

# PROJECT REPORT

**TO: Environmental Evaluation Committee**

**AGENDA DATE** April 11, 2019

**FROM: Planning & Development Services Dept.**

**AGENDA TIME** 1:30PM/No. 2

PROJECT TYPE: U.S. Gypsum Co Expansion/Modernization Project

(Initial Study #16-0008)-Addendum #2 to EIR/EIS

SUPERVISOR DIST. 2

LOCATION: 3810 W Evan Hewes Highway

APN: 034-360-091-000

Plaster City, CA

PARCEL SIZE: various

GENERAL PLAN (existing) INDUSTRY

GENERAL PLAN (proposed) N/A

ZONE (existing) M-3

ZONE (proposed) N/A

GENERAL PLAN FINDINGS

CONSISTENT

INCONSISTENT

MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: \_\_\_\_\_

APPROVED

DENIED

OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: \_\_\_\_\_

APPROVED

DENIED

OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION:

HEARING DATE: April 11, 2019

NEGATIVE DECLARATION

MITIGATED NEG. DECLARATION

EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS

NONE

ATTACHED

AG / APCD

NONE

ATTACHED

E.H.S.

NONE

ATTACHED

FIRE / OES

NONE

ATTACHED

OTHER

See attached

REQUESTED ACTION:

See Attached

**Addendum No. 2 to the Environmental Impact Report  
for the United States Gypsum Company  
Expansion/Modernization Project  
Imperial County, California  
SCH No. 2001121133**



*Prepared By:*

**Lilburn Corporation**  
1905 Business Center Drive  
San Bernardino, California 92408  
(909) 890-1818

*Reviewed By:*

**COUNTY OF IMPERIAL**  
**Planning & Development Services Department**  
801 Main Street  
El Centro, CA 92243  
(442) 265-1750  
[www.icpds.com](http://www.icpds.com)

**February 2019**

## **BACKGROUND**

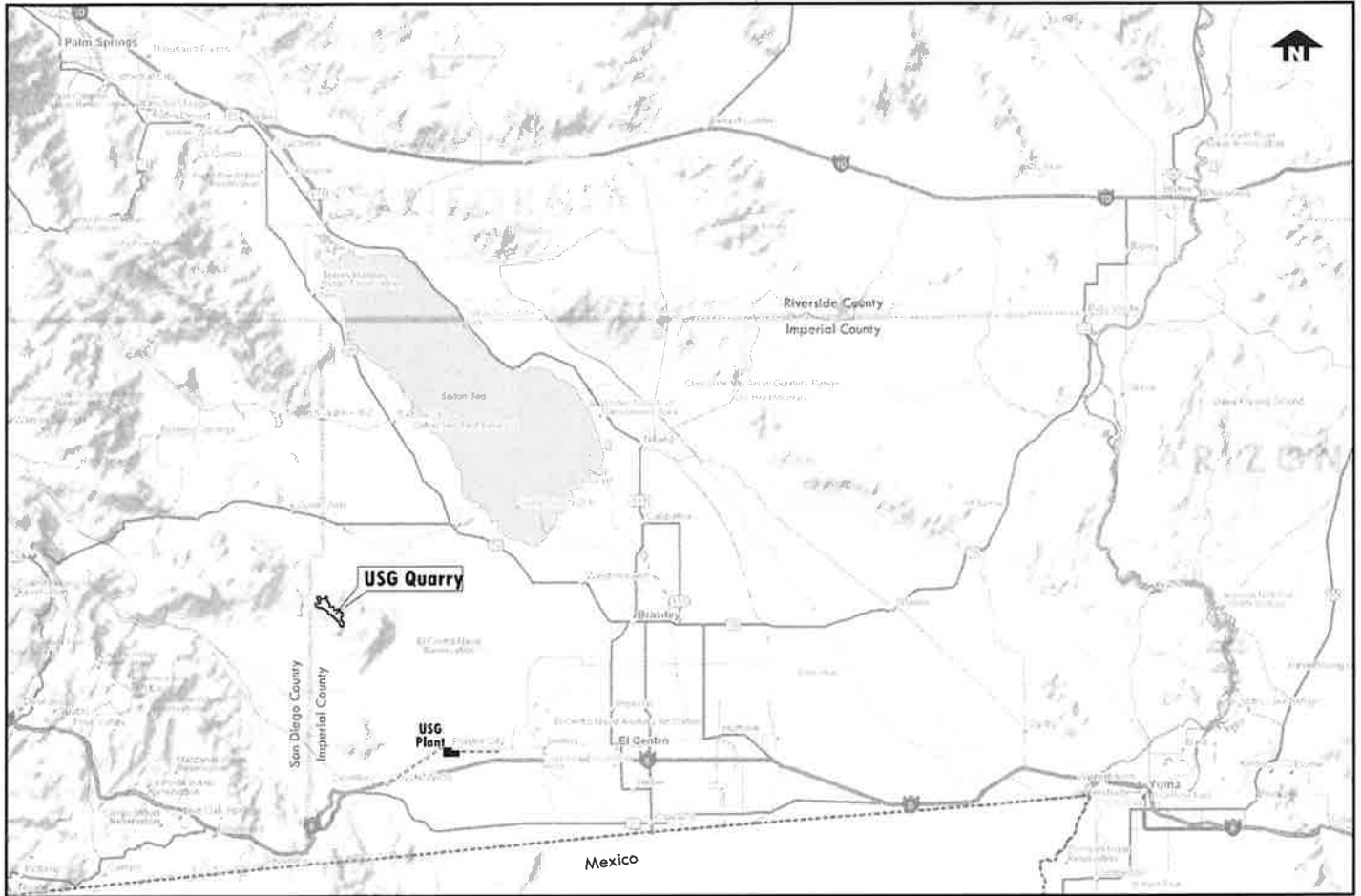
This document is prepared as an Addendum (Addendum No. 2) to the Final EIR/EIS for the United States Gypsum Company Expansion/Modernization Project, Imperial County, California (SCH No 2001121133), prepared in January 2008. The Final EIR/EIS was certified by the County of Imperial, acting as Lead Agency for the California Environmental Quality Act (CEQA) on March 18, 2008.

The project evaluated in the Final EIR/EIS concerns the modernization and expansion of the United States Gypsum Company (U.S. Gypsum) wallboard manufacturing facilities at its Plaster City Plant and associated gypsum quarrying operations in Imperial County, California (Project). U.S. Gypsum has owned and continuously operated the Plant and Quarry since 1945. For a complete description of the Project, see Section 2.0 of the Draft EIR/EIS and the Executive Summary of the Final EIR/EIS. The regional location of the USG Quarry and the Plaster City Plant is presented in Figure 1.

As noted on page ES-4 of the Final EIR/EIS, water for processing and manufacturing purposes at the Plaster City Plant is currently delivered via an eight-inch diameter pipeline from a well field located approximately eight miles west of Plaster City in the Ocotillo-Coyote Wells Groundwater Basin (Basin). Pursuant to Section 15123(b)(2) of the CEQA Guidelines, the potential impact of the Project on the Basin (water quality and quantity) was identified as an “area of controversy.” See Draft EIR/EIS, p. 1.0-14.

Two alternatives were evaluated in the Final EIR/EIS for the provision of an alternative source of water for the Plant operations, including (1) the “Partial Use of Water from Imperial Irrigation District” alternative (Partial Use Alternative), and (2) the “Full Use of Water from Imperial Irrigation District” alternative (Full Use Alternative). The Partial Use Alternative and Full Use Alternative are described in the Final EIR/EIS on pages ES-7 through ES-9, and an evaluation of the potential environmental impacts associated with the Partial Use Alternative and the Full Use Alternative is presented in Section 3.0 of the Draft EIR/EIS. An Addendum to the 2008 Final EIR/EIS was prepared and approved by the County in June 2008 (referred to herein as “Addendum No. 1”) that further evaluated the potential impacts associated with the Partial Use Alternative. Figure 2 shows the vicinity of the pipeline that would be required for implementation of the Partial Use Alternative in relation to the USG Quarry and Plaster City Plant. Figures 3a and 3b, Site Map, identify the parcels that would be crossed for the proposed pipeline and facilities associated with the Partial Use Alternative.

In evaluating the potential impacts of the Project on groundwater resources, the Final EIR/EIS assumed that the proposed expansion project would require the pumping of up to 767 acre-feet (AF) of water annually from the Basin to meet the ultimate project demands. That amount of groundwater represented the highest amount of water reported to have been used by U.S. Gypsum during the previous 50 years. The baseline groundwater production used in the EIR/EIS evaluation was 347 AF per year, which was the average annual groundwater used by U.S. Gypsum between 1995 and 1998.



**REGIONAL LOCATION**

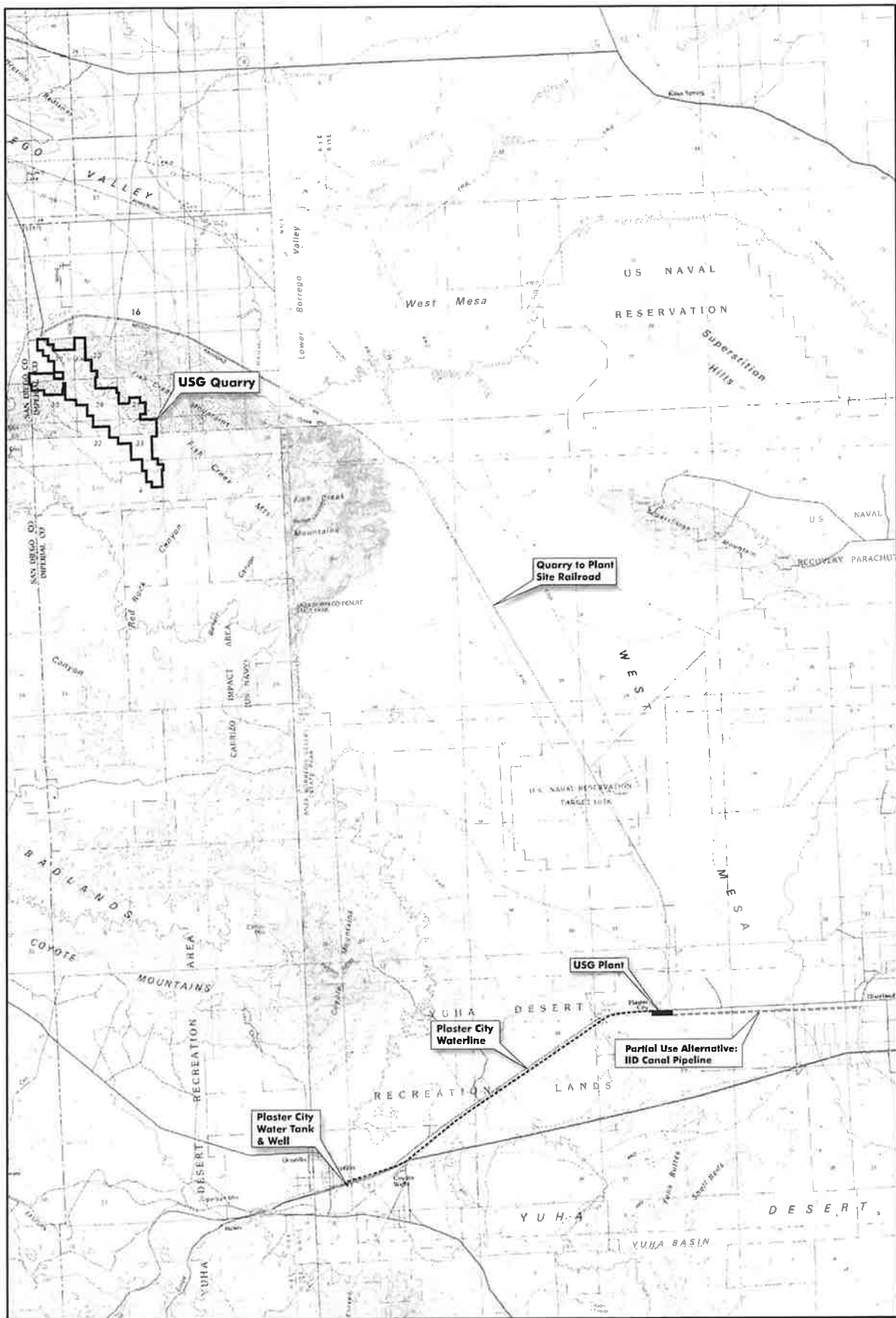
United States Gypsum Company  
 County of Imperial, California

Figure 1

**LEGEND**

- Ocotillo Pipeline
- Partial Use Alternative:  
IID Canal Pipeline

Prepared for  
**LILBURN**  
 CORPORATION



Source: USGS 1:60k Borrego Valley, Salton Sect. D, C, Q, and O Contour.

