

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD – LAHONTAN REGION

BISHOP MILL PROJECT

State Clearinghouse Number: 2011051005



FINAL ENVIRONMENTAL DOCUMENTATION PACKAGE

July 13 and 14, 2011

CONSIDERATION AND ADOPTION OF THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD – LAHONTAN REGION

BISHOP MILL PROJECT

Whereas a Mitigated Negative Declaration was prepared dated May 3, 2011 on the Project which includes: a description of the Project; the location of the Project; findings that the Project, with mitigation, will not have a significant effect on the environment; an Initial Study documenting the potential impacts, incorporated mitigation measures and information supporting the finding of no significant impact; and mitigation measures included in the Project that will avoid the potentially significant effects;

Whereas the Mitigated Negative Declaration was circulated through the California Office of Planning and Research, to responsible agencies and the interested public from May 3, 2011 through June 1, 2011 and two comment letters were received (Attachment A);

Whereas the Mitigated Negative Declaration was noticed in the May 5, 2011 edition of The Inyo Register;

Now therefore, at the July 13 and 14, 2011 hearing, the Regional Board finds "that upon review of the Initial Study and comments received that there is no substantial evidence that the Project will have a significant impact on the environment."

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: Regional Water Quality Control
Board – Lahontan Region
2501 Lake Tahoe Blvd
South Lake Tahoe, CA 96150

Inyo County Clerk/Recorder
168 N Edwards ST
PO Box F
Independence, CA 93526

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: Bishop Mill Project

2011051005
State Clearinghouse Number

Tom Gavigan
Contact Person

(530) 542-5429
Phone Number

Project Location: Inyo County, Bureau of Land Management property, located approximately one mile west of U.S. Highway 6 on Rudolph Road, approximately nine miles northeast of the Town of Bishop, California

Project Description:

The Project consists of updating and re-commissioning an existing ore milling facility. The updates include construction of a new double-lined waste impoundment for spent tailings produced during the milling process. The new waste management unit (WMU) will be designed, constructed and operated in accordance with applicable regulations to protect water quality.

This notice serves to advise that the Regional Water Quality Control Board – Lahontan Region has approved the Project, as described above and analyzed in the May 3, 2011 Initial Study, on July 13 and 14, 2011 and has made the following determinations regarding the Project:

1. The Project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this Project pursuant to the provisions of the California Environmental Quality Act (CEQA).
3. Mitigation measures were made a condition of the approval of the Project.
4. A mitigation and monitoring plan was adopted for this Project (Attachment B).
5. A statement of overriding conditions was not adopted for this Project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the general public at the Regional Water Quality Control Board – Lahontan Region, 2501 Lake Tahoe Boulevard, South Lake Tahoe, California, 96150.

Date Received for Filing and Posting at OPR: July 15, 2011.

Regional Water Quality Control Board -
Lahontan Region

Title

RESPONSE TO COMMENTS

Comments in the form of letters and emails were received from the public on the Project (Attachment A). A summary of the comments received is provided below followed by a formal response to the comments:

Commenter 1 – Rosander–California Department of Transportation, 27 May 2011

1.1. Rudolf Rd. is a County Road w/ a paved access apron at Highway 6. The access is sufficient, so no Caltrans' comments for this project. However, for correctness you may wish to change "State Route 6" to "US 6 "throughout the document.

Response – Comment noted. See next section, MODIFICATIONS TO THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION DATED MAY 3, 2011, for revisions.

Commenter 1 – Singleton – Native American Heritage Commission, 27 May 2011

1-1. Submits letter from Native American Heritage Commission (NAHC) that includes state and federal statutes to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as consulting parties under both state and federal law.

Response – Comment noted.

1-2. States that the NAHC Sacred Lands File search identified no Native American cultural resources within the area of potential effect (APE), but that there are Native American Cultural Resources in close proximity to the APE.

Response – Comment noted.

