

# **Final Supplemental Environmental Impact Report**

**Prior SCH # 96061052**

***Volume 8***  
***Chapter 7 – Responses to Comments***

**Golden Queen Mining Co. Inc., Soledad Mountain Project**

Conditional Use Permit No. 27, Map 196  
Modification of Conditional Use Permit No. 41, Map 213  
Modification of Conditional Use Permit No. 22, Map 214  
Nonsummary Vacation of a Portion of New Eagle Road 191-31 3 098  
(PP08210)



Kern County  
Planning Department  
Bakersfield, California

March 2010

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## ***Volume 8 Chapter 7 – Responses to Comments***

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(PP08210)

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March 2010

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Engineering & Survey Services Department

Environmental Health Services Department

Planning Department

Roads Department

March 25, 2010

**File:** CUP #27, Map 196;  
Modification of CUP #41, Map 213;  
Modification of CUP #22, Map 214;  
Nonsummary Vacation for a Portion  
of New Eagle Road 191-31 3 098

Addressee (see Distribution List)

**RE: Supplemental Environmental Impact Report - Response to Comments - Revised Soledad Mountain Project by Golden Queen Mining Co., Inc. (PP08210)**

Dear Interested Party:

Enclosed is a document entitled Volume 8 - Chapter 7 - Response to Comments, for the above-referenced project. Section 15088 of the California Environmental Quality Act Guidelines requires the Lead Agency to evaluate comments on environmental issues received from persons who reviewed the Draft Supplemental Environmental Impact Report (SEIR) and prepare a written response addressing each comment. This document is Chapter 7 of the Final SEIR.

A public hearing has been scheduled with the Kern County Planning Commission to consider this request on April 8, 2010, at 7:00 p.m. or soon thereafter, at the chambers of the Board of Supervisors, first floor, Kern County Administrative Center, 1115 Truxtun Avenue, Bakersfield, California.

Thank you for your participation in the environmental process for this project. If you have any questions regarding this letter please contact Scott F. Denney, Supervising Planner at (661) 862-8631.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott F. Denney", is written over a horizontal line.

Scott F. Denney, AICP  
Supervising Planner  
Plan Development Section

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Kern County  
Air Pollution Control District

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Environmental Health Services Dept

Kern County  
Roads Department

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## Chapter 7

# Response to Comments

## 7.1 Introduction

### Purpose

As defined by Section 15050 of the California Environmental Quality Act (CEQA) Guidelines, the Kern County Planning Department is the Lead Agency responsible for preparing the Supplemental Environmental Impact Report (SEIR) for the revised Soledad Mountain Project ("Revised Project"). This Final SEIR presents the environmental information and analyses that have been prepared for the Revised Project, including comments received addressing the adequacy of the Draft SEIR, and responses to those comments. In addition to the responses to comments, clarifications, corrections or minor revisions have been made to the Draft SEIR. This document, the Draft SEIR, and the Mitigation Measure Monitoring Program (MMMP) comprise the Final SEIR and will be used by the Kern County Planning Commission for consideration of the Revised Project. Any decision by the Planning Commission made pursuant to Section 19.102.130 of the Kern County Zoning Ordinance is subject to appeal to the Kern County Board of Supervisors.

### Environmental Review Process

The Kern County Planning Department prepared and circulated a Notice of Preparation (NOP) for a 30-day public review and comment period that began August 18, 2008 and ended on September 17, 2008. The purpose of the NOP was to formally convey that Kern County (County) was preparing a SEIR for the Revised Project and to solicit input regarding the scope and content of the SEIR. Twelve comment letters were received and the environmental concerns raised in those comments were addressed in the Draft SEIR.

In conjunction with the NOP, the County provided public notice of a scoping meeting that was held on September 12, 2008 to provide a forum for public comments on the scope of the SEIR. A representative of Kern County Environmental Health Hazardous Materials stated that his division would be submitting written comments. No additional oral or written comments were received at that meeting.

A Draft SEIR (State Clearinghouse No. 1996061052) for the revised Soledad Mountain Project was circulated for a 45-day public review period that began on January 11, 2010 and ended on February 25, 2010. The County received twenty-eight (28) written comment letters on the Draft SEIR.

Section 15088 of the State CEQA Guidelines requires that the Lead Agency evaluate comments on environmental issues received from persons and agencies that reviewed the Draft SEIR and prepare a written response addressing each of the comments received. The responses to comments are contained in this Volume 8, Chapter 7 of the Draft SEIR. Volumes 1 through 8 comprise the Final SEIR.

A list of those agencies, organizations, and interested parties that have commented on the Draft SEIR is provided below. A copy of each numbered comment letter and lettered response to each comment follows this list.

■ **State Agencies:**

1. Office of Planning and Research, State Clearinghouse
2. Native American Heritage Commission
3. California State Lands Commission
4. State of California Resources Agency, Department of Conservation, Office of Mine Reclamation

■ **Local Agencies:**

5. Kern County Roads Department
6. Kern County Air Pollution Control District
7. Kern County Environmental Health Services Department

■ **Organizations/Associations:**

8. Mojave Chamber of Commerce
9. Sierra Club

■ **Interested Parties:**

10. Vangelene and Will Harris
11. Mr. Deryl Box
12. Ms. Misty Young
13. Mr. Timothy W. Tuttle
14. Ms. Lisa Engelsman
15. Mr. Jim Price
16. Mr. Robert L. Henson, Sr.
17. Ms. Barbara Joyce Robinson
18. Mr. John Goit
19. Mr. Thomas Flynn
20. Mr. Michael Mariscal
21. E. Winston
22. Mr. Gideon Kracov
23. Ms. Margery Cline
24. Mr. John Thompson
25. Mr. Tom Ross
26. Mr. James Hooper
27. Pacific States Land Company
28. Mr. Eric H. Kelbacher

## 7.2 Revisions to the Soledad Mountain Project Draft Supplemental EIR

The following revisions have been made to the text of the Draft SEIR, generally in response to comment letters received. Any changes to Mitigation Measures below will also be reflected in Chapter 1, Table 1-2 (*Summary of Impacts, Mitigation Measures, and Level of Significance*). Additions to the text are indicated with underline formatting, and text deletions are indicated with ~~striketrough~~ formatting.

---

**Chapter 1, page 1-5:** Section 1.2.3, *Project Objectives*, has been modified as follows:

The project Applicant is the Golden Queen Mining Co., Inc. (GQM). The Applicant's objectives for the proposed project are as follows:

- Construct and operate mining, ore processing and project support facilities to recover precious metal (gold and silver) from the Soledad Mountain mineral resource. The proposed project will occur on and within fee lands, mining leases, patented mining claims and unpatented mining claims owned and/or controlled by Golden Queen Mining Co. Inc.
- Develop and operate a mine to recover gold from the Soledad Mountain Project ore deposit within the boundary of the property controlled by Golden Queen Mining Co. Inc.
- Meet the market demand for precious metal.
- Recover precious metals in a manner that is environmentally responsible and to comply with applicable laws and regulations while optimizing precious metal production, maximizing the utilization of the resource and meeting the financial expectations of its shareholders.
- Mine and process quality waste rock as aggregate for sale.

---

**Chapter 2, page 2-2:** The Draft SEIR (p. 2-17) states that, "*The Revised Project and its revised Surface Mining and Reclamation Plan would require approval of one new and two modified Conditional Use Permits in addition to the nonsummary vacation of a road (public access easement). These discretionary applications will be reviewed and processed in accordance with procedures and requirements contained in the County Zoning Ordinance and the California Streets and Highways Code.*"

The following paragraph under Section 2.2.1, *Decision-Making and Public Disclosure*, has been modified consistent with the County Zoning Ordinance (19.102.130), which specifies that the County Planning Commission has discretionary approval authority for the requested new and modified Conditional Use Permits (CUPs). A CUP is the means by which a Surface Mining and Reclamation Plan is permitted in Kern County. The non-

summary vacation of a portion of New Eagle Road will require approval by the Board of Supervisors.

An EIR is a public informational document used in the planning and decision making process. The purpose of this SEIR is to comparatively analyze the environmental impacts of the proposed Project in light of the original project evaluated in the County-certified “*Soledad Mountain Project Final Environmental Impact Report/Environmental Impact Statement, State Clearinghouse [SCH] No. 1996061052*” (1997 FEIR/EIS). The Kern County Planning Commission and Board of Supervisors will consider the information in the SEIR, including the public comments and staff response to those comments, during the public hearing process. As a legislative action, the a final decision as to whether to vacate a road as part of the project can only will be made at by the Board of Supervisors<sup>2</sup> at a public hearing, where the project may be approved, conditionally approved or denied.

---

**Chapter 2, page 2-6:** The following paragraph has been modified consistent with the County Zoning Ordinance (19.102.130).

■ **Certification of Supplemental Final EIR (Supplemental FEIR)**

~~Acting as an advisory body to the Kern County Board of Supervisors, the Kern County Planning Commission will consider and make recommendations on the Supplemental FEIR and the Revised Project. Upon receipt of the Planning Commission’s recommendations, and~~ the Board of Supervisors will consider the Supplemental FEIR, all public comments, and the Revised Project before taking final action on the Revised Project. At least one public hearing will be held by ~~both the Planning Commission and the Board of Supervisors~~ to consider whether to certify the Supplemental FEIR, take public testimony, and either approve, conditionally approve, or deny the Revised Project. As a legislative action, a final decision as to whether to vacate a road as part of the project can only be made by the Board of Supervisors at a public hearing.

---

**Chapter 2, page 2-8:** The following sentence has been revised to indicate the correct review period for the Notice of Preparation (NOP). Other occurrences of the NOP review period in the Draft Supplemental EIR are correct.

The County issued the IS/NOP on August 18, 2008 with a 30-day public review period that ended on September ~~30~~17, 2008.

---

**Chapter 2, page 2-8:** The following sentence has been added to clarify the result of the public scoping meeting held on September 12, 2008.

The County also engaged the public and sought community participation in the scoping process for the environmental document by conducting a scoping meeting on September 12, 2008 to receive comments on the forthcoming Supplemental EIR. A representative of Kern County Environmental Health Hazardous Materials stated that his division would be submitting written comments. No additional oral or written comments were received at that meeting.

---

**Chapter 3, pages 3-4 and 3-5:** Section 3.2, *Project Objectives*, has been modified as follows:

The project Applicant is the Golden Queen Mining Co., Inc. (GQM). The Applicant's objectives for the proposed project are as follows:

- Construct and operate mining, ore processing and project support facilities to recover precious metal (gold and silver) from the Soledad Mountain mineral resource. The proposed project will occur on and within fee lands, mining leases, patented mining claims and unpatented mining claims owned and/or controlled by Golden Queen Mining Co. Inc.
  - Develop and operate a mine to recover gold from the Soledad Mountain Project ore deposit within the boundary of the property controlled by Golden Queen Mining Co. Inc.
  - Meet the market demand for precious metal.
  - Recover precious metals in a manner that is environmentally responsible and to comply with applicable laws and regulations while optimizing precious metal production, maximizing the utilization of the resource and meeting the financial expectations of its shareholders.
  - Mine and process quality waste rock as aggregate for sale.
- 

**Chapter 3, pages 3-26 and 3-27:** Section 3.7.5, *Crushing-Screening Plant*, has been modified as follows:

The fine ore stockpile is included in the HPGR circuit to provide flexibility in the operation of the crushing-screening plant. The live capacity of the fine ore stockpile is large enough to permit the operators to move and reposition the grasshopper conveyors and the stacker on the heap every day without interrupting the operation of the plant and the HPGR. The fine ore stockpile has a nominal live capacity of 3,300 tons. Fine ore is conveyed by the overland conveyor and a series of grasshopper conveyors to a stacker and the heap. Dust emissions from the primary screen and HPGR discharge and transfer points will be controlled with a wet scrubber.

---

**Chapter 3, pages 3-29:** In response to comment 9-B (Sierra Club) and 28-E (Mr. Eric H. Kelbacher), clarification on the use of the overflow pond has been provided:

The HLF is designed as a closed system with zero discharge of solutions. Dilute cyanide solution will be applied to the ore heaps via drip emitters at a design flow rate of approximately 4,400 gallons per minute (gpm) and an application rate of 0.004 gpm per square foot, with cyanide concentrations ranging from 150 to 300 milligram per liter and pH values higher than 10.5. Drip lines and drip emitters will be buried. The processed solution that percolates through the heap is termed “pregnant solution” and it will be collected at the base of the heap in a network of pipes that will flow by gravity to the pump box. An overflow pond, located downstream of the pump box, is strictly intended to provide operational flexibility and contingency capacity for upset conditions. The pregnant solution will be pumped to the Merrill-Crowe plant.

---

**Chapter 3, pages 3-44:** In response to comment 9-I (Sierra Club) and 27-G (Pacific States Land Company), clarification of the wet scrubber in Section 3.12.2, *Air Quality*, has been modified as follows:

- Various particulate emissions control methods will be implemented with the Revised Project, including:
  - **Hood** to enclose trucks when dumping at the primary crusher receiving hopper.
  - **Water Sprays** to control dust emissions in the primary crusher
  - **Sonic Foggers** to control dust emissions at the transfer points.
  - **Wet Scrubber** to control dust emissions at and above the primary screen and HPGR discharge and transfer points.
  - **Bin Vents/Filters** for dust control at the cement silo and the backup cement storage vessel
  - **Wet Material** to minimize stockpile fugitive dust emissions.
  - **Dust Collection System** for drilling operations
  - **Additive Application/Watering** to minimize fugitive dust during material hauling
  - **Highly Maintained Haul/Access Roads** to minimize fugitive dust from vehicle travel over unpaved roads (Air Sciences 2009b, p. 24)

---

**Section 4.1.3, page 4.1-10:** The following paragraph is expanded consistent with the text found in Section 4.2.4, pages 4.2-35 to 4.2-36:

At the time of the Draft SEIR preparation, Kern County and the State of California have ~~has~~ not developed a quantified threshold of significance for GHG emissions, but a project found to contribute to a net decrease in GHG emissions and found to be consistent with the implementation of the CARB Scoping Plan (2008) is presumed to have less-than-significant GHG impacts.

---

**Section 4.1, page 4.1-12:** In response to comments 6-A and 6-B by the Kern County Air Pollution Control District (KCAPCD), the first bullet under Regulatory Requirements has been modified as follows to reflect that local regulations will also be reviewed by the KCAPCD:

- The Kern County Air Pollution Control District (KCAPCD) will review facility designs and operations for compliance with Federal, ~~and~~ California, and local regulations for the protection of air quality. An application for Authority to Construct ~~has been~~ will be submitted to the KCAPCD.

---

**Section 4.1.3, page 4.1-24:** In response to comment 2-E by the Native American Heritage Commission, the second bullet under Regulatory Requirements has been modified to remain consistent with the cited provisions in Public Resources Code Section 5097.98(a):

**Compliance with 1997 FEIR/EIS Mitigation Measures**

***Cultural and Historical Impact 1. Project related activities could disturb or destroy potentially significant sites.***

**Regulatory Requirements**

- If any unknown cultural resources (i.e., archaeological artifacts, human remains, paleontological resources) are discovered in the course of operations on federal land, the operator shall bring this to the attention of the authorized officer and shall leave such discovery intact until told to proceed by the authorized officer.
- In the event of discovery of human remains, work in the area will halt until the coroner has determined that no investigation of the cause of death is required; or, if the remains are of Native American origin, descendants have made a recommendation to the owner regarding proper disposal of remains, or no descendants have been identified or descendants failed to make a recommendation with 24 hours of notification. If no recommendation is

received, remains are to be reinterred with appropriate dignity on the property in a location not subject to future development.

If the remains are determined to be of Native American origin, descendants are afforded due notification process under the provision of Public Resource Code Section 5097.98(a).

---

**Section 4.1, page 4.1-41:** The list of *Existing Mitigation Measures/Conditions of Approval* has been modified as follows:

- Surface disturbance outside the project area will be kept to a minimum by clearly delineating operating areas to limit roads and vehicle traffic outside designated areas. (Condition of Approval No. 10)
- Growth media stockpiles will be stabilized by allowing germination of seeds naturally contained in the soil. (Condition of Approval No. 11)
- The feasibility of inoculation of soil with biological components will be investigated in test plots. (Condition of Approval No. 12)
- Site drainage will be inspected periodically to assure that excessive erosion is not occurring. In the event excessive erosion is identified, the drainage plan will be revised in consultation with the Kern County Planning Department. (Condition of Approval No. 13)
- Additional erosion prevention techniques include: (a) Site drainage will be retained onsite; (b) Site roads and drainages will be inspected by Golden Queen personnel after rainfall events which result in surface flow to ensure erosion prevention is maintained and upgraded as needed; (c) Drainage from the tops of overburden piles will be directed away from the slopes toward the pit; (d) Salvaged growth media will be stockpiled away from areas of concentrated drainage; (e) Reclamation of disturbed areas will occur as soon as possible. (Condition of Approval No. 14)

---

**Section 4.1, page 4.1-44:** The following paragraph has been modified to clarify that the discussion of water quality pertains to threshold of significance f as well as a.

For **Hydrology and Water Quality ~~threshold~~ thresholds of significance a and f**, the *Domestic Water Well Chemistry Assessment* (ARCADIS 2007a) concluded that water quality will be within Drinking Water Regulations and significant impacts would not result. As indicated, "*Results on the samples collected... indicate that the water quality in both wells meet current California Drinking Water Standards for all constituents analyzed.*" (p. 1)

---

**Section 4.1, page 4.1-46:** The following paragraph has been modified to clarify that the discussion of drainage and flood issues pertains to thresholds of significance g through j as well as c, d and e.



For Hydrology and Water Quality ~~threshold~~ thresholds of significance c, d and e, and g through j, applicable technical studies include:

---

**Section 4.1, page 4.1-46:** The following paragraph has been modified to clarify that the *Flood Hazard Evaluation* (Golder 2008) and Conditional Letter of Map Revision application (Rivertech 2009) were prepared as technical support for the *Site Drainage Plan* (Golder 2009) and are located in Volume 3, Appendices L and H, respectively. The *Site Drainage Plan* is included as Attachment M to the Surface Mining Reclamation Plan Application, dated December 1, 2009, located in Volume 2. Appendix B .

The *Flood Hazard Evaluation* (Golder 2008), as well as a Conditional Letter of Map Revision (CLOMR) application (Rivertech, Inc. 2009), were prepared ~~as an update to support the technical findings and recommendations in the~~ *Site Drainage Plan* (Golder 2009) and to address and evaluate construction of a portion of the facility within the 100-year floodplain, as mapped by FEMA, as well as to determine and confirm storm water flows previously estimated for the design of culverts for the new access road and the ditch around the northern perimeter of the Phase 1 heap leach pad. The Applicant's consulting engineers have had discussions with the Kern County Floodplain Management Section and the Kern County Roads Department. It is expected that the Applicant will apply to FEMA for a Conditional Letter of Map Revision once approvals are received from Kern County.

---

**Section 4.1, page 4.1-50:** The second list item under *Existing Mitigation Measures/Conditions of Approval* has been modified as follows:

***Land Use Impact 1. The project could conflict with the uses, plans, and goals of the community in the area.***

- Buildings and structures will be painted with non-reflective earthtone colors to blend with the predominant background. (Condition of Approval No. 45)
  - Outdoor lighting for the mine pit and other areas of nighttime activities will be shielded and directed downward to reduce fugitive light. Light poles will be no higher than necessary for safe and efficient lighting. Low-pressure sodium bulbs or other appropriate technology will be used for outdoor lighting. (Condition of Approval No. ~~2046~~)
- 

**Section 4.2, page 4.2-39:** In response to comment 9-I (Sierra Club) and 27-G (Pacific States Land Company), the second list item under *Emissions Sources and Controls* has been modified to reflect the use of the wet scrubber as follows:

- **Hood** to enclose trucks when dumping at the primary crusher receiving hopper.

- **Water Sprays** to control dust emissions in the primary crusher
  - **Sonic Foggers** to control dust emissions at the transfer points.
  - **Wet Scrubber** to control dust emissions at and above the primary screen and HPGR discharge and transfer points.
  - **Bin Vents/Filters** for dust control at the cement silo and the backup cement storage vessel
  - **Wet Material** to minimize stockpile fugitive dust emissions.
  - **Dust Collection System** for drilling operations
  - **Additive Application/Watering** to minimize fugitive dust during material hauling
  - **Highly Maintained Haul/Access Roads** to minimize fugitive dust from vehicle travel over unpaved roads (AQ/HRA, p. 24).
- 

**Chapter 6, page 6-3:** Section 6.2.1, *Project Objectives*, has been modified as follows:

The Applicant's objectives for the Revised Project are as follows:

- Construct and operate mining, ore processing and project support facilities to recover precious metal (gold and silver) from the Soledad Mountain mineral resource. The proposed project will occur on and within fee lands, mining leases, patented mining claims and unpatented mining claims owned and/or controlled by Golden Queen Mining Co. Inc.
  - Develop and operate a mine to recover gold from the Soledad Mountain Project ore deposit within the boundary of the property controlled by Golden Queen Mining Co. Inc.
  - Meet the market demand for precious metal.
  - Recover precious metals in a manner that is environmentally responsible and to comply with applicable laws and regulations while optimizing precious metal production, maximizing the utilization of the resource and meeting the financial expectations of its shareholders.
  - Mine and process waste rock as aggregate for sale.
- 

**Chapter 6, page 6-19:** The following paragraph under *Ability to Avoid or Substantially Lessen Project Impacts* has been modified to clarify that the term "beneficial effect" comparatively describes the alternative's environmental impact reduction benefit relative to the Revised Project. It does not refer to a positive environmental benefit (e.g., resource enhancement) that is measured against baseline environmental conditions.

This alternative examines the environmental effects of a decreased rate of mining and ore processing relative to the Revised Project. This alternative would have ~~a slight beneficial effect~~ less impact on drawdown of groundwater levels, slightly lower noise levels and slightly less traffic. The alternative would produce a

negligible impact on water supply due to the need for an increased total amount of water. With respect to other resources affected, there would be no significant difference between this alternative and the Revised Project.

---

**Chapter 6, page 6-20 to 6-21:** The following paragraph under *Ability to Avoid or Substantially Lessen Project Impacts* has been modified to clarify that the term "beneficial effect" comparatively describes the alternative's environmental impact reduction benefit relative to the Revised Project. It does not refer to a positive environmental benefit (e.g., resource enhancement) that is measured against baseline environmental conditions.

The Reduced Project Size alternative is primarily designed to minimize topographical impacts and incrementally improve visual impacts. This alternative would have ~~a slight beneficial effect~~ comparatively fewer impacts on the topographic profiles in relation to the Revised Project since less disturbed acreage is involved. This alternative would ~~also have a slight beneficial effect~~ fewer impacts on the vegetative resources of the affected area. With respect to the visual impact of this alternative, relative to the 1997 and Revised Projects, there would be a ~~slightly beneficial difference~~ reduced impact. Health hazard risks could increase as a result of this Reduced Project Size alternative, mainly due to the decreased acreage subject to reclamation. For all other resources affected, its environmental impacts are essentially equivalent to the Revised Project.

---

**Chapter 9, page 9-2:** The following bibliographic entry has been corrected:

Golden Queen Mining Co., Inc. **2009c.** Surface Mining and Reclamation Plan Application for the Soledad Mount Project; April 2007, revised ~~May 25~~ December 1, 2009.

## 7.3 Response to Comments

Each of the comment letters received addressing the Draft SEIR is reproduced in its entirety in this section. Each comment contained in each letter has been assigned a reference code. The responses to reference-coded comments follow each comment letter.

## Letter 1 – Governor's Office of Planning and Research, State Clearinghouse and Planning Unit



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

February 25, 2010

Scott F. Denney  
Kern County Planning Department  
2700 M Street, Suite 100  
Bakersfield, CA 93301-2323

Subject: EIR 01-08 SFD, Soledad Mountain Project by Golden Queen Mining Co., Inc.  
SCH#: 1996061052

Dear Scott F. Denney:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 24, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Acting Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1-A

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

### Document Details Report State Clearinghouse Data Base

**SCH#** 1996061052  
**Project Title** EIR 01-08 SFD, Soledad Mountain Project by Golden Queen Mining Co., Inc.  
**Lead Agency** Kern County

**Type** SIR Supplemental EIR

**Description** The proposed Revised Soledad Mountain Project is an open pit mining operation encompassing approximately 2,500 acres, of which approximately 905 acres will be mined, designed to recover precious metals from excavated ore via conventional heap leach processing methods. Project implementation will require the modification of two Conditional Use Permits (CUP 41, Map 213 and CUP 22, Map 214) previously approved by the Kern County Board of Supervisors in 1997 and the approval of a new Conditional Use Permit (CUP 27, Map 196) to amend an existing surface mining and reclamation plan in accordance with the provisions of the Surface Mining and Reclamation Act (SMARA) of 1975. Because of the proposed mine's design, the applicant will also be required to obtain approval of a Nonsummary Vacation for a portion of New Eagle Road in accordance with the California Streets and Highway Code.

#### Lead Agency Contact

**Name** Scott F. Denney  
**Agency** Kern County Planning Department  
**Phone** 661 862-8631 **Fax**  
**email**  
**Address** 2700 M Street, Suite 100  
**City** Bakersfield **State** CA **Zip** 93301-2323

#### Project Location

**County** Kern  
**City** Mojave  
**Region**  
**Lat / Long** 34° 59' 15" N / 118° 11' 43" W  
**Cross Streets** Silver Queen Road and Holt Street  
**Parcel No.** Various  
**Township** 10/11N **Range** 12,13W **Section** variou **Base** SBB&M

#### Proximity to:

**Highways** 14  
**Airports**  
**Railways** BNSF & UP/SP  
**Waterways**  
**Schools**  
**Land Use** Mining/A-1 (Limited Agriculture) and E(2-1/2)RS (Estate 2.5 acres, Residential Suburban Combining)/ General Plan: 1.1 (Federal Land) and Specific Plan: mineral extraction and processing, public lands, and low-density residential development

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; California Highway Patrol; Caltrans, District 9; Regional Water Quality Control Bd., Region 6 (Victorville); Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Document Details Report  
State Clearinghouse Data Base**

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<b><i>Date Received</i></b>	01/11/2010	<b><i>Start of Review</i></b>	01/11/2010	<b><i>End of Review</i></b>	02/24/2010
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Note: Blanks in data fields result from insufficient information provided by lead agency.

**Response to Letter 1**  
**Governor's Office of Planning and Research, State Clearinghouse and Planning**  
**Unit (February 25, 2010)**

- 1-A** Thank you for forwarding the comment letter from the State of California Native American Heritage Commission (NAHC), dated February 16, 2010 and the comment letter from the California State Lands Commission (CSLC), dated February 17, 2010. The County of Kern has responded to those letters in this document. The NAHC and CSLC letters are included in this response document as Letters 2 and 3, respectively. The County also acknowledges receipt of the Document Details Report listing the State agencies that reviewed the Draft Supplement Environmental Impact Report.



## Letter 2 – Native American Heritage Commission

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

### 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](http://www.nahc.ca.gov)  
e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)



February 16, 2010

Mr. Scott F. Denney, AICP, Supervising Planner

### KERN COUNTY PLANNING DEPARTMENT

2700 "M" Street, Suite 100  
Bakersfield, CA 93301

Re: SCH#1996061052 CEQA Notice of Completion: draft Supplemental Environmental Impact Report (SEIR) for the EIR 01-08 SFD Revised Soledad Mountain Project by Golden Queen Mining Company, Inc., an Open Pit Mining Operation on 905-acres of a 2,500-acre parcel; located two miles west of S.R. 14 and five miles south of the Community of Mojave in eastern Kern County, California

Dear Mr. Denney:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources.. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3<sup>d</sup> 604) The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amended in 2009) 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 California Code of Regulations §15064.5(b)(c) (f) CEQA guidelines). Section 15382 of 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. To adequately assess the project-related impacts on historical resources, the Commission recommends the following.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural resources were not identified within the APE. There are, however, Native American cultural resources in close proximity to the APE. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP) Coordinator's office (at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 11.

2-A

2-B

2-C

Consultation with tribes and interested Native American tribes and interested Native American individuals, as 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 [f] *et seq.*), 36 CFR Part 800.3, the President's Council on Environmental

2-D

Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's 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*.

2-D  
Cont.

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 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. Discussion of these should be included in your environmental documents, as appropriate.

2-E

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and 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. 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 APE and possibly threatened by proposed project activity.

2-F

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

2-G

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

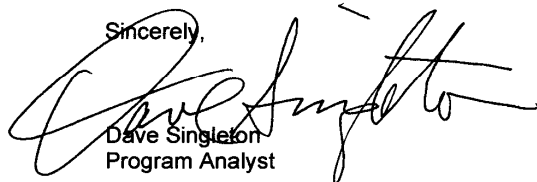
2-H

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

2-I

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton  
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Native American Contacts  
Kern County  
February 16, 2010

Tule River Indian Tribe  
Chairperson  
P.O. Box 589  
Porterville, CA 93258  
chairman@tulerivertribe-nsn.  
(559) 781-4271  
(559) 781-4610 FAX

Yokuts

Kern Valley Indian Council  
Julie Turner, Secretary  
P.O. Box 1010  
Lake Isabella, CA 93240  
(661) 366-0497  
(661) 340-0032 - cell

Southern Paiute  
Kawaiisu  
Tubatulabal  
Koso  
Yokuts

Ron Wermuth  
P.O. Box 168  
Kernville, CA 93238  
warmoose@earthlink.net  
(760) 376-4240 - Home  
(916) 717-1176 - Cell

Tubatulabal  
Kawaiisu  
Koso  
Yokuts

Kern Valley Indian Council  
Robert Robinson, Historic Preservation Officer  
P.O. Box 401  
Weldon, CA 93283  
brobinson@mchsi.com  
(760) 378-4575 (Home)  
(760) 549-2131 (Work)

Tubatulabal  
Kawaiisu  
Koso  
Yokuts

Kitanemuk & Yowlumne Tejon Indians  
Delia Dominguez  
981 N. Virginia  
Covina, CA 91722  
(626) 339-6785

Yowlumne  
Kitanemuk

Tubatulabals of Kern Valley  
Donna Begay, Tribal Chairwoman  
P.O. Box 226  
Lake Isabella, CA 93240  
(760) 379-4590  
(760) 379-4592 FAX

Tubatulabal

Tejon Indian Tribe  
Kathy Morgan, Chairperson  
2234 4th Street  
Wasco, CA 93280  
661-758-2303

Yowlumne  
Kitanemuk

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

Distribution of this list does not relieve any person of 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. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106, and federal NAGPRA.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#1996061052; CEQA Supplemental Environmental Impact Report (SEIR) for the EIR 01-08 SFD Revised Soledad Mountain Project by Golden Queen Mining Company, Inc.; located five miles south of the Community of Mojave near S.R. 14 in eastern Kern County, California.

## **Response to Letter 2**

### **Native American Heritage Commission (February 16, 2010)**

- 2-A** Thank you for your comment indicating that the Native American Heritage Commission (NAHC) performed a Sacred Lands File (SLF) search and found that Native American Cultural resources are not within the area of potential effect (APE). This confirms the findings in the 1997 FEIR/EIS and the Draft Supplemental Environmental Impact Report (SEIR).

1997 FEIR/EIS Volume 5, Appendix VIII, includes the results of Phase I archaeological surveys and Phase II test excavations and determinations of significance. In 1997, interested Native American tribes and individuals requested tribal input regarding information on special religious and cultural values within the project area. Consultation between the County and interested Native American tribes and individuals was initiated in 1997, as described in the 1997 FEIR/EIS (pp. 570-571).

In addition, The Kern County Planning Department initiated the consultation process as part of the Notice of Preparation (NOP) on August 18, 2008. In response, the NAHC provided a list of Native American individuals and organizations. The Kern County Planning Department subsequently sent a copy of the Draft SEIR to those individuals identified by the NAHC in 1997, those identified from the 2008 NOP, and those identified by the NAHC during circulation of the Draft SEIR.

As stated in the Draft SEIR (p. 4.1-25), subsequent Phase III data recovery was conducted by W&S Consultants on the project site in 2007. The Phase III report is included in Draft SEIR Volume 5, Appendix U. The Phase III effort provided current data for the four historically important sites, and it compiled all information previously obtained by studies in the field in the 1990s into a single report. Although the Phase III recommended no further archaeological investigation on-site, it acknowledged the need to provide archaeological monitoring in the event that historic burial sites are discovered during ground disturbance activities. Therefore, the County and the project proponent will continue with appropriate consultation, consistent with the NAHC's recommendation to contact persons on the list of Native American contacts.

- 2-B** Thank you for your comment recommending that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed. The Revised Project is nearing the Final SEIR certification phase of the California Environmental Quality Act (CEQA) environmental planning process. As indicated in Response to Comment No. 2-A, if the project is approved, future archaeological monitoring will be conducted consistent with the NAHC's recommendation and the mitigation measure monitoring provisions of the Final SEIR.
- 2-C** Thank you for your comment suggesting contact with the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP) Coordinator's office. Archival research, including records searches, were conducted at the CHRIS Southern San Joaquin Valley Information Center

(SSJVIC) at California State University, Bakersfield in 1997. Commenting on the 1997 EIR/EIS, the SSJVIC confirmed that W & S Consultants had conducted a Phase I archaeological field survey of the entire project area in 1995, and that Phase II and III archaeological investigations and testing were conducted on all sites considered potentially significant. Please see Comment Letter 23 from Adele Baldwin, Assistant Coordinator, Southern San Joaquin Valley Information Center, dated July 14, 1997, as contained in Volume 7, Appendix V: 1997 FEIR/EIS Volumes 5-7 of the Draft SEIR.

- 2-D** Thank you for your comment regarding consultation between the County and interested Native American tribes and individuals. Please see Response to Comment No. 2-A for a discussion of earlier consultations and provisions for future consultations with Native American tribal representatives.

Regarding cultural landscapes as an historic resource type subject to the 1992 Secretary of the Interior's Standards for the Treatment of Historic Properties, the comment is noted and will be considered, as appropriate, during ongoing site monitoring and resource documentation. The cultural resource investigations thus far (see Response to Comment No. 2-A) have been conducted with the intent of determining resource eligibility for the National Register of Historic Places and California Register of Historic Places. All investigations have been conducted by a professional archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric archaeology, and all related documentation has been submitted to the Kern County Planning Department upon completion.

- 2-E** Thank you for your comment regarding avoidance of significant cultural resources and provisions following accidental discovery of archaeological resources and human remains. Please see Response to Comment No. 2-A regarding known historic cultural resources.

Consistent with the cited provisions in Public Resources Code (PRC) Section 5097.98 and Health & Safety Code Section 7050.5, the Draft SEIR (p. 4.1-24, *Compliance with 1997 FEIR/EIS Mitigation Measures*) reiterates from the 1997 FEIR/EIS the following requirements for accidental discovery of significant cultural resources or human remains during ground disturbance. As indicated previously in Section 7.2 (*Revisions to the Soledad Mountain Project Draft Supplemental EIR*), the second bullet under Regulatory Requirements in the Draft SEIR has been modified based on NAHC's comment. Specifically, a statement affording due notification under PRC Section 5097.98(a) has been added.

*Regulatory Requirements*

- *If any unknown cultural resources (i.e., archaeological artifacts, human remains, paleontological resources) are discovered in the course of operations on federal land, the operator shall bring this to the attention of the authorized officer and shall leave such discovery intact until told to proceed by the authorized officer.*
- *In the event of discovery of human remains, work in the area will halt until the coroner has determined that no investigation of the cause of*

*death is required; or, if the remains are of Native American origin, descendants have made a recommendation to the owner regarding proper disposal of remains, or no descendants have been identified or descendants failed to make a recommendation with 24 hours of notification. If no recommendation is received, remains are to be reinterred with appropriate dignity on the property in a location not subject to future development.*

If the remains are determined to be of Native American origin, descendants are afforded due notification process under the provision of Public Resource Code Section 5097.98(a).

Existing Mitigation Measures/Conditions of Approval

- **1997 FEIR/EIS MM #34** *Artifacts from the historical sites will be used to establish a small display of historical mining activities onsite. After conclusion of the project, the items on display will be donated to a museum located in Kern County. (Condition of Approval No. 38)*
- **1997 FEIR/EIS MM #35** *As part of the worker education program, construction contractors and operations personnel will be instructed regarding the sensitivity of cultural resources and the presence of laws against unauthorized collection and disturbance. (Condition of Approval No. 39)*
- **1997 FEIR/EIS MM #36** *If any unknown archaeological/cultural resources are discovered on private land during the course of mining or reclamation, work in the area of discovery shall be stopped and a qualified archeologist contacted to evaluate the find and, if necessary, mitigate impacts prior to resumption of work. (Condition of Approval No. 40)*
- **1997 FEIR/EIS MM #37** *A Phase III Data Recovery (salvage excavation and architectural recording) will be conducted at four sites. (Condition of Approval No. 41)*
- **1997 FEIR/EIS MM #38** *Seven sites will have an archaeological monitor review the area during grading activity. (Condition of Approval No. 42)*

As indicated in the Draft SEIR (p. 4.1-23), the measure requiring Phase III data recovery has already been satisfied. The remaining measures are consistent with the NAHC comment letter, including the procedures for protection of undiscovered cultural resources during implementation of the Revised Project.

- 2-F** Thank you for your comment regarding the confidentiality of Sacred Lands File search results. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.
- 2-G** Thank you for your comment regarding CEQA requirements for cooperation with Native American representatives to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. The 1997 FEIR/EIS and the Draft SEIR sufficiently address the possibility of

such discoveries during ground disturbance activities. Please see Response to Comment No. 2-E, above.

- 2-H** Thank you for your comment describing mandated procedures in the event of an accidental discovery of human remains, including determination of whether those remains are Native American. Please see Response to Comment No. 2-E, above.
- 2-I** Thank you for your comment regarding avoidance of significant cultural resources discovered during project planning and implementation. Please see Response to Comment No. 2-A and 2-E, above.