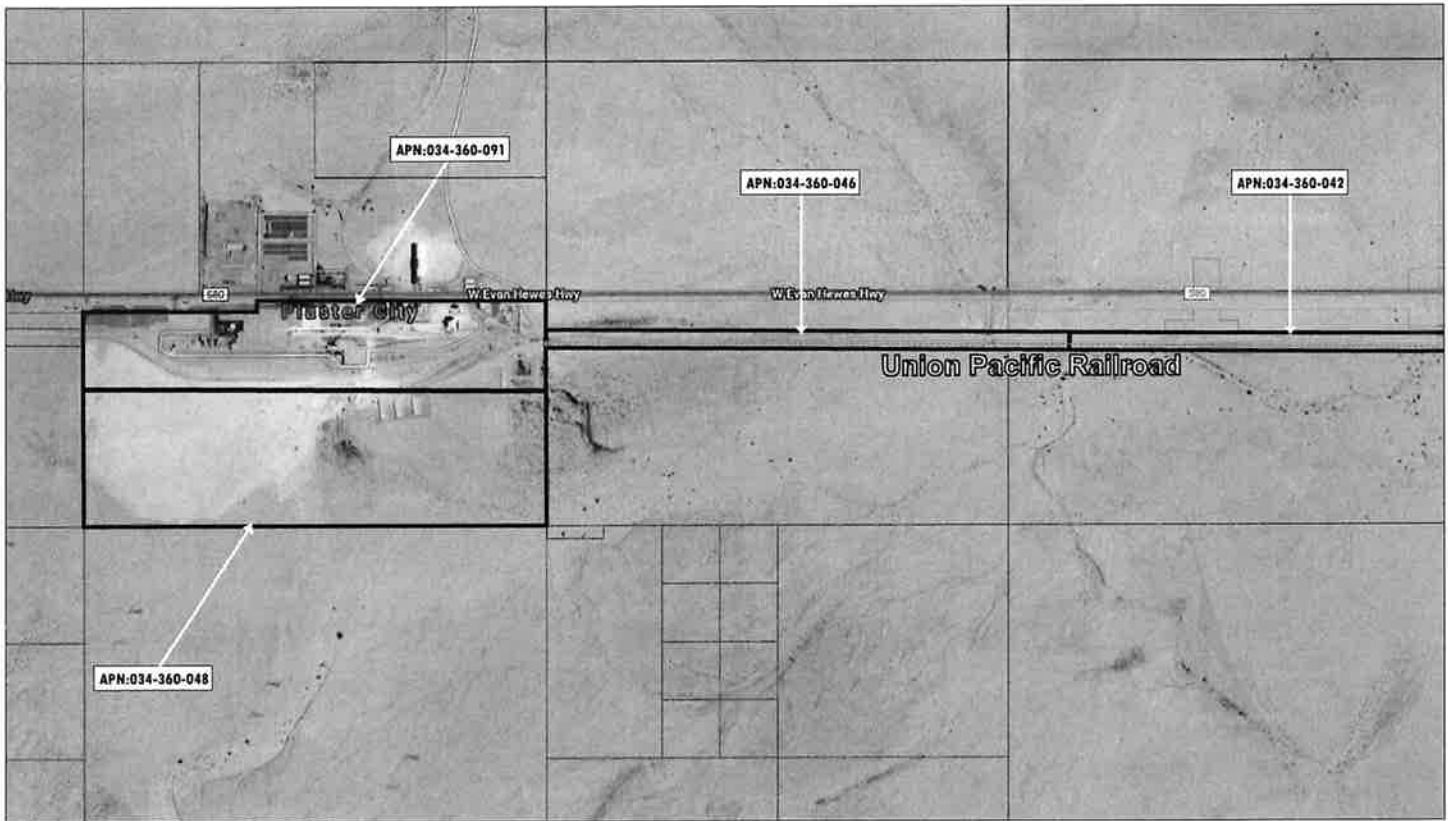
## PROJECT VICINITY

United States Gypsum Company  
County of Imperial, California

Figure 2



Prepared By  
**LILBURN**  
CORPORATION

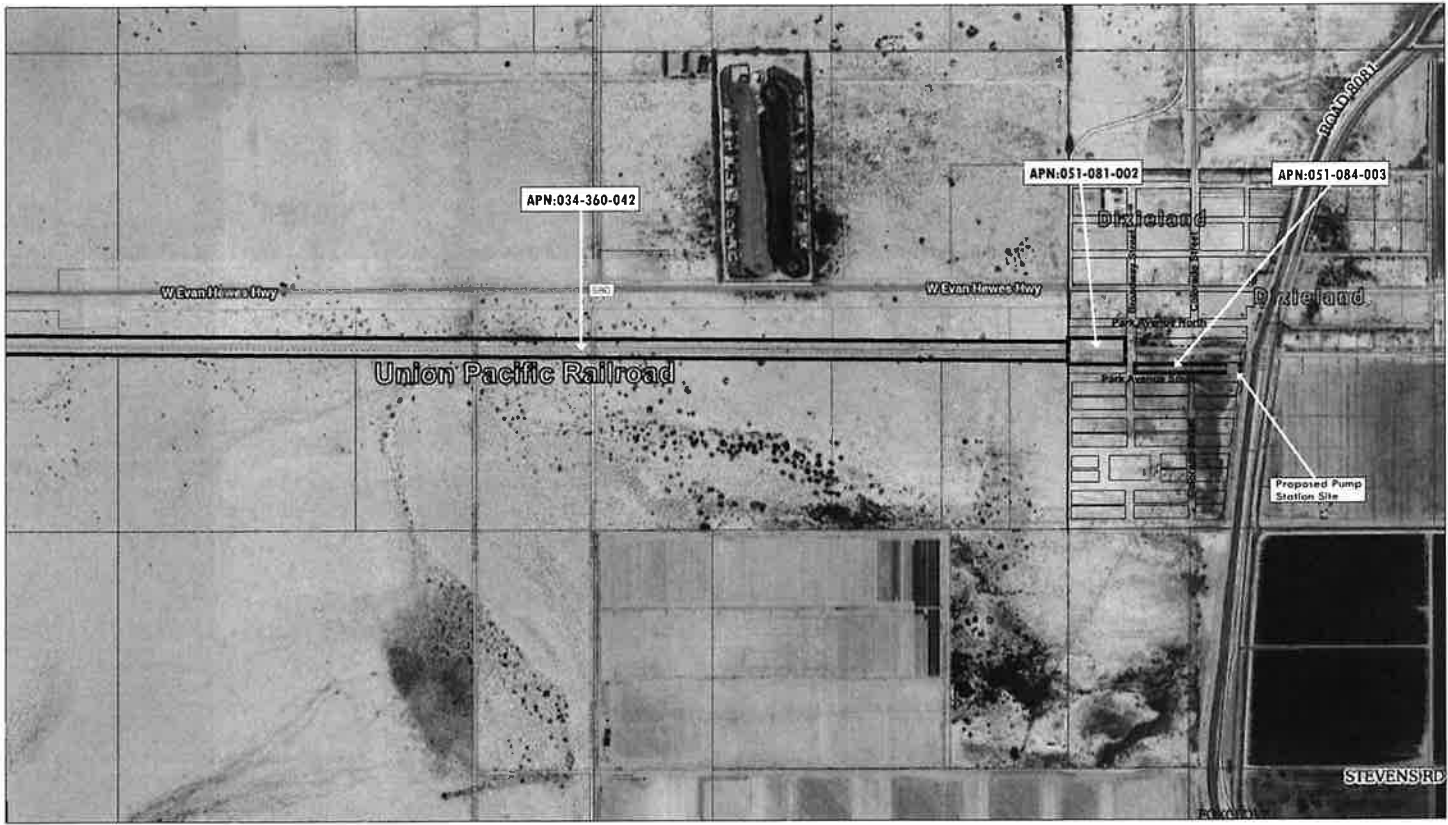


  
 0 775  
 FEET  
 Sources: LILBURN Corp., January, 2019  
**LILBURN**  
 CORPORATION

**LEGEND**  
 ----- Proposed Pipeline

**SITE MAP**  
 Proposed US Gypsum Plaster City Plant Canal Water Supply  
 Imperial County, California

FIGURE 3a



**LEGEND**  
 ----- Proposed Pipeline

**SITE MAP**  
 Proposed US Gypsum Plaster City Plant Canal Water Supply  
 Imperial County, California

FIGURE 3b

The Final EIR/EIS determined that, under baseline conditions (*i.e.*, no increase in water usage by U.S. Gypsum above the average 347 AF per year), water levels in the Basin would decline by up to 10 feet over the next 80 years (approximately one foot every eight years). With the Project, the Final EIR/EIS estimated that the drawdown within the alluvial aquifer after 80 years of pumping would be approximately 30 feet. The Final EIR/EIS noted that this drawdown could potentially lower the water level in some wells, and that if the water level in a particular well were to drop to near the base of the screened interval, the ability to maintain current pumping rates at that well could potentially be reduced. Two Mitigation Measures (Mitigation Measures 3.3-1 and 3.3-2) were presented to reduce the level of significance of identified impacts on groundwater levels and groundwater quality in individual wells.

The Sierra Club subsequently argued in Court that the Final EIR/EIS did not adequately describe feasible measures which could minimize and reduce the Project's significant adverse impacts on individual wells. On December 16, 2013, the California Court of Appeal, Division 1, reversed a prior Superior Court order, holding that there was insufficient evidence to support the County's conclusion that the Mitigation Measures for the Project, as adopted in January 2008, would be viable or effective in reducing the Project's potential impacts on individual groundwater wells to a level of insignificance.

As a result, on February 25, 2014, the Superior Court issued an Order directing the County to remedy certain deficiencies in Mitigation Measures 3.3-1 and 3.3-2 consistent with the decision of the Court of Appeal. In October 2018, the Sierra Club, Imperial County and the Imperial County Planning Commission, and the U.S. Gypsum (referred to collectively as the "Parties") entered into *Settlement Agreement for Sierra Club v. County of Imperial, et al.* (Settlement Agreement) in Imperial County Superior Court Case No. 97911. Among other things, the Settlement Agreement requires the preparation of an Addendum to the Final EIR/EIS to evaluate the potential environmental impacts associated with seven new Mitigation Measures (Mitigation Measures 3.3-1-A through 3.3-1-G) and a new Condition of Approval, as set forth below, which are proposed to replace Mitigation Measures 3.3-1 and 3.3-2 as described in the Final EIR/EIS.

## **PROJECT DESCRIPTION**

In accordance with the Settlement Agreement, the Parties have proposed that Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, be replaced with the following Mitigation Measures:

### **Mitigation Measure 3.3-1-A:**

U.S. Gypsum shall (1) file and diligently pursue applications with the appropriate governmental agencies for any and all permits and approvals needed to construct and operate the Partial Use of IID Water alternative substantially as described in the 2008 Final EIR (the "Partial Use Alternative"), and (2) negotiate and take all feasible steps to obtain an agreement with the Imperial Irrigation District that will provide U.S. Gypsum with a sufficient quantity and quality of water when blended with water from U.S. Gypsum wells in or near Ocotillo to feasibly implement the Partial Use Alternative (the "Water Supply Agreement"). U.S. Gypsum shall send copies of all applications, permits,



and approvals to the County. U.S. Gypsum shall submit semi-annual reports to the County regarding the steps it has taken over the preceding six (6) months to obtain all governmental permits and approvals needed to construct and operate the Partial Use Alternative and enter into a Water Supply Agreement with the Imperial Irrigation District until such time as all necessary approvals have been obtained.

If U.S. Gypsum has not submitted applications for all permits and approvals needed to construct and operate the Partial Use Alternative within eighteen (18) months following final approval of this Mitigation Measure **3.3-1-A** by the County, the County shall determine, on the basis of substantial evidence following a public hearing, whether U.S. Gypsum has acted diligently in pursuing such applications. The County's determination shall be made by the County's Planning Commission, or the Imperial County Board of Supervisors on appeal, pursuant to the procedures set forth in Chapter 4, Title 9, of the Imperial County Code.

U.S. Gypsum shall complete construction of the pipeline, pumphouse, settling ponds, and other infrastructure needed to implement the Partial Use Alternative (the "Water Infrastructure Improvements") within two (2) years of obtaining all governmental permits and approvals needed to construct and operate the Partial Use Alternative and entering into a Water Supply Agreement with the Imperial Irrigation District pursuant to IID procedures for application for water for an industrial use. U.S. Gypsum shall submit semi-annual reports to the County regarding its efforts to complete the construction of the Water Infrastructure Improvements over the preceding 6 months until construction is complete.

Following a break-in period of 120 days after completion of the Water Infrastructure Improvements (the "Break-in Period"), and beginning with the first full calendar year after the end of the Break-in Period, U.S. Gypsum shall draw no more than an average of 347 acre-feet per year of water from the Ocotillo/Coyote Wells Groundwater Basin over any period of five (5) consecutive years, and shall draw no more than 767 acre-feet in any one calendar year.

If (a) U.S. Gypsum is unable to obtain all governmental permits and approvals needed to construct and operate the Partial Use Alternative or enter into a Water Supply Agreement with the Imperial Irrigation District after diligently pursuing such permits and approvals for a period of at least three (3) years, and (b) the County determines, on the basis of substantial evidence following a public hearing, that further efforts to obtain all such permits and approvals would be futile, then U.S. Gypsum shall have no further obligations pursuant to this Mitigation Measure **3.3-1-A**. The County's determination shall be made by the County's Planning Commission, or the Imperial County Board of Supervisors on appeal, pursuant to the procedures set forth in Chapter 4, Title 9, of the Imperial County Code.

**Mitigation Measure 3.3-1-B:**

The combined total groundwater pumping from U.S. Gypsum's production wells shall not exceed 96 acre-feet in any single month and the total annual pumping shall not exceed 767 acre-feet. To document compliance with this standard, monthly pumping volumes shall be reported in the annual monitoring reports required under Mitigation Measure **3.3-1-C**.

If U.S. Gypsum enters into a period where the planned pumping rate will exceed 64 acre-feet during a calendar month, weekly groundwater level measurements shall be collected from all monitoring wells within the well interference and buffer zones that are owned or controlled by U.S. Gypsum or, if not owned or controlled by U.S. Gypsum, can be feasibly measured by U.S. Gypsum, and reported to the County on a monthly basis until operation of the pumping wells falls to the rate of 64 acre-feet or less per month.

If the weekly groundwater level measurements or other evidence presented to the County indicate that drawdown at the nearest water-supply well exceeds five (5) feet, U.S. gypsum shall reduce its pumping rate until drawdown at the nearest water-supply well no longer exceeds five (5) feet.

If and when the Partial Use Alternative is implemented as set forth in Mitigation Measure **3.3-1-A**, this Mitigation Measure **3.3-1-B** shall no longer apply.

**Mitigation Measures 3.3-1-C:**

U.S. Gypsum shall continue its monitoring program established pursuant to the 2008 Final EIR (the "Monitoring Program") until the Project is completed or groundwater pumping from the Basin ceases. Under the Monitoring Program, U.S. Gypsum shall collect water level and water quality data from all the wells as specified in Table 1 (Appendix A) as long as the wells remain operational and allowed by the well owner. In addition, any private operating well owner in the Ocotillo, Coyote Wells, and Nomirage areas that would like to include their well(s) in the Monitoring Program may do so by notifying the County. Upon such a request, the County will notify U.S. Gypsum and U.S. Gypsum will have monitoring equipment installed at the well as soon as practicable and at U.S. Gypsum's expense. The County shall notify all known groundwater users/pumpers in the Basin (by mail at their most current address on record at the County) of the opportunity to have their wells included in the Monitoring Program.

If any of the wells identified in Table 1 (Appendix A) are no longer operational or otherwise available as monitoring wells, U.S. Gypsum will obtain a report from a licensed engineer or hydrogeologist approved by the County to evaluate whether or not the remaining wells being monitored are adequate to meet the primary objectives for the Monitoring Program identified in the Final EIR, namely: (1) identify any increases in the rate of water-level decline greater than the baseline rate described in the Final EIR; and (2) identify any increases in groundwater salinity that provide an early warning of potential degradation of groundwater quality from the Project. If the engineer/hydrologist's report identifies the need for additional monitoring wells to replace a well that is no longer operable or otherwise available as a monitoring well, U.S.

Gypsum shall install monitoring equipment in an existing well or drill a new monitoring well consistent with the recommendations in the engineer/hydrologist's report(s) and any new monitoring equipment wells required.

U.S. Gypsum shall submit annual monitoring reports ("Annual Reports") to the County by the first business day in August of each year covering the prior year. The Annual Reports shall be prepared by a licensed engineer or hydrogeologist and meet the primary objectives for the Monitoring Program identified in the Final EIR. The Annual Reports shall summarize all water level and water quality data collected by the County, the U.S. Geological Survey ("USGS"). U.S. Gypsum, and other agencies from groundwater and monitoring wells in the Ocotillo/Coyote Wells Groundwater Basin that are part of the Monitoring Program, and shall include:

- map(s) showing which wells are active, inactive, monitored, or proposed, including wells that are monitored by USGS;
- map indicating which wells are used for (1) domestic purposes, (2) by commercial water companies or mutual water companies, and (3) for industrial uses such as U.S. Gypsum's production wells for water used at the Plant;
- well identification numbers for U.S. Gypsum wells to aid cross-referencing, and USGS well identification numbers for all identified wells;
- surficial geology information on maps including the maps showing pumping wells, monitoring sites, and water quality, with the sources of surficial geologic information identified in the map legend;
- U.S. Gypsum well production data (flow meter readings) in an appendix;
- a larger-scale base map (zoomed in) to show water quality data;
- groundwater level hydrographs (zoomed in) of wells showing water level trends;
- same-scale groundwater level hydrographs, including USGS data, in an appendix for reference;
- a discussion of groundwater level changes and trends, including historical context, and USGS data, to accompany figures showing long-record groundwater level hydrographs and groundwater level contour map; and
- TDS trend graphs, with accompanying discussion in the text.

