

United States Department of the Interior  
Bureau of Land Management  
Environmental Assessment # BLM-CA-D070-2013-0078-EA  
Case File # Plan of Operation: CACA-032144  
Right-of-way: CACA-050523

## Decision Record

Jimenez Mine

Imperial County, California

U.S. Department of the Interior  
Bureau of Land Management  
El Centro Field Office  
1661 South 4<sup>th</sup> Street  
El Centro, CA 92243

August 2014



Decision Record  
El Centro Field Office  
Environmental Assessment #: BLM-CA-D070-2013-0078-EA  
Case File #: CACA-032144 (Mine Plan of Operation) and CACA-050523 (Right-of-Way)

**Proposed Action Title/Type:**

Approve the modified Plan of Operations, CACA-032144, and analyze activities permitted under the Plan of Operations and the amended right-of-way CACA-050523.

**Applicant/Proponent:**

Granite Construction Company

**Location of Proposed Action:**

The 100 acre site is located in Imperial County, California on public lands administered by the Bureau of Land Management (BLM) within the northeast ¼ and east ½ of the southeast ¼ of Section 8, Township 16 South, Range 9 East of the San Bernardino Baseline and Meridian.

**1.0 Introduction and Background**

Pursuant to the Materials Act of July 31, 1947, as amended (30 United States Code {USC} 601, *et seq.*), the Bureau of Land Management (BLM) El Centro Field Office has been selling mineral materials from public lands near the community of Ocotillo, in Imperial County, California, since the early 1970's. Extraction of mineral materials from this area began in the late 1920's or early 1930's. On April 2, 1969, the BLM published Classification Order R-1390 in the Federal Register segregating additional public lands in this area from locatable mineral entry specifically to protect them for use as a source of mineral materials. Subsequent designation of other public lands in this area as community pits was also done in 1981 for this purpose.

The BLM prepared and made available for public review the Jimenez Pit Environmental Assessment (EA) in April 1996. The proposed action at that time consisted of approving a Plan of Operations submitted by Granite Construction Company (Granite) to conduct aggregate (sand and gravel) mining and processing on 100 acres situated within the boundaries of two 160-acre unpatented claims (CK No. 1 and CK No. 3 / CAMC Nos. 38207 and 38209). The site is located on BLM-administered public land within portions of the east ½ of the southeast ¼ and northeast ¼ of Section 8, Township 16 South, Range 9 East of the San Bernardino Baseline and Meridian (SBBM). The BLM issued a letter on June 19, 1996 approving the Plan of Operations based on the BLM's finding that the action would not cause unnecessary or undue degradation to public lands, and that an environmental impact statement was not required.

Granite's operations include a number of material processing facilities, such as an asphalt plant and a ready-mix concrete plant. It was understood in 1996 that such plants would be present as ancillary facilities to mining, although the 1996 EA and Plan of Operations offered little detail regarding their operation. To that end, the BLM recently prepared a Supplemental

Environmental Assessment (SEA) to ensure that the existing plant facilities have had sufficient environmental analysis. The SEA also includes information on a number of water basins that Granite uses in its operations and analyzes a proposed change in Granite's operating hours at the site as well as a change to the slope angles of the mining excavation and clarifications to the reclamation phasing. The processing plants, water basins and operational changes are described in the SEA and in an amended Plan of Operations which has been submitted to the BLM. The SEA analyzes all of the above activities to be permitted under mine Plan of Operation CACA-032144 and right-of-way (ROW) CACA-050523 amendments.

The ROW CACA-050523 has been in place over the processing area of the mine site since April 30, 2009. The non-mining activities including the Asphalt Plant, Ready-Mix Concrete Plant, and Recycled Asphalt Process within the Jimenez mine site are being permitted under an amendment to the 2009 non-energy facility Federal Land Policy and Management Act (FLPMA) ROW CACA-050523 held by Granite. The original term of the ROW is 25 years and will expire December 31, 2033.