## Letter 3 – California State Lands Commission

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

**CALIFORNIA STATE LANDS COMMISSION**100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202**PAUL D. THAYER, Executive Officer**  
(916) 574-1800 FAX (916) 574-1810  
*Relay Service From TDD Phone 1-800-735-2929*  
*from Voice Phone 1-800-735-2922***Contact Phone: (916) 574-1900**  
**Contact FAX: (916) 574-1885**

February 17, 2010

File Ref: SCH# 1996061052

Mr. Scott Denney  
Kern County Planning Department  
2700 M. Street, Suite 100  
Bakersfield, CA 93301**Subject: Golden Queen Mining Co. Inc. Soledad Mountain Project Supplemental Draft Environmental Impact Report**

Dear Mr. Denney:

The staff of the California State Lands Commission (CSLC) has reviewed the Supplemental Draft Environmental Impact Report (DEIR), for the Soledad Mountain Project proposed by the Golden Queen Mining Co. Inc. The project would involve approximately 2500 acres of lands contained within Sections 5, 6, 7, and 8 of T10N, R12W, a portion of Section 32, T11N, R12W, and portions of Sections 1 and 12, T10N, R13W, SBBM, Kern County, southwest of the town of Mojave. The project's purpose is to produce precious metals through open pit mining and the use of conventional heap leach processing. Based on our review of the DEIR, we offer the following comments.

In 1853, California was granted Sections 16 and 36 (2 square miles), or lands in lieu thereof, from each township (36 square miles) then held by the federal government. These lands, classified as "School Lands," were granted to the State to help support public education. While many of the School Lands have been subsequently sold, the State retains an interest in about 1.3 million acres of mostly desert and forest lands. State legislation has mandated that revenues from these School Lands accrue to the State Teachers Retirement System. The CSLC also retains jurisdiction and authority over School Lands and Lieu Lands.

The proposed project area includes lands patented by the State in 1927, where the State reserved a 1/16<sup>th</sup> mineral interest. This interest comprises approximately 71.97 acres located in Lots 2 and 20 located in the north ½ of the northeast ¼ of Section 6, T10N, R12W, SBBM in Kern County. It is our understanding from this DEIR and from previous correspondences that heap leach operations are proposed on the parcel of which the CSLC owns a 1/16<sup>th</sup> mineral interest. Based on the data provided, it can be concluded that this parcel has marginal mineral potential and will be part of the area covered by the Phase 1 heap leach pad, and that Golden Queen has no plans to generate or sell any by-product aggregate from this parcel. With a 1/16<sup>th</sup> interest and no mineral harvest, a lease from the CSLC is not required. However, it is in the State's

3-A



Scott Denney

Page 2

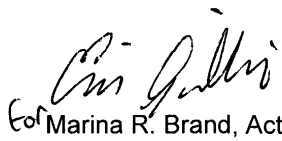
February 17, 2010

best interest to be kept informed of the status of the permit process and any exploration and mining activities on the parcel containing the mineral interest administered by the CSLC. Correspondence with the CSLC must continue throughout the life of the project, including final reclamation work.

**3-A  
Cont**

Please contact Marina Voskanian, Planning and Development Section in the Mineral Resources Management Division office of the CSLC, at (562) 590-5201 or by e-mail at [voskanm@slc.ca.gov](mailto:voskanm@slc.ca.gov) with question concerning the lease. If you have any questions concerning the environmental review, please contact Sarah Mongano at (916) 574-1889 or by e-mail at [mongans@slc.ca.gov](mailto:mongans@slc.ca.gov).

Sincerely,

  
for Marina R. Brand, Acting Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research

Marina Voskanian  
Jim Frey  
Greg Scott  
Greg Pelka  
Steve Mulqueen  
Vanessa Perez  
Sarah Mongano

### **Response to Letter 3**

#### **California State Lands Commission (February 17, 2010)**

- 3-A** Thank you for your comment describing the State's mineral interests and confirming that a lease from the California State Lands Commission (CSLC) is not required. As requested, the County of Kern will keep CSLC informed of the status of the permit process and any exploration and mining activities on the parcel containing the mineral interests administered by the CSLC. The requested correspondence will continue throughout the life of the project, including final reclamation work.

## Letter 4 – State of California Resources Agency, Department of Conservation, Office of Mine Reclamation

NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR



### DEPARTMENT OF CONSERVATION

#### OFFICE OF MINE RECLAMATION

801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 323-9198 • FAX 916 / 445-6066 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

February 23, 2010

**VIA EMAIL: [ScottD@co.kern.ca.us](mailto:ScottD@co.kern.ca.us)**  
**ORIGINAL SENT BY MAIL**

Scott F. Denney, AICP  
Supervising Planner  
Kern County Planning Department  
2700 M Street, Suite 100  
Bakersfield, CA 93301-2323

SOLEDAD MOUNTAIN MINE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT  
REPORT AND PROPOSED RESPONSES TO COMMENTS  
SCH # 96061052

Dear Mr. Denney:

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the *Draft Supplemental Environmental Impact Report* (DSEIR), dated January 2010 for the proposed Soledad Mountain Project.

The proposed project entails the development of an open-pit mine to extract and process silver and gold ore from five pits. Site development also will include two heap leach pads, waste rock dumps, processing facilities, offices, drainage modifications, water wells and other appurtenances. The applicant, Golden Queen Mining Co., Inc., estimates that about 51.2 million tons of ore and 108.4 million tons of waste rock will be mined over a period of 12 years. The plan also includes a provision for selling about 19 million tons of waste rock as aggregate, the sale of which will reportedly begin fairly early in the mine life and continue for up to 30 years. The approximate 1,440-acre site is located on Silver Queen Road in an unincorporated area of Kern County approximately 5 miles south of the town of Mojave, California.

The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code section 2710 et seq.) and the State Mining and Geology Board (SMGB) Regulations (California Code of Regulations (CCR) Title 14, Division 2, Chapter 8, Subchapter 1) require that specific items be addressed or included in reclamation plans. The following comments discuss issues identified within the DSEIR that are inconsistent with SMARA

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*The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.*

Scott F. Denney  
February 23, 2009  
Page 2

and SMGB regulations. OMR recommends that these issues be addressed so the reclamation plan conforms with statutory and regulatory requirements.

### **Mining Operation and Closure**

(Refer to SMARA sections 2770, 2772, 2773, CCR sections 3502, 3709, 3713)

1. SMARA section 2772(c)(5) requires that a map of the site clearly show topographic details of the site as well as the limits of mining, reclamation, proposed access roads and existing roads on site, and utilities within or adjacent to the mine site. The maps provided should include existing and proposed final contours and drainage patterns, and depict existing areas of vegetation and proposed areas of revegetation per section 2773(a). In addition, the maps should include soil and waste rock stockpiles, erosion control facilities, and existing and proposed structures. The following items provide examples of the type of things that should be addressed in the figures:
  - All figures should be of readable scale. The level of detail required for meaningful review cannot be accomplished in the figures provided, which are presented with an approximate scale of 1 inch equals 2,000 feet. A scale of 1 inch equals 400 feet would be an appropriate scale for a 1,400-acre site.
  - All figures should have thorough explanations and show information referenced in the text of the document. For example:
    - Figure 3-15, *Stage 1 Channel Construction Plan*, shows existing contours in the explanation but they are illegible on the map. Additionally, a set of contours in the general location of the proposed heap leach pad are not referenced in the explanation or labeled on the map.
    - The text on page 3-39 of the DSEIR states that a heap leach pad channel that extends approximately 7,000 feet along the northerly site boundary is shown on Figure 3-16, *Post-Mining Drainage Plan*, however, the figure only shows the general location of flow paths without the pertinent drainage features referenced in the text.

4-A

### **Geotechnical Requirements**

(Refer to CCR sections 3502, 3704)

2. CCR section 3704.1(a) requires open-pit excavations created by surface mining activities for the production of metallic minerals to be backfilled to achieve not less than the original surface elevation, unless there is insufficient material remaining to completely backfill excavations. The proposed plan for reclamation, including project maps and cross sections, indicates that the effort to backfill the open pits falls short of the requirement to achieve not less than the original surface elevations. The plan will need to be revised to conform with CCR section 3704.1(a).
3. Section 3.9 of the DSEIR, *Reclamation and Revegetation*, states that backfill in the mined-out phases of the open pit will typically consist of loose, coarse waste rock. Pursuant to CCR section 3704.1(d), backfilling must be designed to protect groundwater quality, prevent surface water ponding, facilitate revegetation, convey runoff in a non-erosive manner, and account for long-term settlement. The reclamation plan should

4-B

4-C

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include provisions for performing backfilling activities in clearly defined phases to the engineering and geologic standards required for the end use.

4-C  
Cont

4. The plan for reclamation of the site does not propose to utilize materials from the heap leach pads and much of the rock dumps for backfilling. CCR section 3704.1(h) requires that all mined materials remaining on site be utilized for backfilling to achieve pre-mining surface elevations, including overburden, waste rock, and processed and leached ore. Heap leach facilities must be engineered to facilitate backfilling and spent ore must be treated, if necessary, to meet the applicable Regional Water Quality Control Board regulations pursuant to CCR section 3704.1(b) prior to being used as backfill material.

4-D

5. The reclamation plan should describe how any mined material, in excess of what is needed to achieve original surface elevations will be reclaimed pursuant to CCR section 3704.1(e), which requires that no final reclaimed fill slopes exceed 2:1 (horizontal:vertical), and that resultant topography not exceed in height the pre-mining surface contour elevations by more than 25 feet. Project maps and cross sections show that the remaining waste dump, heap leach pads will be about 200 feet higher than the original surface contour elevations. As described above, these heap leach and waste materials should be used to backfill the mining pits. If these materials cannot be used as backfill, then the topography of the waste dumps, heap leach pads, and/or any other similar areas should be lowered to within 25 feet of the original surface topographic contours.

4-E

Additionally, final fill slopes shall have a static and dynamic factor of safety, as determined by an engineer licensed in California, that are suitable for the proposed end use of the site and meet or exceed the requirements of applicable grading codes, ordinances, statutes, and regulations. Attachment I, *Waste Rock Dump Stability* (Glasgow, 1996 and Golder Associates Inc., (Golder) 1998), to the revised reclamation plan was prepared to evaluate proposed overburden disposal piles that are no longer in the same configuration. Furthermore, the portion of the stability analysis prepared by Golder is not signed or stamped and appears to have been prepared by Golder's Denver, Colorado office. A stability analysis for the currently proposed backfilling design should be included in the reclamation plan in accordance with CCR 3704.1(e).

4-F

#### **Hydrology and Water Quality**

(Refer to SMARA sections 2772, 2773, CCR sections 3502, 3503, 3706, 3710, 3712)

6. Section 3.11.5, *Drainage and Flood Control*, discusses proposed channel improvements along a narrow portion of the 100-year floodplain along the toe of the proposed heap leach pad. The drainage channel has been designed for a 100-year/3-hour intensity storm event or approximately 0.45 inches per hour based on the Site Drainage Plan prepared by Golder (2009). CCR section 3706(d) requires that erosion control methods be designed to handle runoff from not less than 20-year/1-hour intensity storm event, which would be approximately 0.74 inches per hour. Drainage channels and culverts must be designed to handle the 20-year/1-hour intensity storm in accordance with SMGB regulations.

4-G

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7. Section 3.11.5, *Drainage and Flood Control*, discussed runoff and erosion controls through the use of best management practices (BMPs). In this section of the DSEIR a recommendation is provided by Golder (2009) to determine the actual locations and details for BMP installations at the time of construction rather than presenting design and construction drawings. Pursuant to CCR section 3503(e), grading and revegetation shall be designed to minimize erosion. Provisions should be added to the reclamation plan to include BMPs for the entire site to control erosion and sedimentation during all phases of construction, operation, reclamation, and closure of the proposed project per CCR section 3706(c).

4-H

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 323-5434.

Sincerely,

for   
James S. Pompy, Manager  
Reclamation Unit

2010 FEB 25 PM 2:33

## Response to Letter 4

### State of California Resources Agency, Department of Conservation, Office of Mine Reclamation (February 23, 2010)

**4-A** Thank you for your comment regarding the scale and level of detail necessary for meaningful review of figures in the Draft Supplemental EIR. The project proponent has submitted Architectural D-size sheets (24 x 36 inches) to assist in reviewing printed versions of the following listed figures. In conformance with SMARA Section 2774(d)(2), the listed figures were provided to the Office of Mine Reclamation (OMR) as Attachment 1 to the Lead Agency's response letter dated March 10, 2010. Those figures are reproduced on 11 x 17 inch sheets following these responses. :

- Figure 3-14 Heap Leach Pad Design (SEIR)
- Figure 3-15 Stage 1 Channel Construction Design (SEIR)
- Figure 3-16 Post Mining Drainage Plan (SEIR)
- Drawing 2 Overall Drainage Channel Plan (CLOMR)

The Lead Agency notes that the Drainage Channel Design has been signed and stamped by a California-registered engineer. The following figure has been revised and is also reproduced following these responses:

- Figure 3-12 General Site Layout (SEIR)

Using a scale factor of 1 inch equals 400 feet for a 1,400-acre site would require architectural sheets in excess of 24 x 36 inches or the need to employ numerous match lines. Consequently, digital copies (PDF format) of the aforementioned figures were provided to all DSEIR reviewers to allow the ability for the user to zoom in/out to facilitate readability.

**4-B** Thank you for your comment regarding the State's backfill requirements for metallic mines and the need to revise the project plan to conform to said requirements.

California Code of Regulations (CCR) section 3704.1 imposes several limitations on the requirement that metallic mines be backfilled to achieve not less than the original surface elevations. Subsection (h) makes an exception for the situation where there is insufficient material remaining to completely backfill excavations (the exception noted in the comment). Additional exceptions are found in Subsection (e), which provides in part: "*The requirements of subsection (a) . . . notwithstanding, no final reclaimed fill slopes shall exceed 2:1 (horizontal:vertical). . .*" Accordingly, subsections (a) and (e) together mean that backfilling the excavation must stop at the point that the maximum slope steepness factor of 2:1 has been achieved, even if the backfilling has not yet achieved the original surface elevation. The maximum slope steepness of 2:1 is the limiting factor in backfilling all of the Soledad Mountain Project pits.

At the OMR's request, additional information was furnished by the Lead Agency in electronic form regarding the post-backfilling contours of the proposed project, and was acknowledged as being received by your agency on February

22, 2010 (printed copy attached). The supplemental information demonstrated that, post-backfilling, all pits but the west pit be completely backfilled and would achieve the maximum 2:1 slope steepness specified by Section 3704.1(e). This represents the maximum backfilling allowed under the regulations for these pits.

With respect to the west pit, the project's surface mining and reclamation plan originally proposed to use the west pit for accumulation of rejects, or "fines", from the aggregate production operation. As a general matter, containment of this material in the west pit was considered a prudent choice, because it would be more difficult to control erosion off uncontained fines than off waste rock. However, the Plan stated that slope stability concerns would prevent backfilling on top of the fines up to the 2:1 maximum slope steepness. The Lead Agency notes that CCR Section 3704.1(e) provides: *"Final fill slopes shall have static and dynamic factors of safety, as determined by an engineer licensed in California, that are suitable for the proposed end use of the site and meet or exceed the requirements of applicable building or grading codes, ordinances, statute and regulations."* Thus, subsection (e) itself meant that backfilling was not required to achieve the original contours where to do so would produce slopes that do not meet the requisite static and dynamic factors of safety.

Subsequent to the receipt of the OMR's comments the project proponent has taken the opportunity to reexamine the Plan and make refinements to the Plan's management of fines.

As proposed, during the first 12 years of the project, the plan envisions excavation of a series of pits, and sequential backfilling of a mined-out phase with waste rock from the next pit. Aggregate production will commence in approximately the fifth year of operations. The surface mining and reclamation plan has been revised to indicate that for approximately the first eight years of aggregate production, approximately 25 percent, or 1 million tons, of total fines can be placed in the pits that are being backfilled during the first four phases of mining. This will not reduce the capacity of these pits to receive waste rock to any measurable degree, as the fines will simply fill voids in the backfill. The project proponent estimates that approximately 75 percent, or 3 million tons, of total fines would be directed to the west pit from aggregate production. This would keep the level of fines in the west pit below the rim of the pit. Under these circumstances, the project proponent's engineers advise that slope stability concerns will not limit the ability to backfill the west pit to 2:1 slopes using leached and rinsed residues.

Assuming maximum allowable backfilling for the west pit using leached and rinsed residues on top of the aggregate fines will be 2:1, it is expected that up to approximately 9 million tons of leached and rinsed residues could potentially be used to backfill the west pit. The project proponent has submitted additional figures depicting the backfill of the west pit using leached and rinsed residues on top of fines (see Attachment 2, Figures 1 through 3).

However, it should be noted that the project proponent also intends to sell the leached and rinsed residues for other beneficial uses. The project proponent is currently evaluating the feasibility of selling the leached and rinsed residues for various uses. Depending upon the amount of leached and rinsed residues sold, all



mining pits, except the western-most pit would be completely backfilled. The west pit would be filled to the maximum feasible extent, as there may be insufficient material remaining on-site to allow complete backfill of the pit. If this occurs, then per CCR section 3704.1(h), no further backfilling will be required because at the conclusion of mining activities, an insufficient volume of materials in the form of overburden piles, waste rock piles, and processed or leached ore piles, will exist to perform the requisite task.

It should also be noted that the Lead Agency intends to propose that approval of the project be conditioned to address backfilling of the open pits on the project site in accordance with CCR Section 3704.1.

- 4-C** Thank you for your comment regarding the need for reclamation plan provisions for performing backfilling activities in clearly defined phases to the engineering and geologic standards required for the end use.

As proposed, the ultimate goal of reclamation will be to return the Soledad Mountain mine site to an end use of open space and wildlife habitat. The reclamation plan incorporates sequential backfilling in phases as the excavation proceeds. As already described in the surface mining and reclamation plan, backfilling is proposed to proceed in the following general sequence:

- Waste rock from Phase 1 will be used to construct access roads or stockpiled for the aggregate operation.
- Waste rock from Phase 2 will be used to construct the aggregate pad, and quality waste rock will be stockpiled for the aggregate operation.
- Waste rock from Phase 3 will be backfilled into Phases 1 and 2.
- Waste rock from Phase 4 will be backfilled into Phases 2 and 3.
- Waste rock from Phase 5 will be backfilled into Phases 3 and 4.

With sequential backfilling, reclamation can begin in Phases 1 and 2 while excavation is still underway in Phases 4 and 5. With the exception of the west pit, the project incorporates concurrent reclamation in conjunction with sequential backfilling. As described in Responses to Comment Nos. 4-B and 4-E herein, the west pit will be backfilled with fines and leached and rinsed residues. This backfilling will take place following the conclusion of excavation and the rinsing of residues on the Phase 2 heap leach pad. Micro-contouring will be used to create micro-basins, which are features designed to trap moisture and seeds. Growth media will be applied as irregular mounds or rows creating “garden spots” and re-seeding will use a mix of native seed. Additional information regarding revegetation is found in Attachment K of the surface mining and reclamation plan.

With respect to protection of water quality, the approved 1997 project was reviewed by the Lahontan Regional Water Quality Control Board (RWQCB), which issued Waste Discharge Requirements allowing the project to proceed with appropriate protections for groundwater quality. The project proponent has submitted a new Report of Waste Discharge which is included as Appendices C through H in the surface mining and reclamation plan. In addition to the analysis

of water quality issues in the 1997 EIR/EIS and the 2009 Draft SEIR, and the mitigation measures contained therein, the Lead Agency will rely on the expertise of the RWQCB, as the responsible agency with expertise in the area of groundwater protection.

- 4-D** Thank you for your comment regarding the use of heap leach and rock dump materials for backfilling purposes, including the requirement to treat spent ore to RWQCB standards, if necessary, prior to being used as backfill material.

As noted above, CCR section 3704.1(e) limits backfilling of the excavations to slopes no greater than 2:1. Consequently, the project proponent has revised the surface mining and reclamation plan to address backfilling the west pit using fines, in addition to leached and rinsed residues (see Response to Comment 4-B, above, and Attachment 2 following these responses). The leached residues will be rinsed and neutralized on the heap per the requirements of the Regional Water Quality Control Board (RWQCB), so no further treatment is expected to be needed. However, with respect to reclamation of the leached and rinsed residues, the Lead Agency will rely on the expertise of the RWQCB, as the responsible agency with expertise in the area of ground water protection, and expects that the Waste Discharge Requirements issued by the RWQCB will address this issue. The Lead Agency notes that in accordance with an existing condition of approval adopted when the project was originally considered, the project proponent will need to demonstrate compliance with all requirements of the California Regional Water Quality Control Board. Furthermore, any approvals or permits issued by that agency will need to be submitted to the Kern County Planning Department for incorporation into the approved surface mining and reclamation plan.

- 4-E** Thank you for your comment regarding prohibition against exceeding pre-mining surface contour elevations by more than 25 feet.

As proposed, the project includes two heap leach pads. It was the desire of the project proponent to avoid use of the Phase 2 heap leach pad if not needed, so as to avoid impacting the existing habitat in the footprint of the pad. As described in the surface mining and reclamation plan, the Phase 2 heap leach pad would have been used only if percolation rates and leaching were not adequate on the upper lifts of the Phase 1 heap leach pad. Nevertheless, the Lead Agency notes that impacts resulting from construction and use of the Phase 2 heap leach pad have been fully evaluated in the Draft SEIR.

The project proponent has revised the surface mining and reclamation plan to incorporate dividing the ore between two heap leach pads to reduce the overall height of the ore on the Phase 1 heap leach pad. Ore will not be stacked higher than 66 feet on the Phase 1 heap leach pad, or higher than 99 feet on the Phase 2 heap leach pad. The project proponent proposes to stack ore on the heap leach pads in lifts of 33 feet. Although over time, leaching, rinsing and natural compaction will result in a lift diminishing in height to less than 30 feet, the residues remaining on the heap leach pads will exceed the pre-mining surface contour elevations by more than 25 feet and require redistribution.

As noted in the response to Comment 4-B above, the project proponent intends to sell the leached and rinsed residues for other beneficial uses. However, if the

residues are not sold and removed from the site, the project proponent has demonstrated the redistribution of the residues at the conclusion of the project. To the extent that residues on the Phase 1 heap leach pad exceed the pre-mining surface contour elevations by more than 25 feet, the project proponent will redistribute a portion of the residues into the area south and west of the Phase 1 heap leach pad, following dismantling of the crushing and screening plant. Additionally, some of the residues also may be backfilled into mined-out phases of the pits, if necessary. The project proponent, along with its consultants, is currently preparing conceptual drawings depicting this area following redistribution of the residues, and the Lead Agency will submit those drawings as soon as practicable for incorporation into the Plan in accordance with the provisions of SMARA.

To the extent that residues on the Phase 2 heap leach pad following natural compaction exceed the pre-mining surface contour elevations by more than 25 feet, the project proponent will backfill the residues into the West Pit until a maximum 2:1 slope is achieved (see Attachment 2 following these responses). If the residues remaining on the Phase 2 heap leach pad following this backfilling continue to exceed the pre-mining surface elevation by more than 25 feet, GQM will re-distribute a portion of the leached and rinsed residues by distributing them around the perimeter of the Phase 2 heap leach pad and to the north of the pad. As can be seen on the aerial photograph (see Attachment 3 following these responses), this area suffered substantial surface disturbance during prior mining and exploration activities on site.

Reclamation following the re-distribution of leached and rinsed residues will proceed as described in the Draft SEIR and the surface mining and reclamation plan. The Lead Agency notes that any redistribution of leached and rinsed residues will stay within the footprint of the disturbed areas described in the Draft SEIR and will not substantially change any previously-described impacts or activities. The project proponent will undertake the movement of the leached and rinsed residues in conjunction with the planned reclamation activities described in the Draft SEIR. However, it is possible that redistribution of a portion of the residues from the Phase 2 heap leach pad will extend the duration of post-mining site reclamation activities by up to one year.

- 4-F** Thank you for your comment regarding slope stability analysis and differences in design configuration. As requested by the OMR's comment, the project proponent's consulting engineers are preparing an updated stability analysis for the waste rock storage and aggregate production pad. Additionally, the consulting engineers are currently preparing a stability analysis for the fill in the West Pit. Upon completion, both stability analyses will be submitted to the Lead Agency and incorporated into the approved surface mining and reclamation plan in accordance with the provisions of SMARA.

Please also refer to Response to Comment 4-E, above.

- 4-G** Thank you for your comment regarding the requirement to design drainage channels and culverts to handle the 20-year/1-hour intensity storm in accordance with SMGB regulations.

The Lead Agency notes Rivertech's Soledad Mountain Hydrology Study dated September 2009, of the CLOMR, Figure 2 (page 2) represents the 100-year intensity-duration curve for the proposed project site. The 60 minute rainfall depth shown on this curve is 1.13 inches, not 0.45 inches as stated in the OMR comment. The misconception appears to stem from the hyetograph shown on page 3 of said report. Figure 3, found on page 3 in the hydrology section, represents the 3-hour portion of the 100-year storm hyetograph. The rainfall depths shown on the graph are in 5 minute unit periods. The 0.4 inch depth of rainfall shown in the graph represents the amount of rain which would fall in the most intense portion of the 100-year storm over a 5 minute period of time. The total depth of rainfall during a one-hour period would be obtained by summing the 12 plotted depths of rainfall distributed about the peak of the curve displayed on the graph. The Lead Agency would like to remind the OMR that the Kern County Hydrology Manual provides for the 2/3rds, 1/3rd rainfall distribution found in the graph. The summation of these points is approximately 1.13 inch which is the depth of rainfall shown on Figure 2 for the one-hour duration. Documentation for the rainfall depths are also found in Appendix C of Rivertech's CLOMR application.

- 4-H** Thank you for your comment regarding determination of BMP locations at the time of construction rather than as part of pre-construction design drawings. Sizing and preliminary locations of facilities and BMPs is sufficiently defined for CEQA purposes and design drawings will be provided to the appropriate regulatory agencies prior to construction. Where field design is more suitable, the type and placement of BMPs will be coordinated with those agencies as well, as discussed below.

The comment merges two distinct standards: the requirement in CCR section 3503(e) that grading and revegetation be designed to minimize erosion, and the requirement in CCR section 3706(c) that erosion and sedimentation be controlled during all phases of the project. The existing figures in the submitted surface mining and reclamation plan identify the locations of many of the structures used to convey and manage runoff. However, many other control measures are Best Management Practices (BMP) that are flexible measures to be applied in addition to grading and revegetation to address the specific circumstances that can change over time, or even as quickly as day to day. SMARA does not require that BMPs be shown at a fixed location on design drawings or grading plans. If they were to be shown on the design drawings in this way, they would rapidly become obsolete, impeding the County's ability to enforce the BMPs as needed.

CCR section 3706(c) provides: "Erosion and sedimentation shall be controlled during all phases of construction, operation, reclamation, and closure of a surface mining operation to minimize siltation of lakes and watercourses, as required by the Regional Water Quality Control Board or the State Water Resources Control Board." Erosion and sedimentation control will be specified by the Lahontan RWQCB under the State's National Pollutant Discharge Elimination System General Construction Storm Water Permit, and in the Waste Discharge Requirements that will be issued for the project. In addition, the surface mining and reclamation plan and the Draft SEIR identify the following measures, including BMPs that will be implemented by the Project as identified below:

The Site Drainage Plan (Attachment M to the surface mining and reclamation plan) provides extensive detail, including approximate locations where feasible, of the erosion control measures that will be implemented in the project. These include:

- Runoff will be diverted directly into sediment ponds. Sediment ponds are proposed as shown on Figure 2 and Figure 3, for the Phase 1, Stage 1 and the post-mining conditions, respectively. The pond locations and estimated required capacities are summarized in Table 5.2-1.
- The preliminary layout and drainage associated with the crushing-screening plant, workshop and warehouse, fuel storage, equipment wash slab and laboratory are shown on Figure 3-16 (Post-mining Drainage Plan). A number of the facilities are located up gradient from the Phase 1 pad. Runoff originating above these facilities will be collected in ditches and routed both east and west around the perimeter of the pad.
- A site specific Spill Prevention, Control and Countermeasures Plan (SPCC Plan) will be prepared prior to the start of operations. The SPCC Plan will contain details specific to each unit, including:
  - The fuel storage tanks will be set in a containment that will receive direct precipitation and any spills.
  - Solvents, waste oil, contaminated fuel and other similar residues from the workshop will be collected in a waste oil tank located in the immediate vicinity of the workshop and will typically be recycled.
  - The residues from the equipment wash slab will be strained and stored in two concrete tanks that are part of the wash slab. Residues that accumulate will be disposed of in an approved manner.
  - Runoff from the general yard area and heavy equipment ready-line will be contained in the immediate area.
  - Runoff from the crushing-screening plant will be contained in the immediate area.
  - Direct precipitation on the overland conveyor route and access road will be collected in the perimeter drainage ditches and routed both east and west around the perimeter of the pad.
  - The laboratory has been designed as a self-contained and fully enclosed facility with no discharge.
  - Provision has been made in the design of the Merrill-Crowe plant for containment of spills. The liner under the plant will be seamlessly connected to the overflow pond liner for containment in case of a spill.
  - Sodium cyanide used in the heap leach process, will be delivered as a 30% aqueous solution with a pH of 12.5 in a tanker truck directly from the producer's plant in Nevada. The contained weight of sodium cyanide will be approximately 15,000 lb per load. The cyanide solution will be transferred to a 20,000-gallon storage tank on site. The producer will supply and install a complete handling and fully protected storage system and this will include telemetry for a managed inventory.

- Domestic waste such as the waste from the offices and lunchrooms will be collected and removed by the local contractor charged with cleaning the offices, the first aid station and the toilet facility both during construction and once the mine is in production.
- The waste rock dumps will be re-sloped to no greater than 2H:1V or approximately 27° as part of reclamation. Typical ripping and dozing patterns will be used on surfaces as has been successfully done at other operations in the California deserts. This is referred to as micro-contouring or creating micro-basins, and these features are designed to trap moisture and seeds. These features are therefore expected to trap any direct precipitation.
- The conditional use permits for the original 1997 project, required additional erosion prevention techniques, including: (a) retention of site drainage on site; (b) inspection of site roads and drainages by mining personnel after rainfall events which result in surface flow, to ensure erosion prevention is maintained and upgraded as needed; (c) drainage from the tops of overburden piles will be directed away from the slopes towards the pit; (d) stockpiling of salvaged growth media away from areas of concentrated drainage; and (e) reclamation of disturbed areas as soon as possible. In addition, the 1997 conditional use permits required periodic inspection of site drainage and updating of the Site Drainage Plan, as required.
- A drainage channel has been designed to receive and safely convey the existing 100-year, 3-hour peak storm discharge, estimated to be on the order of 1,265 cfs, from both the offsite and on-site areas as required by the Federal Emergency Management Agency. The proposed channel has been designed to be constructed with grade control structures to maintain the velocity and depth of flow at acceptable levels to protect the channel from erosion and avoid excessive velocities and depths of flow for both the existing peak discharge and the future developed peak discharge of 1,362 cfs.
- The new access road will be constructed with four 103"x71" corrugated metal arch culverts to convey discharge from the 10-year storm event under the access road without overtopping. Runoff from the 100-year storm event may be permitted to overtop the access road to a depth less than 1.5 feet without flooding Silver Queen Road, in accordance with Kern County Standards. The final design of the access road and culverts will be submitted to the Kern County Roads Department for approval prior to construction.

In addition, the Storm Water Pollution Prevention Plan (SWPPP) prepared in 2008 (Attachment S to the surface mining and reclamation plan) includes and incorporates construction BMPs prepared in accordance with the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook. The SWPPP will be updated as the site is developed, if necessary, and incorporated into the approved surface mining and reclamation plan in accordance with the provisions of SMARA. Additionally, a copy of the most recently approved SWPPP will be maintained on site. The 2008 SWPPP identifies the erosion control, sediment control, tracking control, wind erosion control, non-storm water control, and waste management and materials pollution control BMPs that have been incorporated into the Project, including:

- To control erosion during construction, the project incorporates the following general principles:
  - (1) Preserve existing vegetation where required and when feasible.
  - (2) Apply temporary erosion control to remaining active and non-active areas as required by the California Stormwater BMP Handbook - Construction, and the contract documents.
  - (3) Stabilize non-active areas as soon as feasible after the cessation of construction activities.
  - (4) Control erosion in concentrated flow paths by applying erosion control blankets, check dams, erosion control seeding, and lining swales necessary.
  - (5) Apply seed to areas where activity is deemed substantially complete.
  - (6) At completion of construction, apply permanent erosion control to all remaining disturbed areas.

The specific BMPs that will be implemented to control erosion on the construction site include:

- EC-1, Scheduling;
  - EC-2, Preservation of Existing Vegetation;
  - ES-9, Earth Dikes & Drainage Swales; and
  - S-10, Velocity Dissipation Devices.
- The Revised Project incorporates the following structural measures intended to complement and enhance the erosion control measures and reduce sediment discharges from construction areas:
  - SE-3, Silt Fence;
  - SE-6, Gravel Bag Berm;
  - SE-7, Street Sweeping and Vacuuming; and
  - SE-8, Sand Bag Barrier.
- The following BMPs have been selected to control tracking from the construction site:
  - SE-7, Street Sweeping and Vacuuming;
  - TC-1, Stabilized Construction Entrance/Exit; and
  - TC-2, Stabilized Construction Roadway.
- In addition, the following BMP has been selected to control dust from the construction site:
  - WE-1, Wind Erosion Control.

A Dust Control Plan will also be submitted to the Kern County Air Pollution Control District.

- An inventory of construction activities and potential non-storm water discharges is provided in the SWPPP. The following list indicates the BMPs

that have been selected to control non-storm water pollution on the construction site. Implementation and locations of some non-storm water control BMPs are shown on the Water Pollution Control Drawings in Attachment B to the SWPPP.

- NS-1, Water Conservation Practice;
  - NS-3, Paving and Grinding Operations;
  - NS-5, Clear Water Diversion;
  - NS-6, Illicit Connection/Illegal Discharge Detection and Reporting;
  - NS-9, Vehicle and Equipment Fueling;
  - NS-12, Concrete Curing; and
  - NS-13, Concrete Finishing.
- An inventory of construction activities, materials, and wastes is provided in the SWPPP. The BMP Consideration Checklist in Attachment C to the SWPPP and the following list indicates the BMPs that have been selected to handle materials and control construction site wastes.
    - WM-1, Material Delivery and Storage;
    - WM-2, Material Use;
    - WM-3, Stockpile Management;
    - WM-4, Spill Prevention and Control;
    - WM-5, Solid Waste Management; and
    - WM-9, Sanitary/Septic Waste Management.

In addition to the BMPs identified in the surface mining and reclamation plan, and attachments thereto, the Draft SEIR and Project Description clearly identify several erosion-control measures, including BMPs that are incorporated into project construction, operations, and reclamation. These measures include those identified above, as well as the following:

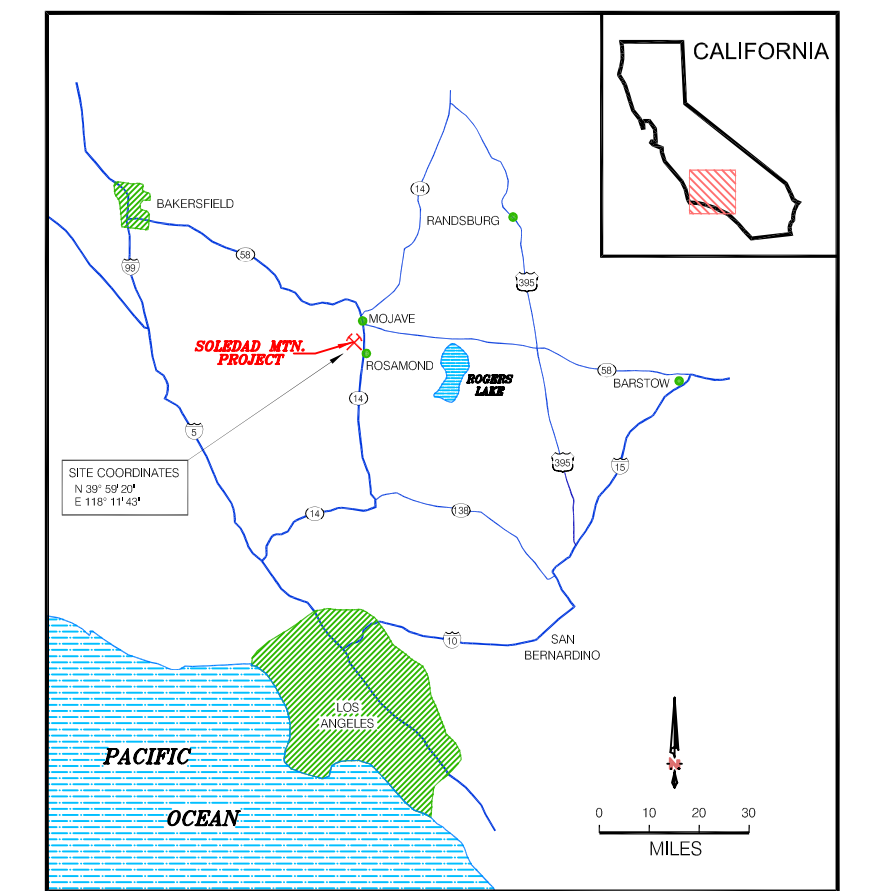
- Paving of part of the access road and surfacing of the remainder of the access road and all on-site parking with crushed rock.
- Implementation of a surface water diversion system designed to collect and safely route surface water around the heap leach facility.
- Precipitation will be retained within the solution management system, with no discharge or runoff.
- Runoff from non-contact disturbed and reclaimed areas will be dissipated through evaporation, use in dust control, or controlled release.