The Annual Reports shall be made available promptly each year on a publicly available website. If Annual Report is made available on a website other than a website administered by the County, U.S. Gypsum shall provide notice of the website address to the County.

**Mitigation Measure 3.3-1-D:**

The Annual Report prepared pursuant to Mitigation Measure 3.3-1-C shall evaluate and clearly indicate whether any of the following performance standards are exceeded:

- (a) Four consecutive annual groundwater measurements (spring only) show the water levels are declining at a rate that is greater than 0.1875 feet per

year, occurring at a rate at more than 10 percent of wells in the Monitoring Program (e.g., as of 2016, there were 27 wells and therefore a significant decline would involve at least three wells); or

- (b) Annual TDS concentrations and automated field electric conductivity (EC) measurements in groundwater from any well in the Monitoring Program equipped with an automated downhole EC and water level data logger show a three-year trend of a cumulative increase greater than 20 percent of the long-term average for that well; or
- (c) For wells in the Monitoring Program that are not equipped with a downhole EC instrument, four consecutive annual samples (collected each spring) show a cumulative increase in TDS concentrations greater than 20 percent of the long-term average for that well.

If the Annual Report shows an exceedance of any of the foregoing performance standards (or the performance standard established in Mitigation Measure **3.3-1-G** if Mitigation Measure **3.3-1-A** is determined to be infeasible), a separate assessment report (“Assessment Report”) shall be completed within 180 days after the Annual Report is submitted to the County. The Assessment Report shall evaluate whether any portion of the exceedance was potentially caused by U.S. Gypsum. The licensed engineer or hydrogeologist shall assess whether the portion of the exceedance potentially caused by U.S. Gypsum pumping presents a significant risk of potential water level or water quality impacts to the individual well (if not a U.S. Gypsum monitoring well) or any other well in Ocotillo/Coyote Wells Groundwater Basin (“Potentially Affected Well”). If any Potentially Affected Well is identified, the Assessment Report shall also provide a preliminary assessment of the likelihood that any impact to the Potentially Affected Well could be feasibly mitigated to a less than significant level through the implementation of Mitigation Measure **3.3-1-E** or Mitigation Measure **3.3-1-F**.

If additional field and/or analytical investigation is necessary in order to provide a technically defensible determination whether (1) any portion of the exceedance(s) at the individual well was potentially caused by U.S. Gypsum pumping, or (2) the portion of the exceedance potentially caused by U.S. Gypsum pumping presents a significant risk of potential water level or water quality impacts to any Potentially Affected Well, or (3) any impact of the Potentially Affected Well could be feasibly mitigated to a less than significant level through the implementation of Mitigation Measure **3.3-1-E** or Mitigation Measure **3.3-1-F**, then such additional investigation shall be completed within 180 days after the Annual Report is submitted to the County and the results of such additional investigation shall be included in the Assessment Report.

If the Assessment Report concludes that U.S. Gypsum pumping represents a documented risk to a Potentially Affected Well and that neither Mitigation Measure **3.3-1-E** nor Mitigation Measure **3.3-1-F** would likely mitigate any potential water level or water quality impacts from the portion of the exceedance caused by U.S. Gypsum pumping at the Potentially Affected Well to a less than significant level, U.S. Gypsum shall reduce

its pumping to baseline levels (347 acre-feet per year) until (a) water levels and water quality at the Potentially Affected Well returns to conditions before the performance standards were exceeded, or (b) the licensed engineer or hydrogeologist determines that U.S. Gypsum pumping (i) no longer presents a documented risk to the Potentially Affected Well or (ii) any such risk would be mitigated by Mitigation Measure **3.3-1-E** or Mitigation Measure **3.3-1-F**.

The County shall obtain a peer review from a licensed engineer or hydrogeologist for any Assessment Report that determines that: (a) an exceedance at an individual well was not potentially caused by U.S. Gypsum pumping; or (b) any portion of the exceedance caused by U.S. Gypsum pumping does not present a significant risk to the Potentially Affected Well that implementation of Mitigation Measure **3.3-1-E** or Mitigation Measure **3.3-1-F** would not mitigate to a less than significant level. If the County's peer review concludes there is a documented risk that Mitigation Measure **3.3-1-E** or Mitigation Measure **3.3-1-F** would not mitigate potential water level or water quality impacts from the portion of an exceedance caused by U.S. Gypsum pumping at the Potentially Affected Well to a less than significant level, U.S. Gypsum shall reduce its pumping to baseline levels (347 acre-feet per year) until water levels and water quality return to conditions before the performance standards were exceeded, or the County's peer reviewer determines that U.S. Gypsum pumping no longer presents a significant risk to the Potentially Affected Well that Mitigation Measure **3.3-1-E** or Mitigation Measure **3.3-1-F** would not mitigate to a less than significant level.

For purposes of this Mitigation Measure **3.3-1-D**, any exceedance of a performance standard shall be deemed to be potentially caused by U.S. Gypsum if there is substantial evidence, as defined in section 15384 of the CEQA Guidelines, that pumping from U.S. Gypsum's wells caused the exceedance or contributed to the exceedance in more than a de minimis amount.

If and when the Partial Use Alternative is implemented as set forth in Mitigation Measure **3.3-1-A**, this Mitigation Measure **3.3-1-D** shall no longer apply.

**Mitigation Measure 3.3-1-E:**

If (1) the water level in a well in the Ocotillo/Coyote Wells Groundwater Basin decreases at a rate faster than the baseline levels (i.e., one foot every eight years, or 0.125 feet per year) described in the Final EIR; (2) there is a documented reduction in the production rate of the well or the amount of water available to the affected user; and (3) the County determines, in accordance with the adopted Procedures for Determining the Cause of an Impact, that the impact on the well was caused at least in part by the Project, the County, in consultation with its third-party consultant (who shall be a licensed engineer or hydrologist) and the affected well owner, shall first determine whether the affected well can be feasibly rehabilitated. If the existing well cannot be feasibly rehabilitated, the County, in consultation with its third-party consultant and the affected well owner shall determine whether the well can be deepened or replaced to provide a deeper screen interval. U.S. Gypsum shall be responsible for the cost of rehabilitating, deepening, or

replacing the affected well, including the cost of permitting, equipment, and labor. If rehabilitation of the well results in higher operational costs (including energy costs) to the owner, U.S. Gypsum shall compensate the well owner for these additional costs for the anticipated remaining useful for the life of the well or until the decline in water levels no longer exceed baseline levels.

If and when the Partial Use Alternative is implemented as set forth in Mitigation Measure **3.3-1-A**, this Mitigation Measure **3.3-1-E** shall apply only to the extent that the County determines, in accordance with the adopted procedures for determining the cause of an impact, that the impact on the well was caused at least in part by U.S. Gypsum's groundwater pumping above baseline levels prior to implementation of the Partial Use Alternative as set forth in Mitigation Measure **3.3-1-A**.

**Mitigation Measure 3.3-1-F:**

If (1) water quality degrades in a well in the Ocotillo/Coyote Wells Groundwater Basin to higher concentrations than the threshold described in the Final EIR (i.e., TDS level exceeds its drinking water standard in force at the time of measurement); and (2) the County determines, in accordance with the adopted Procedures for Determining the Cause of an Impact, that the impact on the well was caused at least in part by the Project, the County, in consultation with its third-party consultant and the affected well owner, shall determine whether the affected well can be mitigated by deepening the well, replacing the well, and/or providing well-head treatment. If the well can be deepened or replaced, then a determination will be made whether such deepened or replacement well will produce water that meets drinking water standards. If drinking water standards can be met based on the quality of groundwater pumped, or with well-head treatment, U.S. Gypsum shall cover all costs of capital improvements. If the annual cost of pumping and/or treatment (including energy costs) exceeds the affected party or parties' costs to pump water prior to the occurrence of the impact, U.S. Gypsum shall pay the incremental difference for the anticipated remaining useful life of the well or until water quality concentrations no longer exceed baseline levels.

If and when the Partial Use Alternative is implemented as set forth in Mitigation Measure **3.3-1-A**, this Mitigation Measure **3.3-1-F** shall apply only to the extent that the County determines, in accordance with the adopted procedures for determining the cause of an impact, that the impact on the well was caused at least in a part by U.S. Gypsum's groundwater pumping above baseline levels prior to implementation of the Partial Use Alternative as set forth in Mitigation Measure **3.3-1-A**.

**Mitigation Measure 3.3-1-G:**

If the County determines Mitigation Measure **3.3-1-A** is no longer feasible, U.S. Gypsum shall revise and augment the Monitoring Program required by Mitigation Measure **3.3.1-C** in the manner described in this Mitigation Measure **3.3-1-G** and shall implement and carry out the revised and augmented Monitoring Program until the Project is completed or groundwater pumping from the Basin ceases.

- (a) U.S. Gypsum shall collaborate with USGS and construct a nested pair of monitoring wells north of the U.S. Gypsum wells as soon as feasible. This nested pair of wells shall be placed as close as feasible to potentially affected private supply wells that are relatively near to U.S. Gypsum pumping and thereby provide an early warning of any potential future impacts before any impacts to private supply wells occur. The nested pair of monitoring wells shall include one well solely screened in the alluvial aquifer and one well screened in the Palm Spring/Imperial Formation. The well pair shall monitor vertical gradients and water quality differences with depth to assess potential migration of poor water quality.
- (b) U.S. Gypsum shall contact USGS regarding their monitoring program, specifically inquiring about wells that are monitored for groundwater levels or groundwater quality, but not both. For wells with water quality monitoring, U.S. Gypsum shall coordinate and pay the costs for installing transducers and collecting corresponding groundwater level data if USGS or the County determines such data would be useful in assessing impacts from U.S. Gypsum pumping.
- (c) To better assess the hydraulic gradient between the alluvial aquifer and the surrounding and underlying Palm Spring/Imperial Formation, U.S. Gypsum shall update the well inventory in the Basin by obtaining water well drillers reports from the State Department of Water Resources and the County to identify wells that may be suitable for addition to the monitoring program and to document wells that are currently monitored but are not fully documented in terms of well construction. For wells that do not have water well drillers reports that are located near the alluvial aquifer boundary in the area surrounding the U.S. Gypsum well field, U.S. Gypsum shall conduct down hole video surveys and potentially natural gamma surveys of up to five (5) existing wells (subject to availability and the consent of the well owners) to assess how the well is completed with respect to the alluvial aquifer and Palm Spring/Imperial Formation. If necessary, U.S. Gypsum shall also install up to a maximum of three (3) additional monitoring wells at locations to be determined based on an assessment of TDS distribution, geologic information, existing water well locations, estimated proximity of the Palm Spring/Imperial Formation to ground surface, right of access, environmental constraints, and other relevant information as determined by the County.
- (d) The information collected from the nested pair of monitoring wells and all additional wells added to the monitoring program shall be included in the Annual Reports required under Mitigation Measure **3.3-1-C**.
- (e) Following installation of new wells or inclusion of existing wells into the monitoring network, and one year of quarterly monitoring, the following

performance standard shall be added to Mitigation Measure **3.3-1-D** to quantify changes in groundwater gradients:

A significant trend in horizontal or vertical gradients between the alluvial aquifer and the Palm Spring/Imperial Formation is defined as a change in direction and/or magnitude for a sustained period. The magnitude and time period will be defined in the context of the monitoring record of the specific wells to be established. TDS concentrations in new wells or newly included existing wells without a history of TDS measurements in the past 10 years will be measured quarterly for the first year of monitoring. The quarterly measurements for each new or newly included existing well shall be averaged to establish a baseline for that well.

- (f) Within 12 months of any determination by the County that Mitigation Measure **3.3-1-A** is no longer feasible, U.S. Gypsum shall prepare a revised Monitoring Program that incorporates items (a) through (e) above, and shall submit the revised Monitoring Program to the County for review and approval by the County's Planning Commission, or the Imperial County Board of Supervisors on appeal, pursuant to the procedures set forth in Chapter 4, Title 9, of the Imperial County Code. The County shall provide notice and opportunity for the public to comment on the revised Monitoring Program prior to its approval.

Furthermore, as stated in the Settlement Agreement, the Parties have proposed the following additional Condition of Approval (hereinafter COA No. 1):

**Condition of Approval:**

If the County determines that the Project has caused a significant impact to an individual well, in lieu of Mitigation Measure **3.3-1-E** or Mitigation Measure **3.3-1-F**, or to a well owned by a Mutual Water Company within the Basin, the County may approve an alternative remedy satisfactory to the affected well owner and U.S. Gypsum that provides full financial compensation to the well owner and/or to members and customers of the Mutual Water companies for reasonable costs associated with residential or business relocation, including but not limited to compensation for higher property taxes at a new location through the three full tax years following relocation, consistent with applicable laws. Any such alternative remedy shall include the provision of a substitute water supply, on a temporary basis, as may be needed to enable the well owner or members or customers of the Mutual Water Companies to maintain his/her current lifestyle until such time as the alternative remedy has been fully implemented.

If and when the Partial Use Alternative is implemented as set forth in Mitigation Measure **3.3-1-A**, this COA No. 1 shall apply only to the extent that the County determines, in accordance with the adopted procedures for determining the cause of an impact, that the impact on the well was caused at least in part by U.S. Gypsum's groundwater pumping



above baseline levels prior to implementation of the Partial Use Alternative set forth in Mitigation Measure 3.3-1-A.

## ANALYSIS

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously-approved Negative Declaration or a previously-certified EIR for the project. When revisions are proposed to a project after an EIR has been certified, an agency must determine whether an addendum or a subsequent EIR is the appropriate document to analyze the potential impacts of the modified project pursuant to CEQA. An addendum may be prepared if some changes or additions are necessary but none of the conditions described in State CEQA Guideline Section 15162 calling for preparation of a subsequent or supplemental EIR have occurred. Pursuant to Section 15164(e) of the CEQA Guidelines, an addendum must provide a brief explanation of the decision to not prepare a subsequent EIR. These findings are described below. The analysis in support of these findings is provided on the following pages.

1. *Required Finding: Substantial changes are not proposed for the project that will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified effects.*

Substantial changes are not proposed for the Project and will not require major revisions to the Final EIR/EIS. The previously-certified Final EIR/EIS analyzed the direct and physical changes to the environment that would result from implementation of the Project, including the No Action Alternative, Partial Use Alternative, and Full Use Alternative. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated, nor would the fundamental characteristics of the Project change from that previously analyzed in the certified Final EIR/EIS. The construction and operational characteristics would be the same as was contemplated in the previously-certified Final EIR/EIS. There would be no other changes to the previously approved Project.

Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 will avoid or reduce the potential significant impacts of the Project on individual wells to a less than significant level and will create no more adverse effect of their own than would have the Mitigation Measures identified in the Final EIR/EIS. All other previously-adopted mitigation measures presented in the Final EIR/EIS and the Addendum to the Final EIR/EIS (June 2008) would remain unchanged and are incorporated herein by reference.

Therefore, no major revisions to the Final EIR/EIS are required due to the involvement of any new, significant environmental effects or a substantial increase in the severity of previously identified effects.

2. *Required Finding: Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, that would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

### Geology

The potential geological impacts associated with construction and operation of the Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged. Therefore, implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not change the analysis of geology. Furthermore, the conclusions and mitigation measures (Mitigation Measures 3.2-1a through 3.2-1c) included in the previously-certified Final EIR/EIS regarding geology remain accurate and applicable.

### Paleontological Resources

The potential impacts to paleontological resources associated with construction and operation of the Project was evaluated in the Final EIR/EIS and further discussed on page 10 of the Addendum to the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged. Therefore, implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not change the analysis of paleontological resources. Furthermore, the conclusions and mitigation measure (Mitigation Measure 3.2.-2) included in the Final EIR/EIS and updated by Addendum No. 1 regarding paleontological resources remain accurate and applicable.

### Hydrology and Water Quality

The potential hydrology and water quality impacts associated with construction and operation of the Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to evaluate the potential impacts associated with replacing Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in the Settlement Agreement.

Mitigation Measure 3.3-1-A requires, among other things, that U.S. Gypsum file and diligently pursue applications with the appropriate governmental agencies for any and all permits and approvals needed to construct and operate the Partial Use Alternative (note that the Full Use Alternative was rejected as infeasible by the County Board in 2008). The potential environmental impacts associated with implementation of the Partial Use Alternative were evaluated in the Final EIR/EIS and Addendum No. 1, and there have been no changes in the circumstances under which the Project is undertaken that require any revisions to the analysis of the Partial Use Alternative contained in the Final EIR/EIS and Addendum No. 1.

Additionally, proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 have been identified to further mitigate potential hydrology and water quality impacts of the Project and would not produce any new or more severe environmental impacts. For example, Mitigation Measure 3.3-1-D establishes performance standards and a related assessment process that are designed to provide an “early warning system” with the goal of avoiding impacts on individual wells before they occur.

As proposed in the Settlement Agreement, the measures identified in the Final EIR/EIS (Mitigation Measures 3.3-1 and 3.3-2) to mitigate the Project’s potential impacts on individual groundwater wells will be replaced with the proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, the conclusions and the other mitigation measure (Mitigation Measure 3.3-7) included in the previously-certified Final EIR/EIS regarding hydrology and water quality remain accurate and applicable.

#### Vegetation

The potential impacts to vegetation associated with construction and operation of the Project was evaluated in the Final EIR/EIS and further discussed on pages 10 and 11 of Addendum No. 1 to the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigations Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged. Therefore, implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1, would not change the analysis of vegetation. Furthermore, the conclusions and mitigation measure (Mitigation Measure 3.4-1) included in the previously-certified Final EIR/EIS, and the conclusions and mitigation measure identified on page 11 of Addendum No. 1 to the Final EIR/EIS regarding vegetation, remain accurate and applicable.

#### Wildlife

The potential impacts to wildlife associated with construction and operation of the Project was evaluated in the Final EIR/EIS and further discussed on page 12 of Addendum No. 1 to the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigations Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project

changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged. Therefore, implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not change the analysis wildlife. Furthermore, the conclusions and mitigation measures (Mitigation Measures 3.5-1a through 3.5-1f, and 3.5-2) included in the previously-certified Final EIR/EIS, and the conclusions and mitigation measure identified on page 12 of Addendum No. 1 to the Final EIR/EIS regarding wildlife, remain accurate and applicable.

#### Air Quality

The potential air quality impacts associated with construction and operation of the Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged. Therefore, implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not change the analysis of air quality. Furthermore, the conclusions and mitigation measures (Mitigation Measures 3.6-1a through 3.6-1c) included in the previously-certified Final EIR/EIS regarding air quality remain accurate and applicable.

#### Visual Resources

The potential impacts to visual resources associated with construction and operation of the Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged. Therefore, implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not change the analysis of visual resources. Furthermore, the conclusions and mitigation measure (Mitigation Measure 3.7-1) included in the previously-certified Final EIR/EIS regarding visual resources remain accurate and applicable.

#### Cultural Resources

The potential impacts to cultural resources associated with construction and operation of the Project was evaluated in the Final EIR/EIS and further discussed on page 13 and 15 of the Addendum to the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigations Measures 3.3-1-A through 3.3-1-G and COA No.

1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged. Therefore, implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1, would not change the analysis of cultural resources. Furthermore, the conclusions and mitigation measures (Mitigation Measures 3.8-1 and 3.8-3) included in the previously-certified Final EIR/EIS, and the conclusions and mitigation measure identified on page 14 of Addendum No. 1 regarding cultural resources, remain accurate and applicable.

#### Land Use and Planning

The potential land use and planning impacts associated with construction and operation of the Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged. Therefore, implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not change the analysis of land use and planning. Furthermore, the conclusions of the previously-certified Final EIR/EIS regarding land use and planning remain accurate and applicable.

#### Hazards and Hazardous Materials

The potential hazards and hazardous materials impacts associated with construction and operation of the Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged. Therefore, implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not change the analysis of hazards and hazardous materials. Furthermore, the conclusions and mitigation measures (Mitigation Measures 3.10-1 and 3.10-2) included in the previously-certified Final EIR/EIS regarding hazards and hazardous materials remain accurate and applicable.

#### Traffic and Circulation

The potential traffic and circulation impacts associated with construction and operation of the Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement.

Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged. Therefore, implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not change the analysis of traffic and circulation. Furthermore, the conclusions of the previously-certified Final EIR/EIS regarding traffic remain accurate and applicable.

#### Acoustics/Noise

The potential acoustics/noise impacts associated with construction and operation of the Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged. Therefore, implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not change the analysis of acoustics/noise. Furthermore, the conclusions of the previously-certified Final EIR/EIS regarding acoustics/noise remain accurate and applicable.

#### Public Health and Safety

The potential public health and safety impacts associated with construction and operation of the Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged. Therefore, implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not change the analysis of public health and safety. Furthermore, the conclusions and mitigation measures (Mitigation Measures 3.13-2a and 3.13-2b and 3.13-3) included in the previously-certified Final EIR/EIS regarding public health and safety remain accurate and applicable.

#### Climate Change

The potential climate change impacts associated with construction and operation of the Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires preparation of an Addendum to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged. Therefore, implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not change the analysis of climate change.

Furthermore, the conclusions and mitigation measure identified on page 4.0-81 of the previously-certified Final EIR/EIS regarding climate change remain accurate and applicable.

### Conclusion

Substantial changes have not occurred with respect to the circumstances under which the Project was undertaken that would require major revisions to the Final EIR/EIS. Since the 2008 certification of the Final EIR/EIS and approval of Addendum No. 1 to the Final EIR/EIS, there have been no changes to the Project or the environmental setting of the Project that would result in any new environmental effects or a substantial increase in the severity of previously identified significant effects.

3. *Required Finding: No new information has been provided that would indicate that the proposed project would result in one or more significant effects not discussed in the previous EIR.*

No new information has been identified or presented to suggest that the adoption and implementation Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would result in any new significant environmental effects not previously discussed in the certified Final EIR/EIS. Therefore, no major revisions to the Final EIR/EIS are required. In addition, all previously adopted mitigation measures presented in the Final EIR/EIS and Addendum No. 1 remain unchanged and are incorporated herein by reference.

### **CONCLUSION**

Based on the foregoing analysis and the findings and information contained in the previously-certified Final EIR/EIS and Addendum No. 1, implementation of proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 in lieu of Mitigation Measures 3.3-1 and 3.3-2 identified in the Final EIR/EIS would not require major revisions to the previously certified Final EIR/EIS due to the involvement of new, significant environmental effects or a substantial increasing in the severity of previously identified effects, and none of the other conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent or supplemental EIR have occurred.





***Initial Study for:***  
**Revised Mitigation Measures**  
**For the United States Gypsum Company Expansion/Modernization Project**  
**Imperial County, California**  
**SCH. 2001121133**



*Prepared By:*

**Lilburn Corporation**  
1905 Business Center Drive  
San Bernardino, CA 92408  
(909) 890-1818

*Reviewed by:*

**COUNTY OF IMPERIAL**  
**Planning & Development Services Department**  
801 Main Street  
El Centro, CA 92243  
(760) 482-4236  
[www.icpds.com](http://www.icpds.com)

**February 2019**

# TABLE OF CONTENTS

	<u>PAGE</u>
<b><u>SECTION 1</u></b>	
I. INTRODUCTION .....	1-1
<b><u>SECTION 2</u></b>	
II. ENVIRONMENTAL CHECKLIST .....	2-1
PROJECT SUMMARY .....	2-4
ENVIRONMENTAL ANALYSIS .....	2-7
I. AESTHETICS .....	2-7
II. AGRICULTURE AND FOREST RESOURCES .....	2-7
III. AIR QUALITY .....	2-8
IV. BIOLOGICAL RESOURCES .....	2-9
V. CULTURAL RESOURCES .....	2-10
VI. GEOLOGY AND SOILS .....	2-10
VII. GREENHOUSE GAS EMISSIONS .....	2-11
VIII. HAZARDS AND HAZARDOUS MATERIALS .....	2-11
IX. HYDROLOGY AND WATER QUALITY .....	2-12
X. LAND USE AND PLANNING .....	2-14
XI. MINERAL RESOURCES .....	2-14
XII. NOISE .....	2-15
XIII. POPULATION AND HOUSING .....	2-15
XIV. PUBLIC SERVICES .....	2-16
XV. RECREATION .....	2-16
XVI. TRANSPORTATION / TRAFFIC .....	2-17
XVII. TRIBAL CULTURAL RESOURCES .....	2-18
XVIII. UTILITIES / SERVICE SYSTEMS .....	2-18
<b><u>SECTION 3</u></b>	
III. MANDATORY FINDINGS OF SIGNIFICANCE .....	3-1
IV. PERSONS & ORGANIZATIONS CONSULTED/REFERENCES/COMMENT LETTERS .....	3-2
V. ENVIRONMENTAL DOCUMENT – COUNTY OF IMPERIAL .....	3-3
VI. FINDING .....	3-4

## SECTION 1 INTRODUCTION

---

### A. PURPOSE

This document is a  policy-level;  project level Initial Study for evaluation of potential environmental impacts resulting from the revision of mitigation measures for groundwater use associated with the USG Expansion/Modernization Project.

### B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY "RULES AND REGULATIONS TO IMPLEMENT CEQA AS AMENDED"

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County "Rules and Regulations to Implement CEQA as Amended", an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Mitigated Negative Declaration, Negative Declaration, or other environmental document, would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that an **Addendum** to the previously-certified Final EIR/EIS (SCH No. 2001121133) is appropriate because the proposed project will not result in potentially significant environmental impacts different than those already disclosed in the Final EIR/EIS and findings consistent with CEQA Guidelines 15162 have been made.

### BACKGROUND

This document is prepared as an Initial Study in conjunction with the proposed Addendum No. 2 to the Final EIR/EIS for the United States Gypsum Company Expansion/Modernization Project, Imperial County, California (SCH No. 2001121133). The Final EIR/EIS was prepared in January 2008 and certified by the County of Imperial, acting as Lead Agency for the California Environmental Quality Act (CEQA) on March 18, 2008.

The project evaluated in the Final EIR/EIS concerns the modernization and expansion of the United States Gypsum Company (U.S. Gypsum) wallboard manufacturing facilities at its Plaster City Plant and associated

---

gypsum quarrying operations in Imperial County, California (Project). U.S. Gypsum has owned and continuously operated the Plant and Quarry since 1945. For a complete description of the Project, see Section 2.0 of the Draft EIR/EIS and the Executive Summary of the Final EIR/EIS. The regional location of the USG Quarry and the Plaster City Plant is presented in Figure 1.

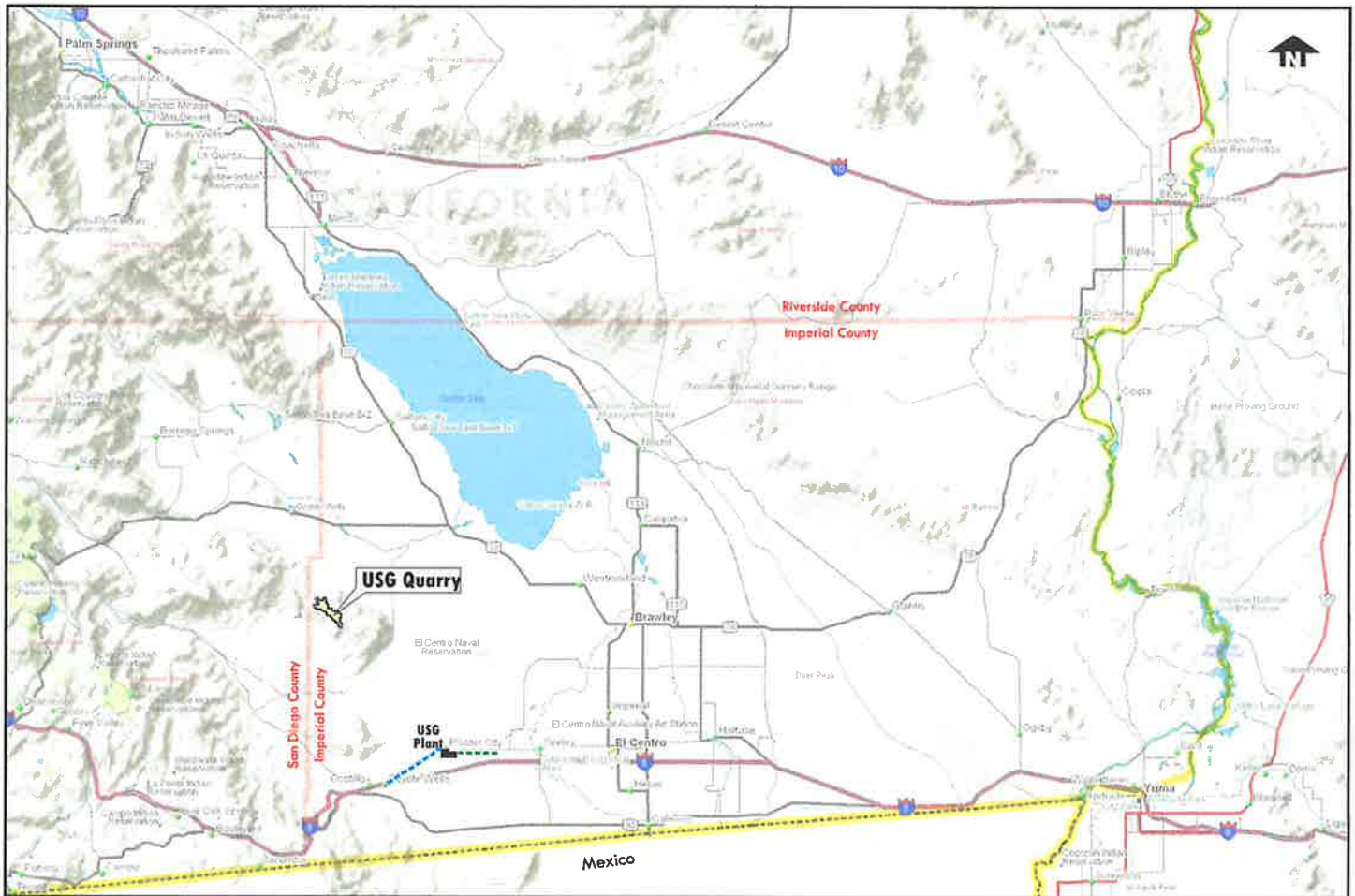
As noted on page ES-4 of the Final EIR/EIS, water for processing and manufacturing purposes at the Plaster City Plant is currently delivered via an eight-inch diameter pipeline from a well field located approximately eight miles west of Plaster City in the Ocotillo-Coyote Wells Groundwater Basin (Basin). Pursuant to Section 15123(b)(2) of the CEQA Guidelines, the potential impact of the Project on the Basin (water quality and quantity) was identified as an "area of controversy." See Draft EIR/EIS, p. 1.0-14.