1-3. Recommends contacting the California Historic Resources Information System (CHRIS) California Office of Historic Preservation for pertinent archaeological data within or near the APE.

Response – Comment noted. As discussed on page 32, Bureau of Land Management archaeologist staff submitted the cultural resource inventory report (CA170-11-30) to the regional Information Center for disclosure of negative survey results.

1.4. States that Project should include provisions for accidentally discovered archaeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of human remains in a project location other than a dedicated cemetery.

Response – See mitigation measures CUL-1: Eligibility Evaluations, CUL-2: Data Recovery Plan and Programmatic Agreement, and CUL-3: Protect Undiscovered Human Remains (pages 32-33 of the Initial Study). The mitigation and monitoring plan (Attachment B) incorporates these provisions and processes into the project description.

MODIFICATIONS TO THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION DATED MAY 3, 2011

The following changes are made to the Initial Study dated May 3, 2011. Underlined text is new text that has been added to the Initial Study. Text that is shown in ~~strikeout~~ has been removed from the Initial Study.

Section 1.4, pages 1 and 2, Section 2, pages 24, 25, 28, 38, 42 and 46: Change State Route (SR) 6 to Highway (Hwy) 6.

~~State Route (SR) 6.~~ U.S. Highway (Hwy) 6

Section 2, page 40: Change 20 gpm to 20 gph.

~~20 gpm.~~ 20 gph

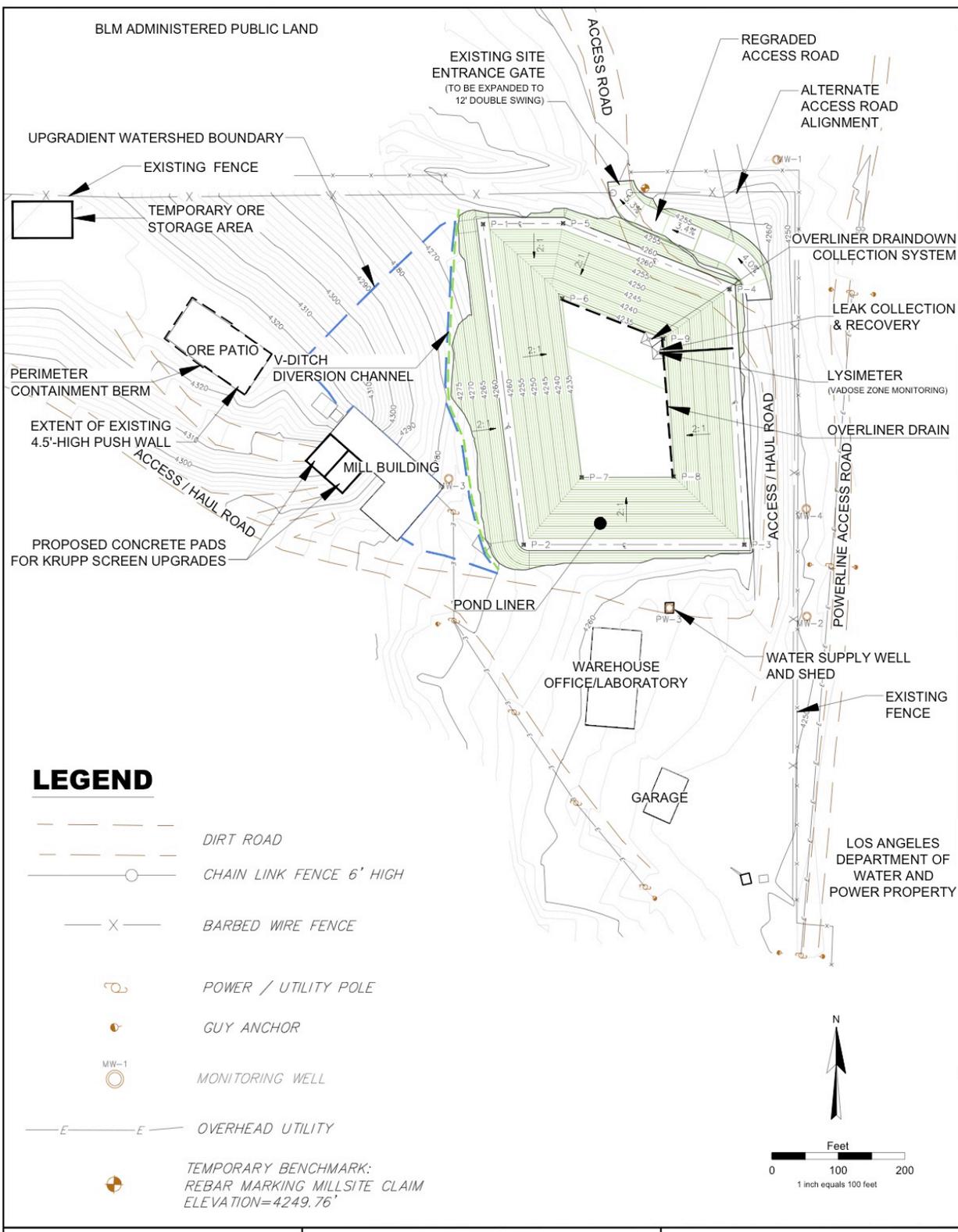
Section 2, page 32: Add “not”.