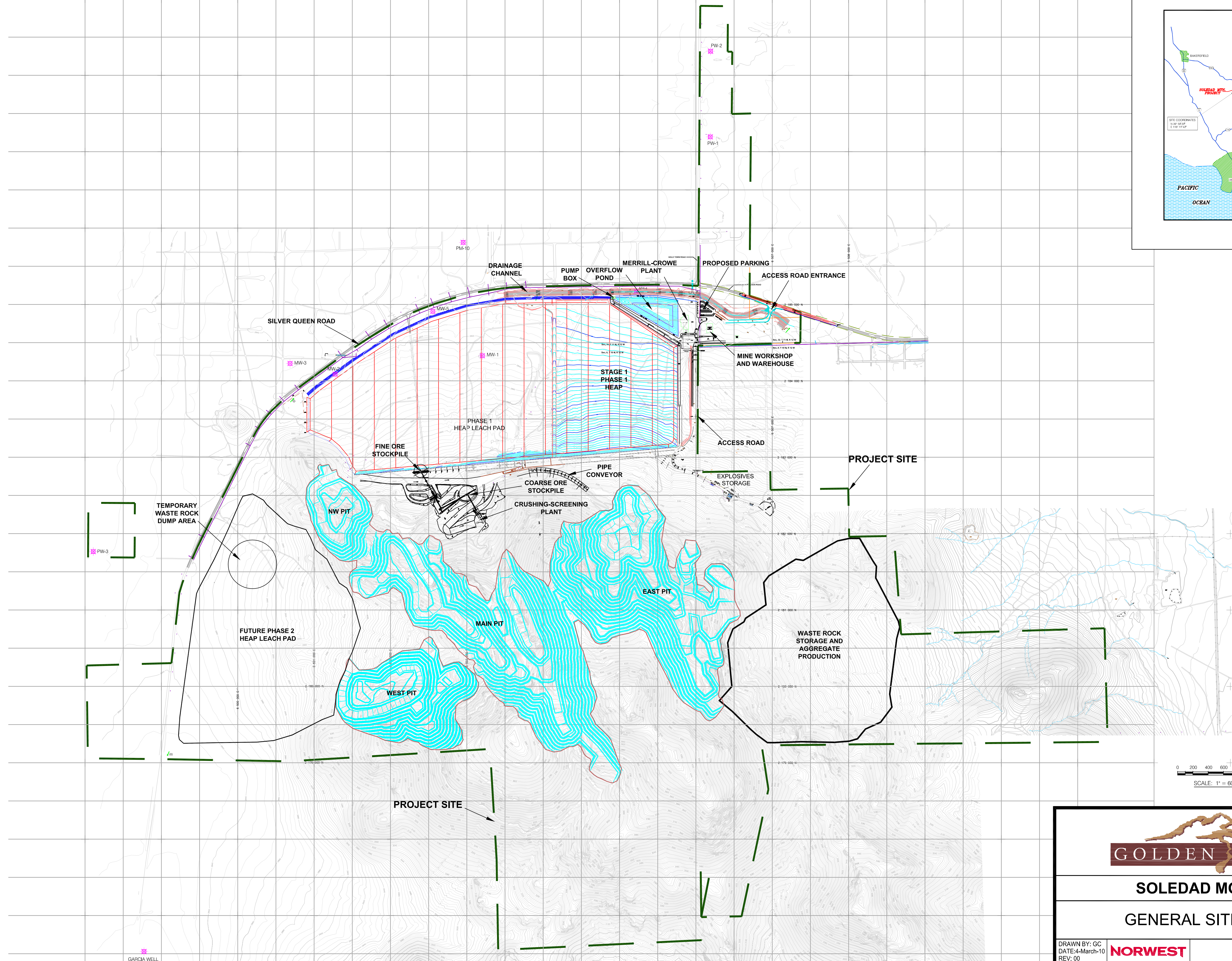
## **Attachment 1**

Figure 3-12	General Site Layout, Revised
Figure 3-14	Heap Leach Pad Design
Figure 3-15	Stage 1 Channel Construction Design
Figure 3-16	Post Mining Drainage Plan
Drawing 2	Overall Drainage Channel Plan





LOCATION MAP



0 200 400 600 800 1000ft

SCALE: 1" = 600'



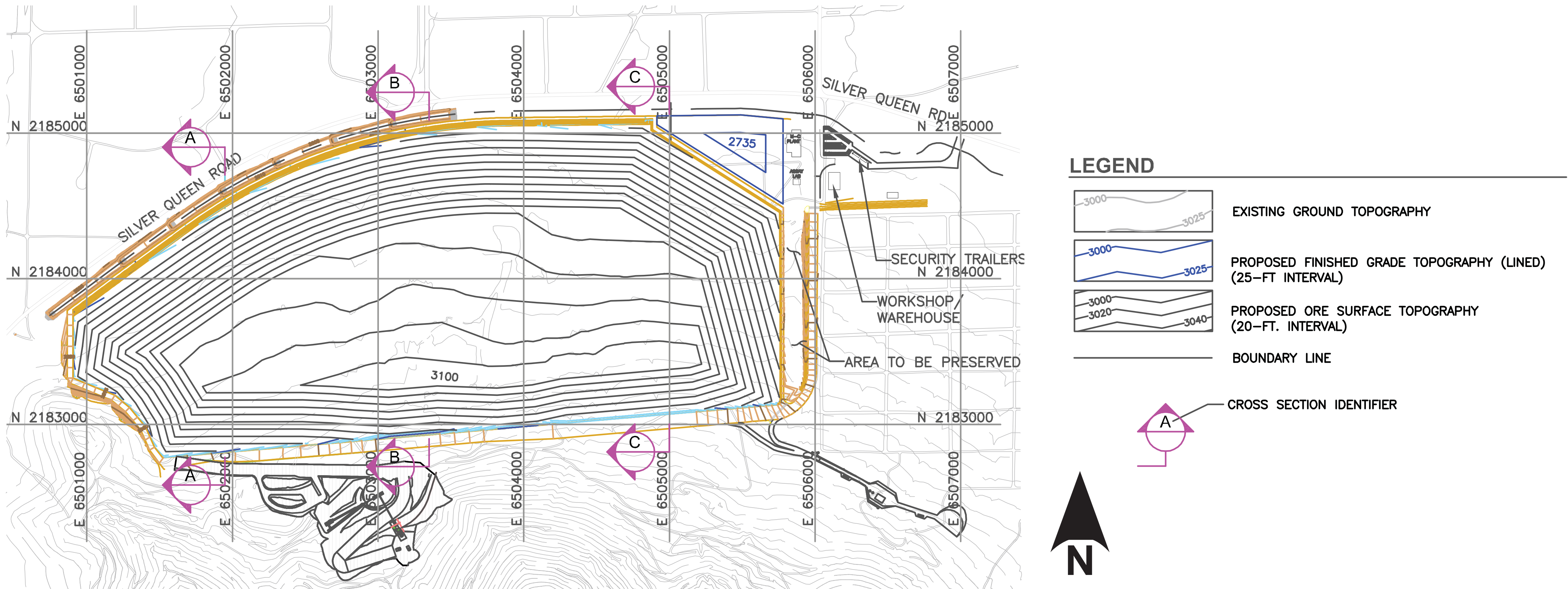
## SOLEDAD MOUNTAIN

## GENERAL SITE LAYOUT

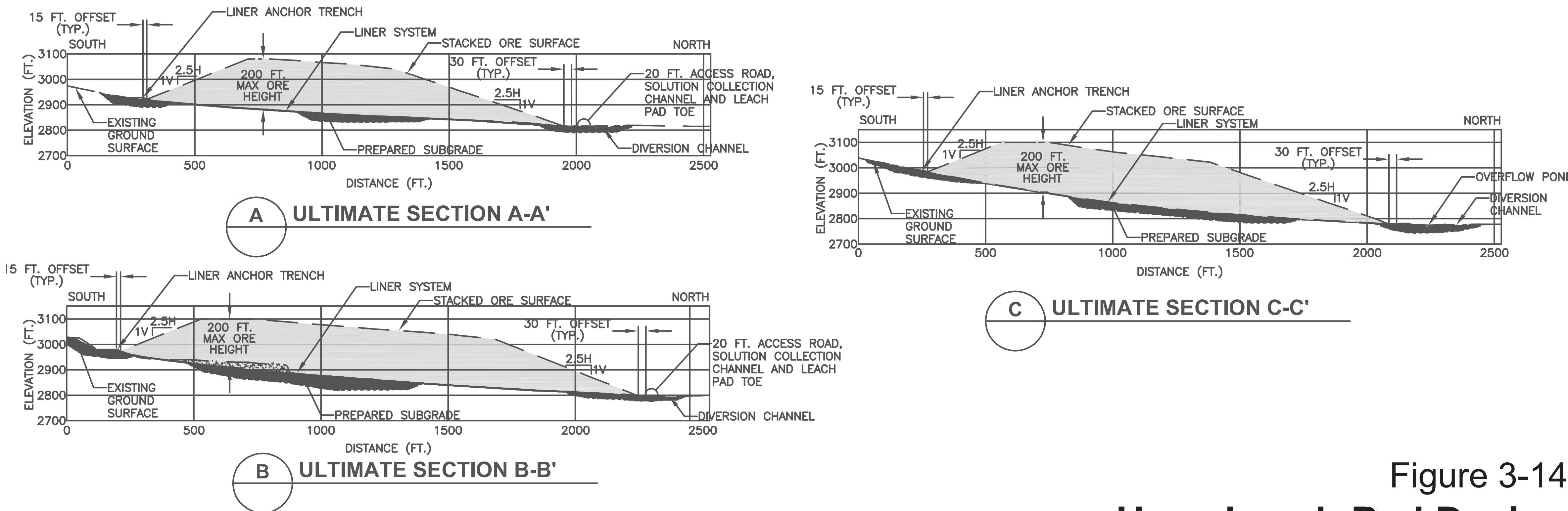
DRAWN BY: GC  
DATE: 4-March-10  
REV: 00

**NORWEST**





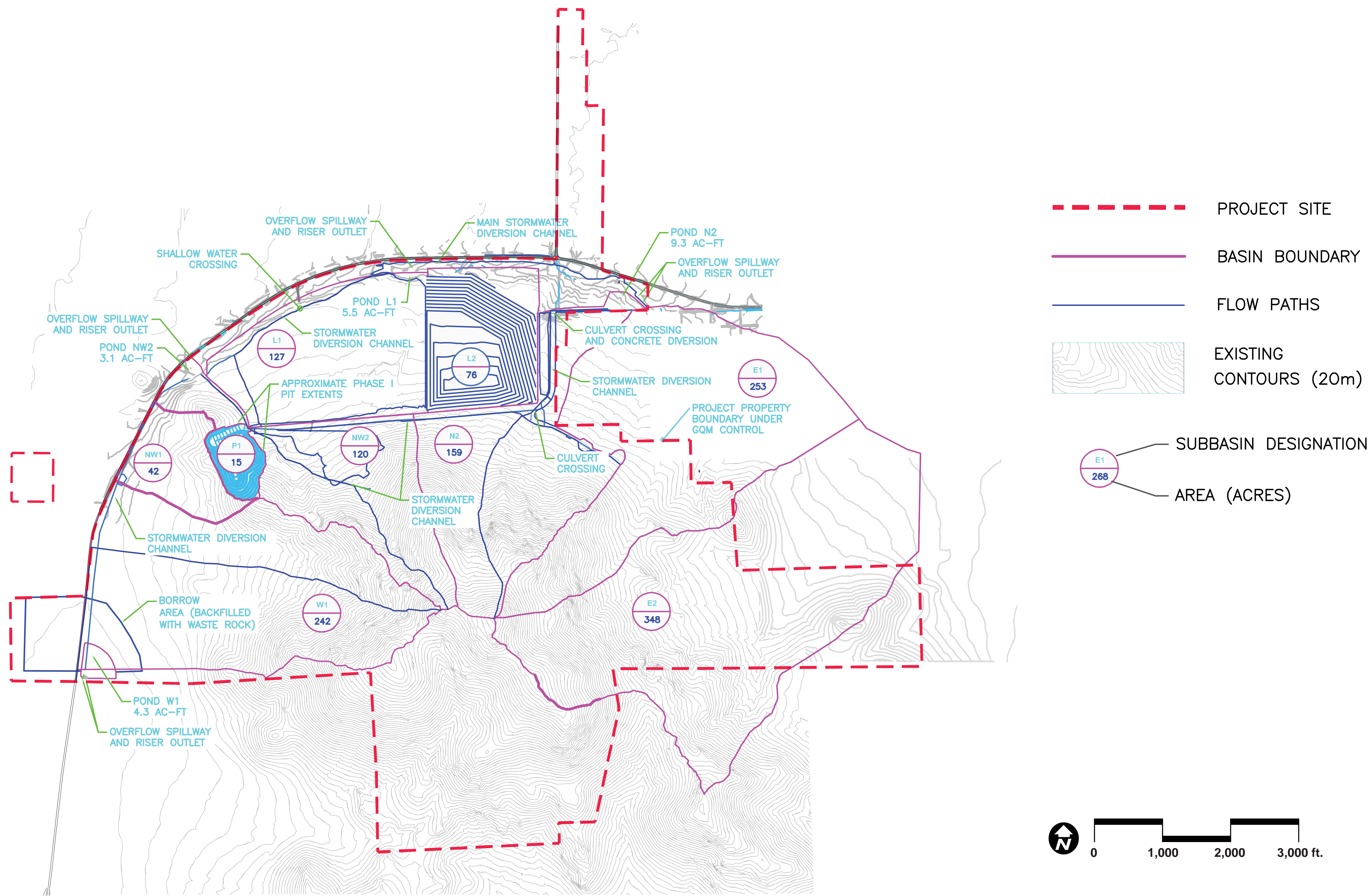
NOT TO SCALE



Source: Golden Queen Mining Co. Inc.

Figure 3-14  
Heap Leach Pad Design

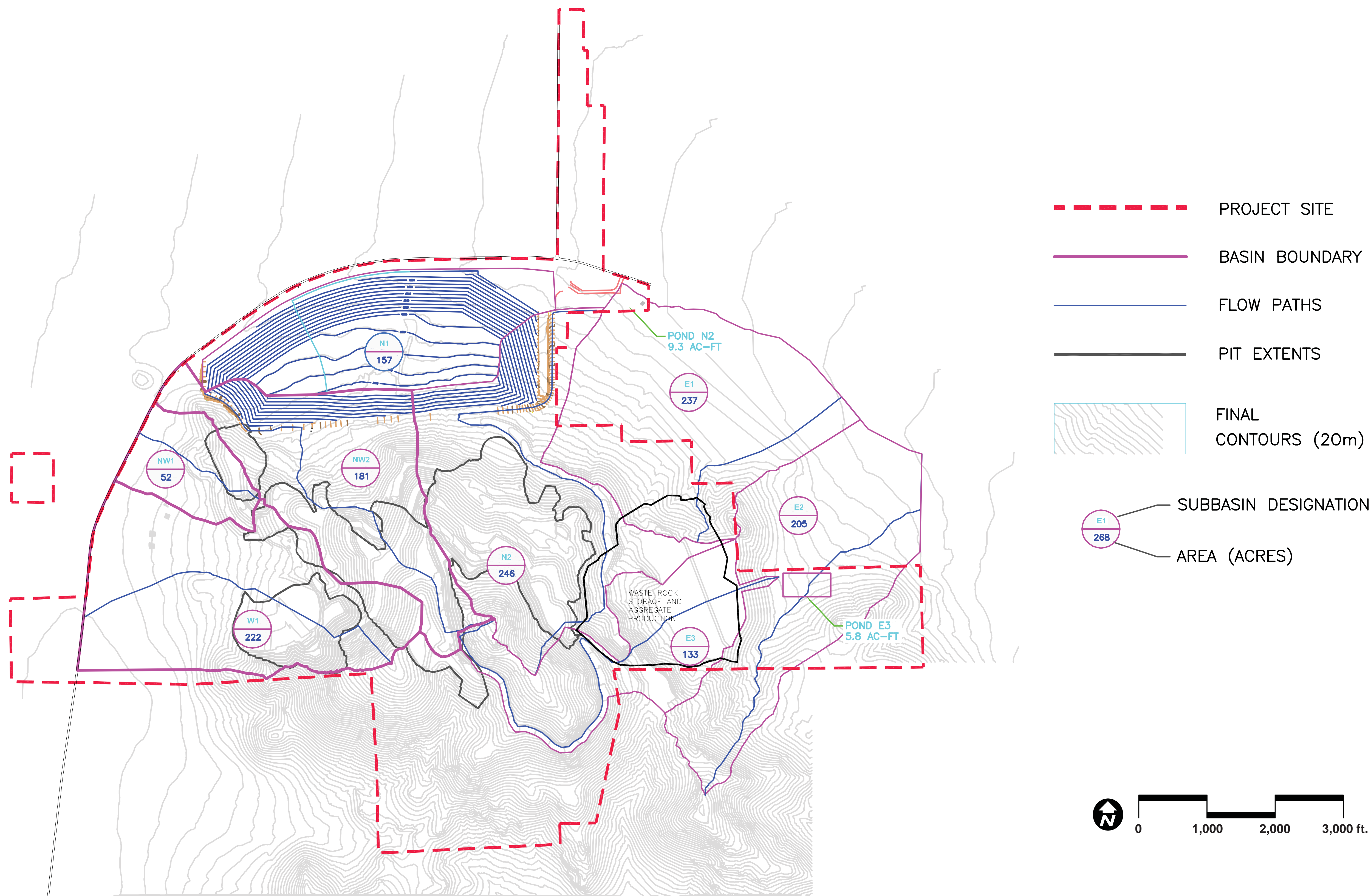




Source: Golden Queen Mining Co. Inc.

Figure 3-15  
**Stage 1 Channel Construction Plan**





Source: Golden Queen Mining Co. Inc.

Figure 3-16  
**Post-Mining Drainage Plan**

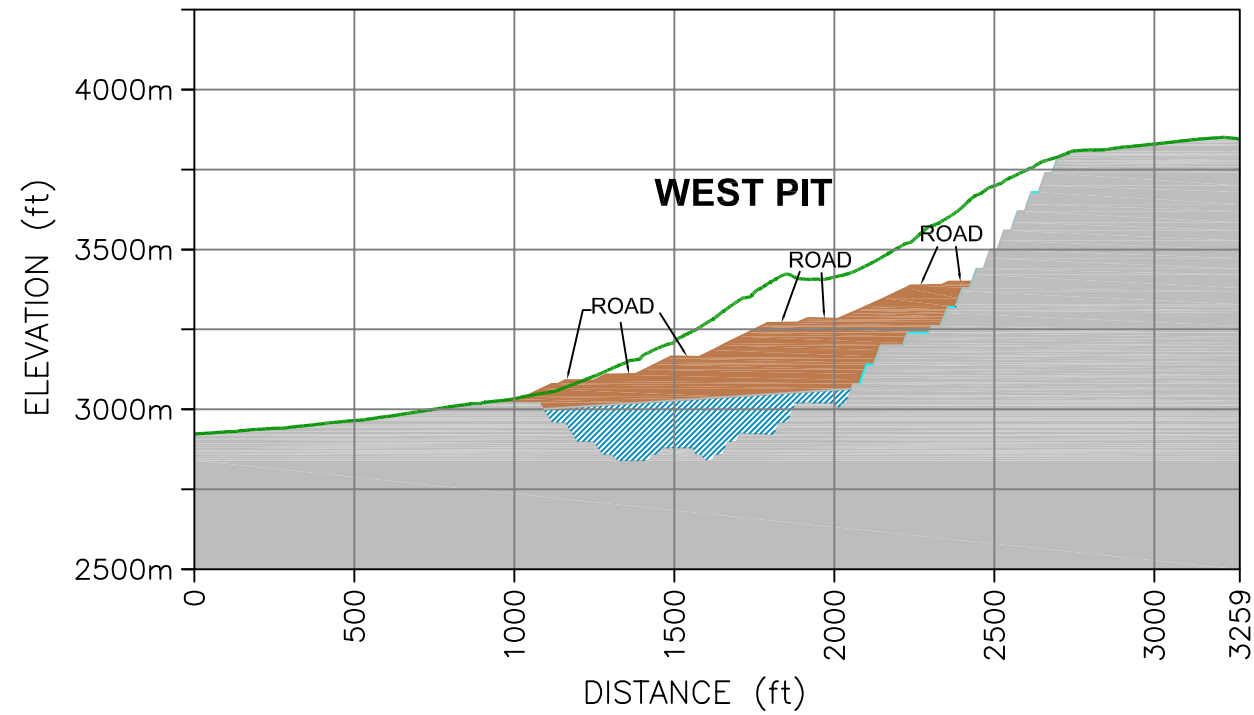




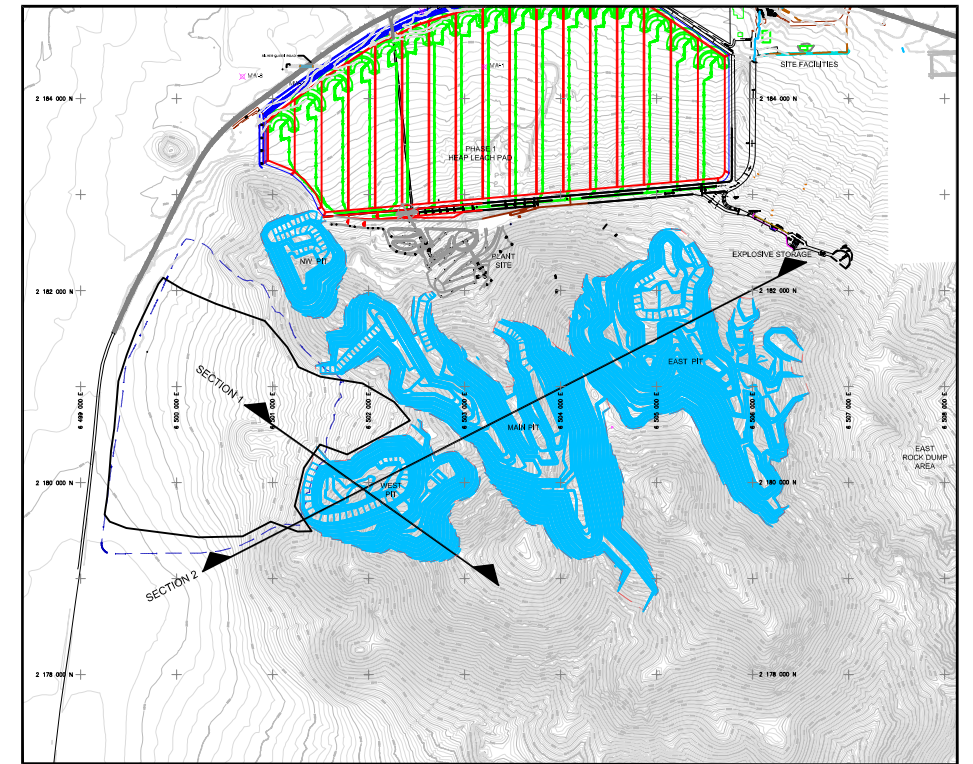


## **Attachment 2**

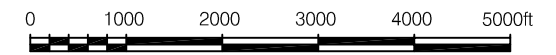
- Figure 1      West Pit Cross Sections
- Figure 2      West Pit Back Fill for Aggregate Fines
- Figure 3      West Pit Back Fill with Ramps



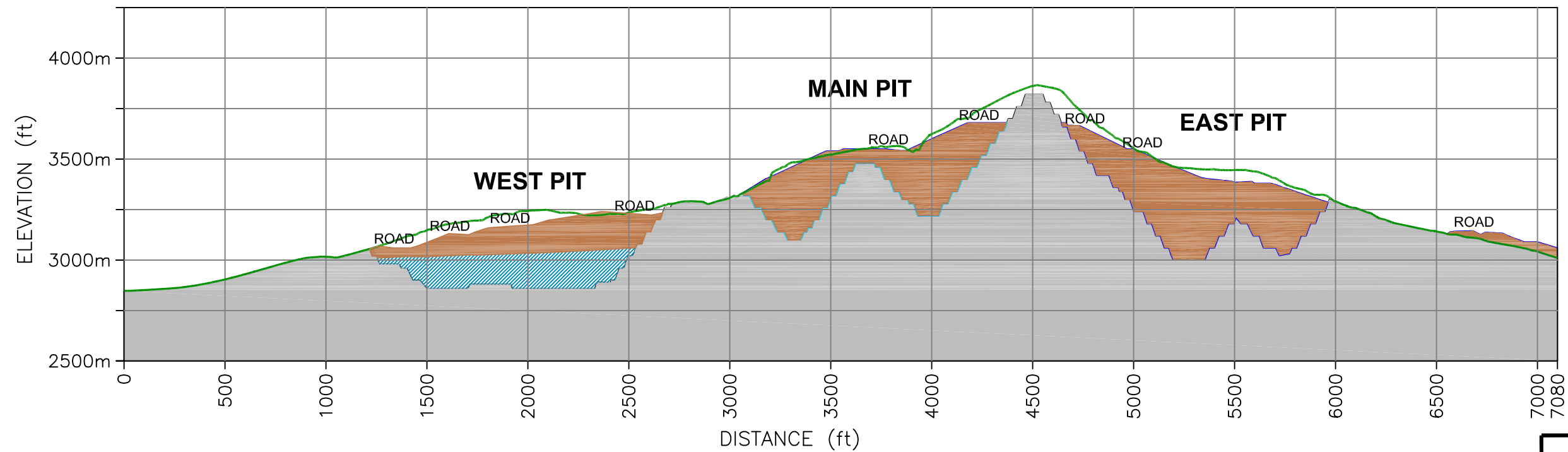
## SECTION 1



## KEY MAP



SCALE: 1" = 2000'



## SECTION 2

### LEGEND:

- BEDROCK (2009 PIT DESIGN)
- FINAL WASTE DUMP CONFIGURATION
- AGGREGATE REJECT
- ORIGINAL GROUND



SCALE: 1" = 600'



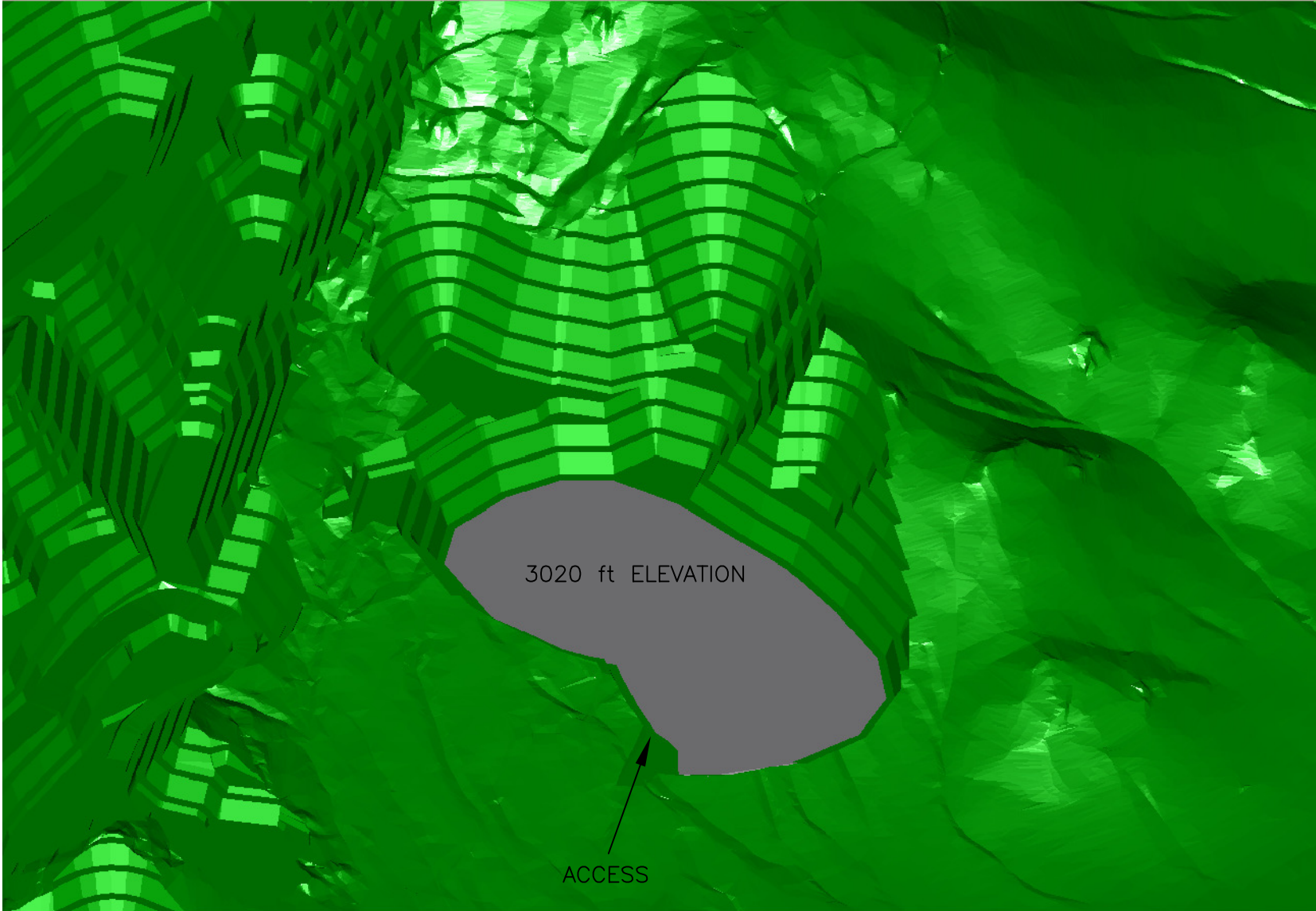
SOLEDAD MOUNTAIN


FIGURE 1  
WEST PIT CROSS SECTIONS

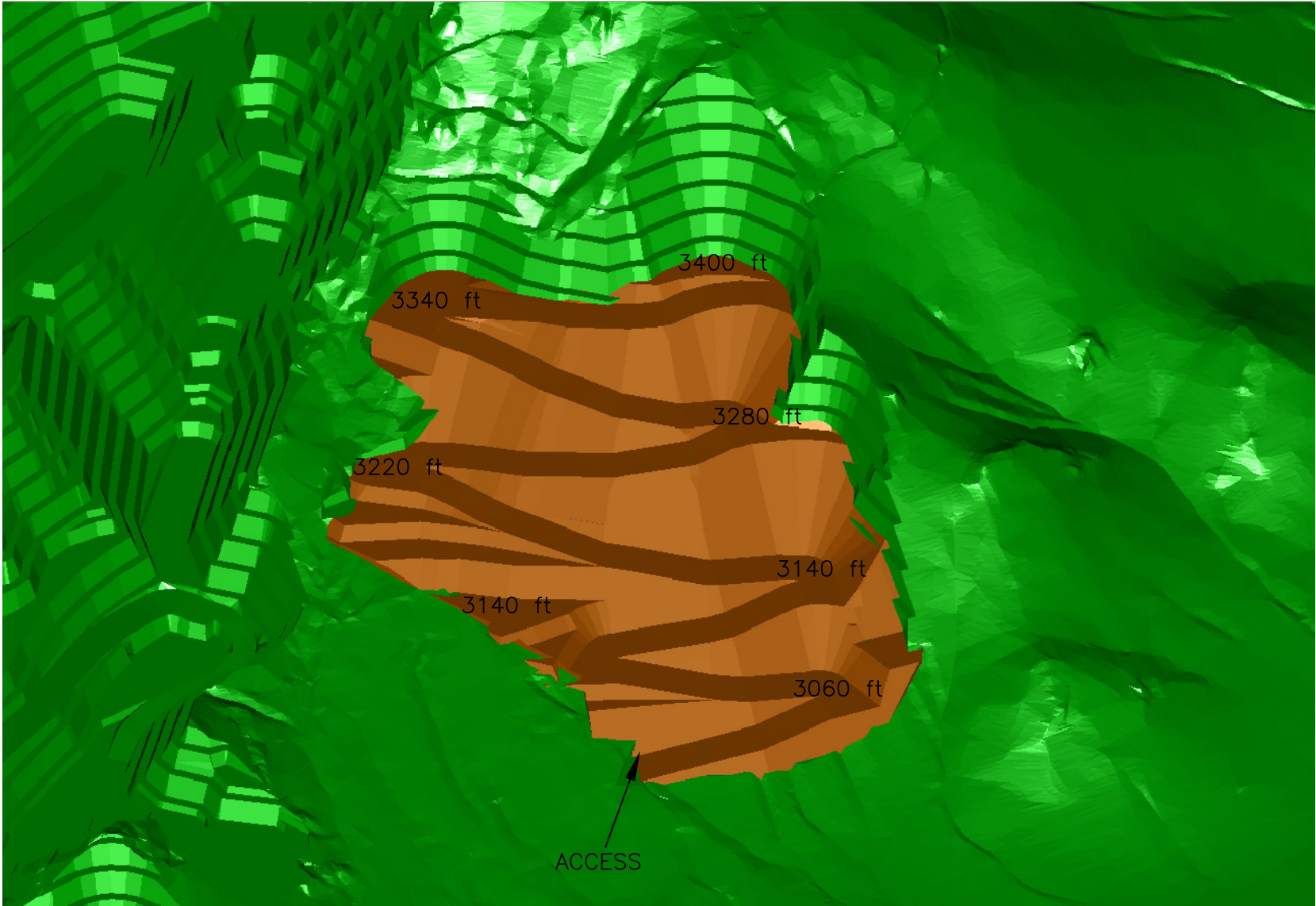
DRAWN BY: GC  
DATE: 03-Mar-10  
REV: 00


NORWEST





REV	mo/day/yr	Issued for	BY	CHKD	APRVD
	DATE	DESCRIPTION			
					
SOLEDAD MOUNTAIN					
FIGURE 2 WEST PIT BACK FILL FOR AGGREGATE FINES					
DRAWN BY: GC DATE:03-March-10 REV: 00		NORWEST			

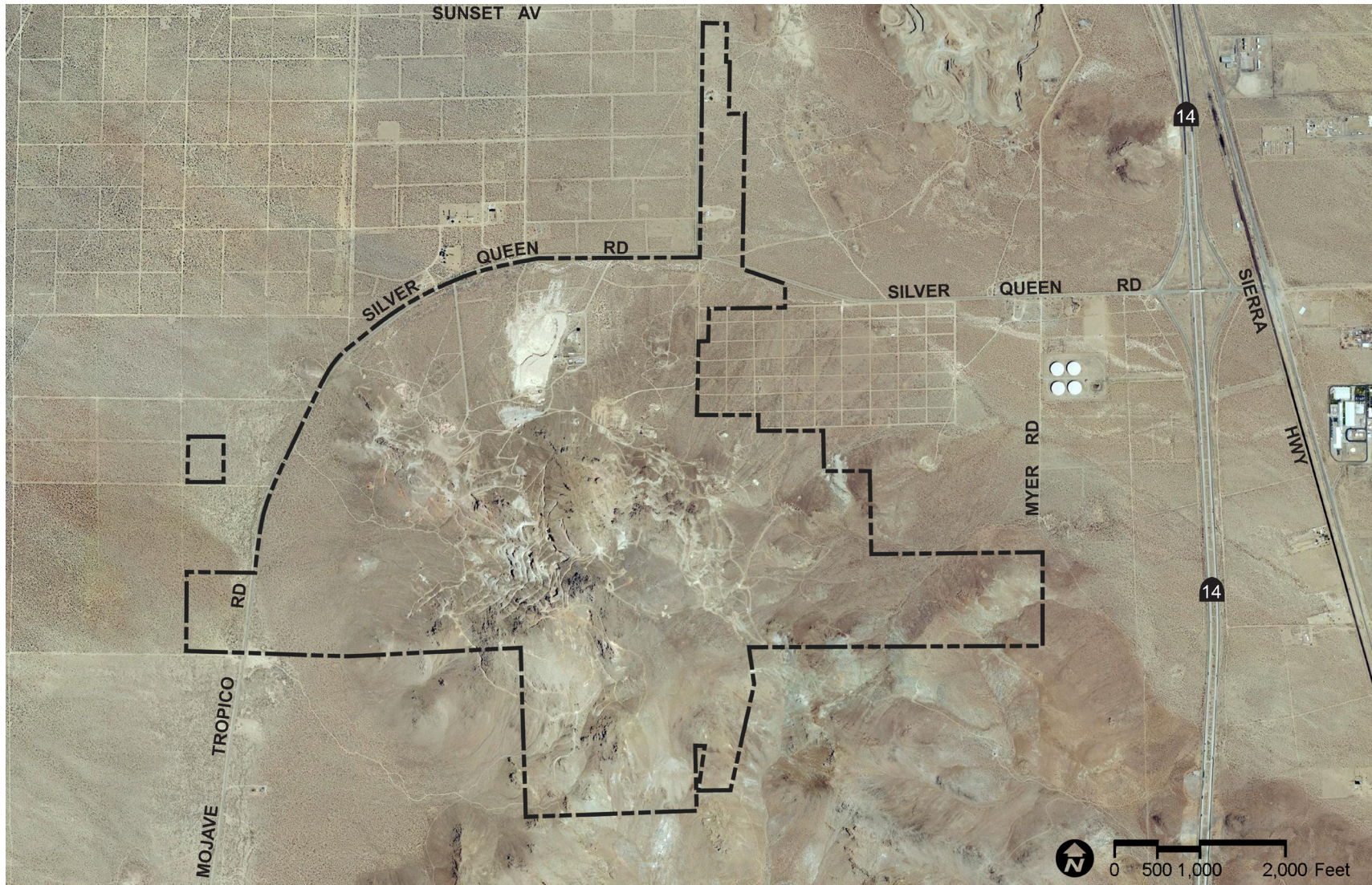


REV	DATE	DESCRIPTION	BY	CHKD	APRVD
	mo/day/yr	Issued for			
					
SOLEDAD MOUNTAIN					
FIGURE 3 WEST PIT BACK FILL WITH RAMPS					
DRAWN BY: GC DATE: 03-March-10 REV: 00			NORWEST		

## **Attachment 3**

Figure 3-4      Aerial Photograph





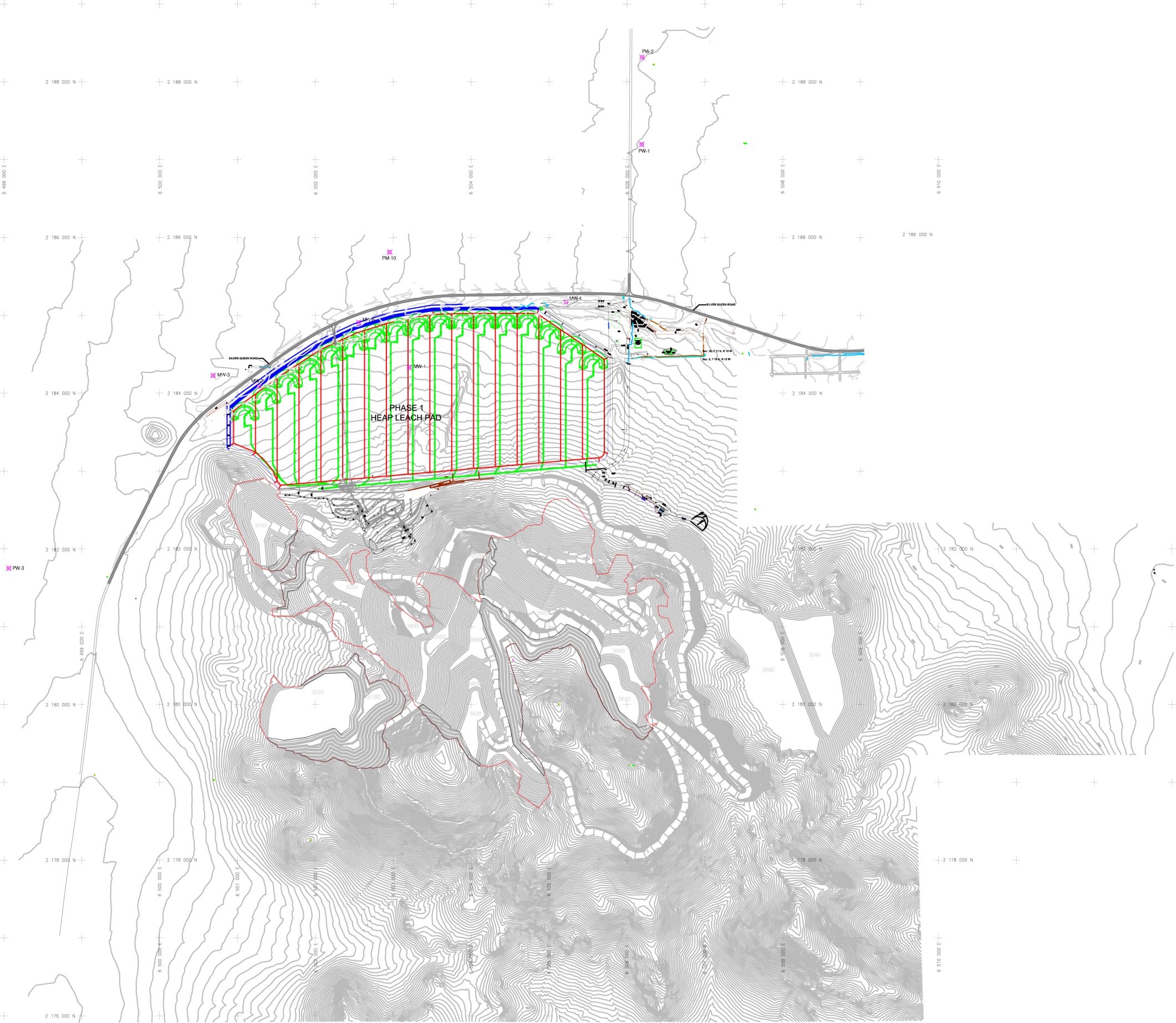
Source: Aerial map from Google Earth.