Two alternatives were evaluated in the Final EIR/EIS for the provision of an alternative source of water for the Plant operations, including (1) the "Partial Use of Water from Imperial Irrigation District" alternative (Partial Use Alternative), and (2) the "Full Use of Water from Imperial Irrigation District" alternative (Full Use Alternative). The Partial Use Alternative and Full Use Alternative are described in the Final EIR/EIS on pages ES-7 through ES-9, and an evaluation of the potential environmental impacts associated with the Partial Use Alternative and the Full Use Alternative is presented in Section 3.0 of the Draft EIR/EIS. An Addendum to the 2008 Final EIR/EIS was prepared and approved by the County in June 2008 (referred to herein as "Addendum No. 1") that further evaluated the potential impacts associated with the Partial Use Alternative. Figure 2 shows the vicinity of the pipeline that would be required for implementation of the Partial Use Alternative in relation to the USG Quarry and Plaster City Plant. Figures 3a and 3b, Site Map, identify the parcels that would be crossed for the proposed pipeline and facilities associated with the Partial Use Alternative.

In evaluating the potential impacts of the Project on groundwater resources, the Final EIR/EIS assumed that the proposed expansion project would require the pumping of up to 767 acre-feet (AF) of water annually from the Basin to meet the ultimate project demands. That amount of groundwater represented the highest amount of water reported to have been used by U.S. Gypsum during the previous 50 years. The baseline groundwater production used in the EIR/EIS evaluation was 347 AF per year, which was the average annual groundwater used by U.S. Gypsum between 1995 and 1998.

The Final EIR/EIS determined that, under baseline conditions (*i.e.*, no increase in water usage by U.S. Gypsum above the average 347 AF per year), water levels in the Basin would decline by up to 10 feet over the next 80 years (approximately one foot every eight years). With the Project, the Final EIR/EIS estimated that the drawdown within the alluvial aquifer after 80 years of pumping would be approximately 30 feet. The Final EIR/EIS noted that this drawdown could potentially lower the water level in some wells, and that if the water level in a particular well were to drop to near the base of the screened interval, the ability to maintain current pumping rates at that well could potentially be reduced. Two Mitigation Measures (Mitigation Measures 3.3-1 and 3.3-2) were presented to reduce the level of significance of identified impacts on groundwater levels and groundwater quality in individual wells.

The Sierra Club subsequently argued in Court that the Final EIR/EIS did not adequately describe feasible measures which could minimize and reduce the Project's significant adverse impacts on individual wells. On December 16, 2013, the California Court of Appeal, Division 1, reversed a prior Superior Court order, holding that there was insufficient evidence to support the County's conclusion that the Mitigation Measures for the Project, as adopted in January 2008, would be viable or effective in reducing the Project's potential impacts on individual groundwater wells to a level of insignificance.



**REGIONAL LOCATION**  
 United States Gypsum Company  
 County of Imperial, California

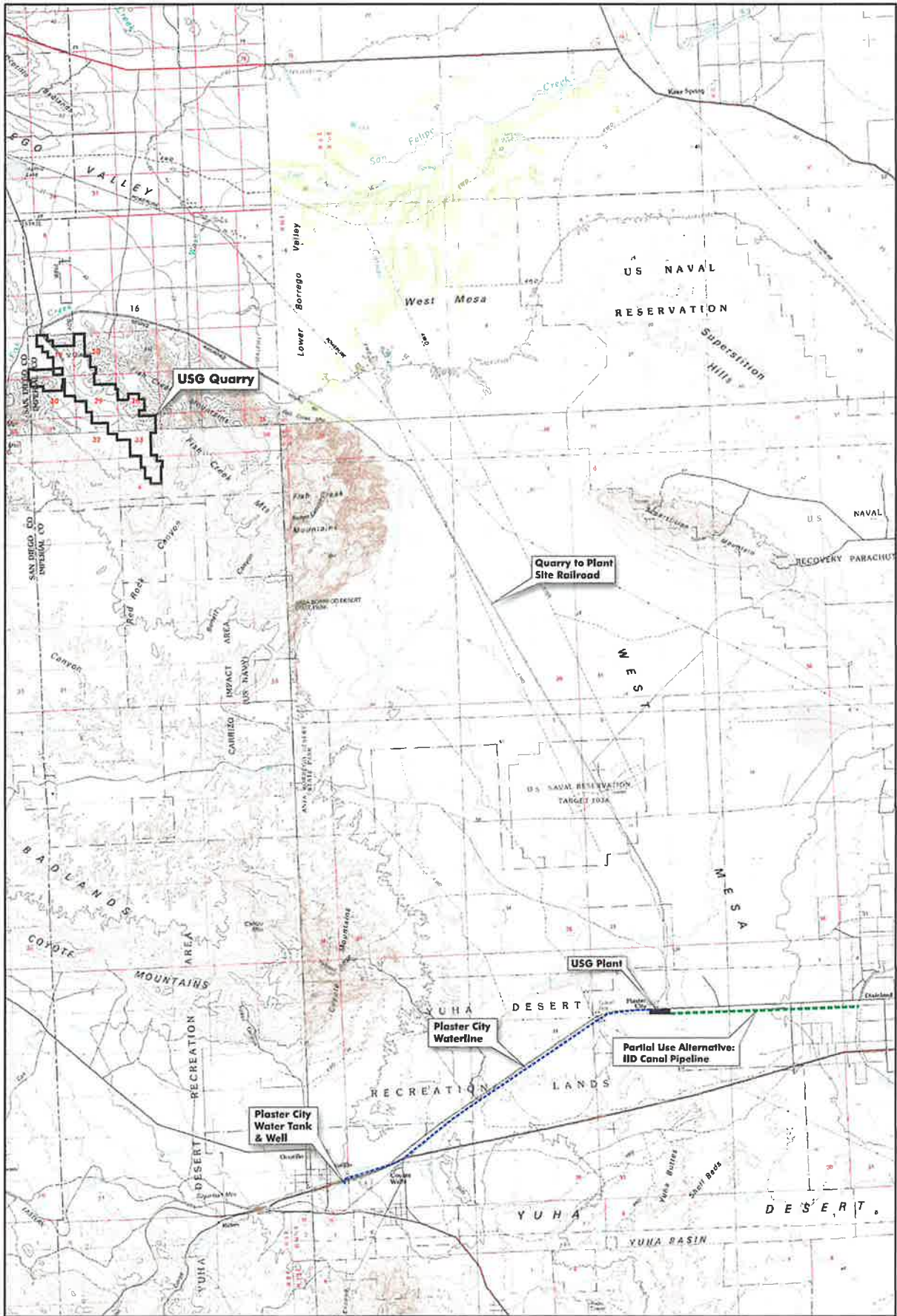
Figure 1

**LEGEND**

- Ocotillo Pipeline
- Partial Use Alternative: IID Canal Pipeline

Prepared for  
**LILBURN**  
 CORPORATION





Source: USGS 1:250K Navajo Valley, Salton Sec. II, Egan and TI Contour.

**PROJECT VICINITY**

United States Gypsum Company  
 County of Imperial, California

Figure 2



Presented by  
**LILBURN**  
 CORPORATION



**LEGEND**  
 - - - - - Proposed Pipeline

**SITE MAP**  
 Proposed US Gypsum Plaster City Plant Canal Water Supply  
 Imperial County, California





0 725  
FEET  
Source: Lilburn Corp., January, 2018.  
**LILBURN**  
CORPORATION

**LEGEND**  
----- Proposed Pipeline

**SITE MAP**  
Proposed US Gypsum Plaster City Plant Canal Water Supply  
Imperial County, California

FIGURE 3b



---

As a result, on February 25, 2014, the Superior Court issued an Order directing the County to remedy certain deficiencies in Mitigation Measures 3.3-1 and 3.3-2 consistent with the decision of the Court of Appeal. In October 2018, the Sierra Club, Imperial County and the Imperial County Planning Commission, and the U.S. Gypsum (referred to collectively as the "Parties") entered into *Settlement Agreement for Sierra Club v. County of Imperial, et al.* (Settlement Agreement) in Imperial County Superior Court Case No. 97911. Among other things, the Settlement Agreement requires the preparation of an Addendum to the Final EIR/EIS to evaluate the potential environmental impacts associated with seven new Mitigation Measures (Mitigation Measures 3.3-1-A through 3.3-1-G) and a new Condition of Approval, as set forth below, which are proposed to replace Mitigation Measures 3.3-1 and 3.3-2 as described in the Final EIR/EIS.

## **PROJECT DESCRIPTION**

In accordance with the Settlement Agreement, the Parties have proposed that Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, be replaced with the following proposed Mitigation Measures:

### **Mitigation Measure 3.3-1-A:**

U.S. Gypsum shall (1) file and diligently pursue applications with the appropriate governmental agencies for any and all permits and approvals needed to construct and operate the Partial Use of IID Water alternative substantially as described in the 2008 Final EIR (the "Partial Use Alternative"), and (2) negotiate and take all feasible steps to obtain an agreement with the Imperial Irrigation District that will provide U.S. Gypsum with a sufficient quantity and quality of water when blended with water from U.S. Gypsum wells in or near Ocotillo to feasibly implement the Partial Use Alternative (the "Water Supply Agreement"). U.S. Gypsum shall send copies of all applications, permits, and approvals to the County. U.S. Gypsum shall submit semi-annual reports to the County regarding the steps it has taken over the preceding six (6) months to obtain all governmental permits and approvals needed to construct and operate the Partial Use Alternative and enter into a Water Supply Agreement with the Imperial Irrigation District until such time as all necessary approvals have been obtained.

If U.S. Gypsum has not submitted applications for all permits and approvals needed to construct and operate the Partial Use Alternative within eighteen (18) months following final approval of this Mitigation Measure **3.3-1-A** by the County, the County shall determine, on the basis of substantial evidence following a public hearing, whether U.S. Gypsum has acted diligently in pursuing such applications. The County's determination shall be made by the County's Planning Commission, or the Imperial County Board of Supervisors on appeal, pursuant to the procedures set forth in Chapter 4, Title 9, of the Imperial County Code.

U.S. Gypsum shall complete construction of the pipeline, pumphouse, settling ponds, and other infrastructure needed to implement the Partial Use Alternative (the "Water Infrastructure Improvements") within two (2) years of obtaining all governmental permits and approvals needed to construct and operate the Partial Use Alternative and entering into a Water Supply Agreement with the Imperial Irrigation District pursuant to IID procedures for application for water for an industrial use. U.S. Gypsum shall submit semi-annual reports to the County regarding its efforts to complete the construction of the Water Infrastructure Improvements over the preceding 6 months until construction is complete.

Following a break-in period of 120 days after completion of the Water Infrastructure Improvements (the "Break-in Period"), and beginning with the first full calendar year after the end of the Break-in Period, U.S. Gypsum shall draw no more than an average of 347 acre-feet per year of water from the Ocotillo/Coyote Wells Groundwater Basin over any period of five (5) consecutive years, and shall draw no more than 767 acre-feet in any one calendar year.

If (a) U.S. Gypsum is unable to obtain all governmental permits and approvals needed to construct and operate the Partial Use Alternative or enter into a Water Supply Agreement with the Imperial Irrigation District after

---

diligently pursuing such permits and approvals for a period of at least three (3) years, and (b) the County determines, on the basis of substantial evidence following a public hearing, that further efforts to obtain all such permits and approvals would be futile, then U.S. Gypsum shall have no further obligations pursuant to this Mitigation Measure **3.3-1-A**. The County's determination shall be made by the County's Planning Commission, or the Imperial County Board of Supervisors on appeal, pursuant to the procedures set forth in Chapter 4, Title 9, of the Imperial County Code.

**Mitigation Measure 3.3-1-B:**

The combined total groundwater pumping from U.S. Gypsum's production wells shall not exceed 96 acre-feet in any single month and the total annual pumping shall not exceed 767 acre-feet. To document compliance with this standard, monthly pumping volumes shall be reported in the annual monitoring reports required under Mitigation Measure **3.3-1-C**.

If U.S. Gypsum enters into a period where the planned pumping rate will exceed 64 acre-feet during a calendar month, weekly groundwater level measurements shall be collected from all monitoring wells within the well interference and buffer zones that are owned or controlled by U.S. Gypsum or, if not owned or controlled by U.S. Gypsum, can be feasibly measured by U.S. Gypsum, and reported to the County on a monthly basis until operation of the pumping wells falls to the rate of 64 acre-feet or less per month.

If the weekly groundwater level measurements or other evidence presented to the County indicate that drawdown at the nearest water-supply well exceeds five (5) feet, U.S. gypsum shall reduce its pumping rate until drawdown at the nearest water-supply well no longer exceeds five (5) feet.

If and when the Partial Use Alternative is implemented as set forth in Mitigation Measure **3.3-1-A**, this Mitigation Measure **3.3-1-B** shall no longer apply.

**Mitigation Measures 3.3-1-C:**

U.S. Gypsum shall continue its monitoring program established pursuant to the 2008 Final EIR (the "Monitoring Program") until the Project is completed or groundwater pumping from the Basin ceases. Under the Monitoring Program, U.S. Gypsum shall collect water level and water quality data from all the wells as specified in Table 1 (Appendix A) as long as the wells remain operational and allowed by the well owner. In addition, any private operating well owner in the Ocotillo, Coyote Wells, and Nomirage areas that would like to include their well(s) in the Monitoring Program may do so by notifying the County. Upon such a request, the County will notify U.S. Gypsum and U.S. Gypsum will have monitoring equipment installed at the well as soon as practicable and at U.S. Gypsum's expense. The County shall notify all known groundwater users/pumpers in the Basin (by mail at their most current address on record at the County) of the opportunity to have their wells included in the Monitoring Program.