Because historical resources as defined in PRC section 15064.5 will not be disturbed within the Project area, the Project will not cause substantial adverse change in the significance of a historical resource or create a significant impact.

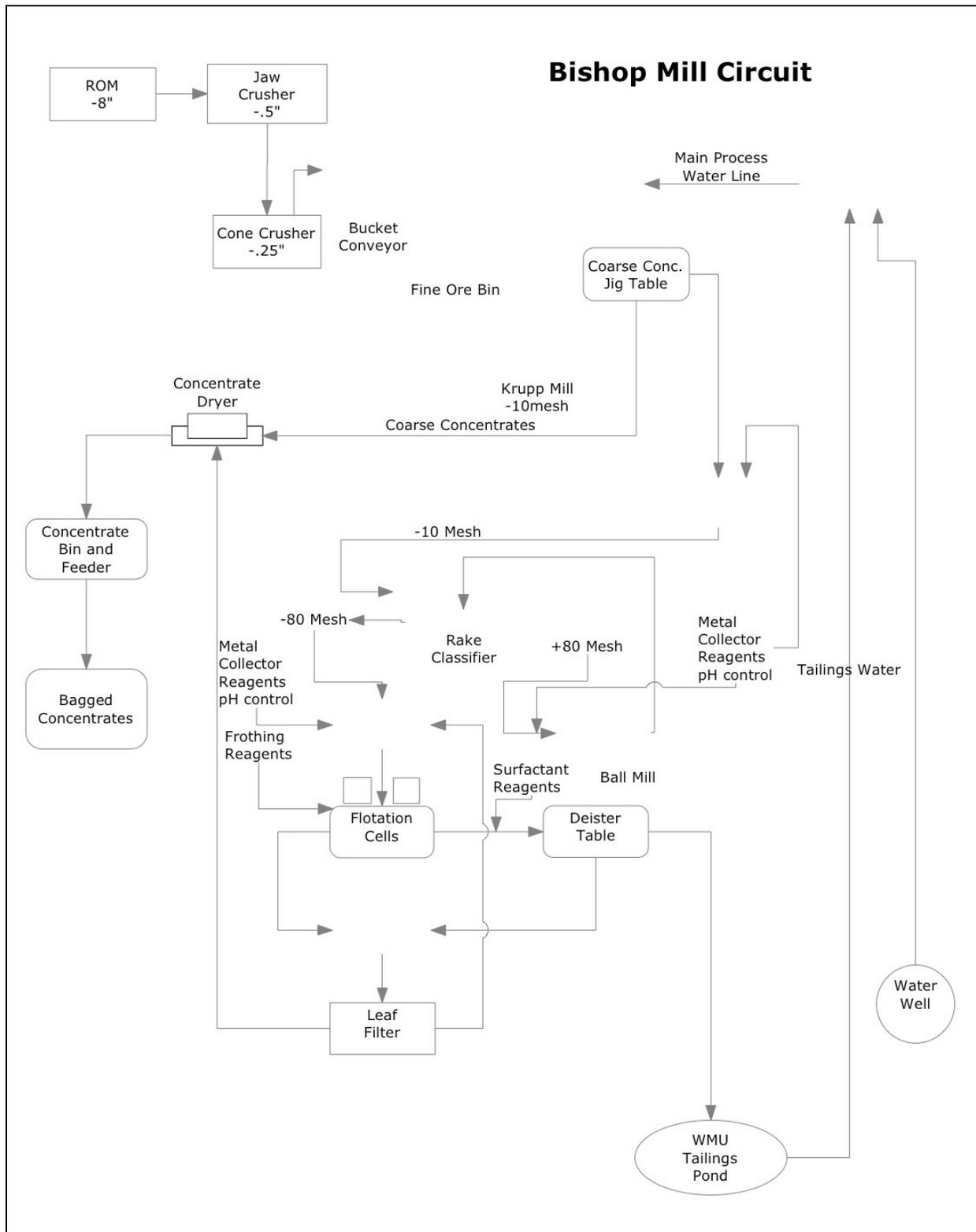
Section 2, page 38: Correct IXb to Less than Significant Impact to agree with analysis conclusions.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY				
Would the Project:				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?		X	<u>X</u>	