Figure 3-4  
**Aerial Photograph**

## **Attachment 4**

### **Post-Backfilling Contours**





**Letter 5 – County of Kern Resource Management Agency, Roads Department**

**COUNTY OF KERN  
RESOURCE MANAGEMENT AGENCY  
ROADS DEPARTMENT  
*Office Memorandum***

To: Ted James, Director  
Planning Department  
Attn: Paul J. Johnson, Planner II  
January 22, 2010

From: Warren D. Maxwell, Transportation Development Engineer  
Roads Department *W.D. Maxwell*

Subject: 7-5.3 Conditional Use Permit #27, Map 196  
7-5.3 Modification of CUP #41, Map 213  
7-5.3 Modification of CUP #22, Map 214  
7-3.5 Nonsummary Vacation of a portion of New Eagle Road  
(Soledad Mountain Project by Golden Queen Mining Co., Inc.)

This Department has reviewed the Supplemental Environmental Impact Report (SEIR) for the project above, and has the following response:

1. The revised project has been updated with relatively minor modifications. The additional changes will not have an impact on Transportation and Traffic Issues. Therefore, we have no comment.

**5-A**

Thank you for the opportunity to comment on this project, if you have any questions or comments please contact Steven Young of this Department.

cc: Scott Denney; Supervising Planner

G:\COMMON\Development Review\Traffic Study Memos\Planning Department\CUP27 196 Silver Queen Mine-Response-SEIR.doc

**Response to Letter 5**  
**County of Kern Resource Management Agency, Roads Department**  
**(January 22, 2010)**

- 5-A** Thank you for your comment. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.



## Letter 6 – Kern County Air Pollution Control District

### KERN COUNTY AIR POLLUTION CONTROL DISTRICT DAVID L. JONES, APCO



February 18, 2010

Mr. Scott F. Denney, AICP  
Supervising Planner, Plan Development Section  
Kern County Planning Department  
2700 "M" Street, Suite 100  
Bakersfield, California 93301

SUBJECT: Draft SEIR for Golden Queen Mining, Soledad Mountain Project

Dear Mr. Denney:

The Kern County Air Pollution Control District (District) is in receipt of the Supplemental Environmental Impact Report (SEIR) for the Golden Queen Mining, Soledad Mountain Project. As the subject SEIR is expansive, District comments shall, generally, be limited to Section 4.2 (Air Quality) of the SEIR.

Overall, the SEIR addresses District concerns for the proposed gold mining operation. The items of note are the following:

- 1) Page 1.4-12 (Regulatory Requirements, first bullet) SIER states the following: "The Kern County Air Pollution Control District (KCAPCD) will review facility designs and operations for compliance with Federal and California regulations for the protection of air quality." Please note District reviews facility designs and operations for compliance with Local, California, and Federal regulations. District (Local) requirements are often more stringent than California and Federal requirements; therefore, Local requirements should not be ignored

6-A

SIER also states the following: "An application for Authority to Construct has been submitted to the KCAPCD." This statement is not totally correct. Although applications have been previously submitted to the District, they have expired. Currently, Golden Queen has no applications pending, and new applications will be required for the revised facility design.

6-B

- 2) Page 4.2-2 (Climate and Topography, 5<sup>th</sup> paragraph – Meteorological Data) Upper Air Utilized are from Edwards Air Force Base (California), Mercury Desert Rock Airport (Nevada), and Miramar Marine Air Corps Station (California); however, there was no mention of the Daggett (California) Upper Air Data to fill possible gaps. There may be many reasons Daggett information was not utilized, but the reason was not elucidated, information closer to the site should yield better analysis results.

6-C

*Bakersfield Office: 2700 "M" Street, Suite 302, Bakersfield, CA 93301-2370  
Phone (661) 862-5250 - Fax (661) 862-5251  
[www.kernair.org](http://www.kernair.org) - [kcapcd@co.kern.ca.us](mailto:kcapcd@co.kern.ca.us)*

Mr. Scott F. Denney, AICP  
February 18, 2010  
Page 2

- 3) Page 4.2-40 (Toxic Air Contaminant Sources and Controls, 4<sup>th</sup> paragraph – Mercury) In the 4<sup>th</sup> paragraph on the page, there is note of estimated controlled mercury emissions 1.9-lb/year. However, this emission rate is not based on actual concentration of mercury extracted during the gold processing. Therefore, to verify emissions mercury concentration in ore must be monitored and recorded on a regular basis.

6-D

District staff is looking forward to receiving permit applications for the revised gold processing operation. SEIR seems to address District concerns; however, Authority to Construct application will verify proposed designs.

Should you have any questions regarding District comments, please contact Glen Stephens at (661) 862-5250.

Sincerely,



David L. Jones  
Air Pollution Control Officer

DLJ:GES:tf

G:\LETTERS\Word Tech\Projects\GoldenQueenMining\GoldenQueenNoticeReply-Final.doc

## Response to Letter 6

### Kern County Air Pollution Control District (February 18, 2010)

**6-A** Thank you for your comment regarding local air quality requirements. As indicated previously in Section 7.2 (*Revisions to the Soledad Mountain Project Draft Supplemental EIR*), the Draft Supplemental EIR (SEIR) has been modified based on KCAPCD's comment. Specifically, page 4.1-12 (*Regulatory Requirements*, first bullet) has been modified as follows:

- The Kern County Air Pollution Control District (KCAPCD) will review facility designs and operations for compliance with Federal, ~~and California, and local~~ regulations for the protection of air quality. An application for Authority to Construct ~~has been~~ will be submitted to the KCAPCD.

In addition, Draft SEIR Section 4.2 (*Air Quality*) includes a summary of local (KCAPCD and County of Kern) rules and regulations that are potentially applicable to the Revised Project, as provided in section 4.2.3 (*Regulatory Setting*).

**6-B** Thank you for your comment regarding the status of Authority to Construct applications. Please see Response to Comment No. 6-A above for the corresponding revisions to the Draft Supplemental EIR. Additionally, Draft SEIR Section 4.2 (*Air Quality*) indicates the following:

*Following the Kern County Board of Supervisors' certification of the 1997 FEIR/EIS and approval of the CUPs, the applicant submitted applications for Authority to Construct (ATC) permits to the KCAPCD. The applications demonstrated compliance with the applicable air quality regulations and standards, and as a result, KCAPCD issued seven ATC permits for the 1997 Project in March 2002. GQM was evaluating various alternative designs at that time, and therefore the construction of the 1997 Project did not commence and the permits expired in March 2004 (Air Sciences 2009b, p. viii). (p. 4.2-1)*

**6-C** Thank you for your comment regarding the sources of upper air data. The methodology used for the upper air data was specified in the *Soledad Mountain Project AERMOD PM10 and PM2.5 Modeling Protocol*, prepared by Air Sciences Inc. in May 2009. The merging of upper air data was necessary because none of the publically available upper air stations that seem appropriate for the revised Soledad Mountain Project, including those in California and neighboring states, has sufficient data coverage to meet the regulatory completeness criteria. Air Sciences believes that the selected upper air data is appropriate and representative for the project.

Although surface data are collected at the Daggett-Barstow station, there is no record in the conventional and publically available databases (NOAA RAOBS, NCDC IGRA, EPA SCRAM, etc.) that upper air measurements were made at this station. In addition, a search of historical data did not reveal upper air data for this station.

Although it is possible that upper air data is/was collected at this station, to Air Sciences' knowledge, it is not publically available, or in the format appropriate for AERMOD processing (FSL, TD6201).

In their search, Air Sciences also found an Environmental Impact Report (EIR) Air Quality Report in San Bernardino County, approximately 50 miles east of Soledad Mountain, that required dispersion modeling. For their analysis, they used Daggett surface data with Desert Rock upper air data, which indicates that the upper air data for Daggett station may not have been publically available.

Please see:

[http://www.sbcounty.gov/landuseservices/PublicNotices/EIRs/Nursery Products/Appendix B - Air Quality1.pdf](http://www.sbcounty.gov/landuseservices/PublicNotices/EIRs/Nursery_Products/Appendix_B_-_Air_Quality1.pdf)

- 6-D** Thank you for your comment regarding estimated controlled mercury emissions from the melt furnace and mercury retort. The County concurs with KCAPCD's conclusion and the project will be conditioned to verify emissions through monitoring and recording of actual mercury concentrations in ore on a regular basis.

**Letter 7 – Kern County Environmental Health Services Department****ENVIRONMENTAL HEALTH SERVICES DEPARTMENT**  
KERN COUNTY RESOURCE MANAGEMENT AGENCYMATTHEW CONSTANTINE  
DIRECTOR**INTEROFFICE MEMORANDUM**

To: Scott Denney  
From: Amy Rutledge, R.E.H.S.

Date: March 1, 2010

Subject: Environmental Consultation for Soledad Mountain by Golden Queen Mining

The Kern County Environmental Health Services Department has reviewed the Draft Supplemental EIR for the above referenced project. This Department has the local regulatory authority to enforce state regulations and local codes as they relate to waste discharge, water supply requirements, and other items that may affect the health and safety of the public or that may be detrimental to the environment.

The Environmental Health Services Department requests that the following conditions be placed on the subject project:

1. The applicant shall be permitted as a California Accidental Release Prevention Program (CalARP) facility with the Hazardous Materials Program of the Environmental Health Services Department prior to operation. | 7-A
2. The applicant shall dispose of all construction and demolition waste at an approved landfill facility unless otherwise authorized by the Local Enforcement Agency (Environmental Health). Burying of waste on site shall be prohibited. | 7-B
3. The applicant shall obtain a water supply permit from the California Department of Public Health Drinking Water Branch for use of the existing on site water well(s). | 7-C
4. All water wells that will not be part of the domestic water system shall be placed back in service with the Environmental Health Services Department prior to use. | 7-D

---

2700 M Street, Suite 300, Bakersfield, CA 93301 – (661) 862-8700

## **Response to Letter 7**

### **Kern County Environmental Health Services Department (March 1, 2010)**

- 7-A** Thank you for your comment. Pursuant to the Environmental Health Services Department's request, the following will be recommended to the decision-making authority for inclusion as a condition of the project's approval:

“The project proponent shall be permitted as a California Accidental Release Prevention Program (CalARP) facility with the Hazardous Materials Program of the Kern County Environmental Health Services Department prior to operation.”

- 7-B** Thank you for your comment. Pursuant to the Environmental Health Services Department's request, the following will be recommended to the decision-making authority for inclusion as a condition of the project's approval:

“The project proponent shall dispose of all construction and demolition waste at an approved landfill facility unless otherwise authorized by the Local Enforcement Agency (Environmental Health). Burying of waste on site shall be prohibited.”

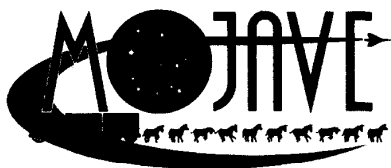
- 7-C** Thank you for your comment. Pursuant to the Environmental Health Services Department's request, the following will be recommended to the decision-making authority for inclusion as a condition of the project's approval:

“The project proponent shall obtain a water supply permit from the California Department of Public Health Drinking Water Branch for use of the existing on site water well(s).”

- 7-D** Thank you for your comment. The following condition of approval was originally placed on the project in 1997:

**Condition of Approval No. 76:**

“Prior to deeming reclamation complete, all drill holes, water wells, and monitoring wells shall either be converted to allowable use or abandoned in accordance with applicable State and local requirements in effect at the time of abandonment.”

**Letter 8 – Mojave Chamber of Commerce****Mojave Chamber of Commerce**

P. O. Box 935  
Mojave, CA 93502

February 10, 2010

Mr. Scott F. Denny  
Kern County Planning Dept.  
2700 M St, Suite 100  
Bakersfield CA 93301-2370

Re: Soledad Mountain Project

Dear Mr. Denny:

After careful study of the draft environmental impact report for the Soledad Mountain Project, the Board of Directors of the Mojave Chamber of Commerce voted to support approval of the project at their board meeting today.

8-A

We find no significant environmental problems associated with the project. We have been working with Golden Queen Mining Co., Ltd., for several years on this project, and supported the original project approved by the Planning Commission and Supervisors in 1997. Golden Queen has significantly improved this project to protect the local environment.

8-B

Construction and operation of the Soledad Mountain project will also have a significant positive impact on region's economy, creating new direct and indirect jobs, supporting local businesses, and contributing valuable tax revenues.

8-C

For all of these reasons, we are happy to extend our full support to approval of the Soledad Mountain Project.

Sincerely yours,

Rheta Scott, President

## **Response to Letter 8**

### **Mojave Chamber of Commerce (February 10, 2010)**

- 8-A** Thank you for your comment in support of the project. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.
- 8-B** Thank you for your comment indicating your general concurrence with the environmental analysis for the project. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.
- 8-C** Thank you for your comment regarding the project's regional economic effects. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.



## Letter 9 – Sierra Club

**From:** Arthur Unger <artunger@att.net>  
**To:** <ScottD@co.kern.ca.us>  
**Date:** 02/24/2010 10:19 PM  
**Subject:** comments on the DSEIR for the Soledad Mountain Project

Arthur D.  
Unger  
2815 La Cresta Drive  
Bakersfield , CA 93305-1719  
(661) 323-5569  
[artunger@att.net](mailto:artunger@att.net)

Scott F. Denney  
Kern County  
Planning Department  
2700 M Street, suite 100  
Bakersfield , CA 93301  
Via e mail to [ScottD@co.kern.ca.us](mailto:ScottD@co.kern.ca.us)

February 24,  
2010

Dear Mr.  
Denney:

Here are our  
comments on the DSEIR for the Soledad Mountain Project by Golden Queen Mining  
Company, Inc.

Possible  
cyanide toxicity

The DSEIR  
should say if this mine would be legal under current law in Montana .  
A report on the web(THE  
PERSISTENCE OF CYANIDE IN HEAP LEACH WASTES AT GOLD MINES, JOHNSON, Craig A.,  
US Geological  
Survey, Box 25046 ,  
MS 963, Denver , CO 80225 , [cjohnso@usgs.gov](mailto:cjohnso@usgs.gov))  
suggests that as operations advance through remediation toward closure,  
effluent cyanide is increasingly complexed with cobalt. Will Kern County  
inspectors look for these complexes as the thirty year life of this mine ends?

9-A

Will cyanide pools be accessible to bats or other  
wildlife?

9-B

Is Restoration  
Assured?

The DSEIR says 839 of 905 acres will be reclaimed. How will the other 66 acres be treated?

9-C

How will soil that supports the same native plants that were on this property before mining began be restored to the site? Many local natives respond poorly to the fertilizers that raise local crops.

9-D

Other heap leach gold mines using cyanide have revealed environmental problems after closure. The plastic liners that are placed under the material gold is leached out of may leak. Could Acid Mine Drainage or cobalt complexing occur? There are said to be open pits in projects that won awards for restoration.

9-E

Does the ability of the mine to meet its obligation to restore depend on the price of gold and silver? Has the mine insurance that will pay for clean-up if the mine is not financially successful? How would the mine correct a problem not discovered until long after production of minerals ceases, especially if the mine goes bankrupt?

9-F

Benched Pit  
Wall

It is the mine's objective to cover as much of the benched pit wall "as feasible" by backfilling. What result is feasible?

9-G

Air Quality

The Kern County Air District (KCAD) does not meet the NAAQS or the CAAQS for NO<sub>x</sub> from mobile sources. The DSEIR says incorporation of mitigation will not reduce this impact to less than "Significant and Unavoidable". What further mitigation should be required? We suggest that the latest equipment (trucks and generator), which produces less NO<sub>x</sub> than older equipment should be required. If impacts are still significant and unavoidable, off site mitigation should occur. If the KCAD can not suggest such measures, and say how much pollution each reduces, the SJVAPCD can.

9-H

The existing tailings piles will be removed, thereby reducing the long-term fugitive emissions from the site. The FSEIR should say where these piles will go and how emissions from the new site will be prevented.

9-I

Green  
House Gas (GHG) Emissions and Climate Change

Page

4.1-10 says the project contributes to a net decrease in GHG emissions. We think the trucks and other motors that run this mine do produce significant amounts of carbon dioxide and that this must be mitigated.

9-J

Burrowing  
Owl

The burrowing owl is identified as a \*candidate species” by the U.S. Fish and Wildlife Service. It is a species of special concern for California . The effects on burrowing owl within the cumulative project’s area of influence were determined in Section 4.3 (Biological Resources) to be cumulatively considerable and, therefore, significant. The DSEIR mentions a “green” fund to promote green technologies in the greater Mojave area. This or another fund should buy Owl habitat.

9-K

Water  
quantity

California has a severe water shortage. The mine’s water usage could ultimately be between 650 to 750 gallons per minute. How much is this per year?

9-L

We are told the water has impurities. Is it feasible to remove enough of the impurities to make this water useful for farming or domestic use?

9-M

Could solar powered osmosis be used?

9-N

This is a sunny area. If the project gets up to 300 gallons per minute of water from Antelope Valley , as is anticipated, what is the quality of that water?

9-O

Thank you for the opportunity to comment,  
Arthur Unger  
2815 La Cresta Drive  
Bakersfield , CA 93305-1719  
(661) 323 5569  
[artunger@att.net](mailto:artunger@att.net) preferred

-----  
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## Response to Letter 9

### Sierra Club (February 24, 2010)

**9-A** Thank you for your comment regarding cyanide complexing with cobalt. Compliance with current law in Montana is not relevant to the proposed project. As to whether "effluent cyanide is increasingly complexed with cobalt," Kern County inspectors will not be reviewing the Revised Project for this issue. It should be noted, however, that the project proponent has evaluated the ore at Soledad Mountain for cobalt and detected none. Extraction tests (using an acidic solution as required by the waste extraction test (WET) did not show any cobalt leaching ( $<0.01$  mg/L which is the reporting limit). Iron is abundant in the ore (measured at 20,000 to 60,000 mg/kg or 2 – 6 wt %). It is highly likely that iron cyanide complexes will dominate the cyanide speciation in the heap during operation and at closure. Although iron and cobalt both form strong bonds with cyanide, iron and cobalt cyanide complexes degrade rapidly under UV light. Exposure of these complexes to sunlight will destroy them and in effect reduce cyanide concentrations. Nonetheless, monitoring of weak acid dissociable (WAD) cyanide, total cyanide, and elements such as iron and possibly cobalt if detected during operations will allow an understanding of the cyanide concentrations and cyanide complexes formed to assure proper management during closure.

**9-B** Thank you for your comment regarding exposure of wildlife to cyanide. As described in the revised Soledad Mountain Project Draft Supplemental EIR (SEIR), the project has no planned "cyanide pools" to which wildlife, including bats, would have access. As a framework for understanding the types of surface water features that will be present on the project site, the Draft SEIR indicates that *"Runoff from mining operations will be separated from the runoff from nonmining operations. All runoff from disturbed areas will be diverted directly into the sediment ponds.... Runoff from mining operations such as the plant area, pads and crushing and screening facility will be collected within each facility boundary and routed into the surface water collection system or stored within the pad solution control system in order to meet zero discharge criteria for these areas."* (p. 3-43)

Draft SEIR Section 3.7.6 (*Heap Leach Facility*) states, *"The Heap Leach Facility (HLF) consists of the facilities that receive ore for leaching with dilute sodium cyanide solution (NaCN) and includes the heap leach pads, solution conveyance channel, pump box, and overflow pond."* (p. 3-27) In describing the proposed overflow pond, the Draft SEIR has been revised to indicate that the overflow pond is strictly intended as a contingency and will not be used to store solutions during normal operations. It is therefore expected that the pond will typically be dry. Additionally, the following will be recommended to the decision-making authority for inclusion as a condition of the project's approval:

"The project proponent shall install netting or other protective measures approved by the Kern County Planning Department, around the heap leach facility pump box in a manner that prevents wildlife access. Said protective measures shall be continuously maintained in good condition."

Draft SEIR Chapter 6 (*Alternatives*) includes an evaluation of alternative solution storage configurations comparing the favored, proposed configuration to the rejected "open solution storage pond" design. As described for the proposed configuration, *"One of the important attributes of the valley-fill concept is the lack of solution ponds exterior to the leach pads. The toe berm will create a pond area for in-heap management of the solutions, runoff from precipitation and retention of the design storm event. The lack of barren and pregnant solution ponds minimizes hazards to wildlife."* (p. 6-13) Open solution storage, on the other hand, *"...have large surface areas that result in increased water losses due to evaporation and represent a threat to wildlife. Suitable locations for open solution storage ponds are not readily available at the project site. Because of the increased solution losses, wildlife hazards and lack of available sites, the open solution storage ponds alternative was eliminated from further consideration in the 1997 FEIR/EIS."* (p. 6-13)

Additionally, on page 4.1-13, under the list of *Existing Mitigation Measures/Conditions of Approval* from the 1997 FEIR/EIS, Mitigation Measure #28 provides that *"Routine distribution of cyanide solution on the top of the heap leach pad will occur via a drip irrigation system and the heap leach pads will be contoured to prevent surface ponding which could attract birds and small animals. (Condition of Approval No. 32)"*

**9-C** Thank you for your comment regarding site disturbance areas and total reclamation acreage. As indicated in the Draft SEIR, *"The project will result in direct physical impacts to approximately 905 acres, of which approximately 839 acres will be reclaimed at the end of the mine life."* (p. 1-2) With regard to the 66-acre difference, the Draft SEIR further explains, *"Disturbed areas that will be reclaimed include the Heap Leach Facility, waste rock pad constructed as a base for the aggregate operation, waste rock backfilled in mined-out portions of the open pits, processing and support facilities, access roads, exploration roads and drill pads. The [66 acres of] steep slopes in the open pits that are not covered by backfilled waste rock and the permanent access road to the top of Soledad Mountain will not be reclaimed. Figure 3-10 (Land Disturbance Areas) shows the expected disturbed areas, including the portions to be reclaimed."*

**9-D** Thank you for your comment regarding the restoration of soil and native plants to the site, including the use of fertilizers. Draft SEIR section 3.9.2 (*Revegetation Plan*) describes the basic components of the proposed revegetation techniques, including the proposed application of topsoil and growth media as irregular mounds or rows creating "garden spots," and blending with waste rock during reclamation. The list of revegetation techniques on pages 3-33 and 3-34 of Chapter 3 (*Project Description*) indicates that seeded areas will not require fertilizer and watering.

In compliance with the existing regulatory requirements and mitigation measures carried over from the 1997 FEIR/EIS, the Draft SEIR (p. 4.1-29) states that the Revised Project will be subject to the following actions specifically related to the conservation and use of native soils as growth media:

- Up to six inches of Arizo and Cajon type soils will be removed from areas to be disturbed and stockpiled as growth media for use in

reclamation and revegetation. The reclamation plan will be reviewed and approved by Kern County.

- Soils in areas subject to minimal disturbance will be left in place and stabilized, as necessary, in accordance with the surface mining and reclamation plan reviewed and approved by Kern County.
- **1997 FEIR/EIS MM #6** *Growth media stockpiles will be stabilized by allowing germination of seeds naturally contained in the soil. (Condition of Approval No. 11)*
- **1997 FEIR/EIS MM #8** *The feasibility of inoculation of soil with biological components will be investigated in test plots. (Condition of Approval No. 12)*

Pages 4.1-30 and 4.1-31 of the Draft SEIR summarize related provisions of the *Soil Salvage, Stockpiling, and Use Plan for the Soledad Mountain Project* (Bamberg & Golder 2008), as follows:

*Growth media will be stripped ahead of construction and the areas to be stripped will be the minimum required at any one time to limit fugitive dust.*

*Stripped growth media will be stockpiled at one of the three locations shown in Figure 2-1 [of Bamberg & Golder 2008]. Growth media will be placed in stockpiles 20 to 25 feet high and cover a total area of approximately 1.5 acres. Access to these areas is currently available and no new road construction will be required. The stockpiles will be stabilized by grading and sloping the sides at 3H:1V or less, and covering the surfaces with a gravel/rock layer to prevent wind and water erosion.*

*New technologies are available to protect finer stockpiled material from wind erosion such as a sealant that can be sprayed on the surface to bind the smaller particles. Such techniques may have to be tried if windblown dust is a problem.*

*Stockpiles will be monitored to ensure that erosion is not taking place. Organic matter and other factors that promote growth, break down growth media that is stockpiled for longer periods. Golden Queen Mining is committed to progressive reclamation, and stockpiled growth media will therefore, be reapplied as early as possible in the life of the mine. Growth media may be applied as it is stripped since this method insures the best use (Bamberg & Golder 2008, p. 8).*

Despite finding that onsite soils are poor as growth medium given that soils are salvaged from areas with little soil development, Bamberg & Golder (2008) also concluded that soils can be salvaged and reclaimed with the Revised Project and stated the following:

*The physical and chemical characteristics of the soil itself (such as texture, pH, soluble salts and nutrients) permit growth of native plant species. The soils located at or near the surface had a better nutrient status with higher NPK values and some residual organic matter. The surface soils may contain abundant seed, and revegetation tests have shown good germination and*

*growth from seeds in salvaged surface soils....Soils near the more moderately sloped areas around the base of the mountain potentially could be salvaged at the surface to a depth of about 0.5 feet as a source of seed. This stockpiled soil could act as a seedbank for distribution on surfaces to be reclaimed....The locations and amounts of soil materials of the 0.5 feet that can be salvaged can be determined once final mining configuration and design details of facilities are determined. The amounts will be calculated during the reclamation planning, and presented in the reclamation plan. The balance of salvaged soil materials can be calculated, and the storage or distribution can be determined and become part of the reclamation planning (Bamberg & Golder 2008, p. 18).*

Finally, Volume 2 of the Draft SEIR includes the Revised Surface Mining and Reclamation Plan as Appendix B. Attachment K to that plan is the Revegetation Plan revised in March 2007 by S. Lynn Bamberg, LLC. The Revegetation Plan provides methods and criteria to enhance revegetation during construction and operations, and for final revegetation through a range of revegetation techniques as part of closure and reclamation. It also provides further justification for exclusion of fertilizers and other soil amendments from the revegetation plan.

- 9-E** Thank you for your comment regarding acid mine drainage and cobalt complexing. Please see Response to Comment No. 9-A for a response to the issue of cobalt complexing.

With regard to acid mine drainage, referred to in the Draft SEIR as "acid rock drainage" (ARD), section 3.8.2 (*Waste Rock Leachate Control*) states:

*Weathering of the waste rock will occur very slowly. There is no indication that precipitation percolating through the waste rock will degrade groundwater quality. Samples of ore and waste rock have tested negative for acid rock drainage (ARD). The area's low annual precipitation and high evaporation rates make it unlikely that there will be sufficient seepage through the waste rock dumps to initiate any chemical reactions for ARD and to transport the products from such reactions, such as elevated concentrations of metals and arsenic, to a receiving resource. The nearest body of surface water is an intermittent stream located approximately three miles west of the project. It is not expected that the waste rock will require mitigation or remedial measures. Regardless, the applicant will conduct an ongoing geotechnical monitoring program to confirm these conclusions, as proposed in the Report of Waste Discharge (ROWD) (GQM et al. 2007).*

(Draft SEIR, p. 3-31)

As also indicated in the Environmental Site Assessment (ARCADIS & GQM 2008) and Soil Characterization Report (ARCADIS 2007b), the Draft SEIR states, "*The [acid rock drainage] potential of waste materials in the project area is low to non-existent.*" (p. 4.1-36)

With regard to both the heap leach facility liner and ARD potential, and based on the Report of Waste Discharge (ROWD) (GQM et al. 2007), the Draft SEIR provides the following information:

*Results of the geochemical characterization program...indicate that the potential of the ore to generate ARD [Acid Rock Drainage] or ML [Metal Leaching] is low to non-existent. During operations, the pH of the ore will be increased with the addition of cement and will contain varying levels of NaCN solution, which will be neutralized during the closure phase to bring the pH, and both total and WAD [Weak Acid Dissociable] cyanide to acceptable levels as established in the WDRs [Waste Discharge Requirements] to achieve a Group C solid mine waste classification.*

*Site attributes within the immediate vicinity of the HLF (Heap Leach Facility) are also factors that will minimize the potential risk of water quality degradation. Key attributes include the depth to groundwater beneath the HLF at approximately 200 feet below NGL [Natural Ground Level], the lack of surface water features such as springs or seeps, the very low annual precipitation and high evaporation of the arid desert environment, and the low permeability of the formations below the HLF. (GQM et al. 2007, p. 10-2)*

*The HLF [Heap Leach Facility] design components and leak detection systems...have been developed to provide for containment of the crushed ore and process solutions during operations and the leached and rinsed residues and solutions during closure. The heap leach pad design includes a full composite liner system consisting of a 1-foot thick soil liner and an 80-mil durable LLDPE [Linear Low Density Polyethylene] geomembrane liner. Additionally, the pad design provides a double-lined section with a LDCS [Leak Detection and Collection System] along the down gradient toe to facilitate monitoring the integrity of the HLF liner system.*

*Furthermore, the LCRS [Leachate Collection and Recovery System] is designed to reduce the head on the liner. Engineering analyses of the HLF included complete geotechnical evaluations of the liner system for slope stability under both static and pseudostatic (earthquake) conditions.*

*In addition, the extensive monitoring and contingency plans for the HLF...further minimize the potential risk of water quality degradation. The monitoring system is designed to detect any potential seepage losses at the first stage of solution containment. (GQM et al. 2007, p. 10-2 and 10-3)*

*Based on its evaluation of the above elements, GQM (Golden Queen Mining) concludes that the combination of positive waste characteristics and site attributes, the HLF [Heap Leach Facility] design, quality control and quality assurance during construction, operational plans, and the monitoring program, demonstrate that the construction and operation of the HLF will not cause a significant threat to the water quality of receiving waters, and the proposed WMU [Waste Management Unit] classification meets regulatory criteria. (GQM et al. 2007, p. 10-3)*

*(Draft SEIR, p. 4.1-45)*



- 9-F** Thank you for your comment. The price of gold or silver does not affect reclamation obligations under the State's Surface Mining and Reclamation Act (SMARA) of 1975 (Public Resources Code, Division 2, Chapter 9, Section 2710 et seq.). Under SMARA, the requisite financial assurance must be posted prior to commencement of operation; address existing disturbance and that anticipated in the upcoming calendar year; and be reviewed annually by Kern County and the State Office of Mine Reclamation (OMR). Release of financial assurance upon cessation of mining and completion of reclamation per adopted plan will require County, OMR, Regional Water Quality Control Board (RWQCB), and the Bureau of Land Management (BLM) concurrence.
- 9-G** Thank you for your comment regarding backfilling objectives and feasibility. Generally speaking, metallic mines must be backfilled to achieve not less than the original surface elevations. However, given limitations imposed by California Code of Regulations (CCR) sections 3704.1(a) and 3704.1(e), backfilling of a metallic mine excavation must stop at the point that the maximum slope steepness factor of 2:1 has been achieved, even if the backfilling has not yet achieved the original surface elevation. The maximum slope steepness of 2:1 is the limiting factor in backfilling all of the revised Soledad Mountain Project pits.

As proposed, the ultimate goal of reclamation will be to return the Soledad Mountain mine site to an end use of open space and wildlife habitat. The reclamation plan incorporates sequential backfilling in phases as the excavation proceeds. With the exception of the west pit shown on Draft SEIR Figure 3-11 (*Mining Phase Boundaries*), the project incorporates concurrent reclamation in conjunction with sequential backfilling.

The west pit will be backfilled with fines and leached and rinsed residues. At the OMR's request, additional information was furnished by the Lead Agency regarding the post-backfilling contours of the proposed project. The information demonstrated that, post-backfilling, all pits but the west pit would be completely backfilled and would achieve the maximum 2:1 slope steepness specified by Section 3704.1(e). This represents the maximum backfilling allowed under the regulations for these pits.

Assuming maximum allowable backfilling for the west pit using leached and rinsed residues on top of the aggregate fines will be 2:1, it is expected that up to approximately 9 million tons of leached and rinsed residues could potentially be used to backfill the west pit. The project proponent has submitted additional figures to the Lead Agency and OMR depicting the backfill of the west pit using leached and rinsed residues on top of fines. See also Attachment 2 to Response to Comment letter 4, above.

However, it should be noted that the project proponent also intends to sell the leached and rinsed residues for other beneficial uses. The project proponent is currently evaluating the feasibility of selling the leached and rinsed residues for various uses. Depending upon the amount of leached and rinsed residues sold, all mining pits, except the western-most pit would be completely backfilled. The west pit would be filled to the maximum feasible extent, as there may be insufficient material remaining on-site to allow complete backfill of the pit. If this occurs, then per CCR section 3704.1(h), no further backfilling will be

required because at the conclusion of mining activities, an insufficient volume of materials in the form of overburden piles, waste rock piles, and processed or leached ore piles, will exist to perform the requisite task.

Throughout the project, micro-contouring will be used to create micro-basins, which are features designed to trap moisture and seeds. Growth media will be applied as irregular mounds or rows creating “garden spots” and re-seeding will use a mix of native seed. Additional information regarding revegetation is found in Attachment K of the surface mining and reclamation plan.

- 9-H** Thank you for your comment regarding mitigation of the significant and unavoidable impact related to NO<sub>x</sub> emissions from mobile sources. The air basin is in nonattainment for ozone and PM<sub>10</sub>. NO<sub>x</sub> is an ozone precursor that combines with reactive organic gases (ROG) to form ozone.

The Draft SEIR evaluated the project’s potential to exceed State and federal ambient air quality standards for NO<sub>x</sub> and found that modeled impacts for all pollutants and averaging periods are less than their applicable NAAQS and CAAQS and thus in compliance with the applicable regulatory requirements. These impacts are less than significant. However, the Draft SEIR (Table 4.2-12) also determined that that mobile source NO<sub>x</sub> emissions will be greater than the significance threshold of 25 ton/year. This is a significant impact that was not identified in the 1997 FEIR/EIS.

For those aggregate haul trucks that comprise the majority of NO<sub>x</sub> emissions contributing to the exceedance of the mass significance threshold, there is no other reasonable or feasible mitigation. Aggregate trucks would not be owned by the project proponent and, as such, are not subject to mitigation imposed on the project proponent. It is the role of the California Air Resources Control Board (CARB) to regulate mobile emissions sources statewide. CARB and the local air districts, including Kern County Air Pollution Control District (KCAPCD) and San Joaquin Valley Air Pollution Control District (SJVAPCD), will continue to develop and enforce regulations in furtherance of the State Implementation Plan, which establishes emissions budgets for transportation and stationary sources in order to comply with ambient air quality standards.

The KCAPCD California Clean Air Act Ozone Air Quality Attainment Plan was approved by CARB in 1993 and updated in 2005. The plan lists the rules adopted by the KCAPCD between 1987 and 2004 that address Reasonably Available Control Technology for all sources of ozone precursor emissions. The Draft SEIR (p. 4.2-31) lists various KCAPCD rules with which the project must comply, including Rule 427 (Stationary Piston Engines; Oxides of Nitrogen), which limits the emissions of NO<sub>x</sub>, CO, and VOC from internal combustion engines.

To reduce the project-related contribution to NO<sub>x</sub> threshold exceedance, the Draft SEIR (pp. 4.2-49 through 4.2-50) also requires the project proponent to comply with Mitigation Measure 4.2-1, which requires the purchase of equipment that meets all California regulations; requires proper maintenance and tuning of all internal combustion engine powered equipment; requires employees

and subcontractors to comply with California's idling restrictions for compression ignition engines; and requires use of low sulfur diesel fuel.

Regarding the feasibility of further reducing project-related emissions, the Draft SEIR also states, "*Both the mining equipment and the onroad sources are regulated by both the U.S. EPA and CARB. The mining equipment for this project would meet current emissions standards at the time of their purchase. Since the equipment would either be new or existing mining equipment used at other project sites, such equipment would have had to meet all emission standards at the time of purchase. Alternative fuels such as biodiesel would improve (reduce) the PM10 emissions but would increase NOx emissions. The project is not proposing to use any alternative fuels. Current technology exists to reduce PM10 and NOx emissions for mobile sources, but is not yet proven on mining equipment.*" (pp. 4.2-49 through 4.2-50)

- 9-I** Thank you for your comment regarding fugitive dust emissions from existing tailings piles, and emissions from the Revised Project. The Draft SEIR (p. 1-23) states that as a requirement of 1997 FEIR/EIS Mitigation Measure #21, the existing tailings piles will be removed, thereby reducing the long-term fugitive emissions from the site. A more thorough discussion of fugitive dust emissions mitigation and design features is provided on pages 4.2-39 to 4.2-40 of the Draft SEIR, as follows. As indicated previously in Section 7.2 (*Revisions to the Soledad Mountain Project Draft Supplemental EIR*), based on comments received the Draft SEIR has been modified in reference to the wet scrubber.