If any of the wells identified in Table 1 (Appendix A) are no longer operational or otherwise available as monitoring wells, U.S. Gypsum will obtain a report from a licensed engineer or hydrogeologist approved by the County to evaluate whether or not the remaining wells being monitored are adequate to meet the primary objectives for the Monitoring Program identified in the Final EIR, namely: (1) identify any increases in the rate of water-level decline greater than the baseline rate described in the Final EIR; and (2) identify any increases in groundwater salinity that provide an early warning of potential degradation of groundwater quality from the Project. If the engineer/hydrologist's report identifies the need for additional monitoring wells to replace a well that is no longer operable or otherwise available as a monitoring well, U.S. Gypsum shall install monitoring equipment in an existing well or drill a new monitoring well consistent with the recommendations in the engineer/hydrologist's report(s) and any new monitoring equipment wells required.

---

U.S. Gypsum shall submit annual monitoring reports ("Annual Reports") to the County by the first business day in August of each year covering the prior year. The Annual Reports shall be prepared by a licensed engineer or hydrogeologist and meet the primary objectives for the Monitoring Program identified in the Final EIR. The Annual Reports shall summarize all water level and water quality data collected by the County, the U.S. Geological Survey ("USGS"), U.S. Gypsum, and other agencies from groundwater and monitoring wells in the Ocotillo/Coyote Wells Groundwater Basin that are part of the Monitoring Program, and shall include:

- map(s) showing which wells are active, inactive, monitored, or proposed, including wells that are monitored by USGS;
- map indicating which wells are used for (1) domestic purposes, (2) by commercial water companies or mutual water companies, and (3) for industrial uses such as U.S. Gypsum's production wells for water used at the Plant;
- well identification numbers for U.S. Gypsum wells to aid cross-referencing, and USGS well identification numbers for all identified wells;
- surficial geology information on maps including the maps showing pumping wells, monitoring sites, and water quality, with the sources of surficial geologic information identified in the map legend;
- U.S. Gypsum well production data (flow meter readings) in an appendix;
- a larger-scale base map (zoomed in) to show water quality data;
- groundwater level hydrographs (zoomed in) of wells showing water level trends;
- same-scale groundwater level hydrographs, including USGS data, in an appendix for reference;
- a discussion of groundwater level changes and trends, including historical context, and USGS data, to accompany figures showing long-record groundwater level hydrographs and groundwater level contour map; and
- TDS trend graphs, with accompanying discussion in the text.

The Annual Reports shall be made available promptly each year on a publicly available website. If Annual Report is made available on a website other than a website administered by the County, U.S. Gypsum shall provide notice of the website address to the County.

**Mitigation Measure 3.3-1-D:**

The Annual Report prepared pursuant to Mitigation Measure 3.3-1-C shall evaluate and clearly indicate whether any of the following performance standards are exceeded:

(a) Four consecutive annual groundwater measurements (spring only) show the water levels are declining at a rate that is greater than 0.1875 feet per year, occurring at a rate at more than 10 percent of wells in the Monitoring Program (e.g., as of 2016, there were 27 wells and therefore a significant decline would involve at least three wells); or

(b) Annual TDS concentrations and automated field electric conductivity (EC) measurements in groundwater from any well in the Monitoring Program equipped with an automated downhole EC and water level data logger show a three-year trend of a cumulative increase greater than 20 percent of the long-term average for that well; or

(c) For wells in the Monitoring Program that are not equipped with a downhole EC instrument, four consecutive annual samples (collected each spring) show a cumulative increase in TDS concentrations greater than 20 percent of the long-term average for that well.

---

If the Annual Report shows an exceedance of any of the foregoing performance standards (or the performance standard established in Mitigation Measure **3.3-1-G** if Mitigation Measure **3.3-1-A** is determined to be infeasible), a separate assessment report ("Assessment Report") shall be completed within 180 days after the Annual Report is submitted to the County. The Assessment Report shall evaluate whether any portion of the exceedance was potentially caused by U.S. Gypsum. The licensed engineer or hydrogeologist shall assess whether the portion of the exceedance potentially caused by U.S. Gypsum pumping presents a significant risk of potential water level or water quality impacts to the individual well (if not a U.S. Gypsum monitoring well) or any other well in Ocotillo/Coyote Wells Groundwater Basin ("Potentially Affected Well"). If any Potentially Affected Well is identified, the Assessment Report shall also provide a preliminary assessment of the likelihood that any impact to the Potentially Affected Well could be feasibly mitigated to a less than significant level through the implementation of Mitigation Measure **3.3-1-E** or Mitigation Measure **3.3-1-F**.

If additional field and/or analytical investigation is necessary in order to provide a technically defensible determination whether (1) any portion of the exceedance(s) at the individual well was potentially caused by U.S. Gypsum pumping, or (2) the portion of the exceedance potentially caused by U.S. Gypsum pumping presents a significant risk of potential water level or water quality impacts to any Potentially Affected Well, or (3) any impact of the Potentially Affected Well could be feasibly mitigated to a less than significant level through the implementation of Mitigation Measure **3.3-1-E** or Mitigation Measure **3.3-1-F**, then such additional investigation shall be completed within 180 days after the Annual Report is submitted to the County and the results of such additional investigation shall be included in the Assessment Report.

If the Assessment Report concludes that U.S. Gypsum pumping represents a documented risk to a Potentially Affected Well and that neither Mitigation Measure **3.3-1-E** nor Mitigation Measure **3.3-1-F** would likely mitigate any potential water level or water quality impacts from the portion of the exceedance caused by U.S. Gypsum pumping at the Potentially Affected Well to a less than significant level, U.S. Gypsum shall reduce its pumping to baseline levels (347 acre-feet per year) until (a) water levels and water quality at the Potentially Affected Well returns to conditions before the performance standards were exceeded, or (b) the licensed engineer or hydrogeologist determines that U.S. Gypsum pumping (i) no longer presents a documented risk to the Potentially Affected Well or (ii) any such risk would be mitigated by Mitigation Measure **3.3-1-E** or Mitigation Measure **3.3-1-F**.

The County shall obtain a peer review from a licensed engineer or hydrogeologist for any Assessment Report that determines that: (a) an exceedance at an individual well was not potentially caused by U.S. Gypsum pumping; or (b) any portion of the exceedance cause by U.S. Gypsum pumping does not present a significant risk to the Potentially Affected Well that implementation of Mitigation Measure **3.3-1-E** or Mitigation Measure **3.3-1-F** would not mitigate to a less than significant level. If the County's peer review concludes there is a documented risk that Mitigation Measure **3.3-1-E** or Mitigation Measure **3.3-1-F** would not mitigate potential water level or water quality impacts from the portion of an exceedance caused by U.S. Gypsum pumping at the Potentially Affected Well to a less than significant level, U.S. Gypsum shall reduce its pumping to baseline levels (347 acre-feet per year) until water levels and water quality return to conditions before the performance standards were exceeded, or the County's peer reviewer determines that U.S. Gypsum pumping no longer presents a significant risk to the Potentially Affected Well that Mitigation Measure **3.3-1-E** or Mitigation Measure **3.3-1-F** would not mitigate to a less than significant level.

For purposes of this Mitigation Measure **3.3-1-D**, any exceedance of a performance standard shall be deemed to be potentially caused by U.S. Gypsum if there is substantial evidence, as defined in section 15384 of the CEQA Guidelines, that pumping from U.S. Gypsum's wells caused the exceedance or contributed to the exceedance in more than a de minimis amount.

If and when the Partial Use Alternative is implemented as set forth in Mitigation Measure **3.3-1-A**, this Mitigation Measure **3.3-1-D** shall no longer apply.

---

**Mitigation Measure 3.3-1-E:**

If (1) the water level in a well in the Ocotillo/Coyote Wells Groundwater Basin decreases at a rate faster than the baseline levels (i.e., one foot every eight years, or 0.125 feet per year) described in the Final EIR; (2) there is a documented reduction in the production rate of the well or the amount of water available to the affected user; and (3) the County determines, in accordance with the adopted Procedures for Determining the Cause of an Impact, that the impact on the well was caused at least in part by the Project, the County, in consultation with its third-party consultant (who shall be a licensed engineer or hydrologist) and the affected well owner, shall first determine whether the affected well can be feasibly rehabilitated. If the existing well cannot be feasibly rehabilitated, the County, in consultation with its third-party consultant and the affected well owner shall determine whether the well can be deepened or replaced to provide a deeper screen interval. U.S. Gypsum shall be responsible for the cost of rehabilitating, deepening, or replacing the affected well, including the cost of permitting, equipment, and labor. If rehabilitation of the well results in higher operational costs (including energy costs) to the owner, U.S. Gypsum shall compensate the well owner for these additional costs for the anticipated remaining useful for the life of the well or until the decline in water levels no longer exceed baseline levels.

If and when the Partial Use Alternative is implemented as set forth in Mitigation Measure **3.3-1-A**, this Mitigation Measure **3.3-1-E** shall apply only to the extent that the County determines, in accordance with the adopted procedures for determining the cause of an impact, that the impact on the well was caused at least in part by U.S. Gypsum's groundwater pumping above baseline levels prior to implementation of the Partial Use Alternative as set forth in Mitigation Measure **3.3-1-A**.

**Mitigation Measure 3.3-1-F:**

If (1) water quality degrades in a well in the Ocotillo/Coyote Wells Groundwater Basin to higher concentrations than the threshold described in the Final EIR (i.e., TDS level exceeds its drinking water standard in force at the time of measurement); and (2) the County determines, in accordance with the adopted Procedures for Determining the Cause of an Impact, that the impact on the well was caused at least in part by the Project, the County, in consultation with its third-party consultant and the affected well owner, shall determine whether the affected well can be mitigated by deepening the well, replacing the well, and/or providing well-head treatment. If the well can be deepened or replaced, then a determination will be made whether such deepened or replacement well will produce water that meets drinking water standards. If drinking water standards can be met based on the quality of groundwater pumped, or with well-head treatment, U.S. Gypsum shall cover all costs of capital improvements. If the annual cost of pumping and/or treatment (including energy costs) exceeds the affected party or parties' costs to pump water prior to the occurrence of the impact, U.S. Gypsum shall pay the incremental difference for the anticipated remaining useful life of the well or until water quality concentrations no longer exceed baseline levels.

If and when the Partial Use Alternative is implemented as set forth in Mitigation Measure **3.3-1-A**, this Mitigation Measure **3.3-1-F** shall apply only to the extent that the County determines, in accordance with the adopted procedures for determining the cause of an impact, that the impact on the well was caused at least in a part by U.S. Gypsum's groundwater pumping above baseline levels prior to implementation of the Partial Use Alternative as set forth in Mitigation Measure **3.3-1-A**.

**Mitigation Measure 3.3-1-G:**

If the County determines Mitigation Measure **3.3-1-A** is no longer feasible, U.S. Gypsum shall revise and augment the Monitoring Program required by Mitigation Measure **3.3-1-C** in the manner described in this Mitigation Measure **3.3-1-G** and shall implement and carry out the revised and augmented Monitoring Program until the Project is completed or groundwater pumping from the Basin ceases.



---

(a) U.S. Gypsum shall collaborate with USGS and construct a nested pair of monitoring wells north of the U.S. Gypsum wells as soon as feasible. This nested pair of wells shall be placed as close as feasible to potentially affected private supply wells that are relatively near to U.S. Gypsum pumping and thereby provide an early warning of any potential future impacts before any impacts to private supply wells occur. The nested pair of monitoring wells shall include one well solely screened in the alluvial aquifer and one well screened in the Palm Spring/Imperial Formation. The well pair shall monitor vertical gradients and water quality differences with depth to assess potential migration of poor water quality.

(b) U.S. Gypsum shall contact USGS regarding their monitoring program, specifically inquiring about wells that are monitored for groundwater levels or groundwater quality, but not both. For wells with water quality monitoring, U.S. Gypsum shall coordinate and pay the costs for installing transducers and collecting corresponding groundwater level data if USGS or the County determines such data would be useful in assessing impacts from U.S. Gypsum pumping.

(c) To better assess the hydraulic gradient between the alluvial aquifer and the surrounding and underlying Palm Spring/Imperial Formation, U.S. Gypsum shall update the well inventory in the Basin by obtaining water well drillers reports from the State Department of Water Resources and the County to identify wells that may be suitable for addition to the monitoring program and to document wells that are currently monitored but are not fully documented in terms of well construction. For wells that do not have water well drillers reports that are located near the alluvial aquifer boundary in the area surrounding the U.S. Gypsum well field, U.S. Gypsum shall conduct down hole video surveys and potentially natural gamma surveys of up to five (5) existing wells (subject to availability and the consent of the well owners) to assess how the well is completed with respect to the alluvial aquifer and Palm Spring/Imperial Formation. If necessary, U.S. Gypsum shall also install up to a maximum of three (3) additional monitoring wells at locations to be determined based on an assessment of TDS distribution, geologic information, existing water well locations, estimated proximity of the Palm Spring/Imperial Formation to ground surface, right of access, environmental constraints, and other relevant information as determined by the County.

(d) The information collected from the nested pair of monitoring wells and all additional wells added to the monitoring program shall be included in the Annual Reports required under Mitigation Measure **3.3-1-C**.

(e) Following installation of new wells or inclusion of existing wells into the monitoring network, and one year of quarterly monitoring, the following performance standard shall be added to Mitigation Measure **3.3-1-D** to quantify changes in groundwater gradients:

A significant trend in horizontal or vertical gradients between the alluvial aquifer and the Palm Spring/Imperial Formation is defined as a change in direction and/or magnitude for a sustained period. The magnitude and time period will be defined in the context of the monitoring record of the specific wells to be established. TDS concentrations in new wells or newly included existing wells without a history of TDS measurements in the past 10 years will be measured quarterly for the first year of monitoring. The quarterly measurements for each new or newly included existing well shall be averaged to establish a baseline for that well.

(f) Within 12 months of any determination by the County that Mitigation Measure **3.3-1-A** is no longer feasible, U.S. Gypsum shall prepare a revised Monitoring Program that incorporates items (a) through (e) above, and shall submit the revised Monitoring Program to the County for review and approval by the County's Planning Commission, or the Imperial County Board of Supervisors on appeal, pursuant to the procedures set forth in Chapter 4, Title 9, of the Imperial County Code. The County shall provide notice and opportunity for the public to comment on the revised Monitoring Program prior to its approval.

Furthermore, as stated in the Settlement Agreement, the Parties have proposed the following additional Condition of Approval (hereinafter COA No. 1):

---

### **Condition of Approval:**

If the County determines that the Project has caused a significant impact to an individual well, in lieu of Mitigation Measure 3.3-1-E or Mitigation Measure 3.3-1-F, or to a well owned by a Mutual Water Company within the Basin, the County may approve an alternative remedy satisfactory to the affected well owner and U.S. Gypsum that provides full financial compensation to the well owner and/or to members and customers of the Mutual Water companies for reasonable costs associated with residential or business relocation, including but not limited to compensation for higher property taxes at a new location through the three full tax years following relocation, consistent with applicable laws. Any such alternative remedy shall include the provision of a substitute water supply, on a temporary basis, as may be needed to enable the well owner or members or customers of the Mutual Water Companies to maintain his/her current lifestyle until such time as the alternative remedy has been fully implemented.