Except as indicated above, Granite is not proposing any other changes in site operations or activities. The original ROW was for conveyance of aggregates from the Carroll Pit to the Jimenez Pit for processing. The conveyance of aggregates will be removed from the ROW and the non-mining activities will be added to the ROW under the amendment. All operations will remain within the same 100-acre project site described in the 1996 EA and Plan of Operations. The depth of mining will remain a maximum of 50 feet below the original ground surface. No changes in traffic or production levels are proposed or will occur as a result of the project.

## **2.0 Decision**

### **2.1 Alternatives Considered**

#### **The Proposed Action:**

The operations within the Jimenez mine will continue to operate as a single-bench rock and sand surface mining operation. The material is extracted through the use of dozers and loaders, and fed to movable feeders/conveyors to the onsite processing plant for crushing and screening; followed by use in the production of asphalt and/or ready-mix concrete. No off-road haul trucks would be used onsite and no blasting is proposed. The finished materials would be trucked off the property directly to construction projects or to supply asphalt and concrete operations in the El Centro area.

The following plants are utilized on site as needed to meet local market demand for products: crushing/screening/washing plant; asphalt plant, ready mix concrete plant, and a concrete and asphalt recycling facility (including rubber plant). These and other major operational components are shown in the site map.

It is anticipated that the Jimenez Mine will see average annual production levels of approximately 250,000 tons per year with a total reserve of approximately 7.8 million tons.

These annual levels could reach 400,000 tons in peak years. The two phases of the Jimenez Mine, 50 acres each, are expected to yield up to 20 years' worth of production.

Operations would generally be limited to between 6:00 AM-7:00 PM, Monday through Saturday, and crushing/screening operations would not be started before 7:00 AM. Typically, operations would run eight hours per day from approximately 7:00 AM-3:00 PM, five days per week, and up to 52 weeks per year. These hours of operation are considered approximate due to weather conditions and market demands. Occasionally during the summer months, temperatures are too high to perform construction activities in late morning and afternoons, so often this work is done in the cool of the evening and even very early mornings. Thus, between the dates of May 31<sup>st</sup> through October 31<sup>st</sup>, aggregate shipping, concrete batching and shipping, and asphalt batching and shipping will be allowed during nighttime hours, past 7:00 PM. Granite must notify the BLM, the Imperial County Planning & Development Services and the Imperial County Air Pollution Control District at least 72 hours prior to commencing night time operations. The notification must be in writing and have information regarding specific start date, time and duration of the proposed night time operation. No mining or aggregate processing will be done outside the typical operating hours of 6:00 AM to 7:00 PM.

## **2.3 Decision and Rationale**

The El Centro Field Office interdisciplinary review and analysis determined that the Proposed Action would not trigger significant impacts on the environment based on criteria established by regulations, policy and analysis. Therefore, the BLM has issued a FONSI and has decided to approve the SEA, the revised Plan of Operations CACA-32144, and to amend the right-of-way (ROW) CACA-050523.

The information in the SEA is intended to supplement the 1996 EA to the extent that existing processing facilities were not described in detail in the EA and the 1996 Plan of Operations, and to consider the proposed change in operating hours.

## **3.0 Consultation and Coordination**

### **3.1 Agencies Consulted**

Please refer to the 1996 EA in addition to the list below.

#### **Bureau of Land Management**

El Centro Resource Area  
1661 South 4th Street  
El Centro, CA 92243  
(760) 337-4412

Efe E. Erukanure, Geologist  
Nicollee Gaddis, Planning and Environmental Coordinator  
Andrew Trouette, Botanist  
Christine McCollum, Archaeologist  
Veronica Vogan, Realty Specialist

Carrie Simmons, Assistant Field Manager for Resources  
Thomas Zale, Field Manager