*Section 3.12 (Environmental Controls) of the Project Description (Chapter 3) lists particulate emissions control methods to be implemented with the Revised Project, including:*

- ***Hood*** to enclose trucks when dumping at the primary crusher receiving hopper.
- ***Water Sprays*** to control dust emissions in the primary crusher
- ***Sonic Foggers*** to control dust emissions at the transfer points.
- ***Wet Scrubber*** to control dust emissions at and above the primary screen and HPGR discharge and transfer points.
- ***Bin Vents/Filters*** for dust control at the cement silo and the backup cement storage vessel
- ***Wet Material*** to minimize stockpile fugitive dust emissions.
- ***Dust Collection System*** for drilling operations
- ***Additive Application/Watering*** to minimize fugitive dust during material hauling
- ***Highly Maintained Haul/Access Roads*** to minimize fugitive dust from vehicle travel over unpaved roads (*AQ/HRA, p. 24*).

*These and other emissions controls are described throughout the Project Description. Other operational considerations factored into the overall emissions include:*

- *Historical tailings will be incorporated in the construction of the Phase 1 heap leach pad and this will remove one source of fugitive dust in the area (GQM 2006c).*
- *Fuel usage and related emissions will be reduced by:*
  - *Use of backfill techniques to minimize hauling distances of waste rock.*
  - *Construction of a pipe conveyor to convey ore from the active pits to the ore processing circuit to minimize hauling of ore.*
  - *Use of optimally sized haul trucks for the Project to minimize haul truck trips.*

The Draft SEIR also provides a summary of the disposition and handling of existing tailings piles, and the consequent fugitive dust emissions, as follows:

*As shown in Table 4.2-10, changes to key design features in the Revised Project indicate that material handling activities and fuel consumption will be significantly lower for the Revised Project than they would have been for the previously approved 1997 Project. . . . These changes are expected to reduce emissions of all criteria pollutants. The emissions reduction benefits of the above changes can be seen in Table 4.2-11, which compares the PM10 emissions estimates from the 1997 Project and the Revised Project. The table shows higher total lb/hour PM10 emissions for the Revised Project. This is due to a difference in estimating assumptions rather than a change in the project. The 1997 FEIR/EIS took credit for eliminating 136,000 lb/yr PM10 by using the existing tailings pile as a base for the leach pad (p. 213). The Revised Project also will incorporate the existing tailings into the leach pad base; [emphasis added] *however, the Air Sciences AQ/HRA does not take credit for any resulting reduction in fugitive emissions. Any effect of reducing fugitive emissions will be the same for the Revised Project as for the 1997 Project, but is not reflected in Table 4.2-11. Even without taking credit for this reduction, the annual PM10 emissions will be substantially less for the Revised Project compared to the 1997 Project. (pp. 4.2-47 to 4.2-48)**

- 9-J** Thank you for your comment regarding greenhouse gas (GHG) emissions. However, page 4.1-10 of the Draft SEIR does not make any impact statement with regard to the project's contribution to GHG emissions. Rather, the Draft SEIR discussion under Kern County Significance Thresholds states, "*Kern County has not developed a quantified threshold of significance for GHG emissions, but a project found to contribute to a net decrease in GHG emissions and found to be consistent with the implementation of the CARB Scoping Plan (2008) is presumed to have less-than-significant GHG impacts.*" (p. 4.1-10)

The Draft SEIR does, however, evaluate the significance of project-related GHG emissions in Section 4.2 (*Air Quality*), which is based on the analyses of GHG and global warming impacts in the Air Quality/Health Risk Assessment (Air Sciences 2009b) and Greenhouse Gas Emissions study (Air Sciences 2009c). Both studies are appendices to the Draft SEIR.

Pages 4.2-59 through 4.2-64 of the Draft SEIR provide the quantitative analysis of GHG emissions, including a comparison of the 1997 Project and the Revised Project. The Draft SEIR states, "*Maximum and life-of-mine average annual CO<sub>2</sub> emissions in 2009 design are 30-35 percent of the CO<sub>2</sub> emissions estimated for the 1997 Project.*" (p. 4.2-61) Regarding the project's net contribution to GHG emissions from all quantifiable sources, including trucks and other motors, the Draft SEIR states the following:

*Average annual emissions over the life of the Revised Project, including the construction, mining operations, reclamation, and aggregate production phases, are estimated to be 5,755 t/year. Annual CO<sub>2</sub> emissions will be highest during the mining operations phase of the Project.*

*The annual average CO<sub>2</sub> emissions from the Revised Project will be substantially less than the 10,000 metric tons per year CEQA significance threshold applied by Kern County to industrial projects. In addition, the peak year emissions (approximately years 6 through 13) will be less than the 25,000 metric ton per year reporting threshold used as a CEQA significance threshold.*

*The GHG emissions from the Revised Project are entirely dependent upon the combustion of fossil fuels. The Revised Project design includes several features that minimize the fossil fuel combustion and result in lower GHG emissions than the previously approved project in the 1997 FEIR/EIS. These improvements include:*

- *Use of backfill techniques to minimize hauling distances of waste rock.*
- *Construction of an electric pipe conveyor to convey ore from the active pits to the ore processing circuit to minimize hauling of ore.*
- *Use of optimally sized haul trucks for the Project to minimize haul truck trips.*

*All feasible and reasonable mitigation has been imposed and the project is consistent with the recommended global warming mitigation measures from the Attorney General, CAPCOA, and the Office of Planning and Research.*

(Draft SEIR, p. 4.2-62)

- 9-K** Thank you for your comment regarding impacts to burrowing owl habitat. To mitigate against the potential harm to the western burrowing owl during construction and mining activities, the Draft SEIR includes specific survey, monitoring, avoidance, relocation, and California Department of Fish and Game (CDFG) consultation requirements. Please see Mitigation Measures on pages 4.3-21 through 4.3-22 of the Draft SEIR for those requirements.

If deemed necessary, compensation for the loss of burrowing owl habitat will be determined in consultation with U.S. Fish and Wildlife Service (USFWS). Such

compensation would be independent of the project proponent's establishment of, or contribution to, a "green" fund. Regarding the "green fund," the Draft SEIR indicates, *"The contribution will be made on the basis of an agreed number of cents per gallon of diesel fuel and per kilowatt hour consumed by the operation. The fund will be used to investigate/promote "green" technologies specifically in the greater Mojave area."* (p. 3-45)

**9-L** Thank you for your comment regarding annual water usage. The comment reiterates the Draft SEIR finding that, *"water usage could ultimately be between 650 to 750 gpm depending on a number of factors. The Lead Agency notes that 750 gpm was the basis for the original hydrological study prepared for the 1997 Project."* (p. 3-36) Based on planned operations 24 hours per day, 7 days per week and 50 weeks per year, the estimated annual water use would range from 327.6 to 378.0 million gallons per year.

**9-M** Thank you for your comment; however, it is unclear as to which water source(s) the comment refers. Regarding the reuse of "mining-related" water, the project has been designed as an enclosed system and all water used in the process will be retained on site. During site reclamation and closure, the heap leach will be neutralized and all water draining from the heap or remaining in the overflow pond will be disposed of through evaporation. Consequently, the project does not include provision of water for farming, domestic, or any other offsite use.

**9-N** Thank you for your comment regarding the feasibility of solar powered reverse osmosis (RO). This process uses solar electric panels to convert solar radiation to electric power, which powers a RO water purification system that purifies brackish or contaminated water into potable water. This is achieved by passing the water through a system of RO units to remove all pathogens, metals and dissolved solids, using just 20% of the power of a standard reverse osmosis unit. The process may also use solar power to draw the water up from brackish groundwater sources.

Despite its advantages in many circumstances, such energy-efficient water treatment technologies would not be employed as part of the project. The project would obtain groundwater from onsite production wells. Groundwater is expected to be of good quality as it originates from an aged aquifer, as is typical of a desert basin. A water sample taken from Production Well #1 indicated near drinking water quality with 200 parts per million total dissolved solids (TDS) and 120 parts per million bicarbonate. The water can, therefore, be used in the heap leach process and other onsite processes without pretreatment. As previously indicated in Response to Comment No. 9-M, the project will use bottled water for potable use, so a purification system is unnecessary.

During site reclamation and closure, the heap leach will be neutralized and all water draining from the heap or remaining in the overflow pond will be disposed of through evaporation. Therefore, reverse osmosis or other forms of water treatment would be unnecessary.

**9-O** Thank you for your comment regarding the quality of water from the Antelope Valley – East Kern Water Agency. Please refer to section 3.11.1 (*Domestic and Process Water*) on pages 3-36 and 3-37 of the Draft Supplemental Environmental

Impact Report (SEIR) for a description of project water usage, including water supplementation mitigation (originally imposed in 1997) to prevent excessive groundwater drawdown effects on domestic wells in the area of influence.

Regarding the issue of water supply supplementation, the Draft SEIR (p. 3-37) states the following:

*As a Condition of Approval (Condition of Approval No. 45) of the Conditional Use Permits, and as a mitigation measure (1997 FEIR/EIS MM #16) adopted for the Project by Kern County in 1997, GQM will monitor the groundwater level on a monthly basis and compare the water level data collected by the monitoring program to water levels predicted by the groundwater drawdown model. In the event the monitoring program shows that the actual water drawdown in the wells exceeds the predicted model for six consecutive months, the 1997 conditions of approval require that GQM supplement the water supplied by the production wells with up to 300 gpm of water from Antelope Valley – East Kern Water Agency (AVEK). GQM filed an application for a water service connection in a letter to AVEK dated February 8, 2008. The initial engineering for a connection to the AVEK system has been completed.*

AVEK routinely monitors for contaminants in their water supplies, as required by State and Federal laws. According to AVEK's water quality web page at <http://www.avek.org/qualitykc.html>, AVEK water presently meets or exceeds all State and Federal requirements.

The table from AVEK's "2008 Annual Water Quality Report" shows the results of their monitoring for the period of January 1st to December 31st, 2008. The table is available for review at [http://www.avek.org/Kern\\_AWQR\\_2008.pdf](http://www.avek.org/Kern_AWQR_2008.pdf) and a copy of the complete water quality assessment may be viewed at the offices of the Antelope Valley-East Kern Water Agency, 6500 West Avenue N, Palmdale, CA 93551.

## Letter 10 – Vangelene and Will Harris

*Untitled*

*6235 S. Campbell Ave.  
Chgo, IL 60629  
773-498-7240*

*01-18-2010*

*Please be advised that we got your notice and we DO NOT want anyone to be mining on our land.  
WE DO NOT GIVE OUR APPROVAL.*

**10-A**

*Thank you,  
Vangelene & WILL Harris*

*Page 1*

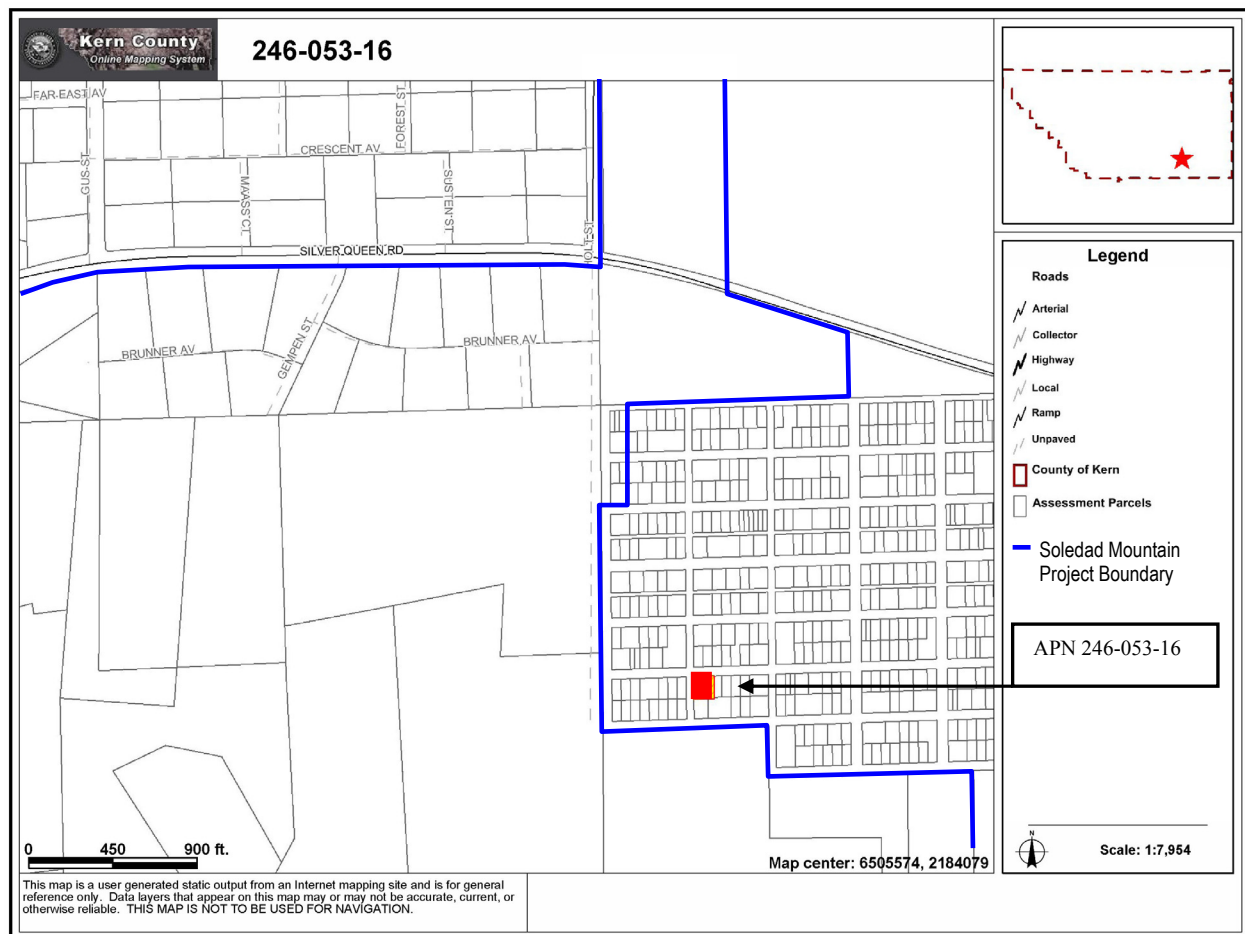


## Response to Letter 10

### Vangelene and Will Harris (January 18, 2010)

**10-A** Thank you for your comment. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

Please be assured that the proposed revised Soledad Mountain Project activities will be contained within the limits of the project boundary and are not permitted to encroach upon your property or any other adjacent property. Consequently, mining will not occur on your property. The map inset below shows that the property identified as Assessors Parcel Number (APN) 246-053-16 is outside the project boundary. Figure 3-9 (*Property Holdings and Project Site*) of the Draft Supplemental EIR shows similar location information in relation to the applicant's property, while Figure 3-10 (*Project Site and Disturbance Areas*) shows that APN 246-053-16 is nearest to proposed working areas with minimal disturbance.



**Letter 11 – Mr. Deryl Box**

**From:** "Box, Deryl" <Deryl.Box@vcesvolvo.com>  
**To:** <ScottD@co.kern.ca.us>  
**Date:** 01/19/2010 3:04 PM  
**Subject:** Golden Queen Mining Co. Inc., Soledad Mountain Project

Draft Supplemental

Environmental Impact Report

Prior SCH # 96061052

Volume 1

Chapters 1 through 10

Golden Queen Mining Co. Inc., Soledad Mountain Project

Conditional Use Permit No. 27, Map 196

Modification of Conditional Use Permit No. 41, Map 213

Modification of Conditional Use Permit No. 22, Map 214

Nonsummary Vacation of a Portion of New Eagle Road 191-31 3 098

(PP08210)

Dear Mr. Denny,

I would like to express my approval of the above project. I am in favor of this project.

11-A

Deryl Box

41048 Gretchen Way

Palmdale, CA 93551

661-722-4473

**Response to Letter 11**  
**Mr. Deryl Box (January 19, 2010)**

- 11-A** Thank you for your comment in support of the project. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

## Letter 12 – Ms. Misty Young

### Scott Denney - Support for Golden Queen

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**From:** Misty Young <misty@squeezein.com>  
**To:** <ScottD@co.kern.ca.us>  
**Date:** 01/21/2010 3:52 PM  
**Subject:** Support for Golden Queen

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Scott, the Golden Queen project will provide economic opportunities for Kern County through tax revenues, employment opportunities and more. As a native of Southern California, and one who has spent significant time in historic Kern County and on the Soledad, I really believe this opportunity is one of vision and forward thinking for the County, its residents and the state as a whole.

12-A

Although I live in Lake Tahoe now, the Golden State will surely benefit from The Golden Queen project. I support it and encourage Kern County to as well.

Misty Young

-- -- -- --

Misty and Gary Young

**Squeeze In**

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775-787-2700 Reno Squeeze

530-305-3599 Misty mobile

530-386-6133 Gary mobile

530-582-4581 Office Fax

(We'll meet you at the front door!)

(Could there be any more numbers?!)

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**Response to Letter 12**  
**Ms. Misty Young (January 21, 2010)**

- 12-A** Thank you for your comment in support of the project. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

## Letter 13 – Mr. Timothy W. Tuttle

### Scott Denney - Soledad Mountain Project

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**From:** "Timothy W. Tuttle" <Tim@tuttlefirm.com>  
**To:** "ScottD@co.kern.ca.us" <ScottD@co.kern.ca.us>  
**Date:** 01/21/2010 4:30 PM  
**Subject:** Soledad Mountain Project

---

Dear Mr. Denny,

Please register my support of the Soledad Mountain Project. It is my belief that this project will provide a badly needed “shot in the arm” for the Kern County economy, and that the environment will not be impacted in any manner that is unfavorable to the county or the region.

13-A

Thank you for your time.

*Timothy W. Tuttle*

Timothy W. Tuttle, JD, LLM, CPA  
Certified Tax Specialist, CA State Bar  
31351 Rancho Viejo Road, Suite 103  
San Juan Capistrano, CA 92675  
949-218-1500  
949-218-2525 fax

**Response to Letter 13**  
**Mr. Timothy W. Tuttle (January 21, 2010)**

- 13-A** Thank you for your comment in support of the project. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

**Letter 14 – Ms. Lisa Engelsman**

**From:** "Lisa Englesman" <lisajanejp@cox.net>  
**To:** <ScottD@co.kern.ca.us>  
**CC:** "Birtle Sherman" <gregg.sherman@verizon.net>  
**Date:** 01/22/2010 7:49 AM  
**Subject:** Golden Queen Mining Co.

Dear Scott. I am a part of the Birtle Dream and to see my Uncle's dream come true would add to the legacy he left us. I also support all the jobs this project would create for so many in the area. Thank you, Lisa Birtle Engelsman

**14-A**

Lisa Jane Engelsman

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949-291-1459 / Voicecom 949-455-3466  
Lisajanejuiceplus.com

Internal Virus Database is out-of-date.  
Checked by AVG.  
Version: 7.5.560 / Virus Database: 270.12.36/2126 - Release Date: 5/21/2009 6:22 AM



**Response to Letter 14**  
**Ms. Lisa Engelsman (January 22, 2010)**

- 14-A** Thank you for your comment in support of the project. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

## Letter 15 – Mr. Jim Price

**From:** Jim Price <jprice@roadmachinery.com>  
**To:** "ScottD@co.kern.ca.us" <ScottD@co.kern.ca.us>  
**CC:** Chuck Brown <cbrown@roadmachinery.com>, Robert Leigh <rleigh@roadmachine...  
**Date:** 01/25/2010 10:16 AM  
**Subject:** Re: Soledad Mining Project.

Dear Mr. Denny

In anticipation of your upcoming hearing pertaining to Soledad Mining Project for Kern County, I would like to formally support their endeavor. Road Machinery, LLC is a supplier of Komatsu Construction equipment in Kern County. The Soledad Mining Project is a glimmer of hope in a dismal construction equipment economy. Soledad Mining Project would be a new source for jobs and revenue for the Kern County.

15-A

Sincerely,  
Jim Price

Vice President and General Manager, Ca  
Road Machinery, LLC

---

Road Machinery LLC

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**Response to Letter 15**  
**Mr. Jim Price (January 25, 2010)**

- 15-A** Thank you for your comment in support of the project. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

**Letter 16 – Mr. Robert L. Henson, Sr.**

**From:** ROBERT HENSON <orangeknight69@yahoo.com>  
**To:** <ScottD@co.kern.ca.us>  
**Date:** 02/02/2010 11:42 PM  
**Subject:** Draft Supplemental Environmental Impact Report

Scott F. Denney, Kern County  
Resource Management Agency  
Planning Department  
2700 "M" Street Suite 100  
Bakersfield, CA 93301-2323

Hello Scott,

I received this report, and as a property owner in the area, I am concerned about how the Gold Queen Mining Operation will affect growth and property valued. I would be interested in acquiring studies and any other information as to how this operation will affect the surrounding areas, and my property specifically.

| 16-A

| 16-B

Is there compensation for any damages that may occur as a result of this the Gold Queen Operation? Any information you are able to provide will be greatly appreciated.

| 16-C

Thank you in advance for your consideration.

Robert L. Henson, Sr.  
345 042 07 00 1

## Response to Letter 16

### Mr. Robert L. Henson, Sr. (February 2, 2010)

- 16-A** Thank you for your comment regarding area growth and property values. With regard to potential loss of property values, the evaluation of property values is beyond the scope of the California Environmental Quality Act (CEQA) document. The focus of a CEQA analysis is on physical changes to the environment. According to CEQA Guidelines Section 15131(a) the economic effects of a project (i.e., the perceived lowering of a property's values) cannot be treated as a "significant effect" on the environment. A "significant effect" means a substantial, or potentially substantial, adverse change in the environment. In order to determine a significant effect, "substantial evidence" of the impact must exist. According to CEQA Guidelines Section 15384, "Substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the entire record. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Mere uncorroborated opinion or rumor does not constitute substantial evidence.

The preceding CEQA guidance notwithstanding, the issue of property values was previously addressed in the Addendum to the Socioeconomic Study contained in Appendix XI of the 1997 Final EIR/EIS (Draft Supplemental Environmental Impact Report (SEIR) Volume 7, Appendix V: 1997 FEIR/EIS Volumes 5-7). Page 3 of the addendum reflects the results of an analysis by Sedway Kotin Mouchly Group which indicates that residences within one-half mile of the project could be impacted but residences along the Backus Road corridor will not experience any measurable value loss relative to the proposed Soledad Mountain Project, given the distance from the mining operations and the topography separating the two.

With regard to potential growth in the area of the Soledad Mountain mining project, the Draft SEIR evaluated the employment characteristics of the proposed operation. The Revised Project would provide new employment consistent with adopted County of Kern goals, plans, and policies. Short-term construction personnel will be a combination of contractor and project site employees and are estimated at 200 individuals at peak. (Draft SEIR, p. 3-22) Construction workers are expected to travel to the site from various locations throughout southern California, and the number of workers expected to relocate to the surrounding area is not expected to be substantial. If temporary housing should be necessary, it is expected that accommodations would be available in any number of nearby communities, including Mojave, Rosamond, California City and Lancaster – all of which are within a 30-mile radius of the project.

Full-time production workforce is expected to be 150 employees but could be as high as 165. The projected manpower required for the aggregate and construction materials operation is 15 and these will be sub-contractor employees. Once the mine is in full production, the maximum number of employees on-site at any one

time is estimated to be 64 during the day shift and 30 during the second shift. (Draft SEIR, p. 3-45) Similar to construction employment, however, the scope of the existing population, labor force, and available housing in the area is such that new housing is not necessary. Therefore, the proposed project would not directly or indirectly induce substantial development of new housing or businesses.

Typical established local thresholds of significance for housing and population growth pursuant to the State CEQA Guidelines, Section 15064.7 include effects that would induce substantial growth or concentration of a population beyond County projections, alter the location, distribution, density, or growth rate of the population beyond that projected in the Housing Element, result in a substantial increase in demand for additional housing, or create a development that significantly reduces the ability of the County to meet housing objectives set forth in the General Plan Housing element. Based on the preceding information, the effects of the proposed project in relation to these local thresholds are minimal.

- 16-B** In an email response on February 3, 2010 the Kern County Planning Department acknowledged receipt of the comment. In the acknowledgement, the Department advised that the entire Draft SEIR, in addition to its technical appendices and studies, is available online. The Department provided instructions on how to obtain the Draft SEIR via the following URL:

[http://www.co.kern.ca.us/planning/pdfs/eirs/SoledadMtn/SoledadMtn\\_vol1\\_ch1-10.pdf](http://www.co.kern.ca.us/planning/pdfs/eirs/SoledadMtn/SoledadMtn_vol1_ch1-10.pdf)

The above-referenced documents have also been available at the Kern County Planning Department, 2700 "M" Street, Suite 100, Bakersfield, CA 93301 since January 11, 2010.

- 16-C** Thank you for your comment regarding compensation for potential property damages resulting from the project. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project. Nevertheless, the lead agency notes that potential compensation is a private matter between the project proponent and the commenter and, without a clear nexus of proportionality and jurisdiction, not within the scope of Kern County's authority.

## Letter 17 – Ms. Barbara Joyce Robinson

February 5<sup>th</sup>, 2010

Scott F. Denney  
Kern County Planning Department  
2700 “M” Street., Suite 100  
Bakersfield, CA 93301– 2370

Mr. Scott F. Denney,

I was surprised to receive this letter from Golden Queen Mining Co., thinking me for my enthusiastic support for the ‘**Soledad Mountain Project**’, I have never given my support for this project, and I have never signed any petition in favor of this ‘**Soledad Mountain Project**’. I am not enthusiastic about it at all.

17-A

I am unhappy and very concerned about this mining project. I understand that the mined residue is being **dumped** behind my home, and this cancer causing residue will **seep** into the well water, and the same residue will be caught by the **wind**, which blows much of the time in this area and we will be **forced** to breath this cancer causing **dirt**. Then there is the **noise** which will be caused by all the large equipment needed for the project. I can’t understand why anyone would approve of this project especially the people living in front of it, or anyone living near it.

17-B

17-C

17-D

Barbara Joyce Robinson

12272 Goldtown-Holt Rd.  
Mojave, CA 93501



January 26, 2010

Ms. Barbara Robinson  
12272 Holt Rd.  
Mojave, CA 93501

Dear Ms. Robinson,

It is a privilege to be able to inform you that the Kern County Planning Department has released the Draft Supplemental Environmental Impact Report on the Soledad Mountain Project for review and comment by agencies and the public. The review period is 45 days as mandated by State law. The Project is next scheduled to go before the Kern County Planning Commission for consideration on **April 18, 2010 at 7:00 p.m.** in the Chambers of the Board of Supervisors, First Floor, Kern County Administrative Center, 1115 Truxtun Avenue in Bakersfield, California.

This is an important milestone for the Soledad Mountain Project and we are very pleased to have reached this point in the approvals process.

I would like to thank you again for your enthusiastic support to date and for those of you who signed petitions in favor of the Soledad Mountain Project; we are most grateful. Comments may be submitted from now until February 25, 2010 by writing to the following:

Scott F. Denney  
Kern County Planning Department  
2700 "M" Street., Suite 100  
Bakersfield, CA 93301-2370  
ScottD@co.kern.ca.us

Again, we value your support and interest in the Soledad Mountain Project. It is a privilege to be able to pursue this opportunity - one that will have a significant impact on the local economy, create a considerable number of direct and indirect jobs and generate much-needed revenues to support critical public services.

We will provide further updates as these occur and look forward to seeing you at the Planning Commission hearing in April.

Best regards,



Lutz Klingmann, President  
Golden Queen Mining Co., Inc.



## **Response to Letter 17**

### **Ms. Barbara Joyce Robinson (February 5, 2010)**

- 17-A** Thank you for your comment. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

The Kern County Planning Department did not authorize, and was not informed of, the preparation or distribution of the accompanying letter from Golden Queen Mining Co., Inc. (GQM) dated January 26, 2010. The letter by GQM does not constitute public notification of the availability of the Draft Supplemental Environmental Impact Report (SEIR).

The County's Notice of Availability (NOA) was included in the Draft SEIR, along with the mailing list of NOA recipients. The NOA was also published in the Mojave Desert News and Rosamond Weekly News. Based on the return mailing address provided in the comment letter (Letter 17), the occupant(s) at that address were sent a DVD containing the Draft SEIR (Volume 1) and all technical appendices (Volumes 2 through 7) in PDF format. The occupant(s) also would have received the NOA.

The County does not view the GQM letter as indicative of any respondent's opinion of the revised Soledad Mountain Project or the content of the Draft SEIR. The County does not view this comment letter as supportive of the revised Soledad Mountain Project. Rather, the County has considered and responded to each issue raised regarding the adequacy of the Draft SEIR.

- 17-B** Thank you for your comment regarding concerns about waterborne toxics, groundwater, and cancer risks. However, based on the information available in the Draft SEIR and its appendices, the lead agency disagrees with the commenter's opinion. Mere uncorroborated opinion or rumor does not constitute substantial evidence under the California Environmental Quality Act (CEQA) and is thus beyond the scope of the CEQA document to consider. According to CEQA Guidelines Section 15384, "Substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the entire record. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. The focus of a CEQA analysis is on physical changes to the environment, particularly those that could create a "significant effect" on the environment. In order to determine a significant effect, "substantial evidence" of the impact must exist.

Without citations to specific sections where the Draft SEIR and/or supporting technical analyses may be considered deficient or in need of further explanation, the lead agency can only refer the commenter to the following chapter, section, heading and subheading locations for complete descriptions of project provisions and analyses of impacts for the topics in question:

## **Waterborne Toxics and Groundwater**

### Chapter 3 – Project Description

- 3.7 Proposed Processes and Facilities
  - 3.7.6 Heap Leach Facility
    - Pad Design
    - Solution Containment
- 3.8 Waste Rock Management Plan
  - 3.8.1 Goals
  - 3.8.2 Waste Rock Leachate Control
- 3.9 Reclamation and Revegetation
  - 3.9.1 Reclamation Plan
    - Reclamation of the Heap Leach Facility
- 3.11 Utility Systems
  - 3.11.1 Domestic and Process Water
  - 3.11.2 Wastewater Disposal
  - 3.11.3 Solid Waste Disposal
  - 3.11.5 Drainage and Flood Control
    - Sitewide Stormwater Controls
      - Runoff and Erosion Controls
- 3.12 Environmental Controls
  - 3.12.1 Hazardous Materials
  - 3.12.3 Water Quality

### Section 4.1 – Effects Not Found to be Significant

- 4.1.3 Environmental Analysis
  - VII. Hazards and Hazardous Materials
  - VIII. Hydrology and Water Quality
  - XVI. Utilities and Service Systems

- 17-C** Thank you for your comment regarding concerns about airborne toxics and cancer risks. For the reasons described in Response to Comment No. 17-B, above, and without citations to specific sections where the Draft SEIR and/or supporting technical analyses may be considered deficient or in need of further explanation, the lead agency can only refer the commenter to the following chapter, section, heading and subheading locations for complete descriptions of project provisions and analyses of impacts for the topics in question:

## **Airborne Toxics and Carcinogenic Substances**

### Chapter 3 – Project Description

*The sections and subsections listed in Response to Comment No. 17-B also apply to the use, containment, disposal, and remediation of airborne toxics and carcinogenic substances. Additional relevant information is found in:*

- 3.12 Environmental Controls
  - 3.12.2 Air Quality

Section 4.1 – Effects Not Found to be Significant

## 4.1.3 Environmental Analysis

- III. Air Quality
- VII. Hazards and Hazardous Materials
- VIII. Hydrology and Water Quality

Section 4.2 – Air Quality

## 4.2.2 Environmental Setting

## Soil Characteristics

## 4.2.4 Impacts and Mitigation Measures

## Project Impacts

- Design Modifications (1997 Project vs. Revised Project)
- Construction Activities
- Operations and Maintenance Activities
  - Emissions Sources and Controls
- Health Risk Assessment
  - Toxic Air Contaminants

- 17-D** Thank you for your comment regarding concerns about noise generated by large equipment operations. For the reasons described in Response to Comment No. 17-B, above, and without citations to specific sections where the Draft SEIR and/or supporting technical analyses may be considered deficient or in need of further explanation, the lead agency can only refer the commenter to the following chapter, section, heading and subheading locations for complete descriptions of project provisions and analyses of impacts for the topics in question:

**Noise and Equipment Operations**Section 4.1 – Effects Not Found to be Significant

## 4.1.3 Environmental Analysis

- IX. Land Use and Planning
- XI. Noise
  - 1997 FEIR/EIS Analysis and Conclusions
  - Compliance with 1997 FEIR/EIS Mitigation Measures

**Letter 18 – Mr. John Goit**

**From:** John Goit sr <johngoitsr@yahoo.com>  
**To:** <ScottD@co.kern.ca.us>  
**Date:** 02/07/2010 12:09 PM  
**Subject:** Golden Queen mine at Soladad mountain

I would like to submit my support for this project. Please consider the jobs and taxes this will bring to Kern county. Somewhere in the process you have to consider people as a part of the enviroment. The people that oppose gold mining always say , look how much the gold mining company makes but they do not analyse how much is spent locally to make that small profit. The last time the mines operated, Quinn Machinery sold \$\$\$ worth of machinery and RSI petroleum sold \$\$\$ in fuel. Wages paid were above average and the hours were steady. Please do not deny this project because it MAY endanger a torotis or ground burrowing owl. If you really want to save a torotis, put a bounty on ravens. If you want to create habitat for ground burrowing owls, bury a 36 in section of 8inch water pipe in the ground and leave one end partially open.

**18-A**

Thank You  
John Goit, 49913 80th st west, Lancaster CA 93536

**Response to Letter 18**  
**Mr. John Goit (February 7, 2010)**

- 18-A** Thank you for your comment in support of the project. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

## Letter 19 – Mr. Thomas Flynn

To whom it may concern,

My name is Tom Flynn and I am writing to express my strong opposition to the proposed Soledad Mountain Project by Golden Queen Mining Co. The main reason I am opposed to this project is that my home and property are located immediately adjacent to the intended site. I have read the Environmental Impact Report (SEIR) conducted by the Kern County Planning Department, and it is clear that my family's quality of life will be impacted by the presence of a large, open pit mining operation located directly next to our home.

In addition to reading the SEIR report, I have also spoken to Mr. Scott Denny, of the Kern County Planning Department. From this basic research, I can surmise the following if the Soledad Mountain open pit mining operation continues:

- The air quality in and around my property will be significantly affected | 19-A
- There will be significant biological affects on the area which includes animal and plant life on my property. | 19-B
- There is a significant risk of chemical contamination of water resources on my property due to the planned use of harmful chemicals at this mining site. | 19-C
- I will be subjected to significant and constant noise from this 24-hour mining operation due to blasting, and vehicle activity, truck alarms, machinery, etc. Powerful lighting will be used during night time hours at the mining site causing much inconvenience. | 19-D  
| 19-E
- The proposed easement at New Eagle Road will certainly cause additional traffic, noise, and overall disruption in the immediate vicinity of my home. | 19-F
- I have been advised that I will be required to vacate my home during blasting at the project site. | 19-G

As you can see, the effects of this proposed operation will undoubtedly have far-reaching negative effects on my family's quality of life. I urge you to deny permission to Golden Queen Mining Co. for the development of the Soledad Mountain Mining Project. Furthermore, I request the opportunity to be notified of, and give testimony at, all future public hearings of the Kern County Planning commission, which relate to the Soledad Mountain Project. | 19-H

Thank you for your consideration.

Regards,

Thomas Flynn.  
12100 Magazine Dr  
Mojave, CA 93501

## Response to Letter 19

### Mr. Thomas Flynn (February 8, 2010)

- 19-A** Thank you for your comment regarding significant effects to air quality. The Draft Supplemental Environmental Impact Report (SEIR) indicates that, "*Despite the reduction in potential emissions achievable through implementation of emission control and mitigation measures, the Revised Project would nonetheless result in a net increase in NOx from mobile sources in excess of the mass significance threshold. There are no feasible control measures to reduce mobile source NOx emissions below the threshold. Therefore, the cumulative air quality impact is considered cumulatively considerable and significant and unavoidable for mobile source NOx.*" (p. 4.2-50)

Significant and unavoidable adverse impacts are those that constitute a substantial adverse change to existing environmental conditions that cannot be fully mitigated by implementing all feasible mitigation measures. The NOx emissions from mobile sources will be spread along the entire trip length of the aggregate haul trucks. These emissions are not a significant impact to the specific location of the commentator's property, or any other specific parcel. Rather, they are considered significant because they contribute to regional formation of ozone.

The Draft SEIR also found that PM10 emissions would exceed the significance threshold currently used by the County, even though they would be lower than for the previously approved 1997 Project. However, modeling demonstrates that the Project's PM10 emissions will not cause an exceedance of the national or state ambient air quality standards anywhere off-site, including at the property of the commentator. See Draft SEIR, Appendix D, pages 28 and 40.

Although mitigated to the extent feasible, mobile source NOx emissions are significant and unavoidable adverse impacts. As indicated in Section 4.1 (*Effects Not Found to be Significant*), subsection III. *Air Quality*, and Section 4.2 (*Air Quality*), all other air quality effects were found to be less than significant, or less than significant after mitigation.

As provided in 15043 of the State CEQA Guidelines, a public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that: (1) there is no feasible way to lessen or avoid the significant effect; and (2) specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project.

- 19-B** Thank you for your comment regarding significant effects to biological resources. The Draft SEIR indicates that, "*Compliance with Mitigation Measures 4.3-1 through 4.3-4 and the regulatory requirements and mitigation measures/conditions of approval would reduce the Revised Project-level impact to burrowing owl habitat to less than significant. However, despite the Revised Project's compliance with rules and regulations, as well as revegetation of the project site and including Mitigation Measures 4.3-1 through 4.3-4, which will temper the Revised Project's impact to the western burrowing owl, the Revised*

*Project could result in direct loss of habitat. This impact is considered significant and unavoidable."* (p. 4.3-25).

All other biological resource effects were found to be less than significant, or less than significant after mitigation as indicated in Section 4.1 (*Effects Not Found to be Significant*), subsection IV. *Biological Resources*, and Section 4.3 (*Biological Resources*).

As previously stated in Response to Comment 19-A, a public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that: (1) there is no feasible way to lessen or avoid the significant effect; and (2) specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project.

