



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
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[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



October 27, 2023  
Sent via email

Diana Robinson  
Planning Division Manager  
Imperial County Planning and Development Services Department  
801 Main Street  
El Centro, CA 92243



USG Plaster City Quarry Expansion and Well No. 3 Project (PROJECT)  
Draft Subsequent Environmental Impact Report (DSEIR)  
SCH# 2001121133

Dear Diana Robinson:

The California Department of Fish and Wildlife (CDFW) submitted comments and recommendations to the County of Imperial (County) on the draft Subsequent Environmental Impact Report (SEIR) for the USG Plaster City Quarry Expansion and Well No. 3 Project (SCH# 2001121133) in a letter dated June 2, 2023, and in emails submitted on August 17, 2023, and August 24, 2023. On October 20, 2023, CDFW received a copy of the Admin Final SEIR that included responses to CDFW comments and recommendations and revisions to the SEIR. Thank you for incorporating many of CDFW's recommendations into the SEIR and for providing CDFW the opportunity to provide additional comments, which are included below.

Funding to maintain collars on 20 Peninsular bighorn sheep (*Ovis canadensis*) over the lifetime of the Project

Regarding CDFW's recommendation in its August 24, 2023, email that funds are provided to CDFW for maintaining a total of 20 GPS and Very High Frequency (VHF) collars on Peninsular bighorn sheep (PBS; Fully Protected Species) in the Fish Creek Mountains (FCM) and Vallecito Mountains (VM), the County did not incorporate this recommendation into the SEIR indicating "the commenter fails to identify a new potential impact that would require further mitigation beyond that already required for the project." The Project's potential impacts to PBS are discussed in CDFW's August 17, 2023, email, where it was indicated that "the mining expansion will result in loss of habitat for the ewes in this area. The magnitude of this loss will not be known without the continuation of radio-collar monitoring activities. [...] Radio-collars on PBS will need to be maintained in the FCM in order to assess how mining expansion may affect PBS, particularly with regards to water needs (both from the mining site removal of drainages and washes that provide ephemeral water and foraging opportunities, particularly during the spring and summer months) and the possibility of draw-down of the aquifer from the canyon associated with the well site. If data indicates that PCE's [(Primary Constituent

Elements)] are not being met due to the reasons listed above, funds should be set aside for the possibility of adding an artificial water source (guzzler system) that is built and maintained by USG.” In its August 24, 2023, email, CDFW indicates that a total of 20 collars are needed to “maintain a representative sample of collars with the FCM and VM populations.”

CDFW also recommended in its email dated August 24, 2023, that funding is provided for monitoring of PBS over the lifetime of the Project. The County did not incorporate this recommendation stating that “the commenter fails to identify a new potential impact that would require further mitigation beyond that already required for the project.” As CDFW has discussed in its comments and recommendations, the Project’s potential impacts to PBS are protracted over the 80-year timeframe of mining expansion activities, and PBS monitoring using collars over the life of the mining project is necessary to determine the extent of these potential impacts and inform appropriate avoidance, minimization, and mitigation measures. In its August 17, 2023, email, CDFW describes PBS use of the currently undisturbed habitat within the proposed mine expansion area in the southern portion of the Project area and discusses why these areas are important for PBS and their life-cycle needs. CDFW further states that “radio collars on PBS will need to be maintained in the FCM in order to assess how mining expansion may affect PBS, particularly with regards to water needs (both from the mining site removal of drainages and washes that provide ephemeral water and foraging opportunities, particularly during the spring and summer months) and the possibility of draw-down of the aquifer from the canyon associated with the well site. If data indicates that PCE’s are not being met due to the reasons listed above, funds should be set aside for the possibility of adding an artificial water source (guzzler system) that is built and maintained by USG. [...] Currently, there are 3 satellite-collars in the FCM that are scheduled to stop functioning before the end of the year. Once these collars stop functioning we will no longer be able to track the effects of future mining activity upon PBS.” CDFW reiterates that PBS is a Fully Protected species that may not be taken or possessed at any time, and the County is required to demonstrate that the Project is avoiding the take of PBS over its 80-year timeframe. CDFW recommends that the County and Project proponent assess the Project’s long-term potential impacts to PBS through maintaining a total of 20 GPS and VHF collars on FCM and VM populations over the lifetime of the Project.