Section 1.8.2, page 7 and Appendix C: Replace Figure 3 in Initial Study with modified figure that follows. Add figure as a new Attachment D of Appendix C.



Section 1.8.2, page 8, Appendix A page 16, Appendix B page 25, and Appendix C
Attachment C: Replace figures with modified Figure that follows.



Appendix F: Add USFWS Species List (May 6, 2011 Letter).



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
81440-2011-SL-0263

May 6, 2011

Garth Alling
Hauge Brueck Associates LLC
PO Box 10291
Zephyr Cove, Nevada 89448

Subject: Species List for the Bishop Mill Project, Inyo County, California

Dear Mr. Alling:

This letter is in response to your request, dated March 31, 2011, and received in our office on April 4, 2011, for information on listed species that may occur in the vicinity of the subject project. The proposed project is located on Bureau of Land Management (Bureau) land approximately 1 mile west of State Route 6 on Rudolph Road and approximately 9 miles northeast of the City of Bishop (Hauge Brueck Associates 2011). The proposed project would involve the reactivation of a milling operation and the construction of a tailings pond. The mill would process up to 96 tons per day of gold-bearing ores transported from off-site mining locations. The proposed project is subject to the provisions of the California Environmental Quality Act and the National Environmental Policy Act (Hauge Brueck Associates 2011).

The federally threatened Fish Slough milkvetch (*Astragalus lentiginosus* var. *piscinensis*) and its critical habitat and the endangered Owens pupfish (*Cyprinodon radiosus*) may occur in the vicinity of the proposed project.

This list of species fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act of 1973, as amended (Act). The Bureau, as the lead Federal agency for the project, has the responsibility to review its proposed activities and determine whether any listed species may be affected. If the project is a construction project which may require an environmental impact statement¹, the Bureau has the responsibility to prepare a biological assessment to make a determination of the effects of the action on the listed species or critical habitat. If the Bureau determines that a listed species or critical habitat is likely to be adversely affected, it should request, in writing through our office, formal

¹ "Construction project" means any major Federal action which significantly affects the quality of the human environment designed primarily to result in the building of structures such as dams, buildings, roads, pipelines, and channels. This includes Federal actions such as permits, grants, licenses, or other forms of Federal authorizations or approval which may result in construction.