- 19-C** Thank you for your comment regarding significant risk of chemical contamination of water resources. However, based on the information available in the Draft SEIR and its appendices, the lead agency disagrees with the commenter's opinion. Mere uncorroborated opinion or rumor does not constitute substantial evidence under the California Environmental Quality Act (CEQA) and is thus beyond the scope of the CEQA document to consider. According to CEQA Guidelines Section 15384, "Substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the entire record. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. The focus of a CEQA analysis is on physical changes to the environment, particularly those that could create a "significant effect" on the environment. In order to determine a significant effect, "substantial evidence" of the impact must exist.

Without citations to specific sections where the Draft SEIR and/or supporting technical analyses may be considered deficient or in need of further explanation, the lead agency can only refer the commenter to the following chapter, section, heading and subheading locations for complete descriptions of project provisions and analyses of impacts for the topics in question:

### **Waterborne Toxics and Groundwater**

#### **Chapter 3 – Project Description**

- 3.7 Proposed Processes and Facilities
  - 3.7.6 Heap Leach Facility
    - Pad Design
    - Solution Containment
- 3.8 Waste Rock Management Plan
  - 3.8.1 Goals
  - 3.8.2 Waste Rock Leachate Control
- 3.9 Reclamation and Revegetation
  - 3.9.1 Reclamation Plan



- Reclamation of the Heap Leach Facility
- 3.11 Utility Systems
  - 3.11.1 Domestic and Process Water
  - 3.11.2 Wastewater Disposal
  - 3.11.3 Solid Waste Disposal
  - 3.11.5 Drainage and Flood Control
    - Sitewide Stormwater Controls
      - Runoff and Erosion Controls
- 3.12 Environmental Controls
  - 3.12.1 Hazardous Materials
  - 3.12.3 Water Quality

#### Section 4.1 – Effects Not Found to be Significant

- 4.1.3 Environmental Analysis
  - VII. Hazards and Hazardous Materials
  - VIII. Hydrology and Water Quality
  - XVI. Utilities and Service Systems

**19-D** Thank you for your comment regarding significant effects to ambient noise conditions. The 1997 FEIR/EIS evaluated potential noise sources and their effects on nearby sensitive receptors, including residents present at that time. In the period since approval of the 1997 Project and certification of the 1997 FEIR/EIS, the project was modified and several new residences were constructed in close proximity to the project. The Draft SEIR revisited the noise analysis from the 1997 FEIR/EIS to determine whether changes in the project (as reflected in the Revised Project), or the circumstances under which the project would be implemented, have the potential to result in new impacts or to increase the severity of impacts previously identified in the 1997 FEIR/EIS.

The County did not receive any noise-related comments from Responsible and Trustee Agencies during the Notice of Preparation review period. Technical studies were not prepared to further assess noise impacts due to the extensive evaluation provided in the 1997 FEIR/EIS. However, an existing Condition of Approval (i.e., No. 62) can be revised as indicated below to address noise levels for any single-family residence constructed on private land within the 65 dB contour line as shown in Exhibit 3.9-1 (Projected Sound Level Contour Map) of the 1997 FEIR/EIS.

#### Construction and Operations Noise

In summarizing the 1997 FEIR/EIS, the Draft SEIR (p. 4-1-55) reiterated the finding that noise levels would increase in the vicinity of the project due to construction and operations. The Draft SEIR (p. 4.1-54) concurred with the 1997 FEIR/EIS finding:

*The anticipated noise levels generated by typical operations at the Soledad Mountain Project are within the limits recommended by the Noise Element of the Kern County General Plan. During the operating life of the project, there would be an increase in ambient noise levels which would be perceptible to humans in the project vicinity, but these levels would not exceed maximum*

*existing levels measured in the vicinity of the project area and the impact of the project on noise would be Less Than Significant. (1997 FEIR/EIS, p. 255)*

The 1997 FEIR/EIS concluded that noise would be generated by mining activities; engines; construction equipment; rock drills and crushing; and blasting. The 1997 FEIR/EIS concluded that the 1997 Project's noise levels would be within levels allowed by the Noise Element of the County General Plan and impacts would be less than significant.

The Draft SEIR (p. 4-1-55) summarized the 1997 FEIR/EIS regulatory requirements pertaining to noise as follows:

- *The noise levels at nearby residences will remain within the recommendations of the Noise Element of the Kern County General plan.*
- *Machinery, equipment and vehicles will be equipped with mufflers in accordance with MSHA requirements.*

The Draft SEIR (p. 4-1-55) summarized the 1997 FEIR/EIS mitigation measures and conditions of approval as follows:

- **1997 FEIR/EIS MM #43** *Approximately 75 to 80 percent of construction activities will take place during daylight. (Condition of Approval No. 47)*
- **1997 FEIR/EIS MM #44** *Blasting will occur during daylight, one time per day, and will be engineered to minimize the amount of explosives used, according to United States Bureau of Mines guidelines. (Condition of Approval No. 48)*
- *The project shall comply with the goals and objectives of the Noise Element of the Kern County General Plan. (Condition of Approval No. 61)*
- *If a single-family residence is constructed on private land which lies within the projected 65 dB contour line northeast of the project area as shown in Exhibit 3.9-1 (Projected Sound Level Contour Map) of the 1997 FEIR/EIS, it will be ensured that the noise levels at the residence will remain within the recommendations of the Noise Element of the Kern County General Plan using both of the following methods:*
  - (a) *Noise levels will be monitored to determine if the noise levels are above the recommended limits.*
  - (b) *If noise levels are above the recommended limits, measures will be taken to reduce the noise level to acceptable levels.*

*The measures will include the construction of berms using overburden material to shield the noise and will include reduction of work in the area of the residence during the hours of 10:00 p.m. to 7:00 a.m. (Condition of Approval No. 62)*

The Draft SEIR review of noise effects determined that the Revised Project would not propose any significantly different mining operations that would generate new or more intensive noise. Similar with the 1997 Project, the Revised

Project would not result in any significant impact. However, the following will be recommended to the decision-making authority for modification of Condition of Approval No. 62 (shown in strike-out):

- If a single-family residence is constructed on private land which lies within the projected 65 dB contour line ~~northeast of the project area~~ as shown in Exhibit 3.9-1 (*Projected Sound Level Contour Map*) of the 1997 FEIR/EIS, it will be ensured that the noise levels at the residence will remain within the recommendations of the Noise Element of the Kern County General Plan using both of the following methods:
  - (a) Noise levels will be monitored to determine if the noise levels are above the recommended limits.
  - (b) If noise levels are above the recommended limits, measures will be taken to reduce the noise level to acceptable levels. The measures will include, but are not limited to, the construction of berms using overburden material to shield the noise and will include reduction of work in the area of the residence during the hours of 10:00 p.m. to 7:00 a.m. (Condition of Approval No. 62)

#### Blasting Noise and Vibration

As summarized in Table 1-2, *Summary of Impacts, Mitigation Measures, and Level of Significance After Mitigation*, the Revised Project is subject to several blasting-related mitigation measures that were originally required in the 1997 FEIR/EIS. The measures are as follows:

**1997 FEIR/EIS MM #20** *The size and number of blasts in the mine will be limited by good engineering design.*

**1997 FEIR/EIS MM #44** *Blasting will occur during daylight, one time per day, and will be engineered to minimize the amount of explosives used, according to United States Bureau of Mines guidelines.*

The Draft SEIR (p. 3-25) describes proposed blasting procedures as follows:

*Blast holes will be drilled on an engineered grid to allow for the placement of blasting agents within the deposit and the collection of drill cutting samples for assay and mine development. Blasting will be strictly conducted in accordance with Mine Safety & Health Administration (MSHA) regulations. Blasting will occur during daylight, one time per day, and will be engineered to minimize the amount of explosives used.*

The 1997 FEIR/EIS (p. 44-45) also indicated that, *"In order to ensure that blasting does not result in damage or danger to project or neighboring structures, blasting procedures will be designed, conducted and monitored by experienced mining engineers and California certified blasters. Blasting will take place one time per day, during the afternoon shift change or during the lunch break, approximately five days per week....Initial blasting at the mine will be*

*monitored to determine that there are no impacts to adjacent structures or water supply wells from the use of explosives."*

The 1997 FEIR/EIS found that blasting-related noise and vibration impacts would be less than significant with the required mitigation measures and conditions of approval.

- 19-E** Thank you for your comment regarding significant effects related to the use of night lighting. As cited in the Draft SEIR (p. 4.1-6), the 1997 FEIR/EIS concluded:

*The operations plan calls for portable lighting units which will be used in the active working areas in the mine and on the overburden piles. The facilities will be lighted for safety 24-hours per day. The lights would be visible from the KOP's (Key Observations Points); however, all lighting will be directed toward the working areas and shield. Project design features will reduce the level of impact to Less Than Significant. (1997 FEIR/EIS, p. 250)*

The Draft SEIR (p. 4-1-7) summarized the 1997 FEIR/EIS mitigation measures and conditions of approval as follows:

- **1997 FEIR/EIS MM #42** *Outdoor lighting for the mine pit and other areas of nighttime activities will be shielded and directed downward to reduce fugitive light.*

*Light poles will be no higher than necessary for safe and efficient lighting.*

*Low-pressure sodium bulbs or other appropriate technology will be used for outdoor lighting. (Condition of Approval No. 46)*

The Revised Project's lighting plans employ the same characteristics as the original 1997 Project's plans. High intensity lighting around operating and maintenance areas will be shielded and directed toward the work area to reduce offsite glare at night. Therefore, the Revised Project's visual impacts will remain less than significant.

- 19-F** Thank you for your comment regarding significant traffic, noise, and other effects related to New Eagle Road. The comment incorrectly refers to a "proposed easement at New Eagle Road," whereas the Draft SEIR (p. 1-9) indicates that the Revised Project requests approval of a non-summary vacation 191-31 3 098 for a portion of New Eagle Road, in accordance with the California Streets and Highways Code. The California Streets and Highways Code lists specific criteria for a vacation to qualify as summary. However, the proposed vacation does not meet any of the listed criteria, and it must be considered as a non-summary (or general) vacation.

Under the non-summary vacation procedure, the Kern County Roads Department will conspicuously post the notice of intent along the affected road. Additionally, since the proposed vacation of the public use easement requires consideration by the Kern County Board of Supervisors a formal hearing notice of the proposed vacation will be published notifying all responsible agencies and those property owners within 1,000 feet of the specified portion of New Eagle Road.

Planning staff will consider all comments from property owners, agencies, and departments when formulating the report and recommendation. Staff will also consider whether the request is consistent with the Circulation Element of the County's General Plan (Streets and Highways Code § 8313). The Board of Supervisors also considers all testimony rendered at the public hearing before reaching a decision (Ibid. § 8320, 8324). The Board must find that the street, highway, or public service easement is unnecessary for present or prospective public use to approve a vacation request.

If the easement is vacated, the County would not be responsible for any maintenance, and the existing public roadway will dead end on the project site and not connect to another public roadway. The subject portion of New Eagle Road is within the footprint of the Phase 1 heap leach pad. Any traffic increases on the vacated portion of New Eagle Road would result only from interim project-related vehicles prior to construction of the Phase 1 heap leach facility. Related noise and general disruption from the vacated road easement would likewise only result from temporary project activities. After the one-year construction period that will include the heap leach facility, specific traffic, noise and other disruptive effects directly attributable to the proposed non-summary vacation have no potential for occurrence.

- 19-G** Thank you for your comment regarding blasting notification and procedures. Response to Comment No. 19-D previously summarized the blasting operations and mitigation measures that will be employed at the project site. Based on the current scope of those operations and the mitigation controls placed upon those activities, there is no requirement that any resident vacate their home during blasting at the project site. The source of that advisement is unknown to the County.
- 19-H** Thank you for your request for future notification of public hearings and opportunity to provide testimony regarding the Revised Project. As indicated in the Draft SEIR Notice of Availability for Public Review, a public hearing has been scheduled with the Kern County Planning Commission to consider the project and the Final SEIR on April 8, 2010 at 7:00 p.m. or soon thereafter, Chambers of the Board of Supervisors, First Floor, Kern County Administrative Center, 1115 Truxtun Avenue, Bakersfield, California. Additionally, you will be notified of the scheduled hearing date/time when the Kern County Board of Supervisors considers action(s) associated with this project.

## Letter 20 – Mr. Michael Mariscal

MR Denney -

2-10-2010

My Name is Michael Mariscal and  
I Live in Rosamond, Ca.

I am writing to show my support  
for the opening of the Soledad Mt. Mine  
in Mojave. I am an operator engineer  
with Local 12 out of Lancaster. I have  
been laid off three different times this  
last year and am presently working a  
temporary job through the winter. After  
that I'll be looking again, like so many  
others who desperately need work.

20-A

However I do have concerns over the  
chemicals to be used, we do need to keep  
the water safe for drinking & using.

20-B

I think if these concerns are addressed,  
the opening of the mine is a good thing.  
So I sincerely hope that it does.

Thank You

Michael Mariscal  
Michael Mariscal

cell # 661-816-2643

RECEIVED 13 IN 1:28

## Response to Letter 20

### Mr. Michael Mariscal (February 10, 2010)

- 20-A** Thank you for your comment in support of the project. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.
- 20-B** Thank you for your comment expressing concern over the use of chemicals and their potential effects on potable water uses, including drinking water. The Draft Supplemental Environmental Impact Report (SEIR) provides a vast amount of information and data regarding sources of existing water and their constituents; project use of groundwater; project monitoring of surface and groundwater; contingencies for accidental spills or upset conditions; and removal and disposal of all potential chemical sources upon mine closure and reclamation.

The lead agency refers the commenter to the following chapter, section, heading and subheading locations for complete descriptions of project provisions and analyses of the impacts in question:

#### Chapter 3 – Project Description

- 3.7 Proposed Processes and Facilities
  - 3.7.6 Heap Leach Facility
    - Pad Design
    - Solution Containment
- 3.8 Waste Rock Management Plan
  - 3.8.1 Goals
  - 3.8.2 Waste Rock Leachate Control
- 3.9 Reclamation and Revegetation
  - 3.9.1 Reclamation Plan
    - Reclamation of the Heap Leach Facility
- 3.11 Utility Systems
  - 3.11.1 Domestic and Process Water
  - 3.11.2 Wastewater Disposal
  - 3.11.3 Solid Waste Disposal
  - 3.11.5 Drainage and Flood Control
    - Sitewide Stormwater Controls
      - Runoff and Erosion Controls
- 3.12 Environmental Controls
  - 3.12.1 Hazardous Materials
  - 3.12.3 Water Quality

#### Section 4.1 – Effects Not Found to be Significant

- 4.1.3 Environmental Analysis
  - VII. Hazards and Hazardous Materials
  - VIII. Hydrology and Water Quality
  - XVI. Utilities and Service Systems

**Letter 21 – E. Winston**

Dear Mr. Denney,

February 15, 2010

Thank you for your patient and excellent explanation of events concerning my property near Rosamond, in Kern County, California, Assessor tax number 345-042-09-007. I would like to sell the property but it seems to me that a mining operation so nearby would certainly have a negative effect on the sale of the property due to the noise, air quality, view and possible pollution. Should the mining operation be approved, I would hope to be adequately compensated for the loss of value of my property.

21-A

Sincerely,

  
E. Winston



## **Response to Letter 21**

### **E. Winston (February 15, 2010)**

- 21-A** Thank you for your comment regarding potential loss of property value. However, the evaluation of property values is beyond the scope of the California Environmental Quality Act (CEQA) document. The focus of a CEQA analysis is on physical changes to the environment. According to CEQA Guidelines Section 15131(a) the economic effects of a project (i.e., the perceived lowering of a property's values) cannot be treated as a "significant effect" on the environment. A "significant effect" means a substantial, or potentially substantial, adverse change in the environment. In order to determine a significant effect, "substantial evidence" of the impact must exist. According to CEQA Guidelines Section 15384: "Substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the entire record. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Mere uncorroborated opinion or rumor does not constitute substantial evidence.

The preceding CEQA guidance notwithstanding, the issue of property values was previously addressed in the Addendum to the Socioeconomic Study contained in Appendix XI of the 1997 Final EIR/EIS (Draft Supplemental Environmental Impact Report (SEIR) Volume 7, Appendix V: 1997 FEIR/EIS Volumes 5-7). Page 3 of the addendum reflects the results of an analysis by Sedway Kotin Mouchly Group which indicates that residences within one-half mile of the project could be impacted but residences along the Backus Road corridor will not experience any measurable value loss relative to the proposed Soledad Mountain Project, given the distance from the mining operations and the topography separating the two.

**Letter 22 – Mr. Gideon Kracov**

Law Office of  
**GIDEON KRACOV**  
801 South Grand Avenue, 11th Floor  
Los Angeles, California 90017

(213) 629-2071  
(213) 623-7755 Fax

gk@gideonlaw.net  
www.gideonlaw.net

February 19, 2010

Kern County Planning Dept.  
Attn: Scott F. Denney, AICP  
2700 "M" Street, Suite 100  
Bakersfield, CA 93301-2370

Re: Golden Queen Mining Co., Inc. -- Soledad Mountain Project  
Draft SEIR (Prior SCH #96061052)

Dear Mr. Denney:

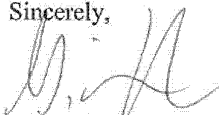
The undersigned respectfully writes to request an extension on the public comment period for the referenced draft SEIR, otherwise due on February 25, 2010.

The primary goal of the California Environmental Quality Act ("CEQA") is to protect the environment. *Pub. Res. C.* §§21000-21002. Informed decision-making and public participation in review of potential significant environmental effects of proposed projects are essential to CEQA. The purpose of providing this information is twofold: to help make better decisions and to mitigate the proposed impacts of a project.

Here, the minimum 45-day period provided on the Golden Queen SEIR is not enough time to allow full and adequate public comment. The SEIR contains ten chapters, and an additional six volumes of appendices contain an additional twenty three technical documents including several volumes of the original FEIR/EIS. Added to this is the two MOUs relating to the BLM land that were not included in the SEIR.

In light of all this, and to allow adequate time for public review, additional time of not less than two more weeks to receive comments respectfully is requested. Thank you for your consideration of this request and please let me know your response as soon as possible.

Sincerely,



Gideon Kracov

22-A

## Response to Letter 22

### Mr. Gideon Kracov (February 19, 2010)

**22-A** Thank you for your comment. In a letter dated February 22, 2010, the Kern County Planning Department responded to the request for an extension of the time period for public review of the Draft Supplemental Environmental Impact Report (SEIR). The County's letter is copied on the following page. For the reasons described in that letter, the County considers this an open and on-going comment period, and no extension of time is being granted for the Draft SEIR public review period. The Draft SEIR public review period ended on February 25, 2010. However, any comments submitted in writing will be made available to the decision makers prior to a final decision on the proposed project.

With regard to the two Memoranda of Understanding (MOU) cited in the comment, the MOUs are State and locally (Kern County) signed MOUs with the federal government to acknowledge the reciprocal usage of documentation to the extent possible. The following State and local MOUs were signed in 1992 and 1990, respectively, and were previously provided at your request.

**October 19, 1992** MOU between State of California Department of Conservation, SMGB, United States Forest Service (USFS), and Bureau of Land Management (BLM); **Subject:** State-wide acknowledgment of SMARA applicability to USFS and BLM administered lands, with local lead agency SMRP responsibility and USFS or BLM retention of operational permit authority.

**June 1994 (Kern Co. Agt. #253-94)** MOU between County of Kern and BLM (Caliente and Ridgecrest RA offices); **Subject:** Encourages coordination between BLM and County related to processing of SMRPs on BLM administered lands, including joint preparation of environmental documents, reduction in permit processing times, and coordinated enforcement responsibilities.

Additionally, the MOUs are located in Vol. 2, Appendix I of the 1997 FEIR/EIS (Draft SEIR Vol. 5, Appendix V).

**PLANNING DEPARTMENT****TED JAMES, AICP, Director**

2700 "M" STREET, SUITE 100  
BAKERSFIELD, CA 93301-2323  
Phone: (661) 862-8600  
FAX: (661) 862-8601 TTY Relay 1-800-735-2929  
E-Mail: [planning@co.kern.ca.us](mailto:planning@co.kern.ca.us)  
Web Address: [www.co.kern.ca.us/planning](http://www.co.kern.ca.us/planning)

**RESOURCE MANAGEMENT AGENCY****Ted James, AICP, Interim, RMA DIRECTOR**

Community & Economic Development Department  
Engineering & Survey Services Department  
Environmental Health Services Department  
Planning Department  
Roads Department

February 22, 2010

File: CUP 27, Map No. 196;  
Modification of CUP 41, Map No. 213;  
Modification of CUP 22, Map No. 214;  
Nonsummary Vacation 191-31 3 098

Gideon Kracov  
Attorney at Law  
801 S. Grand Ave., 11th Floor  
Los Angeles, CA 90017

RE: Revised Soledad Mountain Project Draft Supplemental Environmental Impact Report Request for  
Extension of the CEQA public review period

Dear Mr. Kracov:

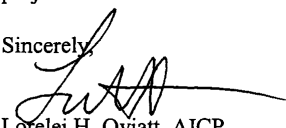
The Kern County Planning Department has received your request for an extension of the time period for public review of the Draft Supplemental Environmental Impact Report (DSEIR) for the Revised Soledad Mountain Project by Golden Queen Mining Co., Inc. The 45 days required by CEQA has been established to provide an initial review of the DSEIR and the project. The Kern County Planning Department will accept all comments on the DSEIR and project throughout the entire process until the close of the public hearing at the scheduled Kern County Planning Commission public hearing on April 8, 2010. This process ensures that comments will be considered and responses (both written and verbal) are provided through the Planning Commission hearing. All comments will be included in the record for the project.

**Based on this open and on-going comment period, no extension of time is being granted for the DSEIR public review period. The DSEIR public review period ends on February 25, 2010, at 5:00.**

The Planning Commission hearing has been scheduled for April 8, 2010, at 7:00 p.m. and public notices are being sent by mail to all parties on the mailing list.

Please continue to send all comments on this project to the staff planner – Scott F. Denney, AICP at Kern County Planning Department, 2700 "M" Street, Suite 100, Bakersfield, California, 93301, email at [ScottD@co.kern.ca.us](mailto:ScottD@co.kern.ca.us) or call at (661) 862-8631. Thank you for your participation in the public review process for this project. Your comments are very important to us as we formulate a recommendation for the proposed project.

Sincerely,



Lorelei H. Oviatt, AICP  
Division Chief

## Letter 23 – Ms. Margery Cline

136 Coloma Way  
Sacramento CA 95819  
February 19, 2010

Kern County Planning Department

Dear Sir(s):

I used to own forty acres - 246 111 09 008 -  
adjacent to the proposed mining operations,  
but sold it a year ago.

I am very opposed to the method  
of the proposed mining operation - cyanide  
heap leach processing method - because it  
probably will be very harmful to the  
environment.

A geologist friend of mine told  
me that the cyanide heap leach processing  
method can cause severe harm to the  
land and get into any deep underground  
water in desert areas, as well as it  
being harmful to humans -

Therefore I am opposed to the  
proposed method of mining -

Yours Truly,

Margery C. Cline

MARGERY C. CLINE

23-A

## Response to Letter 23

### Ms. Margery Cline (February 19, 2010)

- 23-A** Thank you for your comment expressing opposition to the proposed cyanide heap processing method proposed by the project. The County also acknowledges your concerns regarding the potential effects on groundwater and human health. However, based on the information available in the Draft Supplemental Environmental Impact Report (SEIR) and its appendices, the lead agency disagrees with the commenter's opinion. Mere uncorroborated opinion or rumor does not constitute substantial evidence under the California Environmental Quality Act (CEQA) and is thus beyond the scope of the CEQA document to consider. According to CEQA Guidelines Section 15384, "Substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the entire record. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. The focus of a CEQA analysis is on physical changes to the environment, particularly those that could create a "significant effect" on the environment. In order to determine a significant effect, "substantial evidence" of the impact must exist.

Without citations to specific sections where the Draft SEIR and/or supporting technical analyses may be considered deficient or in need of further explanation, the lead agency can only refer the commenter to the following chapter, section, heading and subheading locations for complete descriptions of project provisions and analyses of impacts for the issues of waterborne toxics, groundwater contamination, and human health:

#### Chapter 3 – Project Description

- 3.7 Proposed Processes and Facilities
  - 3.7.6 Heap Leach Facility
    - Pad Design
    - Solution Containment
- 3.8 Waste Rock Management Plan
  - 3.8.1 Goals
  - 3.8.2 Waste Rock Leachate Control
- 3.9 Reclamation and Revegetation
  - 3.9.1 Reclamation Plan
    - Reclamation of the Heap Leach Facility
- 3.11 Utility Systems
  - 3.11.1 Domestic and Process Water
  - 3.11.2 Wastewater Disposal
  - 3.11.3 Solid Waste Disposal
  - 3.11.5 Drainage and Flood Control
    - Sitewide Stormwater Controls
      - Runoff and Erosion Controls
- 3.12 Environmental Controls

## 3.12.1 Hazardous Materials

## 3.12.3 Water Quality

Section 4.1 – Effects Not Found to be Significant

## 4.1.3 Environmental Analysis

## VII. Hazards and Hazardous Materials

## VIII. Hydrology and Water Quality

## XVI. Utilities and Service Systems

As indicated, the Draft SEIR provides a vast amount of information and data regarding local groundwater resources and susceptibility to contamination; project monitoring of surface and groundwater; contingencies for accidental spills or upset conditions; and removal and disposal of all potential chemical sources upon mine closure and reclamation.

Most pertinent to addressing the commenter's concerns are the following excerpts from the Draft SEIR:

**Draft SEIR p. 4.1-41 to 4.1-42, under Compliance with 1997 FEIR/EIS Mitigation Measures:**

***Hydrology Impact 2. Potential degradation of surface water and groundwater quality.***

*Regulatory Requirements*

- *A Report of Waste Discharge will be filed with the Lahontan Regional Board in accordance with Title 23 CCR, Chapter 15, Article 7. The Lahontan Regional Board will implement the following requirements through detailed design review, issuance of waste discharge requirements, and yearly inspections.*
  - *Soil and foundation materials under the liner will be tested.*
  - *Approval of heap leach pad design and construction.*
  - *Low permeability liner systems will be installed by experienced contractors with quality assurance being provided by an independent engineering firm.*
  - *A leachate collection and recovery system (LCRS) will monitor and collect any solution which may pass through the upper liner.*
  - *A perimeter berm around the heap leach pads designed to contain solution from the leach pads and the 100-year, 24-hour storm event will be installed.*
  - *Drainage or diversion ditches outside the processing solution area will be built to preclude entry of storm runoff into the system.*
  - *Water quality will be monitored in groundwater monitoring wells for one year prior to the use of sodium cyanide as background information.*
  - *Storm water runoff, the vadose zone (the unsaturated zone between the liner and groundwater), and groundwater will be monitored for constituents of concern using statistical analysis.*

- *Quarterly reports on monitoring results and the current status of operations will be submitted to the Lahontan Regional Board.*
  - *The heap leach pile will be neutralized at the time of closure. A Final Closure and Post-Closure Maintenance Plan will be approved 180 days before the start of closure.*
  - *Financial assurance for neutralization and closure of the heap leach pile will be posted in accordance with Title 23 CCR, Section 2580(f).*
  - *Financial assurance sufficient to initiate and complete corrective actions for any reasonably foreseeable potential release to the environment will be posted in accordance with Title 23 CCR, Section 2550.0(b).*
- *Storage in above ground storage tanks will be regulated by the Lahontan Regional Board, in accordance with the California Health and Safety Code, Chapter 6.67, and the California Porter-Cologne Water Quality Act of 1985, with the following:*
    - *Development of a detailed Spill Prevention Control and Countermeasure Plan prepared in accordance with the guidelines of 40 CFR, Part 112;*
    - *Frequent visual inspections for leakage or deterioration of tanks, fittings or containment facilities;*
    - *Secondary containment; and*
    - *Grading of truck-transfer areas to contain potential spills.*
  - *Storage of hazardous chemicals will comply with the spill control and secondary containment provisions found in Section 8003.1.7 of the 1994 Uniform Fire Code.*

**Draft SEIR p. 4.1-43, under Existing Mitigation Measures/Conditions of Approval:**

- **1997 FEIR/EIS MM #11** *The overliner protective material placed in direct contact with the HDPE liner will not exceed 1.5 inches in diameter, and will not contain hard, sharp, angular pieces. (Condition of Approval No. 15)*
- **1997 FEIR/EIS MM #12** *A cyanide destructing compound (e.g., hydrogen peroxide or calcium hypochlorite) will be maintained onsite for use in the event that a spill occurs. (Condition of Approval No. 16)*
- **1997 FEIR/EIS MM #13** *Historical mining wastes and tailings will be tested and used onsite or, if indicated, disposed of at an offsite permitted disposal facility, removing any future threat of surface water contamination. (Condition of Approval No. 17)*

**Draft SEIR p. 4.1-44 to 4.1-45:**

*The Report of Waste Discharge (ROWD) (GQM et al. 2007) concluded that significant risks of potential water quality degradation will not result with the Revised Project due to proposed closure and post-closure maintenance*



*procedures, and monitoring, operation and contingency plans that will be implemented to ensure water quality protection. The following conclusions were made in the ROWD:*

*Results of the geochemical characterization program...indicate that the potential of the ore to generate ARD [Acid Rock Drainage] or ML [Metal Leaching] is low to non-existent. During operations, the pH of the ore will be increased with the addition of cement and will contain varying levels of NaCN solution, which will be neutralized during the closure phase to bring the pH, and both total and WAD [Weak Acid Dissociable] cyanide to acceptable levels as established in the WDRs [Waste Discharge Requirements] to achieve a Group C solid mine waste classification.*

*Site attributes within the immediate vicinity of the HLF (Heap Leach Facility) are also factors that will minimize the potential risk of water quality degradation. Key attributes include the depth to groundwater beneath the HLF at approximately 200 feet below NGL [Natural Ground Level], the lack of surface water features such as springs or seeps, the very low annual precipitation and high evaporation of the arid desert environment, and the low permeability of the formations below the HLF. (GQM et al. 2007, p. 10-2)*

*The HLF [Heap Leach Facility] design components and leak detection systems...have been developed to provide for containment of the crushed ore and process solutions during operations and the leached and rinsed residues and solutions during closure. The heap leach pad design includes a full composite liner system consisting of a 1-foot thick soil liner and an 80-mil durable LLDPE [Linear Low Density Polyethylene] geomembrane liner. Additionally, the pad design provides a double-lined section with a LDCS [Leak Detection and Collection System] along the down gradient toe to facilitate monitoring the integrity of the HLF liner system.*

*Furthermore, the LCRS [Leachate Collection and Recovery System] is designed to reduce the head on the liner. Engineering analyses of the HLF included complete geotechnical evaluations of the liner system for slope stability under both static and pseudostatic (earthquake) conditions.*

*In addition, the extensive monitoring and contingency plans for the HLF...further minimize the potential risk of water quality degradation. The monitoring system is designed to detect any potential seepage losses at the first stage of solution containment. (GQM et al. 2007, p. 10-2 and 10-3)*

*Based on its evaluation of the above elements, GQM (Golden Queen Mining) concludes that the combination of positive waste characteristics and site attributes, the HLF [Heap Leach Facility] design, quality control and quality assurance during construction, operational plans, and the monitoring program, demonstrate that the construction and operation of the HLF will not cause a significant threat to the water quality of receiving waters, and the proposed WMU [Waste Management Unit] classification meets regulatory criteria. (GQM et al. 2007, p. 10-3)*

## Letter 24 – Mr. John Thompson

**From:** John Thompson <thompson.john99@yahoo.com>  
**To:** <ScottD@co.kern.ca.us>  
**Date:** 02/21/2010 8:48 AM  
**Subject:** Golden Queen Mine

To:  
Scott F Denney  
Kern County Planning Dept.  
2700 "M" Street., Suite 100  
Bakersfield, Ca. 93301-2370  
ScottD@co.kern.ca.us

Greetings From Mojave, Ca.

This is a letter of Support for Golden Queen Mine Company to begin operations on Soledad Mountain South of Mojave California.

Some reasons for my eager support are, My trust in Modern Day Mining, My trust in our Kern County Personnel, Elected Officials and the State of California.

I myself am a Desert Dweller, Love for the majestic Desert and the creatures that live here, Maybe because my children were born here and attended Mojave and Rosamond schools. Maybe because I am a Photographer of Landscapes and can see the beauty of the Desert.

Whatever the reasons, I have great interest in our Desert and for that I hope you will consider my letter of Support for Golden Queen Mine with seriousness. Of all the creatures of the Desert it is the people who live here that are of most interest. It takes a special person to remain living in the Mojave Desert, it is only for the dedicated Desert Lover.

The town of Mojave is of interest for these reasons. The town is Unincorporated, located deep in the desert with freeway that lets traffic and potential business go by without stopping. We have many unemployed and that is true for a great deal of the country but before any slump in the national economy, Mojave seems to stay in that slump year in and year out.

Golden Queen Mine coming to Soledad Mountain near Mojave will give Mojave a chance to employ the needy, start some small businesses to sustain an economy after mine operations slow. There are many positive reasons to allow mining in Kern county, to many to mention in a support letter.

I have spoken to many persons in Mojave and the surrounding desert and all have a positive reaction to mining by Golden Queen. People agree that to-days mining is much better and well controlled by the County than mines of the past. The old man with a pick and donkey are gone, the slush boxes and land destruction are no longer tolerated. Even as late as 1984 a great deal of mining techniques have advanced to computer controlled operations. Monitoring of water air and Safety by Kern county and the State are sure to produce the control we all need for this adventure.

Once again I hope the County will proceed in a positive vote to allow Golden Queen Mine to begin employing our town soon.

I hope to see you at the April 8Th Meeting in Bakersfield, and to hear you read our letters of support to the Board.

Regards,

John Thompson  
2259 Inyo Street  
Mojave, Ca. 93501

24-A

**Response to Letter 24**  
**Mr. John Thompson (February 21, 2010)**

- 24-A** Thank you for your comment in support of the project. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

**Letter 25 – Mr. Tom Ross**

**From:** THOMAS ROSS <trossd2@wildblue.net>  
**To:** <ScottD@co.kern.ca.us>  
**Date:** 02/21/2010 3:04 PM  
**Subject:** Soledad Mountain Project

Good Morning Mr. Denney :

We appreciate the County extending the opportunity to comment on Golden Queen Mining's Soledad Mountain Project. As 10 plus year area residents and property owners who have a a life long exposure to mining operations we feel qualified to comment.

Having reviewed the Supplemental Environmental Impact Report and having physically visited the proposed site we stand in favor of the Soledad Mountain Project and we look forward to the County approval.

25-A

Sincerely:  
Tom & Maryln Ross  
9629 Mendiburu Rd.  
California City, CA. 93505  
760-373-0076

**Response to Letter 25**  
**Mr. Tom Ross (February 21, 2010)**

- 25-A** Thank you for your comment in support of the project, and indicating your general concurrence with the environmental analysis for the project. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

**Letter 26 – Mr. James Hooper****Concerns: Golden Queen Heap Leach SEIR**

Location, location, (very inappropriate) location: The SEIR incorrectly asserts that only one local residence is in a “zone of sensitivity.” It, also, incorrectly asserts that only the Camelot development is nearby. The folks who wrote this document are frighteningly ignorant about the prevailing winds. As the attached Googleearth maps clearly show the mine is subject to some of the strongest, most frequent heavy winds to in the world. If this fundamental fact were not so, then huge wind turbines would not be in place just a few miles directly upwind from the Golden Queen.	26-A
	26-B
	26-C
The maps also indicate that there are literally scores of homes downwind from the proposed mining operations. Unless we wishfully assume that the mountain will fully stop the wind, folks downwind are going to be negatively impacted to a significant degree. In the dry desert with the hot winds, dust abatement efforts will certainly fall short of adequately protecting downwind residents.	26-D
Additionally, the satellite photos show that Edwards AFB fight test center, which has already noted problems with air quality, will also most likely be significantly impacted (see maps A and D).	26-E
The three nearest similar mines (Randsburg, Ryolite and the Cactus Queen) were in an area where there was literally no significant housing downwind. All of these mines are shut down. The Cactus Queen operations are thought to have caused many health problems, as public records will attest.	26-F
Water: The California farm Bureau states that the drought is	26-G

going to continue to cause California's Farmers to receive far less water than they could productively put to use. It will take several wet years to recover from our severe drought. RioTinto mine (formerly US Borax) recently publicly stated that they would need to cut back operations (jobs) without additional water. They solved this problem by making a deal with California City for some of its AVEKwater. AVEK is constantly searching for enough water to serve its customers. How does it make sense then to start up a gold mine that will consume vast amounts of water ?

26-G  
Cont

Toxic Chemicals: The SEIR report states that an inventory system is yet to be established, which speaks for itself.

26-H

Our experience tells us that EPA agencies do not have the resources to effectively monitor these sorts of operations.

Local Public Services: The SEIR states that 250 jobs will likely be generated (what part and what sort of these jobs will be filled by locals?) . Does it then make sense for it to claim that the mine will not impact local schools?

26-I

Responsibility: If an individual does harm to the property of another, then he is responsible under the law. Therefore if the Golden Queen folks would establish a fund, overseen by a professional arbitrator to compensate local citizens for the negative impacts of their operation, local citizens could have some peace of mind.

26-J

In sum, every right thinking person is for whatever jobs the mine might bring to the area. But we need to be responsible for the whole story. What kind of jobs, at what long-term and short-term costs?