If and when the Partial Use Alternative is implemented as set forth in Mitigation Measure 3.3-1-A, this COA No. 1 shall apply only to the extent that the County determines, in accordance with the adopted procedures for determining the cause of an impact, that the impact on the well was caused at least in part by U.S. Gypsum's groundwater pumping above baseline levels prior to implementation of the Partial Use Alternative set forth in Mitigation Measure 3.3-1-A.

### **ANALYSIS**

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously-approved Negative Declaration or a previously certified EIR for the project. CEQA Guidelines, Sections 15162(a) and 15163, state that when a Negative Declaration has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines that none of the conditions described in Section 15162 requiring the preparation of a subsequent Negative Declaration or EIR have occurred. The CEQA Guidelines require that a brief explanation be provided to support the findings that no subsequent EIR or Negative Declaration is needed for further discretionary approval. These findings are described below. The analysis in support of these findings is provided in the Initial Study portion of this document.

1. *Required Finding: Substantial changes are not proposed for the project that will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified effects.*

Substantial changes are not proposed for the Project and will not require major revisions to the Final EIR/EIS. The previously-certified Final EIR/EIS analyzed the direct and physical changes to the environment that would result from implementation of the Project, including the No Action Alternative, Partial Use Alternative, and Full Use Alternative. The Settlement Agreement requires preparation of Addendum No. 2 to the Final EIR/EIS to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigations Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated, nor would the fundamental characteristics of the Project change from that previously analyzed in the certified Final EIR/EIS. The construction and operational characteristics would be the same as was contemplated in the previously-certified Final EIR/EIS. There would be no other changes to the previously approved Project.

Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 will avoid or reduce the potential significant impacts of the Project on individual wells to a less than significant level and will create

---

no more adverse effect of their own than would have the Mitigation Measures identified in the Final EIR/EIS. All other previously-adopted mitigation measures presented in the Final EIR/EIS and the Addendum to the Final EIR/EIS (June 2008) would remain unchanged and are incorporated herein by reference.

Therefore, no major revisions to the Final EIR/EIS are required due to the involvement of any new, significant environmental effects or a substantial increase in the severity of previously identified effects.

2. *Required Finding: Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, that would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

Substantial changes have not occurred with respect to the circumstances under which the Project is being undertaken that would require major revisions to the Final EIR/EIS. Since the 2008 certification of the Final EIR/EIS and approval of Addendum No. 1 to the Final EIR/EIS, there have been no changes to the Project or the environmental setting of the Project that would result in any new environmental effects or a substantial increase in the severity of previously identified significant effects.

3. *Required Finding: No new information has been provided that would indicate that the proposed project would result in one or more significant effects not discussed in the previous EIR.*

No new information has been provided or identified indicating that the adoption and implementation of proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would result in any new significant environmental effects not previously discussed in the certified Final EIR/EIS.

## **CONCLUSION**

Based on the findings and information contained in the previously-certified Final EIR/EIS, the analysis above and contained within this Initial Study, the Project will not result in any new, increased, or substantially different impacts, other than those previously considered and addressed in the Final EIR/EIS or in Addendum No. 1. Although a change to the Final EIR/EIS is necessary to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1, none of the conditions described in State CEQA Guidelines Section 15162 calling for preparation of a subsequent or supplemental EIR have occurred. Therefore, an Addendum to the Final EIR/EIS is appropriate.



---

## **INITIAL STUDY**

This Initial Study is prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State CEQA Guidelines & County of Imperial "Rules and Regulations to Implement CEQA as Amended" (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial's "Rules and Regulations to Implement CEQA\_as Amended" depending on the project scope, the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

### **C. INTENDED USES OF INITIAL STUDY**

This Initial Study is an informational document which is intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed project. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

### **D. CONTENTS OF INITIAL STUDY**

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the Project and proposed revisions to certain mitigation measures identified in the previously-certified Final EIR/EIS.

#### **SECTION 1**

**I. INTRODUCTION** presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

#### **SECTION 2**

**II. ENVIRONMENTAL CHECKLIST FORM** contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the project and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

**PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTINGS** describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

**ENVIRONMENTAL ANALYSIS** evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

---

## **SECTION 3**

**III. MANDATORY FINDINGS** presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

### **E. SCOPE OF ENVIRONMENTAL ANALYSIS**

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **Less Than Significant with Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

### **F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS**

This Initial Study will be conducted under a  policy-level,  project level analysis.

Regarding mitigation measures, it is not the intent of this document to "overlap" or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

### **G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE**

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

#### **1. Tiered Documents**

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

"Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project."

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

"Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can

---

eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration.”

Further, Section 15152(d) of the CEQA Guidelines states:

“Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

(1) Were not examined as significant effects on the environment in the prior EIR; or

(2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.”

## **2. Incorporation by Reference**

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]).

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines, Section 15150[a]). The General Plan EIR is available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243, phone (442) 265-1735.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243; phone (442) 265-1735.
- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.
- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the 1993 County of Imperial General Plan Final EIR is SCH #93011023.
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]).

## **SECTION II. ENVIRONMENTAL CHECKLIST**

---

1. **Project Title:** Revised Mitigation Measures for the United States Gypsum Company Expansion/Modernization Project
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact Person and Phone Number:** Patricia Valenzuela, Planner IV, (442) 265-1749
4. **Address:** 836 Main Street, El Centro CA, 92243
5. **E-mail:** PatriciaValenzuela@co.imperial.ca.us
6. **Project Location:** Vicinity of Ocotillo and Plaster City
7. **Project Sponsor's Name and Address:** U.S. Gypsum Co., Plaster City Plant, 3810 West Evan Hewes Hwy, Plaster City, CA.
8. **General Plan Designation:** Imperial county Ocotillo/Nomirage Community Area Plan
9. **Zoning:** RI-L40 (U.S. Gypsum production well locations in Ocotillo); M-3 (Plaster City Plant)
10. **Description of Project:**

This Initial Study evaluates the proposed revision of mitigation measures addressing potential groundwater impacts to individual wells in the Ocotillo-Coyote Wells Groundwater Basin for the U.S. Gypsum Company Expansion/Modernization Project in accordance with the *Settlement Agreement for Sierra Club v. County of Imperial, et al.* (Settlement Agreement); Imperial County Superior Court, No. 97911. As stated within the Settlement Agreement, the Parties agreed, among other things, that U.S. Gypsum would make a good faith effort to move forward with the Partial Use Alternative and revise interim and long-term mitigation measures if the Partial Use Alternative was ultimately infeasible. In accordance with the Settlement Agreement, Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, would be replaced with Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be added to the previously-approved Final EIR/EIS and apply to all components of the Project.

### **11. Surrounding Land Uses and Setting:**

Water for processing and manufacturing purposes at the U.S. Gypsum Plaster City Plant is delivered by pipeline from three wells owned by U.S. Gypsum located approximately eight miles to the west near the community of Ocotillo. The Plant and U.S. Gypsum's well field overlie the Ocotillo-Coyote Wells Groundwater Basin ("Basin"). Domestic water users also located within the Basin include the communities of Ocotillo, Coyote Wells, Nomirage, and Yuha Estates; the communities receive water from a combination of private wells and community water services all relying on the same groundwater Basin. The mitigation of potentially significant impacts to these communities associated with an increased pumping of the groundwater basin by U.S. Gypsum was the subject of the Settlement Agreement which resulted in revision to the mitigation measures adopted by the County in 2008. Between the community of Ocotillo and U.S. Gypsum's Plaster City Plant, the water supply pipeline is within the right-of-way of Evan Hewes Highway which traverses primarily vacant land.

---

12. **Other Public Agencies Whose Approval is Required** (e.g., permits, financing approval, or participation agreement.):

None

13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1?

No

If so, has consultation begun?

No

*Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code, Section 21083.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3(c) contains provisions specific to confidentiality.*

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                 |
| <input type="checkbox"/> Biological Resources               | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology / Soils             |
| <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology / Water Quality   |
| <input type="checkbox"/> Land Use Planning                  | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                       |
| <input type="checkbox"/> Population / Housing               | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                  |
| <input type="checkbox"/> Transportation / Traffic           | <input type="checkbox"/> Tribal Cultural Resources          | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance |   |  |

**ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION**

After Review of the Initial Study, the Environmental Evaluation Committee has:

- Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Final EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier Final EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING:  Yes  No

<u>EEC VOTES</u>	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>
PUBLIC WORKS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL HEALTH	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OFFICE EMERGENCY SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APCD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHERIFF DEPARTMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICPDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
Jim Minnick, Director

\_\_\_\_\_  
Date:

---

## **PROJECT SUMMARY**

### **A. Project Location:**

The U.S. Gypsum Company Plaster City Plant is located on a 473-acre site at 3810 West Highway 80 (Evan Hewes Highway) in Plaster City approximately 18 miles west of El Centro in Imperial County. The Quarry is located in the northwestern portion of Imperial County adjacent to the Imperial County/San Diego County line. Water for processing and manufacturing purposes at the Plant is delivered by pipeline from three wells located approximately eight miles to the west near the community of Ocotillo. The location of these wells is defined as being in Section 39, Township 16S, Range 9E, San Bernardino Baseline and Meridian, as shown on the U.S. Geological Survey Coyote Wells Quadrangle.

### **B. Project Summary:**

Following litigation related to the County's certification of the 2008 Final EIR/EIS, a Settlement Agreement was reached to revise mitigation measures addressing potential groundwater impacts to individual wells in the Ocotillo-Coyote Wells Groundwater Basin. In October 2018, the Sierra Club, Imperial County and the Imperial County Planning Commission, and the U.S. Gypsum (referred to collectively as the "Parties") entered into *Settlement Agreement for Sierra Club v. County of Imperial, et al.* (Settlement Agreement) in Imperial County Superior Court Case No. 97911. In accordance with the Settlement Agreement, Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, would be replaced with Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged.

### **C. Environmental Setting:**

Water for processing and manufacturing purposes at the Plant is delivered by pipeline from three wells owned by U.S. Gypsum located approximately eight miles to the west near the community of Ocotillo. The Plant and U.S. Gypsum's well field overlie the Ocotillo-Coyote Wells Groundwater Basin ("Basin"). Domestic water users also located within the Basin include the communities of Ocotillo, Coyote Wells, Nomirage, and Yuha Estates; the communities receive water from a combination of private wells and community water services all relying on the same groundwater Basin.

The Land Use element of the Imperial County General Plan designates the townsite of Ocotillo, and communities of Nomirage, Painted Gorge, Yuha Estates, and the surrounding area generally bounded by the Jacumba Mountains and the San Diego County line on the west, Coyote Mountains on the north, Elsinore Fault/Laguna Salada Fault on the east, and the U.S./Mexico international boundary on the south as the Ocotillo/Nomirage Community Area. The Ocotillo/Nomirage Community Area Plan comprises approximately 108,000 acres of land under the jurisdiction of Bureau of Land Management, state land, and private land. Within the townsite of Ocotillo, the existing land use consist primarily of single-family homes, including a significant number of mobile homes on individual lots. The 2010 U.S. Census data shows a population of 5,899 in the Ocotillo designated place and Census Tract 123.01.

### **D. Analysis:**

Based on the findings and information contained in the previously-certified Final EIR/EIS and contained within this Initial Study, the Project will not result in any new, increased, or substantially different impacts, other than those previously considered and addressed in the Final EIR/EIS or in Addendum No. 1. Although a change to the Final EIR/EIS is necessary to replace Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigations Measures 3.3-1-A through 3.3-1-G and COA No. 1, none of the conditions described in State CEQA Guidelines Section 15162 calling for preparation of a subsequent or supplemental EIR have occurred. Therefore, an Addendum to the Final EIR/EIS is appropriate.

---

**E. General Plan Consistency:**

The U.S. Gypsum Company Expansion/Modernization Project was found to be consistent with the Imperial County General Plan. The proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No.1 would not result in any land use changes and therefore the action evaluated herein is consistent with the General Plan.



---

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<b>I. AESTHETICS</b>				
Would the project:				
a) Have a substantial adverse effect on a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**A through D:**

The potential impacts to visual resources associated with the construction and operation of Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. Therefore, no additional impacts related to visual resources would occur and the conclusions and mitigation measure (Mitigation Measure 3.7-1) identified by the previously-certified Final EIR/EIS regarding visual resources remain accurate and applicable.

**II. AGRICULTURE AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. --Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**A through E:**

The Final EIR/EIS did not identify impacts related to agriculture and forest resources associated with construction and operation of the Project. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. Therefore, no additional impacts related to agriculture and forest resources would occur and the conclusions of the previously-certified Final EIR/EIS regarding agriculture and forest resources remain accurate and applicable.

**III. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to the following determinations. Would the Project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutants concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**A through E:**

The potential air quality impacts associated with the construction and operation of Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. No additional air quality impacts would occur and the conclusions and mitigation measures (Mitigation Measures 3.6-1a through 3.6-1c) included in the previously-certified Final EIR/EIS regarding air quality remain accurate and applicable.

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--------------------------------------	--	-------------------------------------	----------------

**IV. BIOLOGICAL RESOURCES**

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local polices or ordinances   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Protecting biological resource, such as a tree preservation policy or ordinance?**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**A through F:**

The potential biological resources impacts associated with the construction and operation of Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. No additional impacts to biological resources would occur and the conclusions and mitigation measures (Mitigation Measures 3.6-1a through 3.6-1c) included in the previously-certified Final EIR/EIS, and the conclusions and mitigation measures identified on pages 11 and 12 of Addendum No. 1 to the Final EIR/EIS regarding vegetation and wildlife, remain accurate and applicable.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	--------------------------------------	--	-------------------------------------	----------------

**V. CULTURAL RESOURCES**

Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**A through D:**

The potential cultural resources impacts associated with the construction and operation of Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. No additional cultural resources impacts would occur and the conclusions and mitigation measures (Mitigation Measures 3.8-1 through 3.8-3) included in the previously-certified Final EIR/EIS and the conclusions and mitigation measures (“New Mitigation Measure”) identified on pages 14 of Addendum No. 1 to the Final EIR/EIS regarding cultural resources remain accurate and applicable.

**VI. GEOLOGY AND SOILS**

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) Strong Seismic ground shaking?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Seismic-related ground failure, including liquefaction and seiche/tsunami?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4) Landslides?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
landslides, lateral spreading, subsidence, liquefaction or collapse?				
d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial risk to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**A through E:**

The potential geological impacts associated with the construction and operation of Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. No additional geological impact would occur and the conclusions and mitigation measures (Mitigation Measures 3.2-1a through 3.2-1c) included in the previously-certified Final EIR/EIS regarding geology remain accurate and applicable.

**VII. GREENHOUSE GAS EMISSIONS**

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**A and B:**

The potential greenhouse gas/climate change-related impacts associated with the construction and operation of Project was evaluated in the Final EIR/EIS. Specifically, the Final EIR/EIS addressed Climate Change in Section 4.3.12, and identified "Mitigation Measure 1" on page 4.0-81. Furthermore, Addendum No. 1 to the Final EIR/EIS concludes that discussion regarding global warming in the Final EIR/EIS remains accurate and unchanged by Addendum No. 1.

The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. No additional impacts related to greenhouse gas emissions or climate change would occur. Furthermore, the conclusions and mitigation measure identified on page 4.0-81 of the previously-certified Final EIR/EIS regarding climate change remain accurate and applicable.