**Imperial County APCD**

150 S. 9th Street  
El Centro, CA 92243  
(760) 482-4606

**Imperial County  
Planning & Development Services**

801 Main Street  
El Centro, CA 92243  
Phone 760-482-4236

Patricia Valenzuela, Planner IV

**Imperial County Environmental Health Services**

797 Main Street, Suite B  
El Centro, CA 92243  
Phone 760-336-8530

Lars Seifert, Environmental Health Services Manager  
Jeff Lamoure, Deputy Director for Environmental Health Services

**United States Fish and Wildlife Service**

777 East Tahquitz Canyon Way, Suite 208  
Palm Springs, CA 92262

Pete Sorensen, Division Chief  
Tera Baird, Biologist

**3.2 List of Preparers**

**Kjelstrom & Associates, Inc.**

31593 Pleasant Drive  
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Kit Kjelstrom, P.E., President  
Shaun Kjelstrom, P.E., Vice President

**Granite Construction Company**

38000 Monroe St.  
Indio, Ca 92203  
(760) 775-7500

Jayne Powel, Environmental & Aggregate Resources Manager

#### **4.0 Public Involvement**

In connection with the relationship we have with the Imperial County Planning Department, all documents have been made available to the public in accordance with the California Environmental Quality Act and National Environmental Policy Act guidelines. A public Environmental Evaluation Committee hearing was held on July 10, 2014 and a public County Planning Commission hearing is scheduled to hold on August 27, 2013.

The EA was made available by the BLM for a 15-day public comment period which commenced on April 29, 2010 and ended on May 29, 2010. One comment was received by BLM on July 15, 2014 from the Imperial County Planning & Development Services Division. The July 15 comment letter is attached to the EA and the expressed concern regarding Granite's hours of operation has been addressed section 3.6 of the EA.

#### **5.0 Consistency with Land Use Plans, Regulations and Policies**

Based on information in the SEA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the following Land Use Plans:

- California Desert Conservation Area Plan of 1980, as amended
- Western Colorado Desert Routes of Travel Designation

The Proposed Action is consistent with the National Energy Policy Act of 2005 and the BLM's National Energy Policy Implementation Plan; the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

Laws and regulations applicable to the disposal of mineral materials (salable minerals) on public lands in the study area include:

- Mineral Materials Act of 1947, as amended (43 USC 601, *et seq.*)
- FLPMA and 43 CFR Part 3600
- Surface Resources Act of 1955
- BLM Handbook H3042-1 - *Solid Minerals Reclamation Handbook*
- BLM Manual and Handbook 3600

The Proposed Action is consistent with the open space designations of the Imperial County Land Use Ordinance, the Imperial County General Plan, and the Ocotillo/Nomirage Community Area Plan

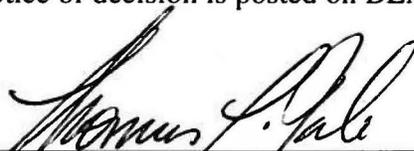
The Proposed Action will be implemented in conformance with the terms and conditions of the United States Fish and Wildlife Service Biological Opinion on the effects to Peninsular bighorn sheep from sand and gravel mining along the perimeter slopes of the Coyote Mountains.

The Proposed Action is in compliance with the following existing permits: U.S. Army Corps of Engineers Clean Water Act Section 404 permit, the California Air Resources Board permit, and the Imperial County Conditional Use permits.

## 6.0 Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in accordance with the regulations in 43 CFR Part 4, and the enclosed form 1842-1. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's (El Centro Field Office) internet website.

  
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Thomas F. Zale, Field Manager  
El Centro Field Office

  
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Date

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS**

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED**

**1. NOTICE OF APPEAL.....**

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

**2. WHERE TO FILE**

NOTICE OF APPEAL.....

WITH COPY TO SOLICITOR...

**3. STATEMENT OF REASONS**

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR.....

**4. ADVERSE PARTIES.....**

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

**5. PROOF OF SERVICE.....**

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

**6. REQUEST FOR STAY.....**

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

**43 CFR SUBPART 1821--GENERAL INFORMATION**

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

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(Form 1842-1, September 2006)