To avoid or reduce impacts to below a level of significance, CDFW recommends that the County revise Mitigation Measure 3.4-11 of the Draft SEIR with the following additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure 3.4-11: PBS Monitoring and Reporting. USG will support the CDFW PBS monitoring and reporting program within the federal action area by **providing** funding to maintain ~~the purchase of a combination of radio and VHF collars and the capture of~~ **on** ten (10) PBS in the Fish Creek **and ten (10) PBS in the** Vallecito Mountains Ewe Group areas, ~~to provide location monitoring data over~~ **for the life of the**

**mining Project** a ten-year period. The funding amount will be \$157,115 (cost provided by CDFW), to be transferred to the CDFW program via a means agreed up by USG, BLM, and CDFW. **Evaluation of collar numbers, capture hours, and funding allocation shall be made every 10 years throughout the life of the Project in coordination with CDFW.**

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for revised Mitigation Measures 3.4-11 and Mitigation Measure BIO-[B].

#### Compensatory mitigation for impacts to roosting habitat for special-status bats

In its June 2, 2023, letter, CDFW recommends that the County add a new Mitigation Measure BIO-[B] for Surveys for Daytime, Nighttime, Wintering (Hibernacula), and Maternity Roosting Sites for Bats. CDFW appreciates that the County adopted a modified version of Mitigation Measure BIO-[B]. However, the modified version of the measure excludes the sentence “Imperial County shall compensate no less than 2:1 for permanent impacts to roosting habitat.” In its response submitted to CDFW on October 20, 2023, the County stated that “proposed compensation is not necessary, as there is abundant suitable habitat on public lands throughout the surrounding area.” In Comment 5b-5, the County further indicates that the “potential loss of rock crevices on the site would not significantly affect roost site availability in the Fish Creek Mountains or the surrounding region. The Project site is adjacent to the Fish Creek Mountains Wilderness managed by the BLM, comprising more than 21,000 acres, and Anza Borrego Desert State Park, comprising more than 600,000 acres. [...] Both the Fish Creek Wilderness and Anza Borrego Desert State Park permanently protect extensive areas of rugged desert mountain landscapes where rock crevices suitable for bat roosting are abundant. Roosting crevice availability does not appear to limit local special status bat populations.”

CDFW notes that the presence of surrounding protected areas that may include roosting habitat for special-status bat species does not compensate for the Project’s potential permanent impacts to roosting habitat for special-status bat species. The EIR must identify potentially feasible mitigation measures that avoid or reduce each significant impact. CDFW has identified potentially feasible mitigation measures to substantially lessen the significant impact (CEQA Guidelines §§ 15086, subd. (d), 15204, subd. (f)). CDFW believes that if roosting habitat for special-status bat species is permanently impacted by the Project, the appropriate potentially feasible mitigation measure to substantially lessen the significant impact is the in-perpetuity conservation of roosting habitat suitable for the special-status bat species that were negatively impacted. CDFW recommends that the Mitigation Measure BIO-[B] included in the County’s October 20, 2023, response is further revised to include the following addition in **bold**:

Mitigation Measure BIO-[B]: Surveys for Daytime, Nighttime, Wintering (Hibernacula), and Maternity Roosting Sites for Bats:

Prior to the initiation of quarrying activities into previously undisturbed areas, construction of Well No. 3 and associated pipeline, and restoration of the Viking Ranch Restoration Site within suitable special-status bat roosting habitat, the Applicant shall retain a qualified biologist to conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity special-status bat species roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn reentry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of special-status bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys. If active hibernacula or maternity roosts of special-status bat species are identified in the work area or 500 feet extending from the work area during preconstruction surveys, the following requirements will apply:

- For special-status bat species maternity roosts, quarry expansion activities into undisturbed and occupied habitat will be initiated between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost. Maternity roosts shall not be evicted, excluded, removed, or disturbed.
- For special-status bat hibernacula, a minimum 500-foot no-work buffer shall be provided around hibernacula. The buffer shall not be reduced except as specified herein. Project-related construction and activities shall not occur within 500 feet of or directly under or adjacent to hibernacula. Buffers shall be left in place until a qualified bat biologist determines that the hibernacula are no longer active. Within this buffer, project-related activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed. If avoidance of a hibernacula is not feasible, the Project Biologist will prepare a relocation plan to remove the hibernacula and provide for construction of an alternative bat roost outside of the work area. A bat roost relocation plan shall be submitted for CDFW review prior to initiation of project-related activities. The qualified biologist will implement the relocation plan and new roost sites shall be in place before the commencement of any ground-disturbing activities that will occur within 500 feet of the hibernacula. New roost sites shall be in place prior to the initiation of project-related activities to allow enough time for bats to relocate. Removal of roosts will be guided by accepted exclusion and deterrent techniques. **Imperial County**