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**A through H:**

The potential hazards and hazardous materials impacts associated with the construction and operation of Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. No additional impacts related to hazards or hazardous materials would occur and the conclusions and mitigation measures (Mitigation Measures 3.10-1 through 3.10-2) included in the previously-certified Final EIR/EIS regarding hazards and hazardous materials remain accurate and applicable.

**IX. HYDROLOGY AND WATER QUALITY**

Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect the flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**A through J:**

The potential hydrology and water quality impacts associated with the construction and operation of Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement.

Mitigation Measure 3.3-1-A requires, among other things, that U.S. Gypsum file and diligently pursue applications with the appropriate governmental agencies for any and all permits and approvals needed to construct and operate the Partial Use Alternative (note that the Full Use Alternative was rejected as infeasible by the County Board in 2008). The potential environmental impacts associated with implementation of the Partial Use Alternative were evaluated in the Final EIR/EIS and Addendum No. 1, and there have been no changes in the circumstances under which the Project is undertaken that require any revisions to the analysis of the Partial Use Alternative contained in the Final EIR/EIS and Addendum No. 1.

Additionally, proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 have been identified to further mitigate potential hydrology and water quality impacts of the Project and would not produce any new or more severe environmental impacts. For example, Mitigation Measure 3.3-1-D establishes performance standards and a related assessment process that are designed to provide an "early warning system" with the goal of avoiding impacts on individual wells before they occur.

As proposed in the Settlement Agreement, the measures identified in the Final EIR/EIS (Mitigation Measures 3.3-1 and 3.3-2) to mitigate the Project's potential impacts on individual groundwater wells will be

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--------------------------------------	--	-------------------------------------	----------------

replaced with the proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, the conclusions and the other mitigation measure (Mitigation Measure 3.3-7) included in the previously-certified Final EIR/EIS regarding hydrology and water quality remain accurate and applicable.

**X. LAND USE AND PLANNING**

Would the project:

- a) Physically divide an established community?
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (include, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

**A through C:**

The potential land use and planning impacts associated with the construction and operation of Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. Therefore, no additional impacts related to land use and planning would occur and the conclusions of the previously-certified Final EIR/EIS regarding land use and planning remain accurate and applicable.

**XI. MINERAL RESOURCES**

Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

**A and B:**

The Final EIR/EIS identified an irreversible and irretrievable commitment of mineral resources regarding the Project's extraction of mineral resources. It was determined that this would result in an irreversible and irretrievable development of known gypsum reserves. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. Therefore, no additional impacts related to mineral resources would occur and the conclusions of the previously-certified Final EIR/EIS regarding mineral resources remain accurate and applicable.

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--------------------------------------	--	-------------------------------------	----------------

**XII. NOISE**

Would the project result in:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**A through F:**

The potential noise impacts associated with the construction and operation of Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. Therefore, no additional impacts related to noise would occur and the conclusions of the previously-certified Final EIR/EIS regarding noise remain accurate and applicable.

**XIII. POPULATION AND HOUSING**

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--------------------------------------	--	-------------------------------------	----------------

**A through C:**

The Final EIR/EIS did not identify potentially significant impacts related to population and housing associated with construction and operation of the Project. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. Therefore, no additional impacts related to population and housing would occur and the conclusions of the previously-certified Final EIR/EIS regarding population and housing remain accurate and applicable.

**XIV. PUBLIC SERVICES**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 1) Fire protection?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) Police protection?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Schools?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4) Parks?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Other public facilities?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**A (1 through 5):**

The Final EIR/EIS did not identify public services impacts associated with construction and operation of the Project. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. Therefore, no additional impacts related to public services would occur and the conclusions of the previously-certified Final EIR/EIS regarding public services remain accurate and applicable.

**XV. RECREATION**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--------------------------------------	--	-------------------------------------	----------------

**A and B:**

The Final EIR/EIS did not identify impacts related to recreation associated with construction and operation of the Project. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. Therefore, no additional impacts related to recreation would occur and the conclusions of the previously-certified Final EIR/EIS regarding recreation remain accurate and applicable.

**XVI. TRANSPORTATION / TRAFFIC**

Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including but not limited to level of service standard and travel demand measures, or other standards established by the county congestion/management agency for designated roads or highways?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflicts with adopted policies, plans, programs, regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**A through F:**

The potential transportation and traffic impacts associated with the construction and operation of Project was evaluated in the Final EIR/EIS. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. Therefore, no additional impacts related to transportation and traffic would occur and the conclusions of the previously-certified Final EIR/EIS regarding transportation and traffic remain accurate and applicable.

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--------------------------------------	--	-------------------------------------	----------------

**XVII. TRIBAL CULTURAL RESOURCES**

Would the project:

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, define in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - 1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or:
  - 2) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or: A resource determined by the lead agency, in its discretion and supported by substantial pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

**A(1) through A(2):**

The potential cultural resources impacts associated with the construction and operation of Project was evaluated in the Final EIR/EIS. The County has not previously received notification from any Native American Tribes that their ancestral tribal territory overlies the community of Ocotillo and/or that they wish to be notified of projects proposed in the Ocotillo area. The County therefore anticipates that the Project would not result in new significant impacts or a substantial increase in the severity of previously identified potentially significant impacts associated with cultural resources. The Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. No additional cultural resources impacts would occur and the conclusions and mitigation measures (Mitigation Measures 3.8-1 through 3.8-3) included in the previously-certified Final EIR/EIS and the conclusions and mitigation measures identified on pages 14 of Addendum No. 1 to the Final EIR/EIS regarding cultural resources remain accurate and applicable.

**XVIII. UTILITIES AND SERVICE SYSTEMS**

Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b) Require or result in the construction of new water or water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**A through G:**

**Other than those regarding water supplies, the Final EIR/EIS did not identify utilities and service systems impacts associated with construction and operation of the Project. To further mitigate potential hydrology and water quality impacts, the Settlement Agreement requires the replacement of Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, with proposed Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1; however, no other project changes are proposed in connection with the Settlement Agreement. Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not expand or increase the development footprint as previously evaluated. Therefore, no additional utilities and service systems impacts would occur and the conclusions of the previously-certified Final EIR/EIS regarding utilities and service system remain accurate and applicable.**



Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--------------------------------------	--	-------------------------------------	----------------

## SECTION 3 MANDATORY FINDINGS

### III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would not change the Findings of Significance as previously identified for the Final EIR/EIS. These issues were adequately analyzed in the prior Project Final EIR/EIS.**

**Based on the explanations in each of the above categories, an Addendum to the EIR for the USG Expansion/Modernization Project is the appropriate environmental document because implementation of Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would require only minor changes to the previously-certified Final EIR/EIS and none of the circumstances set forth in CEQA Guidelines Section 15162 has occurred.**

---

#### **IV. PERSONS & ORGANIZATIONS CONSULTED/REFERENCES/COMMENT LETTERS**

##### **A. COUNTY OF IMPERIAL**

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Interim Asst. Director of Planning & Development Services
- Patricia Valenzuela, Project Planner

##### **B. LILBURN CORPORATION**

- Cheryl Tubbs, Project Director

##### **C. REFERENCES**

- Final EIR/EIS for United States Gypsum Company Expansion/Modernization Project, dated January 2008 and as amended by the County Board of Supervisors
- Addendum to the Final EIR/EIS for United States Gypsum Company Expansion/Modernization Project, dated June 2008
- Settlement Agreement for Sierra Club v. County of Imperial, et al., Imperial County Superior Court, No. 97911, dated October 2018

---

## V. ENVIRONMENTAL DOCUMENT – County of Imperial

*The following environmental document is being circulated for public review in accordance with the California Environmental Quality Act, Sections 21091 and 21092 of the Public Resources Code.*

---

**Project Name:** Revised Mitigation Measures for the United States Gypsum Company Expansion/Modernization Project

**Project Applicant:** U.S. Gypsum Company

### A. Project Location:

The U.S. Gypsum Company Plaster City Plant is located on a 473-acre site at 3810 West Highway 80 (Evan Hewes Highway) in Plaster City approximately 18 miles west of El Centro in Imperial County. The Quarry is located in the northwestern portion of Imperial County adjacent to the Imperial County/San Diego County line. Water for processing and manufacturing purposes at the Plant is delivered by pipeline from three wells located approximately eight miles to the west near the community of Ocotillo. The location of these wells is defined as being in Section 39, Township 16S, Range 9E, San Bernardino Baseline and Meridian, as shown on the U.S. Geological Survey Coyote Wells Quadrangle.

### B. Project Summary:

Following litigation related to the County's certification of the 2008 Final EIR/EIS, a Settlement Agreement was reached to revise mitigation measures addressing potential groundwater impacts to individual wells in the Ocotillo-Coyote Wells Groundwater Basin. In October 2018, the Sierra Club, Imperial County and the Imperial County Planning Commission, and the U.S. Gypsum (referred to collectively as the "Parties") entered into *Settlement Agreement for Sierra Club v. County of Imperial, et al.* (Settlement Agreement) in Imperial County Superior Court Case No. 97911. In accordance with the Settlement Agreement, Mitigation Measures 3.3-1 and 3.3-2, as described in the Final EIR/EIS, would be replaced with Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1. Implementation of the Mitigation Measures 3.3-1-A through 3.3-1-G and COA No. 1 would be contained within the previously-approved Final EIR/EIS development footprint and all components of the Project remain unchanged.

---

**VI. FINDING**

**This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environmental and is proposing the attached environmental document based upon the following findings:**

- The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- The Initial Study identifies potentially significant effects but:
- (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
  - (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.
  - (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

**Based on the environmental analysis, an ADDENDUM (Addendum No. 2) to EIR for the USG Expansion/Modernization Project has been prepared.**

**If adopted, the Addendum to the Final EIR means that no further environmental mitigation measures will be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1750.**

**NOTICE**

---

**The public is invited to comment on the proposed Addendum and Initial Study during the review period.**

\_\_\_\_\_  
Date of Determination

\_\_\_\_\_  
Jim Minnick, Director of Planning & Development Services

---

*The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, as outlined within the Final EIR and MM&RP.*

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date



## PROCEDURES FOR DETERMINING THE CAUSE OF AN IMPACT

When a complaint from an individual well owner or a mutual water company within the monitored portion of the Ocotillo-Coyote Wells Groundwater Basin (Basin), is received by either the County or U.S. Gypsum ("USG") relative to water levels or water quality, a review of the complaint will be conducted to determine whether the event exceeds a declining water level rate of one foot every eight years and is attributable to or exacerbated, in whole or in part, by the Project (i.e., USG pumping quantities of groundwater above the baseline of 347 acre-feet/year). Additionally, as the groundwater level decreases, the saline water that is present at the water table could eventually reach the screened interval of some wells. Several wells have relatively short screened intervals, so that the saline water present at the water table could appreciably affect the quality of the water in certain wells. If the impact is determined to be attributable to or exacerbated, in whole or in part, by the Project, the USG must implement specific corrective measures to resolve the complaint as provided for in Mitigation Measures 3.3-1-E and 3.3-1-F. A decision-making process has been developed, consistent with the Imperial County Groundwater Ordinance, which outlines the process to be followed in the event of a complaint.

### Initial Response

If a complaint is received by USG, USG will inform the County Planning Director that the complaint has been received within five (5) business days of receipt. If a complaint is received by the County, the USG Plaster City Plant Manager will be informed within 5 business days of receiving a complaint from a well owner within the monitored Basin. The County will then commence the decision-making process described below.

Within ten (10) business days of the County's receipt of a written complaint with a documented change in water level or water quality from a well owner within the monitored Basin, the County Planning Director will determine whether there is any credible evidence that the change could be caused in whole or in part by Project (i.e., USG's pumping more than 347 acre-feet/year). The well owner (complainant) may waive this deadline and provide additional evidence to the County.

If the County Planning Director determines there is no credible evidence that the change in water levels or water quality of an individual or mutual water company well could be caused in whole or in part by the Project, the County will deny the complaint and provide the well owner with a written notice of its decision. The well owner may appeal the County Planning Director's decision in accordance with appeal procedures utilized by the County for land use decisions (i.e., currently Imperial County Code, § 90104.04).

If the County Planning Director determines there is any credible evidence that the change in water levels or water quality of an individual well could be caused in whole or in part by the Project, the County, the well owner, and USG will proceed with the assessment process described below.

---

### Initial Assessment and Recommendation – 60 Calendar Days

Within sixty (60) calendar days of the Planning Director's determination there is credible evidence that the change in water levels or water quality of an individual well could be caused in whole or in part by the Project, the County, well owner, and USG will undertake a three-step assessment process. USG will retain a qualified consultant (e.g., licensed engineer-hydrogeologist or geohydrologist) acceptable to the County to conduct the following.

First, USG's consultant will assess whether there is any credible evidence that the complaint is attributable in whole or in part to the Project.

Second, if there is credible evidence that the complaint is attributable in whole or in part to the Project, USG's consultant will conduct an evaluation of the complaint and draft a written assessment of the likelihood that the complaint was caused at least in part by the Project.

Third, for any complaint that USG's consultant determines there is substantial evidence that complaint was caused at least in part by the Project, USG's consultant will assess and recommend corrective measure(s) (including refinements in monitoring) necessary to mitigate the potential adverse impact consistent with Mitigation Measures 3.3-1-E and 3.3-1-F, as well as any temporary measures that may be necessary to mitigate impacts pending implementation of the appropriate permanent corrective measure(s) (e.g., replacement water supply by truck for up to six (6) months). USG will implement any recommendation(s) agreed to by the well owner as soon as feasible.

USG and its consultant shall provide the written assessment and recommendations, along with supporting and any conflicting data, to the County Planning Director and well owner within the sixty (60) day assessment period. If the well owner objects to the written assessment or recommendation(s), in whole or in part, the County Planning Director will review the objection(s) as provided below.

### County Review and Recommendation – 90 Calendar Days

Upon receiving notice from the well owner of any objection(s) to USG consultant's written assessment or recommendation(s), the County Planning Director will have ninety (90) calendar days to determine whether it concurs with USG consultant's assessment and recommendation(s) (including but not limited any modifications to the monitoring network, corrective actions, etc.). The County may decide to retain a qualified third-party consultant ((e.g., licensed engineer-hydrogeologist or geohydrologist) to conduct this review, or it may seek additional review by the qualified third-party consultant retained by USG for the purposes set out in the Settlement Agreement. During the review period, the County Planning Director or the County's consultant, may request additional data and analysis from USG or the well owner and will have access to all monitoring data. Within the ninety (90)-day review period, the County Planning Director will issue a written report of its review of USG's assessment and recommendation, including a decision whether it concurs with the assessment and recommendation(s) and if it does not concur, the basis of its disagreement and a proposed mitigation plan consistent with Mitigation

---



Measures 3.3-1-E and 3.3-1-F. The County will provide notice of the County Planning Director's decision and a copy of the Planning Director's report to USG and the well owner.

USG or the well owner may appeal the County Planning Director's decision in accordance with appeal procedures utilized by the County for land use decisions (i.e., currently Imperial County Code, § 90104.04).

Costs

USG will reimburse the County for its costs associated with the Complaint process.

---