Garth Alling

2

consultation pursuant to section 7 of the Act. Informal consultation may be used to exchange information and resolve conflicts with respect to threatened or endangered species or their critical habitat prior to a written request for formal consultation. During this review process, the Bureau may engage in planning efforts but may not make any irreversible commitment of resources. Such a commitment could constitute a violation of section 7(d) of the Act.

We also recommend that you review information in the California Department of Fish and Game's Natural Diversity Data Base. You can contact the California Department of Fish and Game at (916) 324-3812 for information on other sensitive species that may occur in this area.

Should you have any questions, please contact Erin Nordin of the Ventura Fish and Wildlife Office at (909) 382-2654.

Sincerely,



Raymond Bransfield
Senior Biologist

ATTACHMENT A

Comments Received on the Initial Study/Mitigated Negative Declaration

From: "Tom Gavigan" <TGavigan@waterboards.ca.gov>
Date: May 10, 2011 10:44:31 AM PDT
To: "Gayle Rosander" <gayle_rosander@dot.ca.gov>
Cc: "Melanie Greene" <mgreene@haugebrueck.com>
Subject: **Re: Bishop Mill - SCH 2011051005**

Thanks, Gayle.

We'll update the final IS as you suggested. Thanks for the catch.

Sincerely,

Tom Gavigan, PG, CHg
Senior Engineering Geologist
CSI Unit Chief
CA RWQCB-Lahontan
2501 Lake Tahoe Blvd
South Lake Tahoe, CA 96150
(530) 542-5429
(530) 544-2271 (fax)
TGavigan@waterboards.ca.gov

>>> Gayle Rosander <gayle_rosander@dot.ca.gov> 5/10/2011 10:41 AM >>>

Good morning Tom,

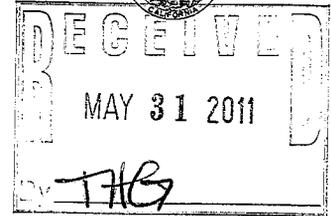
Rudolf Rd. is a County Road w/ a paved access apron at highway 6. The access is sufficient, so no Caltrans' comments for this project.

However, for correctness you may wish to change "State Route 6" to "US 6" throughout the document.

Regards,
Gayle Rosander
IGR/CEQA Coordinator
Caltrans District 9 (Inyo, Mono, eastern Kern)
760-872-0785

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



May 27, 2011

Mr. Tom Gavigan, Senior Engineering Geologist

Regional Water Quality Control Board – Lahontan Region

2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Re: SCH#2011051005; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the: "Bishop Mill Project;" located northeast of the Town of Bishop; Inyo County, California

Dear Mr. Gavigan:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources. The NAHC wishes to comment on the above-referenced proposed Project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted in; **Native American cultural resources were not identified** within the 'area of potential effect (APE), based on the USGS coordinates of the project location provided.. However, there are Native American cultural resources in close proximity to the APE. The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254.10.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to

obtain their recommendations concerning the proposed project. Pursuant to C" A Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore we recommend, also, that you contact the California Historic Resources Information System (CHRIS) California Office of Historic Preservation for pertinent archaeological data within or near the APE, at (916) 445-7000 for the nearest Information Center in order to learn what archaeological fixtures may have been recorded in the APE.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation.

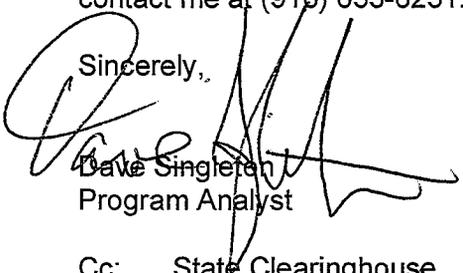
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

The response to this search for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code 5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code 6254.10) although Native Americans on the attached contact list may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places and there may be sites within the APE eligible for listing on the California Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleran
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contact List