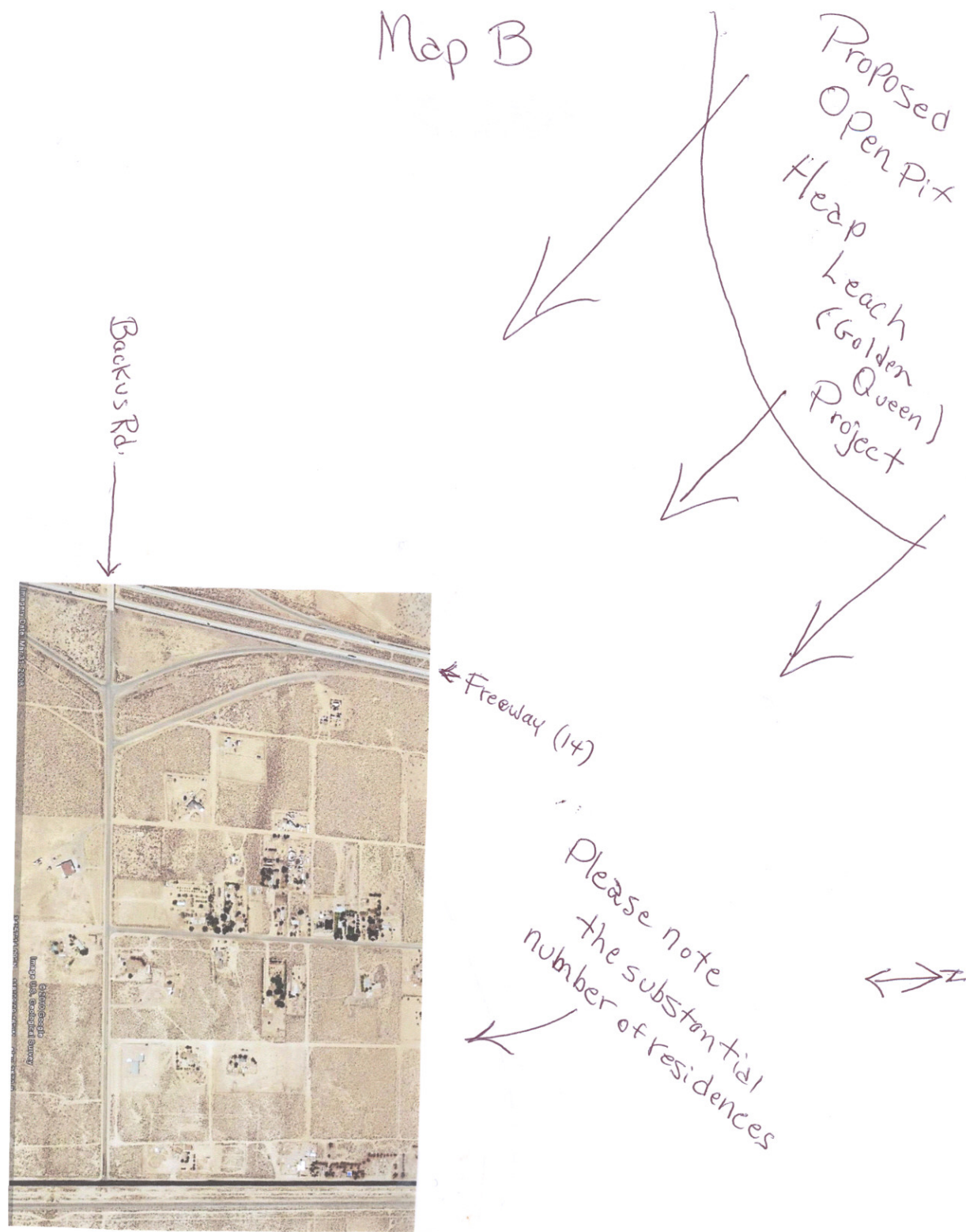
26-K

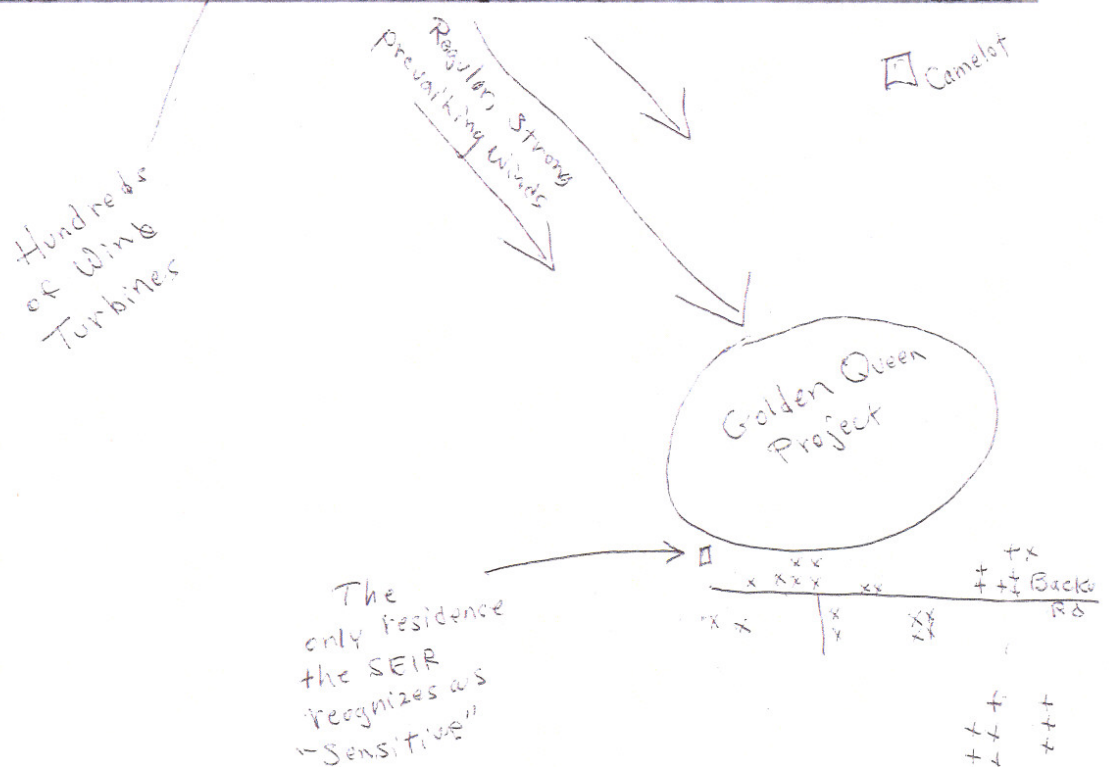
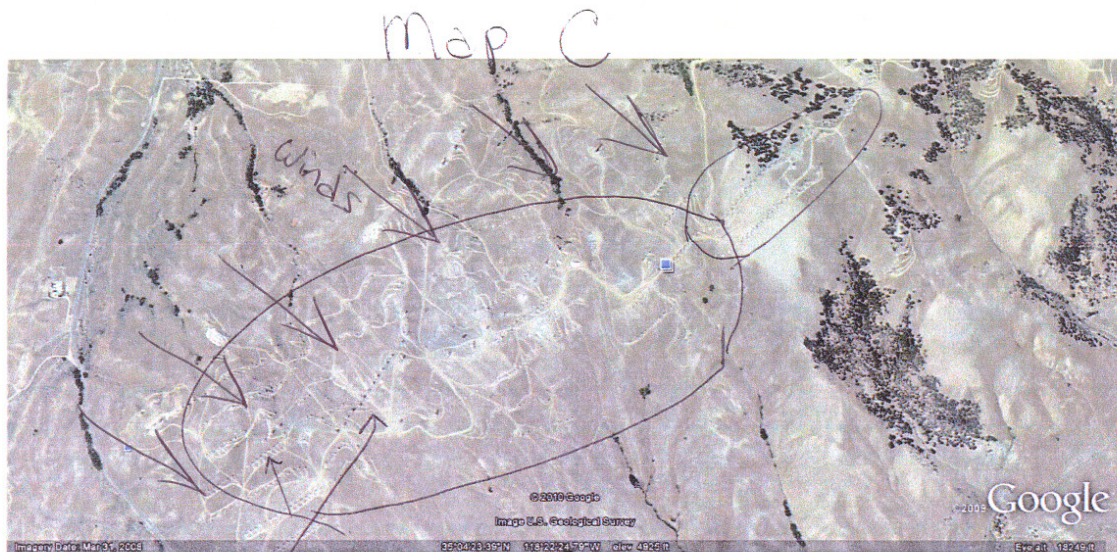
Respectfully Submitted,



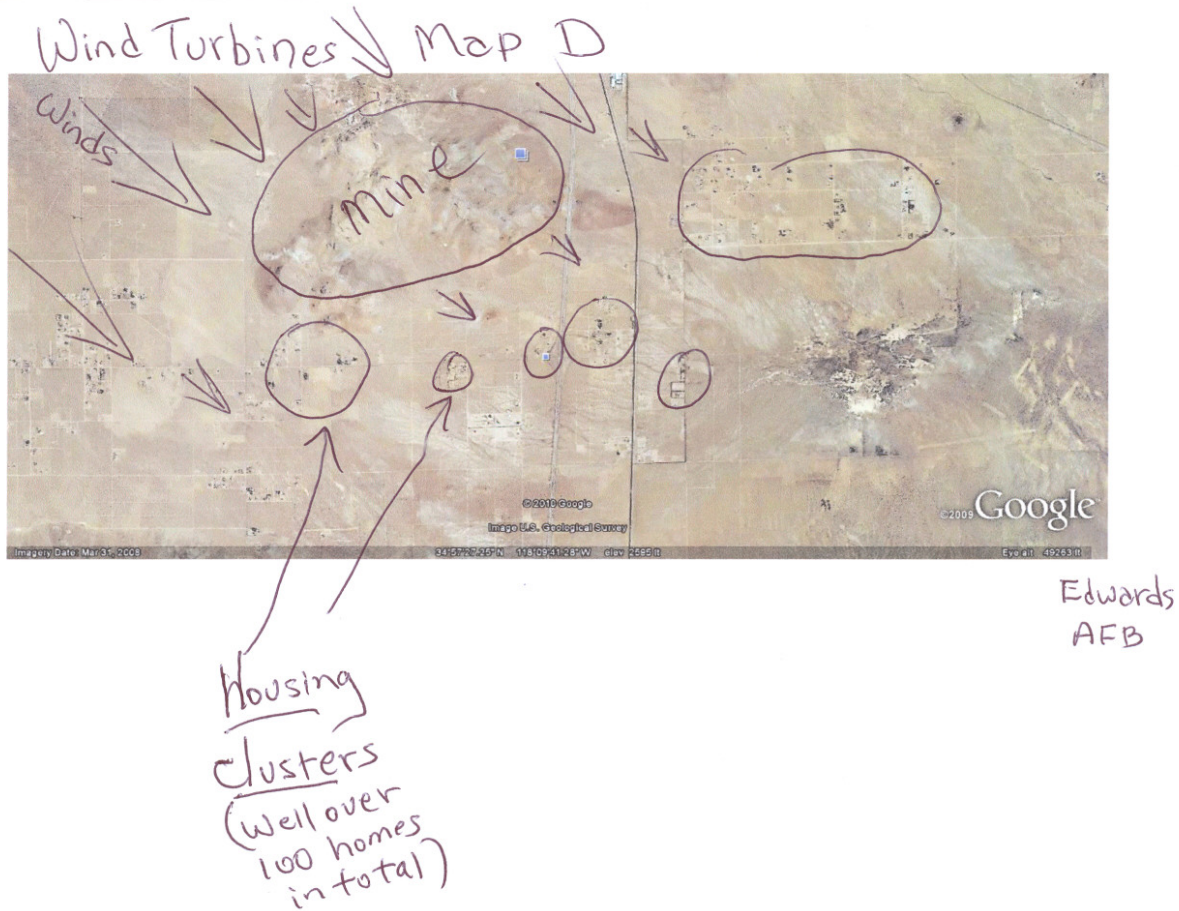








x-addition "sensitive" residences



## Response to Letter 26 Mr. James Hooper (February 23, 2010)

- 26-A** Thank you for your comment regarding the project location with respect to local residences. Although the Draft Supplemental Environmental Impact Report (SEIR) makes no mention of a "zone of sensitivity", it does describe sensitive land uses. The Draft SEIR states, "*Land uses in the general project vicinity include sparsely scattered single-family residences, open space, and various industrial facilities including other historical precious metals open pit mining activities. . . . Approximately eight individual residences are located north of Silver Queen Road and within about 450 to 1,000 feet of the Project site. To the southwest, a single residence is located along Mojave Tropic Road, approximately 0.5 mile from the site boundary. Of these nine existing residences, six are within a mile of the historical tailings pile and are identified as potential sensitive receptor locations for the purposes of health risk assessment.*" (p. 1-5)

Additionally, the Draft SEIR acknowledges the importance of those residential receptors, indicating that "*Combined with the addition of several new residences in close proximity to this operation, these [Revised Project design modifications and new technologies] and recent site studies constitute new information that require evaluation for potential impacts and mitigation in a Supplemental EIR.*" (p. 1-12)

Finally, Section 4.2 (*Air Quality*) of the Draft SEIR demonstrates how the findings and conclusions from the updated Air Quality/Health Risk Assessment (Air Sciences 2009b) considered all known sensitive receptors, as follows:

*To assess potential project impacts to the surrounding sensitive receptors, the Health Risk Assessment component of the AQ/HRA evaluated potential health hazards and cancer risks associated with toxic air contaminants that could be emitted from the Revised Project. The AQ/HRA did not specifically identify the locations of the nearest residences. However, spatial modeling parameters do account for potential sensitive receptors (including all existing residents) within four distinct distance classes:*

- 1. At the Project Site boundary, with receptors modeled at 50 meters (164 feet) apart.*
- 2. Within 2,000 meters (1.24 miles) of the Project Site boundary, with receptors modeled in a grid pattern 200 meters (656 feet) apart.*
- 3. From 2,000 to 5,000 meters (3.1 miles) from the Project Site boundary, with receptors modeled in a grid pattern 500 meters (1,640 feet) apart.*
- 4. A group of 30 randomly selected sensitive receptors representing the Edwards Air Force Base, nearby communities, schools, and designated Class I and Wilderness Areas (see Table 3-12 of the AQ/HRA for a complete listing). These range from 1.8 miles to over 60 miles from the Project Site. Those receptors within three miles of the site are also accounted for in the gridded receptor inventories.*

(Draft SEIR p. 4.2-53)



- 26-B** Thank you for your comment regarding the Camelot development. However, the Draft SEIR is correct in describing that development as the "nearest large cluster of residential development" in the vicinity. In context, the Draft SEIR describes surrounding residential land uses as follows:

*Land uses in the general project vicinity include sparsely scattered single-family residences, open space, and various industrial facilities including other historical precious metals open pit mining activities. Mining uses include Standard Hill (aggregate – idle), Cactus Gold (heap-leach gold – undergoing reclamation), Holliday Rock Company (aggregate and asphalt batch plant – active), and the California Portland Cement Mojave Plant (aggregate and cement plant – active).*

*Approximately eight individual residences are located north of Silver Queen Road and within about 450 to 1,000 feet of the Project site. To the southwest, a single residence is located along Mojave Tropico Road, approximately 0.5 mile from the site boundary. Of these nine existing residences, six are within a mile of the historical tailings pile and are identified as potential sensitive receptor locations for the purposes of health risk assessment.*

*The nearest large cluster of residential development is Camelot, a 109-unit single-family residential development and golf course located approximately two miles north of the Project site, southwest of the intersection of Camelot Boulevard at Holt Street.*

(Draft SEIR p. 3-12)

- 26-C** Thank you for your comment regarding the direction and strength of prevailing winds as they pertain the transport of airborne particulate and other emissions. The Draft SEIR (p. 3-9) contains a reference to "dry winds from the west and southwest" during the summer months, and also indicates, "Primary wind direction is to the northeast. Secondary winds blow towards the south and southwest during the daytime in the winter months." (Draft SEIR p. 4.2-2) However, those seasonal descriptions should not be construed as indicative of prevailing conditions for worst-case transport of particulate and other air emissions. The Draft SEIR and its technical appendices provide ample consideration of, and data regarding, prevailing winds and their influences on project design and monitoring.

The *Soledad Mountain Project Baseline and Background Soil Assessment* prepared in October 2006 by P.M. DeDycker & Associates, Inc. is an attachment to the *Soledad Mountain Project Human Health Risk Assessment* prepared in May 2008 by ARCADIS. Regarding the study area necessary to characterize the surface soil layer surrounding the proposed Merrill-Crowe plant, the Baseline and Background Soil Assessment states:

*A study area perimeter has been defined around the proposed location of the Merrill-Crowe plant. The shape and overall size of the study area was selected to incorporate the zone potentially affected by airborne emissions released from the Merrill-Crowe plant during operations. Prevailing wind patterns, number of soil samples to be collected, and factors such as historic mine waste disposal areas were considered in*

*delineating the study area boundary. A meteorological station established on the project site, monitored wind frequency distribution by direction and speed from October 1989 through August 1991. Results indicate that typical prevailing winds at the project site are out of the northwest representing flow from the San Joaquin Valley. Wind frequency distribution graphs (wind rose diagrams) for the period October, 1989 to December 1990 is presented as Figure 2 (Air Sciences, Inc.).*

(DeDycker 2006, p. 4)

The Human Health Risk Assessment (ARCADIS 2008) also provides information about the monitoring and use of wind data for project design, as follows:

*This risk assessment is based on the assumption that normal conditions prevail during construction of the mine and ore processing facilities. The on-site air quality and climate monitoring station was erected in late 2006. As shown on Figure 2, approximately 18 months of wind data has been compiled today and is available for evaluation and for development of construction plans. This data provides insight into the diurnal wind patterns and can be plotted as part of the project's fugitive dust suppression plan and, specifically, the timing of activities where dust suppression is critical. The optimal time for grading and excavation activities will be the calmest times of day for wind. This would also reduce the potential health risks associated with the historical tailing and downwind soils with elevated metal levels.*

(ARCADIS 2008, p. 6-1)

Finally, the Draft SEIR provides the following information regarding prevailing winds and related provisions for project design and emissions monitoring:

*"A hood has been designed to enclose trucks when dumping at the primary crusher receiving hopper. The hood is oriented with the closed end toward the prevailing wind direction." (Draft SEIR p. 3-26)*

- **1997 FEIR/EIS MM #18** *"Monitoring stations for PM<sub>10</sub> will be established upwind and downwind from the processing facilities. (Condition of Approval No. 22 – condition satisfied)" (Draft SEIR p. 4.1-12)*
- **1997 FEIR/EIS MM #21** *"The existing tailings piles will be removed, thereby reducing the long-term fugitive emissions from the site. (Condition of Approval No. 25)" (Draft SEIR p. 4.1-12)*

In their Notice of Preparation (NOP) comment letter dated September 16, 2008, the Kern County Air Pollution Control District (KCAPCD) related the following regarding the anticipated uses of wind data and downwind monitoring:

1. *After review of the subject NOP most air quality issues were addressed. Minor items not addressed in the NOP will be addressed by the District permitting process.*

2. *Air District staff will complete a health risk assessment based on proposed emissions, because of possible toxic air contaminant emissions. Real wind (air-flow) data will be utilized by the Air District.*
3. *The Air District is requesting that the Applicant proceed with downwind monitoring so District staff can complete its modeling prior to issuance of District permits and the Planning Department's final environmental determination.*

(Draft SEIR p. 4.1-13)

- 26-D** Thank you for your comment regarding the project impacts on residents located downwind of proposed mining activities. Please refer to Responses to Comment Nos. 26-A and 26-C for information about specific consideration given to those residents in soil sampling and characterization studies; the health risk assessment; existing and future air monitoring activities; and the use of emissions reduction technologies and practices during mining and reclamation activities.

Without citations to specific sections where the Draft SEIR and/or supporting technical analyses may be considered deficient or in need of further explanation, the lead agency can only refer the commenter to the following chapter, section, heading and subheading locations for complete descriptions of project provisions and analyses of impacts for the emissions control (i.e., dust abatement) and public health topics in question:

#### Chapter 3 – Project Description

- 3.7 Proposed Processes and Facilities
  - 3.7.6 Heap Leach Facility
    - o Pad Design
    - o Solution Containment
- 3.8 Waste Rock Management Plan
  - 3.8.1 Goals
  - 3.8.2 Waste Rock Leachate Control
- 3.9 Reclamation and Revegetation
  - 3.9.1 Reclamation Plan
    - o Reclamation of the Heap Leach Facility
- 3.11 Utility Systems
  - 3.11.1 Domestic and Process Water
  - 3.11.2 Wastewater Disposal
  - 3.11.3 Solid Waste Disposal
  - 3.11.5 Drainage and Flood Control
    - o Sitewide Stormwater Controls
      - Runoff and Erosion Controls
- 3.12 Environmental Controls
  - 3.12.1 Hazardous Materials
  - 3.12.2 Air Quality
  - 3.12.3 Water Quality

#### Section 4.1 – Effects Not Found to be Significant

##### 4.1.3 Environmental Analysis

- III. Air Quality
- VII. Hazards and Hazardous Materials
- VIII. Hydrology and Water Quality

#### Section 4.2 – Air Quality

##### 4.2.2 Environmental Setting Soil Characteristics

##### 4.2.4 Impacts and Mitigation Measures

##### Project Impacts

- Design Modifications (1997 Project vs. Revised Project)
- Construction Activities
- Operations and Maintenance Activities
  - Emissions Sources and Controls
- Health Risk Assessment
  - Toxic Air Contaminants

**26-E** Thank you for your comment regarding the potential effects of project emissions on air quality at Edwards Air Force Base (EAFB). The Draft SEIR summarizes the "Visibility Evaluation" portion of the air quality study and concludes, *"the estimated visibility impacts at the modeled receptors at EAFB are approximately two orders of magnitude less (i.e., range from 1.13 to 4.01  $Mm^{-1}$ ) than the State visibility standard (i.e., an extinction of 0.23 per km or 230 inverse Megameters [ $Mm^{-1}$ ]). This impact is less than significant."* (p. 4.2-46)

**26-F** Thank you for your comment regarding other mines and their closure. It is not pertinent to the adequacy of the Draft SEIR analysis because each mine differs in topography, localized meteorology, equipment, mining and processing methods, and the intensity and extent of operations. Nonetheless, your comment is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

**26-G** Thank you for your comment regarding the project's use of water. Please refer to section 3.11.1 (*Domestic and Process Water*) on pages 3-36 and 3-37 of the Draft SEIR for descriptions of project water usage, anticipated groundwater yields, monitoring requirements, and water supplementation mitigation (originally imposed in 1997) to prevent excessive groundwater drawdown effects on domestic wells in the area of influence.

**26-H** Thank you for your comment regarding toxic chemicals and the requisite project registration and listing with the U.S. Environmental Protection Agency (EPA) Toxic Chemical Release Inventory System (TCRIS). The TCRIS database contains information about which chemicals are used, stored, and released by companies. It is a set of publicly available databases containing information on releases of specific toxic chemicals and their management as waste, as reported annually by U.S. industrial and federal facilities. This inventory was established under the Emergency Planning and Community Right to Know Act of 1986 (EPCRA).

In addition to complying with EPA requirements prior to commencing mining operations, the County also requires that the project proponent prepare a



Hazardous Materials Business Plan and submit it to the Kern County Environmental Health Services Department for review. Those same compliance procedures were part of the 1997 Project approval. Due to the expiration of applications and the modification of processing and hazardous materials usage under the Revised Project, the project must again prepare and submit hazardous materials compliance plans. Compliance that is mandated upon project approval, and which must be completed prior to commencement of operations, is not indicative of delayed information submittal or lax regulatory enforcement, as suggested by the comment. All materials will be handled, stored and used in conformance with local, state and federal regulations and company safety policy.

- 26-I** Thank you for your comment regarding jobs and local school impacts. If job growth resulted in housing growth, then there might be potential impacts to local schools. With regard to potential growth in the project area, the Draft SEIR evaluated the employment characteristics of the proposed operation. The Revised Project would provide new employment consistent with adopted County of Kern goals, plans, and policies. Short-term construction personnel will be a combination of contractor and project site employees and are estimated at 200 individuals at peak. (Draft SEIR, p. 3-22) Construction workers are expected to travel to the site from various locations throughout southern California, and the number of workers expected to relocate to the surrounding area is not expected to be substantial. If temporary housing should be necessary, it is expected that accommodations would be available in any number of nearby communities, including Mojave, Rosamond, California City and Lancaster – all of which are within a 30-mile radius of the project.

Full-time production workforce is expected to be 150 employees but could be as high as 165. The projected manpower required for the aggregate and construction materials operation is 15 and these will be sub-contractor employees. Once the mine is in full production, the maximum number of employees on-site at any one time is estimated to be 64 during the day shift and 30 during the second shift. (Draft SEIR, p. 3-45) Similar to construction employment, however, the scope of the existing population, labor force, and available housing in the area is such that new housing is not necessary. Therefore, the proposed project would not directly or indirectly induce substantial development of new housing or businesses.

Typical established local thresholds of significance for housing and population growth pursuant to the State California Environmental Quality Act (CEQA) Guidelines, Section 15064.7 include effects that would induce substantial growth or concentration of a population beyond County projections, alter the location, distribution, density, or growth rate of the population beyond that projected in the Housing Element, result in a substantial increase in demand for additional housing, or create a development that significantly reduces the ability of the County to meet housing objectives set forth in the General Plan Housing element. Based on the preceding information, the effects of the proposed project in relation to these local thresholds are minimal.

Based on jobs and housing growth projections, the 1997 FEIR/EIS and Draft SEIR both concluded that the project will not result in an increase in the population of school-age children; therefore, the impact would be less than significant.

- 26-J** Thank you for your comment regarding compensation for potential property damages resulting from the project. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project. Nevertheless, the lead agency notes that potential compensation is a private matter between the project proponent and the commenter and, without a clear nexus of proportionality and jurisdiction, not within the scope of Kern County's authority.
- 26-K** Thank you for your comment regarding jobs and short- and long-term costs. Project employment is described in Response to Comment No. 26-I.

The comment poses a general question about short- and long-term costs. In terms of CEQA analysis, those environmental costs of project implementation are described throughout the Draft SEIR for various topics. Where necessary to protect environmental resources and public health, mitigation is proposed that will avoid or substantially reduce the physical effects of the project, such that most impacts are found to be less than significant after mitigation. Please see Chapter 1 (*Executive Summary*) for a summary of impacts and mitigation.

## Letter 27 – Pacific States Land Company

**RANDALL B. KLOTZ**

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February 23, 2010

**VIA E-MAIL (ScottD@co.kern.ca.us)**Mr. Scott F. Denney, AICP, Supervising Planner  
Kern County Planning Department  
2700 “M” Street, Suite 100  
Bakersfield, CA 93301-2323

Re: ***Response Letter to the Draft Environmental Impact Report  
for the Revised Soledad Mountain Gold Mining Project  
by Golden Queen Mining Co. Inc., dated January 11, 2010***

Dear Mr. Denney:

I am sending this Response Letter on behalf of PACIFIC STATES LAND COMPANY, a California corporation (the “Company”). The Company is an interested landowner, which will be directly and adversely affected by the Soledad Mountain Gold Mining Project (the “Project”). The Project is a surface open pit, leach pad gold mine proposed by Golden Queen Mining Company, Inc., located in unincorporated eastern Kern County, California, approximately two miles west of State Route 14 (SR-14), generally south of Silver Queen Road, and five miles south of the community of Mojave, California. The Company has serious concerns over the Project, most notably:

- SOCIOECONOMIC IMPACTS CAUSING REDUCTION IN LAND VALUES
- WATER QUALITY AND AVAILABILITY
- TOXIC EMISSIONS IN THE WATER AND AIR (INCLUDING DEADLY CYANIDE AS A BY-PRODUCT OF THE LEACHING PROCESS)
- INCREASED TRUCK TRAFFIC
- TRANSPORTATION OF TOXIC CYANIDE-BASED MATERIALS FOR LEACHING PROCESS, WITH POTENTIAL FOR ACCIDENTS
- ADVERSE AFFECTS ON AESTHETICS AND VISUAL RESOURCES (SCENIC 1,500 FOOT SOLEDAD MOUNTAIN WILL BE LEVELED)
- NOISE, BLASTING, VIBRATION AND DUST

The Company owns a portion of an approximate 1,800-parcel residential subdivision, known as the Gold Town Subdivision in the County of Kern, California (the “Subdivision”). The Subdivision is located adjacent to the Project, Southeasterly of the intersection of Gold Town Road and Silver Queen Road. Under the current zoning,

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**Mr. Scott F. Denney, AICP**  
**Kern County Planning Department**  
**February 23, 2010**  
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approximately 715 homes can be built in the Subdivision. The Company acquired the Subdivision in the late 1970's. Most of the parcels have been sold by the Company under land sale contracts to the true owners/ vendees. Approximately 28 of these owners/ vendees are still paying on their contracts. Sometimes an owner/ vendee defaults on the contract. In that event, the Company repossesses the property and holds it for eventual resale. Currently, the Company owns 80 parcels, which are held in a land trust with Bank of America, N.A./ formerly Security Trust, as trustee.

The Draft Supplemental Environmental Impact Report for the Revised Soledad Mountain Gold Mining Project, dated January 11, 2010 (the "Draft SEIR"), was distributed for public review and comment during a review period, which ends on February 25, 2010. This is our Response Letter to the lead agency, that is, the Kern County Planning Department, Bakersfield, California.

The Company has the following specific concerns regarding the Project and the Draft SEIR:

1. The Company has serious concerns over omissions from the Draft SEIR. The Draft SEIR characterizes the property surrounding the Project as sparsely populated, rural, desert land. Thus, it is no surprise that the Draft SEIR concludes the socioeconomic impacts will be "Less Than Significant." While this might be true today, it might not be the case 10 to 20 years from now. The Draft SEIR tends to hide the true picture. For example, the Draft SEIR neglects to report that much of the land surrounding the Project is ZONED FOR RESIDENTIAL PURPOSES. In fact, within a one mile radius of the Project, there is the potential (based on current zoning) to build in excess of 1,000 homes. And, in the Company's Subdivision alone, there could be as many as 715 homes built within 50 to 4,050 feet from the Project site. The Draft SEIR also fails to discuss reasonable mitigating factors that would help to offset the socioeconomic impacts on those residential properties. One obvious example of a reasonable mitigation is to provide pipelines, water tanks and related infrastructure to supply potable water to the residential subdivisions surrounding the Project site, including the Company's Subdivision.

27-A

2. The proposed Project will significantly reduce the value of the Company's Subdivision. Most notably, the Project will affect water quality and availability, air quality, visual resources, transportation, noise, dust, vibration damage (from blasting and rock crushing) to structures and water wells, storm water run off and erosion control, and public health and safety. As part of the leaching process, tanker trucks will carry sodium cyanide to the site. A major concern is accidents and spills. In addition, cyanide and other by-products could migrate into the local water sources and affect human health and safety. Significant and material adverse affects on the Company's Subdivision and other properties surrounding the Project have not been addressed in the Draft SEIR. The affected property owners need to see how their properties will be protected by Golden

27-B

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Queen Mining Company *before* the SEIR is approved, not after. Glaring omissions from the Draft SEIR are as follows, among others:

- Purchase, Storage or Transportation of Explosives Permit still “To be Obtained”
- Toxic Chemical Release Inventory System still “To be Obtained”
- General Construction Activity Stormwater Permit still “To be Obtained”
- Waste Discharge Requirements – “Report of Waste Discharge” submitted; need to see this
- Spill Prevention Control and Countermeasure Plan still “To be Completed”
- Blasting Plan and License still “To be Obtained”
- Water Well Drilling Permit Issued (on file); need to see report on depletion of ground water and drawdown of aquifer levels
- Hazardous Materials Business Plan still “To be Completed”
- Hazardous Materials Inventory still “To be Completed”
- Risk Management Plan still “To be Completed”

27-B  
Cont

All of these factors are critical elements of the impact that this Project will have on the surrounding properties. They are not ancillary or insignificant. These issues constitute the “meat” of the environmental review process for this Project. However, sadly, they have been “left out of the equation” ... left for later determination, when the property owners will have little or no chance of making public comments. For example, it would be critical for my client to see an approved blasting plan, which monitors and controls noise decibel levels and vibration levels, and implements the use of ongoing monitoring meters, warning signals, and plans for repairing damage to surrounding properties.

3. Section 1.2.2 of the Executive Summary, Pages 1-2 to 1-5 of the Draft SEIR, describes the Project location and setting. It is painfully obvious that the Draft SEIR skews the description towards a remote, sparsely populated site that is not likely to affect residential areas. For example, the Draft SEIR states, in pertinent part:

*Land uses in the general project vicinity include sparsely scattered single-family residences, open space, and various industrial facilities including other historical precious metals open-pit mining activities. ... Approximately eight individual residences are located north of Silver Queen Road and within about 450 to 1,000 feet of the Project site. To the southwest, a single residence is located along Mojave Tropico Road, approximately 0.5 mile from the site boundary. Executive Summary, Page 1-5.*

27-C

The Company's Subdivision is not even mentioned in this part of the Draft SEIR. It is significant that the Company's Subdivision has approximately 715 buildable residential

**Mr. Scott F. Denney, AICP**  
**Kern County Planning Department**  
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parcels on 320 acres of land immediately adjacent to the Project. We believe this should be included in the Final SEIR, with reasonable mitigation efforts included, so potential investors in the residential parcels will know that their investment will be protected.

27-C  
Cont

4. In Chapter 4.1, Article VIII, regarding Hydrology and Water Quality, the Draft SEIR discusses two hydrology issues: 1) water quality, and 2) water supply. Both environmental impacts were found to be "Less Than Significant." We believe otherwise. These are crucial issues, because homes cannot be built without a reliable water source. Based on calculations included in the old Groundwater Supply Evaluation, Soledad Mountain Project, prepared by WZI, Inc., in 1996, groundwater drawdown could be as much as 30 feet at a distance of two miles from the water supply wells during the life of the Project. The groundwater level would recover to within only 80 percent of the pre-Project level within five years after use of the wells is discontinued... 1997 FEIR/EIS, p.196. In other words, in 30 to 40 years we could, MAYBE, replace only 80% of the aquifer levels. Regardless of the previous findings in the 1997 FEIR/EIS (which concluded there was a "Less Than Significant" impact), our belief is the impact to the groundwater quantity and quality is significant. Moreover, this report was prepared 14 years ago. Based on new technology and the drought years that we have experienced over the last decade, we believe that a new updated report on the Hydrology and Water Quality should be required.

27-D

5. The noise generated by the Project will adversely affect the Subdivision. Current sources of noise include occasional sonic booms, vehicle traffic from a nearby major road, and trains on nearby railroad tracks. The Project will generate considerable additional noise from blasting, use of heavy equipment, and additional truck traffic. This will raise the ambient decibel level in the area. The western boundary of the Subdivision abuts the Project site for a substantial distance on the Project's eastern boundary (approximately 1,970 feet). The southern boundary of the Subdivision (which is approximately 3/4 mile) also abuts the Project site for approximately 2,000 feet. The Company requests that a series of noise monitoring stations be installed along the western and southern boundaries of the Subdivision to test the current ambient noise levels for comparison purposes. These meters should remain in place for continuous monitoring during all phases of the Project.

27-E

6. On Page 4.1-55, the Draft SEIR states that blasting will occur during daylight hours, one time per day, and will be engineered to minimize the amount of explosives used. However, it also says that approximately 75 to 80 percent of construction activities will take place during daylight hours. Condition of Approval No. 47. That would mean that 15 to 20 percent of the time the Mining Company plans to operate the mine during the night. This is totally unacceptable in a residential neighborhood, where there could be built as many as 1,000 homes near the Project site. The Draft SEIR also states that noise levels at nearby residences will remain within the recommendations of the noise element of the Kern County General Plan. There is a projected 65 decibel level northeast of the

27-F

**Mr. Scott F. Denney, AICP**  
**Kern County Planning Department**  
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Project area as shown in Exhibit 3.9-1 (Projected Sound Level Contour Map) of the 1997 FEIR/EIS. However, we are not sure this decibel level is acceptable during evening hours after 5:00 pm or in the morning hours before 8:00 am. The Draft SEIR does not discuss how close the blasting will occur to the Subdivision. We would like more information regarding the blasting plan.

27-F  
Cont

7. Dust control measures, including dust metering, berms, netting, fencing, wetting the ground, hours of operation, and other mitigations, should be in the plan.

27-G

8. The noise issues are a major concern. The Draft SEIR continually describes the Project area as being "located in a sparsely populated rural area." The Draft SEIR also states that the nearest occupied residences are located anywhere from 1,000 to 4,000 feet away from proposed blasting, loading and crushing areas, and the heap leach pads and overburden piles. The Company's Subdivision abuts the eastern side of the Project site where Heap Leach Pad No.1 is located. Here the Draft SEIR falls short of the mark, because there are approximately 715 buildable residential lots immediately adjacent to the Project in the Company's Subdivision. The Draft SEIR fails to report that the Subdivision boundaries are less than a few hundred feet from the eastern overburden pile and the Heap Leach Pad No.1. We are greatly concerned because, by our review of the map in Exhibit 3.9-1 (Projected Sound Level Contour Map) of the 1997 FEIR/EIS, it appears that a large portion of the Subdivision is in the 60 to 65 decibel contour. We do not deem these to be within acceptable levels. We believe the noise and blasting are significant impacts, which will need to be mitigated. The mitigation measures will include the construction of berms using overburden material to shield the noise and will include reduction of work in the area of the residences during the hours of 10:00 p.m. to 7:00 a.m. Condition of Approval No. 62. The berms are good, but the hours of operation and the noise SHOULD BE ELIMINATED between the hours of 5:00 pm and 8:00 am and on weekends.

27-H

9. The Visual Resources are discussed in the Executive Summary at Page 1-15. The long-term impact to visual resources would be "Less than Significant" only after reclamation. Reclamation could be 30 or more years from now. We would like to see ongoing mitigation during the operation of the mine built into the plan, such as berms, landscaping screens, fencing, and replanting vegetation.

27-I

10. Please notify Brett Karlovich and me of all planning meetings and public hearings. Brett's address remains the same at: Brett Karlovich, Pacific States Land Company, 2423 Camino Del Rio South #203, San Diego, California 92108.

27-J

I am already on the Distribution List, but I would like to change my address to: Randall B. Klotz, Esq., 405 E. Lexington Avenue, Suite 201, El Cajon, California 92020.

**Mr. Scott F. Denney, AICP**  
**Kern County Planning Department**  
**February 23, 2010**  
**Page 6**

11. If the Project is approved, the level of damages will be extraordinarily high. The view of scenic Soledad Mountain and the quiet and serene desert setting will be lost. The noise levels, dust and vibration will be greatly increased. The ground water quality and aquifer levels will be diminished. The price of the remaining unsold parcels in the Subdivision would have to be greatly reduced, thereby reducing income to the Company. The current proposed Project would cause a tremendous diminution in value to the parcels that have already been sold. The Company and other Subdivision owners/ vendees will be substantially damaged by the contemplated inverse condemnation. Obviously, the Company and other owners/ vendees might decide to pursue all remedies afforded by law to protect against such diminution in value.

27-K

12. The Draft SEIR has misled the public, because it has failed to state adequately the severity of the negative impacts on the Company's Subdivision and the other nearby residential subdivisions. The closely packed residential subdivisions in the Mount Soledad area have the potential to become a thriving desert community. The proposed Project will destroy that possibility ... at least for the next 30 years or more. My client would like to see the use of more mitigating factors to offset the socioeconomic impacts on the Subdivision. We believe one mitigating factor that we would like to be considered is the need to provide potable water to the Company's Subdivision. We understand that Golden Queen Mining Company wants to tap into the water supply known as the AVAC water supply. The reason for this would be to supply potable water to the Project. The Company would also like to have access to that water as a mitigating factor. We understand that the Mojave Public Utility District has rights to the AVAC water supply. The Company's Subdivision is in the Mojave PUD. The Mojave PUD should be a participant in these discussions.