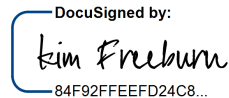
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**shall compensate no less than 2:1 for permanent impacts to roosting habitat.**

CDFW appreciates the opportunity to comment on the DSEIR to assist Imperial County in identifying and mitigating Project impacts to biological resources. CDFW concludes that the draft SEIR does not adequately mitigate the Project's significant, or potentially significant, impacts to biological resources. To avoid or reduce impacts to below a level of significance, CDFW recommends that revised mitigation measures as described in this letter be added to a revised draft SEIR.

CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Senior Environmental Scientist (Specialist), at [jacob.skaggs@wildlife.ca.gov](mailto:jacob.skaggs@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C8...

Kim Freeburn  
Environmental Program Manager

**Attachment 1:** MMRP for CDFW-Proposed Mitigation Measures

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Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW  
[Heather.Brashear@Wildlife.ca.gov](mailto:Heather.Brashear@Wildlife.ca.gov)

Office of Planning and Research, State Clearinghouse, Sacramento  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

**ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>Mitigation Measure 3.4-11: PBS Monitoring and Reporting.</b></p> <p>USG will support the CDFW PBS monitoring and reporting program within the federal action area by providing funding to maintain a combination of radio and VHF collars on ten (10) PBS in the Fish Creek and ten (10) PBS in the Vallecito Mountains Ewe Group areas for the life of the mining Project. Evaluation of collar numbers, capture hours, and funding allocation shall be made every 10 years throughout the life of the Project in coordination with CDFW.</p>	<p><b>Timing:</b> Throughout the life of the Project.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Project Proponent and County of Imperial</p> <p><b>Monitoring and Reporting:</b> County of Imperial</p>
<p><b>Mitigation Measure BIO-[B]: Surveys for Daytime, Nighttime, Wintering (Hibernacula), and Maternity Roosting Sites for Bats</b></p> <p>Prior to the initiation of quarrying activities into previously undisturbed areas, construction of Well No. 3 and associated pipeline, and restoration of the Viking Ranch Restoration Site within suitable special-status bat roosting habitat, the Applicant shall retain a qualified biologist to conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity special-status bat species roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn reentry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of special-status bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be</p>	<p><b>Timing:</b> Prior to initiation of quarrying activities into previously undisturbed areas throughout the life of the Project</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Project Proponent and County of Imperial</p> <p><b>Monitoring and Reporting:</b> County of Imperial</p>

<p>used during all dusk emergence and pre-dawn re-entry surveys. If active hibernacula or maternity roosts of special-status bat species are identified in the work area or 500 feet extending from the work area during preconstruction surveys, the following requirements will apply:</p> <ul style="list-style-type: none"><li>• For special-status bat species maternity roosts, quarry expansion activities into undisturbed and occupied habitat will be initiated between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost. Maternity roosts shall not be evicted, excluded, removed, or disturbed.</li><li>• For special-status bat hibernacula, a minimum 500-foot no-work buffer shall be provided around hibernacula. The buffer shall not be reduced except as specified herein. Project-related construction and activities shall not occur within 500 feet of or directly under or adjacent to hibernacula. Buffers shall be left in place until a qualified bat biologist determines that the hibernacula are no longer active. Within this buffer, project-related activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed. If avoidance of a hibernacula is not feasible, the Project Biologist will prepare a relocation plan to remove the hibernacula and provide for construction of an alternative bat roost outside of the work area. A bat roost relocation plan shall be submitted for CDFW review prior to initiation of project-related activities. The qualified biologist will implement the relocation plan and new roost sites shall be in place before the commencement of any ground-disturbing activities that will occur within 500 feet of the hibernacula. New roost sites shall be in place prior to the initiation of project-related activities to allow enough time for bats to relocate. Removal of roosts will be guided by accepted exclusion and deterrent techniques. Imperial County shall compensate no less than 2:1 for permanent impacts to roosting habitat.</li></ul>		
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