Inyo County
May 27, 2011

Big Pine Band of Owens Valley
Virgil Moose, Chairperson
P. O. Box 700 Owens Valley Paiute
Big Pine , CA 93513
bigpinetribaladmin@earthlink
760- 938-2003
(760) 938-2942-FAX

Timbisha Shoshone Tribe
Joe Kennedy, Chairperson
785 North Main Street, Suite Western Shoshone
Bishop , CA 93514
(760) 873-9003
(760) 873-9004 FAX

Bishop Paiute Tribe
William Vega, Chairperson
50 Tu Su Lane Paiute - Shoshone
Bishop , CA 93514
william.vega@bishoppaiute.
(760) 873-3584
(760) 873-4143

Lone Pine Paiute-Shoshone Reservation
Kathy Bancroft, Cultural Representative
P.O. Box 747 Paiute
Lone Pine , CA 93545 Shoshone
kathybancroft@yahoo.com
(406) 570-5289
(760) 876-8302 fax

Fort Independence Community of Paiute
Carl Dahlberg Chairperson
P.O. Box 67 Paiute
Independence CA 93526
stephanie@fortindependenc
(760) 878-2126
(760) 878-2311- Fax

Timbisha Shoshone Tribe THPO
Barbara Durham, Tribal Historic Preservation
P.O. Box 206 Western Shoshone
Death Valley , CA 92328
dvdurbarbara@netscape.
(760) 786-2374
(760) 786-2376 FAX

Lone Pine Paiute-Shoshone Reservation
Melvin R. Joseph, Chairperson
P.O. Box 747 Paiute
Lone Pine , CA 93545 Shoshone
admin@lppsr.org
(760) 876-1034
(760) 876-8302 Fax

Big Pine Band of Owens Valley THPO
Bill Hellmer, Tribal Historic Preservation Officer
P.O. Box 700 Paiute
Big Pine , CA 93513
amargosa@aol.com
(760) 938-2003
(760) 937-3331 - cell
(760) 938-2942 fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011051005; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Bishop Mill Project; located northeast of the Town of Bishop; Inyo County, California.

Native American Contact List

Inyo County
May 27, 2011

Bishop Paiute Tribe THPO
Matthew J. Nelson

50 Tu Su Lane
Bishop , CA 93514
(520) 404-7992 - cell

Matthew.
Nelson@bishoppaiute.org
(760) 873-4143 - FAX

Paiute - Shoshone

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011051005; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Bishop Mill Project; located northeast of the Town of Bishop; Inyo County, California.

ATTACHMENT B – BISHOP MILL MITIGATION AND MONITORING PROGRAM

CEQA Guidelines Section 15097 requires the adoption of a program by a public agency for monitoring or reporting on the project revisions or measures it has imposed to mitigate or avoid significant impacts of a project. The plan implementation and impact mitigation measures that are incorporated into the Project are contained in the Bishop Mill Initial Study (May 3, 2011). Detailed descriptions of each measure are included below.

The following mitigation measures are those measures that are required for construction and operation of the Bishop Mill Project operated by CMC Metals, Inc. on Bureau of Land Management federal lands. Each of the mitigation measures includes a description of the measure that is required to be completed, the impacts that are mitigated, the lead, implementing and monitoring agency and the timing associated with the implementation of the mitigation measure.

Mitigation Measure BIO-1: Protection of Bird and Bat Species

Description	The Project Applicant (i.e., Operator) shall install exclusion measures that prevent bird and bat species from coming in contact with the Waste Management Unit (WMU) surface. The measures shall comply with the requirements of the CDFG.	
Impacts Mitigated	Potential to cause an adverse effect on species identified as a candidate, sensitive, or special status species.	
Mitigation Level	CDFG requirements	
Lead Agency	Lahontan, BLM	
Implementing Agency	Operator	
Timing	Start:	Prior to operation of the WMU
	Complete:	On going

