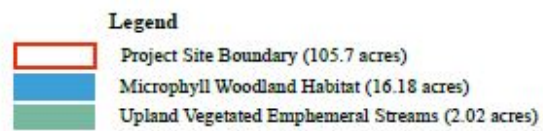


Figure 4
CDFW & Waters of the State Map
Jurisdictional Delineation
Brownie B Area, Mesquite Mine
Brawley, Imperial County, California



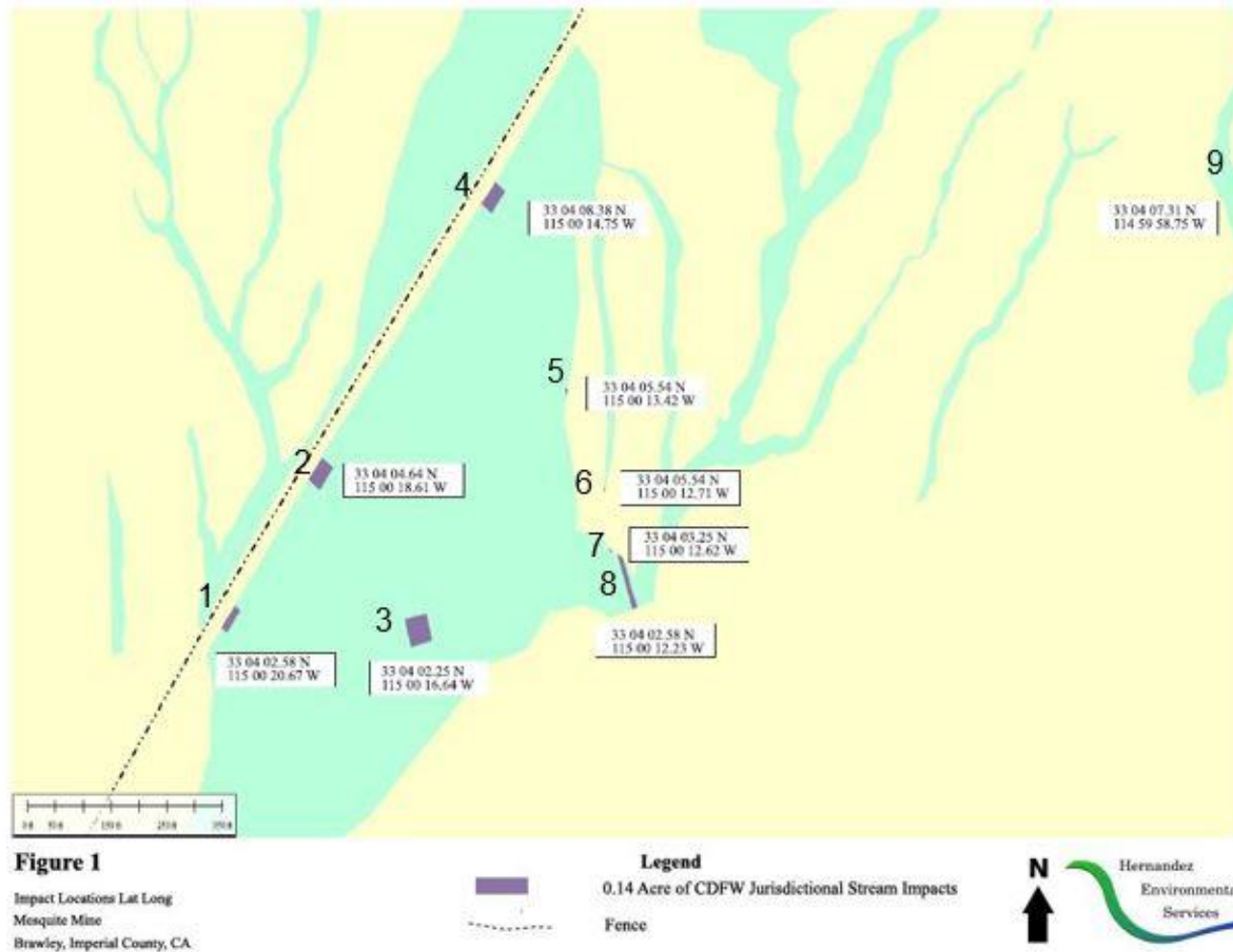
(HES, 2021)



Figure 5
CDFW & Waters of the State Impacts Map
Jurisdictional Delineation
Brownie Area, Mesquite Mine
Brawley, Imperial County, CA



(HES, 2021)



(WMMI, 2021)²

² WMMI, September 2021. Map provided by Permittee. Numbers showing impact locations were added.

Attachment B CEQA Findings

A. Environmental Review

On May 27, 1998, Imperial County, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse [SCH] Number 1998041136) for the Project and filed a Notice of Determination (NOD) at the SCH on May 27, 1998.

The Colorado River Basin Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that the Permittee's adopted environmental document comports with the requirements of CEQA and is valid (Public Resources Code, §§ 21080.1(a), 21167.2). The Colorado River Basin Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the Permittee addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation measures developed by the Permittee that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the approved IS/MND, MMRP, and the application for this Order. All CEQA project impacts are analyzed in detail in the IS/MND which is incorporated herein by reference. The IS/MND is available at: 939 Main Street, Suite B-1, El Centro, California, 92243.

The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

C. Findings and Determination

The IS/MND describes the potential significant environmental effects to water resources that were mitigated in the IS/MND. Having considered the whole of the record, the Colorado River Basin Water Board has determined that there is no substantial evidence that the Project or any of its aspects could result in significant adverse impacts to water resources, when implemented in accordance with the mitigation measures required in MMRP and the conditions in this Order. (Cal. Code Regs., tit. 14, § 15096, subd. (h).)