27-L

Sincerely,

  
RANDALL B. KLOTZ

cc: Mr. Brett Karlovich (via e-mail)



## Response to Letter 27

### Pacific States Land Company (February 23, 2010)

- 27-A** Thank you for your comment regarding existing residential population, zoning, and socioeconomic impacts.

A stated purpose of the Draft Supplemental Environmental Impact Report (SEIR) is to evaluate the proposed project (as revised), existing conditions (environmental baseline), and potential impacts described in the 1997 FEIR/EIS and to update information where necessary. In the 12-1/2 years since certification of the 1997 FEIR/EIS, the population in the Town of Mojave was found to be lower than the projected population growth shown on Table 3.0-3 on page 131 of the 1997 FEIR/EIS, as reported by the State Department of Finance and U.S. Census Bureau (1990 and 2000 Census). In the past 12 years, only three new individual residences have been developed north of the Silver Queen Road within 1,000 feet of the project site.

The zoning of the surrounding area together with adjacent residential tracts (including Gold Town) is shown on Figure 3-6 and discussed in Section 3.3.4 (*County General Plan and Zoning*) on page 3-9 of the Draft SEIR. Please also refer to Exhibit 3.10-1 and the more extensive discussion in Section 3.10.1 on pages 259 to 263 of the 1997 FEIR/EIS.

With regard to potential loss of property values, the evaluation of property values is beyond the scope of the California Environmental Quality Act (CEQA) document. The focus of a CEQA analysis is on physical changes to the environment. According to CEQA Guidelines Section 15131(a) the economic effects of a project (i.e., the perceived lowering of a property's values) cannot be treated as a "significant effect" on the environment. A "significant effect" means a substantial, or potentially substantial, adverse change in the environment. In order to determine a significant effect, "substantial evidence" of the impact must exist. According to CEQA Guidelines Section 15384, "Substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the entire record. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Mere uncorroborated opinion or rumor does not constitute substantial evidence.

The preceding CEQA guidance notwithstanding, the issue of property values was previously addressed in the Addendum to the Socioeconomic Study contained in Appendix XI of the 1997 Final EIR/EIS (Draft SEIR Volume 7, Appendix V: 1997 FEIR/EIS Volumes 5-7). Page 3 of the addendum reflects the results of an analysis by Sedway Kotin Mouchly Group which indicates that residences within one-half mile of the project could be impacted but residences along the Backus Road corridor will not experience any measurable value loss relative to the proposed Soledad Mountain Project, given the distance from the mining operations and the topography separating the two.

The request for a potable water supply to the surrounding subdivisions is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

- 27-B** Thank you for your comment regarding the potential devaluation of property, and general statements regarding various environmental issues. Please refer to Response to Comment No. 27-A for discussion of property values. Furthermore, it is the Lead Agency's opinion that sufficient evidence has not been provided to substantiate the claim that implementation of the project would devalue Goldtown properties. Section 3.10.1 of the 1997 FEIR/EIS states that the Goldtown map was recorded in 1923 and that Goldtown does not have paved streets, a potable water supply or sewer system and that the subdivision is essentially undeveloped. Evidence has not been presented to indicate that the subdivision would be developed during the life of the Revised Project or to support the claim that the property would be devalued.

The comment cites numerous issues and concerns that were addressed in the 1997 FEIR/EIS and, as necessary under CEQA, updated in the Draft SEIR. The 1997 FEIR/EIS and Draft SEIR, including their technical appendices, provide extensive data and analysis and sufficiently disclose potential adverse effects to the environment, including adjacent properties.

In order to determine a significant effect or impact, substantial evidence must exist in the record. According to CEQA Guidelines Section 15384, "Substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the entire record. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Mere uncorroborated opinion or rumor does not constitute substantial evidence.

The comment also lists various permits, plans, or licenses (from Table 1-1, *Project Permits and Approvals* of the Draft SEIR) with which the project must comply prior to and during mining operations. Each of those documents is required by local, state, and/or federal regulations. Compliance that is mandated upon project approval, and which must be completed prior to commencement of operations, is not indicative of delayed information submittal or lax regulatory enforcement, as suggested by the comment. The information that will support each permit, plan, or license is provided in the Draft SEIR technical appendices, Volumes 2 through 7. Those same compliance procedures were part of the 1997 Project approval. Due to the expiration of applications and/or the modification of project design elements, the Revised Project must again prepare and submit compliance plans to obtain the permits, licenses, and other approvals listed in Table 1-1 of the Draft SEIR. All applications and supporting documentation, unless deemed proprietary, are a matter of public record once submitted to the County.

With specific regard to the Report of Waste Discharge (ROWD), it is provided in Appendix R of Volume 4 of the Draft SEIR.

With respect to the criticality of your client's review of the approved blasting plan, it should be noted that any blasting will be performed by a licensed contractor. Currently the project proponent will be utilizing a local explosive company (Alpha Explosives) from Mojave, California. Prior to the use, storage, or handling of explosives on site, a blasting plan shall be prepared by a competent individual with proven experience and ability in blasting operations. Blasting plans, however, are site specific and can change based on site conditions. Nonetheless, all blasting will be strictly conducted in accordance with State, local, and Mine Safety & Health Administration regulations. Additionally, the project proponent will employ a consulting engineer to assist with the initial design of the blasts. The consulting engineer will also be retained to review the drilling and blasting practices on a regular basis. This will serve to monitor and confirm the in-house expertise and the expertise of the contract blaster.

**27-C** Thank you for your comment. Please refer to Responses to Comment Nos. 27-A and 27-B for discussions pertinent to the comment.

**27-D** Thank you for your comment regarding groundwater quality and supply.

With respect to protection of water quality, the approved 1997 project was reviewed by the Lahontan Regional Water Quality Control Board (RWQCB), which issued Waste Discharge Requirements allowing the project to proceed with appropriate protections for groundwater quality. The project proponent has submitted a new Report of Waste Discharge, which is provided in Appendix R of Volume 4 of the Draft SEIR. In addition to the analysis of water quality issues in the 1997 EIR/EIS and the 2009 Draft SEIR, and the mitigation measures contained therein, the Lead Agency will rely on the expertise of the RWQCB, as the responsible agency with expertise in the area of groundwater protection.

Regarding the project's use of water, please refer to section 3.11.1 (*Domestic and Process Water*) on pages 3-36 and 3-37 of the Draft SEIR for descriptions of project water usage, anticipated groundwater yields, monitoring requirements, and water supplementation mitigation (originally imposed in 1997) to prevent excessive groundwater drawdown effects on domestic wells in the area of influence.

**27-E** Thank you for your comment regarding noise. The comment requesting noise monitoring stations is noted and included in the record, and will be made available to the decision makers prior to a final decision on the proposed project.

The 1997 FEIR/EIS and the re-evaluation of noise effects in the Draft SEIR indicate that noise levels would be within the limits mandated by the Noise Element of the County General Plan and impacts would be less than significant. The Revised Project would not propose any significantly different mining operations that would generate new or more intensive noise. Therefore, a new mitigation measure is not necessary.

In evaluating noise increases in the vicinity of the project due to construction and operations, the Draft SEIR (p. 4.1-55) cites the Revised Project's compliance with the following:

Regulatory Requirements

- The noise levels at nearby residences will remain within the recommendations of the Noise Element of the Kern County General plan.
- Machinery, equipment and vehicles will be equipped with mufflers in accordance with MSHA requirements.

Existing Mitigation Measures/Conditions of Approval

- **1997 FEIR/EIS MM #43** *Approximately 75 to 80 percent of construction activities will take place during daylight. (Condition of Approval No. 47)*
- **1997 FEIR/EIS MM #44** *Blasting will occur during daylight, one time per day, and will be engineered to minimize the amount of explosives used, according to United States Bureau of Mines guidelines. (Condition of Approval No. 48)*
- *The project shall comply with the goals and objectives of the Noise Element of the Kern County General Plan. (Condition of Approval No. 61)*
- *If a single-family residence is constructed on private land which lies within the projected 65 dB contour line northeast of the project area as shown in Exhibit 3.9-1 (Projected Sound Level Contour Map) of the 1997 FEIR/EIS, it will be ensured that the noise levels at the residence will remain within the recommendations of the Noise Element of the Kern County General Plan using both of the following methods:*
  - (a) Noise levels will be monitored to determine if the noise levels are above the recommended limits.*
  - (b) If noise levels are above the recommended limits, measures will be taken to reduce the noise level to acceptable levels.*

*The measures will include the construction of berms using overburden material to shield the noise and will include reduction of work in the area of the residence during the hours of 10:00 p.m. to 7:00 a.m. (Condition of Approval No. 62)*

However, revisions to Condition of Approval No. 62 will be recommended to the decision-making authority to address noise levels for any single-family residence constructed on private land within the 65 dB contour line as shown in Exhibit 3.9-1 (Projected Sound Level Contour Map) of the 1997 FEIR/EIS (shown in strike-out):

- If a single-family residence is constructed on private land which lies within the projected 65 dB contour line ~~northeast of the project area~~ as shown in Exhibit 3.9-1 (*Projected Sound Level Contour Map*) of the

1997 FEIR/EIS, it will be ensured that the noise levels at the residence will remain within the recommendations of the Noise Element of the Kern County General Plan using both of the following methods:

- (a) Noise levels will be monitored to determine if the noise levels are above the recommended limits.
- (b) If noise levels are above the recommended limits, measures will be taken to reduce the noise level to acceptable levels. The measures will include, but are not limited to, the construction of berms using overburden material to shield the noise and will include reduction of work in the area of the residence during the hours of 10:00 p.m. to 7:00 a.m. (Condition of Approval No. 62)

**27-F** Thank you for your comment regarding noise, construction hours, and information about the blasting plan. Please refer to Response to Comment No. 27-E regarding noise mitigation and compliance with the noise provisions of the Kern County General Plan during construction hours.

The majority of the blasting will be in the area shown on Figure 3-3 (*USGS Topographic Map*) as "Open Pit". The easternmost boundary of the open pit will be about 1,000 feet from the Goldtown area.

Please refer to Responses to Comment No. 27-B for discussions pertinent to the blasting plan.

**27-G** Thank you for your comment regarding dust control measures. The Draft SEIR (p. 1-23) states that as a requirement of 1997 FEIR/EIS Mitigation Measure #21, the existing tailings piles will be removed, thereby reducing the long-term fugitive emissions from the site. A more thorough discussion of fugitive dust emissions mitigation and design features is provided on pages 4.2-39 to 4.2-40 of the Draft SEIR, as follows. As indicated previously in Section 7.2 (*Revisions to the Soledad Mountain Project Draft Supplemental EIR*), based on comments received the Draft SEIR has been modified in reference to the wet scrubber.

*Section 3.12 (Environmental Controls) of the Project Description (Chapter 3) lists particulate emissions control methods to be implemented with the Revised Project, including:*

- ***Hood*** to enclose trucks when dumping at the primary crusher receiving hopper.
- ***Water Sprays*** to control dust emissions in the primary crusher
- ***Sonic Foggers*** to control dust emissions at the transfer points.
- ***Wet Scrubber*** to control dust emissions at and above the primary screen and HPGR discharge and transfer points.
- ***Bin Vents/Filters*** for dust control at the cement silo and the backup cement storage vessel
- ***Wet Material*** to minimize stockpile fugitive dust emissions.
- ***Dust Collection System*** for drilling operations

- **Additive Application/Watering** to minimize fugitive dust during material hauling
- **Highly Maintained Haul/Access Roads** to minimize fugitive dust from vehicle travel over unpaved roads (AQ/HRA, p. 24).

*These and other emissions controls are described throughout the Project Description. Other operational considerations factored into the overall emissions include:*

- *Historical tailings will be incorporated in the construction of the Phase 1 heap leach pad and this will remove one source of fugitive dust in the area (GQM 2006c).*
- *Fuel usage and related emissions will be reduced by:*
  - *Use of backfill techniques to minimize hauling distances of waste rock.*
  - *Construction of a pipe conveyor to convey ore from the active pits to the ore processing circuit to minimize hauling of ore.*
  - *Use of optimally sized haul trucks for the Project to minimize haul truck trips.*

The Draft SEIR also provides a summary of the disposition and handling of existing tailings piles, and the consequent fugitive dust emissions, as follows:

*As shown in Table 4.2-10, changes to key design features in the Revised Project indicate that material handling activities and fuel consumption will be significantly lower for the Revised Project than they would have been for the previously approved 1997 Project. . . . These changes are expected to reduce emissions of all criteria pollutants. The emissions reduction benefits of the above changes can be seen in Table 4.2-11, which compares the PM10 emissions estimates from the 1997 Project and the Revised Project. The table shows higher total lb/hour PM10 emissions for the Revised Project. This is due to a difference in estimating assumptions rather than a change in the project. The 1997 FEIR/EIS took credit for eliminating 136,000 lb/yr PM10 by using the existing tailings pile as a base for the leach pad (p. 213). The Revised Project also will incorporate the existing tailings into the leach pad base; [emphasis added] *however, the Air Sciences AQ/HRA does not take credit for any resulting reduction in fugitive emissions. Any effect of reducing fugitive emissions will be the same for the Revised Project as for the 1997 Project, but is not reflected in Table 4.2-11. Even without taking credit for this reduction, the annual PM10 emissions will be substantially less for the Revised Project compared to the 1997 Project. (pp. 4.2-47 to 4.2-48)**

- 27-H** Thank you for your comment regarding noise issues. The specific recommendation that the hours of operation and the noise should be eliminated between the hours of 5:00 p.m. and 8:00 a.m. and on weekends is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

As stated in the Draft SEIR on page 4.1-55, the Noise Element of the Kern County General Plan requires operations be designed or arranged so that they will not subject residential or other noise-sensitive land to exterior noise levels in excess of 65 dB. Please also refer to Response to Comment No. 27-E.

- 27-I** Thank you for your comment regarding visual impacts. The discussion of visual impacts at page 4.1-6 in the Draft SEIR indicates that there has been no new or significant change in the visual conditions in the project vicinity since the original mining project was approved in 1997. Furthermore, the Revised Project does not include any significantly new or modified design features that would conflict with the 1997 FEIR/EIS conclusions. There are no new unique scenic resources within the project area or vicinity. Therefore, the Revised Project's impacts will remain less than significant. Therefore, new mitigation measures are not necessary.

In addition, Draft SEIR (p. 3-30) describes the Revised Project waste rock management plan, which addresses various issues including slope contouring to reduce visual impacts. Most importantly, concurrent reclamation will be feasible with the current approach to waste rock management. Moreover, the Revised Project will reclaim approximately 839 acres of the 905 acres disturbed, or 93 percent. The 1997 Project would have disturbed 930 acres and reclaimed 419 acres, or approximately 45 percent.

In evaluating impacts to visual resources and viewer sensitivity, the Draft SEIR (p. 4.1-7) cites the Revised Project's compliance with the following:

Regulatory Requirements

- A Reclamation Plan approved by Kern County will include:
  - The removal of all buildings and foundations at the end of the project;
  - Grading of overburden piles and heap leach piles to fit in with the surrounding topography; and
  - Revegetation of the disturbed areas with native species of plants.
- Dust control measures required in the air permit to control particulate emissions will minimize the potential visual impact of fugitive dust.

Existing Mitigation Measures/Conditions of Approval

- **1997 FEIR/EIS MM #39** *Surface disturbance will be minimized to that required for safe and efficient operation. (Condition of Approval No. 27)*
- **1997 FEIR/EIS MM #40** *Historical mining disturbance will be reclaimed (Condition of Approval No. 44)*
- **1997 FEIR/EIS MM #41** *Buildings and structures will be painted with non-reflective earthtone colors to blend with the predominant background. (Condition of Approval No. 45)*
- **1997 FEIR/EIS MM #42** Outdoor lighting for the mine pit and other areas of nighttime activities will be shielded and directed downward to reduce fugitive light. Light poles will be no higher than necessary for safe and efficient lighting. Low-pressure sodium bulbs or other

appropriate technology will be used for outdoor lighting. (Condition of Approval No. 46)

- 27-J** Thank you for your comment. As indicated in the Draft SEIR Notice of Availability for Public Review, a public hearing has been scheduled with the Kern County Planning Commission to consider the project and the Final SEIR on April 8, 2010 at 7:00 p.m. or soon thereafter, Chambers of the Board of Supervisors, First Floor, Kern County Administrative Center, 1115 Truxtun Avenue, Bakersfield, California. Additionally, you will be notified of the scheduled hearing date/time when the Kern County Board of Supervisors will consider action(s) associated with this project.

Thank you for providing an updated mailing address. The distribution list has been revised to indicate the requested change.

- 27-K** Thank you for your comment. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.

It should be noted that mining is not a new use on the Project site. Ever since it was created, the Gold Town Subdivision has co-existed with mining and its impacts on Soledad Mountain and surrounding areas. The Draft SEIR (p. 3-1) explains: *Gold mining in the area began in the early 1900s. Between 1935 and 1942, approximately 1,180,000 tons of ore was mined using underground mining methods. All mining activities ceased during the Second World War. Some remnants of the historical mine workings are still present at the Site, including the Gold Fields tailings deposit, which dates to the 1930s and is the largest and most recent of the historical tailings piles at the Site. Existing disturbance at the project site totals about 117 acres.* The Gold Town subdivision map was recorded in 1923, during this period of active mining (1997 FEIR/EIS, Section 3.10.1.) In addition, the majority of the Project site, including portions abutting the Gold Town subdivision, has long been designated in County planning documents as mineral extraction (Draft SEIR, p. 3-9 to 3-10.)

- 27-L** Thank you for your comment. The request for a potable water supply to the surrounding subdivisions is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project. Regarding the issue of water supply, the Draft SEIR (p. 3-37) states the following:

*As a Condition of Approval (Condition of Approval No. 45) of the Conditional Use Permits, and as a mitigation measure (1997 FEIR/EIS MM #16) adopted for the Project by Kern County in 1997, GQM will monitor the groundwater level on a monthly basis and compare the water level data collected by the monitoring program to water levels predicted by the groundwater drawdown model. In the event the monitoring program shows that the actual water drawdown in the wells exceeds the predicted model for six consecutive months, the 1997 conditions of approval require that GQM supplement the water supplied by the production wells with up to 300 gpm of water from Antelope Valley – East Kern Water Agency (AVEK). GQM filed an application for a water service connection in a letter to AVEK dated February 8, 2008. The initial engineering for a connection to the AVEK system has been completed.*



## Letter 28 – Mr. Eric H. Kelbacher

Kern County Planning Commission  
2700 “M” Street Suite 100  
Bakersfield CA 93301  
Attn: Scott F. Denny

Dear Sirs:

My property fronts Backus Road and 40<sup>th</sup> Street West. I can see Mt. Soledad from my living room and home office and generally Mt. Soledad sits in the middle of a residential area composed of large lots zoned 2.5 acres and larger. The source of water for the area is from private wells with the depth of the static water level ranges from 150 to over 400 ft. Over the last four years the water static water level as measured by Boesch Well Drilling for the wells on my property has fallen from 180 to 204 ft. The prevailing winds to the property are N by NW and fifty (50) mph winds are not uncommon. From my property you can see all the generators for the Wind Farm on the east slope of the mountains and hills to the northwest which gives the impression of very windy area as indeed the area is.

I would further describe the area as relatively quiet except for the morning and evening traffic of Tehachapi residents going to and back from their employment. Wild life abounds in area with occasional bobcats and also more common quail, ground squirrels, rabbits both jack and cottontail and tens of types of birds. Many of the residence have various domestic animal including horses, llamas, goats and whatever else.

According to past reports in the Mojave Desert News the mine will attempt to process ore from the mountain by employing 250 people blasting rock into rubble and operating the processing 20 hours a day. The mining company has not as yet received any commitment from the area water agencies to supply water for the processing so therefore water in enormous quantities will be pump from the area water table.

This being said I would like to list my concerns regarding the operation of the mine:

- |  |             |
|--|-------------|
| 1. Many of the wells in the area were constructed when the water table was much higher. Over pumping by the mine may result in the failure of these well.  | <b>28-A</b> |
| 2. The blasting throughout the day will destroy the peace and tranquility and will startle and stress both people and animals.   | <b>28-B</b> |
| 3. According to the Valley Press the areas around both the Golden Queen and the Burton mine in Rosamond are contaminated with arsenic and heavy metals. What measures will be in place to contain both the old and the new Contamination ? | <b>28-C</b> |
| 4. The SEIR ignores by the existence and the strength of prevailing winds.   | <b>28-D</b> |

(2)

5. What about the wild life? How will the cyanide pond be constructed to protect birds and other wild life from drinking liquid from the pond?

**28-E**

6. How will Kern County and the Mine Company compensate the residences and do I dare say, the taxpayers for a reduced quality of life; for failed wells; for decreased air quality and a drop in property value?

**28-F**

My final comment is that I don't think my neighbors have taken the time from their busy lives to contemplate the serious impact of the mine. Whatever the outcome Kern County has a obligation to protect the properties of taxpayers since the County issued the building and occupancy as well as the water well permits for the residences that surround the mine. Do the right thing !

**28-G**

Eric H. Kelbacher  
Lot No. 430-092-51-00-4  
Owner and Taxpayer

## Response to Letter 28

### Mr. Eric H. Kelbacher (February 24, 2010)

- 28-A** Thank you for your comment regarding groundwater wells and usage. Please refer to section 3.11.1 (*Domestic and Process Water*) on pages 3-36 and 3-37 of the Draft Supplemental Environmental Impact Report (SEIR) for descriptions of project water usage, anticipated groundwater yields, monitoring requirements, and water supplementation mitigation (originally imposed in 1997) to prevent excessive groundwater drawdown effects on domestic wells in the area of influence.

Regarding the issue of water supply, the Draft SEIR (p. 3-37) states the following:

*As a Condition of Approval (Condition of Approval No. 45) of the Conditional Use Permits, and as a mitigation measure (1997 FEIR/EIS MM #16) adopted for the Project by Kern County in 1997, GQM will monitor the groundwater level on a monthly basis and compare the water level data collected by the monitoring program to water levels predicted by the groundwater drawdown model. In the event the monitoring program shows that the actual water drawdown in the wells exceeds the predicted model for six consecutive months, the 1997 conditions of approval require that GQM supplement the water supplied by the production wells with up to 300 gpm of water from Antelope Valley – East Kern Water Agency (AVEK). GQM filed an application for a water service connection in a letter to AVEK dated February 8, 2008. The initial engineering for a connection to the AVEK system has been completed.*

- 28-B** Thank you for your comment regarding blasting noise and its related effects on people, wildlife, and ambient noise conditions. The 1997 FEIR/EIS evaluated potential noise sources and their effects on nearby sensitive receptors, including residents present at that time. In the period since approval of the 1997 Project and certification of the 1997 FEIR/EIS, the project was modified and several new residences were constructed in close proximity to the project. The Draft SEIR revisited the noise analysis from the 1997 FEIR/EIS to determine whether changes in the project (as reflected in the Revised Project), or the circumstances under which the project would be implemented, have the potential to result in new impacts or to increase the severity of impacts previously identified in the 1997 FEIR/EIS.

The County did not receive any noise-related comments from Responsible and Trustee Agencies during the Notice of Preparation review period. Technical studies were not prepared to further assess noise impacts due to the extensive evaluation provided in the 1997 FEIR/EIS.

The following sections summarize the Draft SEIR findings for noise in general and for blasting specifically.

### Construction and Operations Noise

In summarizing the 1997 FEIR/EIS, the Draft SEIR (p. 4-1-55) reiterated the finding that noise levels would increase in the vicinity of the project due to construction and operations. The Draft SEIR (p. 4.1-54) concurred with the 1997 FEIR/EIS finding:

*The anticipated noise levels generated by typical operations at the Soledad Mountain Project are within the limits recommended by the Noise Element of the Kern County General Plan. During the operating life of the project, there would be an increase in ambient noise levels which would be perceptible to humans in the project vicinity, but these levels would not exceed maximum existing levels measured in the vicinity of the project area and the impact of the project on noise would be Less Than Significant. (1997 FEIR/EIS, p. 255)*

The 1997 FEIR/EIS concluded that noise would be generated by mining activities; engines; construction equipment; rock drills and crushing; and blasting. The 1997 FEIR/EIS concluded that the 1997 Project's noise levels would be within levels allowed by the Noise Element of the County General Plan and impacts would be less than significant.

The Draft SEIR (p. 4-1-55) summarized the 1997 FEIR/EIS regulatory requirements pertaining to noise as follows:

- *The noise levels at nearby residences will remain within the recommendations of the Noise Element of the Kern County General plan.*
- *Machinery, equipment and vehicles will be equipped with mufflers in accordance with MSHA requirements.*

The Draft SEIR (p. 4-1-55) summarized the 1997 FEIR/EIS mitigation measures and conditions of approval as follows:

- **1997 FEIR/EIS MM #43** *Approximately 75 to 80 percent of construction activities will take place during daylight. (Condition of Approval No. 47)*
- **1997 FEIR/EIS MM #44** *Blasting will occur during daylight, one time per day, and will be engineered to minimize the amount of explosives used, according to United States Bureau of Mines guidelines. (Condition of Approval No. 48)*
- *The project shall comply with the goals and objectives of the Noise Element of the Kern County General Plan. (Condition of Approval No. 61)*
- *If a single-family residence is constructed on private land which lies within the projected 65 dB contour line northeast of the project area as shown in Exhibit 3.9-1 (Projected Sound Level Contour Map) of the 1997 FEIR/EIS, it will be ensured that the noise levels at the residence will remain within the recommendations of the Noise Element of the Kern County General Plan using both of the following methods:*
  - (c) *Noise levels will be monitored to determine if the noise levels are above the recommended limits.*

*(d) If noise levels are above the recommended limits, measures will be taken to reduce the noise level to acceptable levels.*

*The measures will include the construction of berms using overburden material to shield the noise and will include reduction of work in the area of the residence during the hours of 10:00 p.m. to 7:00 a.m. (Condition of Approval No. 62)*

The Draft SEIR review of noise effects determined that the Revised Project would not propose any significantly different mining operations that would generate new or more intensive noise. Similar with the 1997 Project, the Revised Project would not result in any significant impact. However, revisions to Condition of Approval No. 62 will be recommended to the decision-making authority to address noise levels for any single-family residence constructed on private land within the 65 dB contour line as shown in Exhibit 3.9-1 (Projected Sound Level Contour Map) of the 1997 FEIR/EIS (shown in strike-out):

- If a single-family residence is constructed on private land which lies within the projected 65 dB contour line ~~northeast of the project area~~ as shown in Exhibit 3.9-1 (*Projected Sound Level Contour Map*) of the 1997 FEIR/EIS, it will be ensured that the noise levels at the residence will remain within the recommendations of the Noise Element of the Kern County General Plan using both of the following methods:
  - (a) Noise levels will be monitored to determine if the noise levels are above the recommended limits.
  - (b) If noise levels are above the recommended limits, measures will be taken to reduce the noise level to acceptable levels. The measures will include, but are not limited to, the construction of berms using overburden material to shield the noise and will include reduction of work in the area of the residence during the hours of 10:00 p.m. to 7:00 a.m. (Condition of Approval No. 62)

#### Blasting Noise and Vibration

As summarized in Table 1-2, *Summary of Impacts, Mitigation Measures, and Level of Significance After Mitigation*, the Revised Project is subject to several blasting-related mitigation measures that were originally required in the 1997 FEIR/EIS. The measures are as follows:

**1997 FEIR/EIS MM #20** *The size and number of blasts in the mine will be limited by good engineering design.*

**1997 FEIR/EIS MM #44** *Blasting will occur during daylight, one time per day, and will be engineered to minimize the amount of explosives used, according to United States Bureau of Mines guidelines.*

The Draft SEIR (p. 3-25) describes proposed blasting procedures as follows:

*Blast holes will be drilled on an engineered grid to allow for the placement of blasting agents within the deposit and the collection of drill cutting samples for assay and mine development. Blasting will be strictly conducted in accordance with Mine Safety & Health Administration (MSHA) regulations. Blasting will occur during daylight, one time per day, and will be engineered to minimize the amount of explosives used.*

The 1997 FEIR/EIS (p. 44-45) also indicated that, "In order to ensure that blasting does not result in damage or danger to project or neighboring structures, blasting procedures will be designed, conducted and monitored by experienced mining engineers and California certified blasters. Blasting will take place one time per day, during the afternoon shift change or during the lunch break, approximately five days per week....Initial blasting at the mine will be monitored to determine that there are no impacts to adjacent structures or water supply wells from the use of explosives."

The 1997 FEIR/EIS found that blasting-related noise and vibration impacts would be less than significant with the required mitigation measures and conditions of approval.

- 28-C** Thank you for your comment regarding contamination from past site activities and measures for containment and prevention of further contamination. Since the comment requests information about containment of hazardous substances, including existing contaminants from past mining activities, the lead agency refers the commenter to the following chapter, section, heading and subheading locations for complete descriptions of project provisions and analyses of impacts for the topics in question:

### **Waterborne Toxics and Groundwater**

#### **Chapter 3 – Project Description**

- 3.7 Proposed Processes and Facilities
  - 3.7.6 Heap Leach Facility
    - Pad Design
    - Solution Containment
- 3.8 Waste Rock Management Plan
  - 3.8.1 Goals
  - 3.8.2 Waste Rock Leachate Control
- 3.9 Reclamation and Revegetation
  - 3.9.1 Reclamation Plan
    - Reclamation of the Heap Leach Facility
- 3.11 Utility Systems
  - 3.11.1 Domestic and Process Water
  - 3.11.2 Wastewater Disposal
  - 3.11.3 Solid Waste Disposal
  - 3.11.5 Drainage and Flood Control
    - Sitewide Stormwater Controls
      - Runoff and Erosion Controls
- 3.12 Environmental Controls

## 3.12.1 Hazardous Materials

## 3.12.3 Water Quality

Section 4.1 – Effects Not Found to be Significant

## 4.1.3 Environmental Analysis

## VII. Hazards and Hazardous Materials

## VIII. Hydrology and Water Quality

## XVI. Utilities and Service Systems

**Airborne Toxics and Carcinogenic Substances**Chapter 3 – Project Description

*The sections and subsections listed above also apply to the use, containment, disposal, and remediation of airborne toxics and carcinogenic substances. Additional relevant information is found in:*

## 3.12 Environmental Controls

## 3.12.2 Air Quality

Section 4.1 – Effects Not Found to be Significant

## 4.1.3 Environmental Analysis

## III. Air Quality

## VII. Hazards and Hazardous Materials

## VIII. Hydrology and Water Quality

Section 4.2 – Air Quality

## 4.2.2 Environmental Setting

## Soil Characteristics

## 4.2.4 Impacts and Mitigation Measures

## Project Impacts

- Design Modifications (1997 Project vs. Revised Project)
- Construction Activities
- Operations and Maintenance Activities
  - Emissions Sources and Controls
- Health Risk Assessment
  - Toxic Air Contaminants

**28-D** Thank you for your comment regarding prevailing winds. The Draft SEIR (p. 3-9) contains a reference to "*dry winds from the west and southwest*" during the summer months, and also indicates, "*Primary wind direction is to the northeast. Secondary winds blow towards the south and southwest during the daytime in the winter months.*" (Draft SEIR p. 4.2-2) However, those seasonal descriptions should not be construed as indicative of prevailing conditions for worst-case transport of particulate and other air emissions. The Draft SEIR and its technical appendices provide ample consideration of, and data regarding, prevailing winds and their influences on project design and monitoring.

The *Soledad Mountain Project Baseline and Background Soil Assessment* prepared in October 2006 by P.M. DeDycker & Associates, Inc. is an attachment to the *Soledad Mountain Project Human Health Risk Assessment* prepared in



May 2008 by ARCADIS. Regarding the study area necessary to characterize the surface soil layer surrounding the proposed Merrill-Crowe plant, the Baseline and Background Soil Assessment states:

*A study area perimeter has been defined around the proposed location of the Merrill-Crowe plant. The shape and overall size of the study area was selected to incorporate the zone potentially affected by airborne emissions released from the Merrill-Crowe plant during operations. Prevailing wind patterns, number of soil samples to be collected, and factors such as historic mine waste disposal areas were considered in delineating the study area boundary. A meteorological station established on the project site, monitored wind frequency distribution by direction and speed from October 1989 through August 1991. Results indicate that typical prevailing winds at the project site are out of the northwest representing flow from the San Joaquin Valley. Wind frequency distribution graphs (wind rose diagrams) for the period October, 1989 to December 1990 is presented as Figure 2 (Air Sciences, Inc.).*

(DeDycker 2006, p. 4)

The Human Health Risk Assessment (ARCADIS 2008) also provides information about the monitoring and use of wind data for project design, as follows:

*This risk assessment is based on the assumption that normal conditions prevail during construction of the mine and ore processing facilities. The on-site air quality and climate monitoring station was erected in late 2006. As shown on Figure 2, approximately 18 months of wind data has been compiled today and is available for evaluation and for development of construction plans. This data provides insight into the diurnal wind patterns and can be plotted as part of the project's fugitive dust suppression plan and, specifically, the timing of activities where dust suppression is critical. The optimal time for grading and excavation activities will be the calmest times of day for wind. This would also reduce the potential health risks associated with the historical tailing and downwind soils with elevated metal levels.*

(ARCADIS 2008, p. 6-1)

Finally, the Draft SEIR provides the following information regarding prevailing winds and related provisions for project design and emissions monitoring:

*"A hood has been designed to enclose trucks when dumping at the primary crusher receiving hopper. The hood is oriented with the closed end toward the prevailing wind direction." (Draft SEIR p. 3-26)*

- **1997 FEIR/EIS MM #18** *"Monitoring stations for PM<sub>10</sub> will be established upwind and downwind from the processing facilities. (Condition of Approval No. 22 – condition satisfied)" (Draft SEIR p. 4.1-12)*

- **1997 FEIR/EIS MM #21** *"The existing tailings piles will be removed, thereby reducing the long-term fugitive emissions from the site. (Condition of Approval No. 25)"* (Draft SEIR p. 4.1-12)

In their Notice of Preparation (NOP) comment letter dated September 16, 2008, the Kern County Air Pollution Control District (KCAPCD) related the following regarding the anticipated uses of wind data and downwind monitoring:

4. *After review of the subject NOP most air quality issues were addressed. Minor items not addressed in the NOP will be addressed by the District permitting process.*
5. *Air District staff will complete a health risk assessment based on proposed emissions, because of possible toxic air contaminant emissions. Real wind (air-flow) data will be utilized by the Air District.*
6. *The Air District is requesting that the Applicant proceed with downwind monitoring so District staff can complete its modeling prior to issuance of District permits and the Planning Department's final environmental determination.*

(Draft SEIR p. 4.1-13)

**28-E** Thank you for your comment regarding the cyanide overflow pond and potential interactions with wildlife. As a framework for understanding the types of surface water features that will be present on the project site, the Draft SEIR indicates that *"Runoff from mining operations will be separated from the runoff from nonmining operations. All runoff from disturbed areas will be diverted directly into the sediment ponds.... Runoff from mining operations such as the plant area, pads and crushing and screening facility will be collected within each facility boundary and routed into the surface water collection system or stored within the pad solution control system in order to meet zero discharge criteria for these areas."* (p. 3-43)

Draft SEIR Section 3.7.6 (*Heap Leach Facility*) states, *"The Heap Leach Facility (HLF) consists of the facilities that receive ore for leaching with dilute sodium cyanide solution (NaCN) and includes the heap leach pads, solution conveyance channel, pump box, and overflow pond."* (p. 3-27) In describing the proposed overflow pond, the Draft SEIR has been revised to indicate that the overflow pond is strictly intended as a contingency and will not be used to store solutions during normal operations. It is therefore expected that the pond will typically be dry. Additionally, the following will be recommended to the decision-making authority for inclusion as a condition of the project's approval:

*"The project proponent shall install netting or other protective measures approved by the Kern County Planning Department, around the heap leach facility pump box in a manner that prevents wildlife access. Said protective measures shall be continuously maintained in good condition."*

Draft SEIR Chapter 6 (*Alternatives*) includes an evaluation of alternative solution storage configurations comparing the favored, proposed configuration to the rejected "open solution storage pond" design. As described for the proposed configuration, *"One of the important attributes of the valley-fill concept is the*

*lack of solution ponds exterior to the leach pads. The toe berm will create a pond area for in-heap management of the solutions, runoff from precipitation and retention of the design storm event. The lack of barren and pregnant solution ponds minimizes hazards to wildlife." (p. 6-13) Open solution storage, on the other hand, "...have large surface areas that result in increased water losses due to evaporation and represent a threat to wildlife. Suitable locations for open solution storage ponds are not readily available at the project site. Because of the increased solution losses, wildlife hazards and lack of available sites, the open solution storage ponds alternative was eliminated from further consideration in the 1997 FEIR/EIS." (p. 6-13)*

Additionally, on page 4.1-13, under the list of *Existing Mitigation Measures/Conditions of Approval* from the 1997 FEIR/EIS, Mitigation Measure #28 provides that *"Routine distribution of cyanide solution on the top of the heap leach pad will occur via a drip irrigation system and the heap leach pads will be contoured to prevent surface ponding which could attract birds and small animals. (Condition of Approval No. 32) "*

- 28-F** Thank you for your comment regarding compensation and property values. With regard to potential loss of property values, the evaluation of property values is beyond the scope of the California Environmental Quality Act (CEQA) document. The focus of a CEQA analysis is on physical changes to the environment. According to CEQA Guidelines Section 15131(a) the economic effects of a project (i.e., the perceived lowering of a property's values) cannot be treated as a "significant effect" on the environment. A "significant effect" means a substantial, or potentially substantial, adverse change in the environment. In order to determine a significant effect, "substantial evidence" of the impact must exist. According to CEQA Guidelines Section 15384, "Substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the entire record. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Mere uncorroborated opinion or rumor does not constitute substantial evidence.

The preceding CEQA guidance notwithstanding, the issue of property values was previously addressed in the Addendum to the Socioeconomic Study contained in Appendix XI of the 1997 Final EIR/EIS (Draft SEIR Volume 7, Appendix V: 1997 FEIR/EIS Volumes 5-7). Page 3 of the addendum reflects the results of an analysis by Sedway Kotin Mouchly Group which indicates that residences within one-half mile of the project could be impacted but residences along the Backus Road corridor will not experience any measurable value loss relative to the proposed Soledad Mountain Project, given the distance from the mining operations and the topography separating the two.

- 28-G** Thank you for your comment. It is noted for the record and will be made available to the decision makers prior to a final decision on the proposed project.