Mitigation Measure CUL-1: Eligibility Evaluations

Description	Ground disturbing activities in the vicinity of the resource shall cease if the archaeological monitor determines that continuation of activity shall affect a significant historical or archaeological property, or if human remains are identified. If the archaeological monitor identifies cultural material but is unable to determine whether the resumption of the construction activity will affect historical or archaeological resources that may be eligible for listing in the NRHP or California Register of Historic Resources (CRHR), the monitor shall contact the appropriate agency official. The agency official shall determine appropriate measures to be completed before resumption of ground disturbing activities in the affected area and shall ensure compliance with regulations pertaining to the evaluation of significance, assessment of
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	effects, and consultation with the State Historic Preservation Officer and the Advisory Council on Historic Preservation, as appropriate (36 CFR, part 800.4 through 800.9).	
Impacts Mitigated	Potential to cause an adverse change in the significance of an archaeological resource.	
Mitigation Level	CEQA Section 15064.5	
Lead Agency	BLM	
Implementing Agency	BLM, Operator	
Timing	Start:	At time of ground disturbing activities
	Complete:	Completion of ground disturbing activities

Mitigation Measure CUL-2: Data Recovery Plan and Programmatic Agreement

Description	<p>If avoidance of the important archaeological resource is not feasible, the Lead Agency shall require an excavation plan for mitigating the effect of the Project on the qualities that make the resource important. If an excavation plan is prepared, it shall:</p> <ol style="list-style-type: none"> 1. Be a brief summary of the excavation proposed as part of a mitigation plan; 2. Be available for review only a need-to-know basis; and 3. Not include the specific location of any archaeological resources if the plan will be made known to the general public. <p>An excavation plan shall:</p> <ol style="list-style-type: none"> 1. List and briefly discuss the important information the archaeological resources contain or are likely to contain; 2. Explain how the information should be recovered to be useful in addressing scientifically valid research questions and other concerns identified in subdivision (a); 3. Explain the methods of analysis and, if feasible, display of excavated materials; 4. Provide for final report preparation and distribution; and 5. Explain the estimated cost of and time required to complete all activities undertaken under the plan. The Lead Agency may require a mitigation plan to be carried out as a condition of approval of the project. <p>A Memorandum of Agreement (MOA), or Programmatic Agreement (PA) between the applicable agencies, executed pursuant to 36 CFR 800.6(c), shall set out specific steps for avoiding or reducing harm to cultural resources formally determined eligible to the NRHP and/or CRHR. The MOA shall identify requirements for proposed disturbance to eligible resources and shall ensure that construction activities be restricted to the direct area of impact, during project construction.</p>	
Impacts Mitigated	Potential to cause an adverse change in the significance of an archaeological resource.	
Mitigation Level	CEQA Section 15064.5 (Title 14)	
Lead Agency	BLM	
Implementing Agency	BLM, Operator	

Timing

Start:	At time of ground disturbing activities
Complete:	Completion of ground disturbing activities

Mitigation Measure CUL-3: Protect Undiscovered Human Remains

Description

In the event of discovery or recognition of any human remains there shall be no further excavation or disturbance of the site or nearby area reasonably suspected to overlie adjacent human remains until:

1. The coroner of Inyo County has been informed and has determined that no investigation of the cause of death is required, and 2. If remains are of Native American origin, a. The descendants from the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC section 5097.98, or b. The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

As part of the objectives, criteria, and procedures required by section 21082 or as part of conditions imposed for mitigation, the Water Board (i.e., CEQA Lead Agency) will make provisions for archaeological sites accidentally discovered during construction. These provisions include an immediate evaluation of the find. If the find is determined to be an important archaeological resource, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ avoidance measures. Construction work could continue on other parts of the building site while archaeological protection takes place.

Impacts Mitigated

Potential to disturb undiscovered human remains, including those interred outside of formal cemeteries.

Mitigation Level

PRC Section 21082

Lead Agency

BLM

Implementing Agency

BLM, Operator

Timing

Start:	At time of ground disturbing activities
Complete:	Completion of ground disturbing activities