

Table of Contents
Planning Commission Meeting

September 7, 2021

FILE NUMBER:	IS #2020-003 (for MA 2020-002 & RP 2020-001)
OPERATOR:	Turner Excavating, Inc. (Lynne Turner)
PROPERTY OWNER/OPERATOR:	Red River Forests LLC
TYPE OF APPLICATION:	Initial Study

Staff Report.....	1
Draft Resolution.....	6
Resolution No. 05-01-10.....	13
Resolution No. 9-1-14.....	15
Hwy 36/Devil’s Corral Vicinity Map	17
Hwy 36/Devil’s Corral Site Map	18
Use Permit Minor Amendment Application #2020-002.....	19
Initial Study Application #2020-003	21
Reclamation Plan Application #2020-001	24

Please find the following on the attached disk:

- Application Package
- Application Appendices
 - Appendix A: Biological Resources Report
 - Appendix B: Geotechnical Report
 - Appendix C: Financial Assurance Cost Estimate (pending)
 - Appendix D: Evidence Landowners have been Notified of Proposed Use
 - Appendix E: Soils Information
 - Appendix F: Stormwater Pollution Prevention Plan
 - Appendix G: Best Management Practices
- Correspondence with VESTRA Resources, Inc.
- Department of Conservation, Division of Mine Reclamation Comments and Lassen County’s Response to Comments
- Early Consultation Correspondence
- Initial Study #2020-003
- Notice of Intent to Adopt a Mitigated Negative Declaration Comments and Lassen County’s Response to Comments
- Technical Advisory Committee Findings and Recommendations

LASSEN COUNTY PLANNING COMMISSION
STAFF REPORT
September 7, 2021

FILE NUMBER: IS #2020-003, MA #2020-002, RP #2020-001
OWNER: Turner Excavating, Inc.
TYPE OF APPLICATION: Initial Study, Use Permit Minor Amendment,
Reclamation Plan
GENERAL LOCATION: The project site is in Lassen County approximately 7
miles west of Susanville via State Highway 36 (Hwy 36),
near Devil's Corral.
ASSESSOR'S PARCEL NUMBER(S): 115-200-055-11 & 115-200-032-11
PROJECT SITE ZONING: U-C-2 (Upland Conservation/Resource Management
District) & T-P-Z (Timber Production Zone)
GENERAL PLAN: Extensive Agriculture
ENVIRONMENTAL DOCUMENT: Initial Study
APPEAL: Board of Supervisors, Lassen County Environmental
Review Guidelines Section 6(f), 10 days
STAFF CONTACT: Cortney Flather, Natural Resources Technician

AUTHORITY FOR APPLICATION:

Lassen County Environmental Review Guidelines (Board of Supervisors Resolution No. 01-043) section 7(a)(1) establishes the procedure for the Mitigated Negative Declaration process.

REGULATING AGENCIES:

<u>Agency</u>	<u>Identified Permits / Approvals</u>
Planning Commission	Approval
Department of Conservation, Division of Mine Reclamation	Review and Approval
Lassen County Air Pollution Control District (APCD)	Authority to Construct/Permit to Operate
Lahontan Regional Water Quality Control Board (LRWQCB)	Permit for Storm Water Discharges associated with Construction and Land Disturbance
Lassen County Environmental Health Department	Permit Issuance (storing hazardous materials)
Lassen County Sheriff's Office	Blasting Permit
California Department of Transportation (Caltrans)	Encroachment Permit

California Department of Forestry and Fire
Protection (CAL FIRE)

Timberland Conversion Permit (TCP)

Lassen County Public Works

Encroachment Permit

PROJECT DESCRIPTION:

Proposal for a Minor Amendment to the vested Hwy 36/Devil's Corral Mine (Resolution No. 05-01-10) and Reclamation Plan for a 9.2-acre construction aggregate surface mine. If approved, the minor amendment would allow for mining on an existing 5.29-acre vested mine in addition to a 3.91-acre spill-over portion not included in the vested right to mine Monday through Friday 6 a.m. to 4 p.m. The applicant estimates that there is approximately 300,000 yd³ of material (construction aggregates) to be mined. The proposed end date of the mine is 2050, however, said material could be exhausted within less than ten years from the start of mining. Reclamation is proposed to initiate after mining is complete. The area to be reclaimed is approximately 9.2 acres. The proposed use after mining is timberland and/or open space.

PROJECT AND SUROUNDING SITE CHARACTERISTICS:

The project site is located approximately 7 miles west of Susanville off of Hwy 36. The California Department of Fish and Wildlife's (CDFW) Vegetation Classification and Mapping Program (VegCAMP) identifies the project site as eastside pine and bitterbrush. The predominant tree species in the vicinity is Ponderosa pine (*Pinus ponderosa*). Big sagebrush (*Artemisia tridentate*), rabbitbrush (*Ericameria nauseosa*) and native grasses (approximately 15% of the site) occur throughout the project area. Susanville beardtongue (*Penstemon sudans*) can be found in several patches throughout the site and is considered a rare plant, rank 4.3, meaning it has limited distribution but is not very threatened in California.

There are no streambeds, banks, channels, or drainages located in the immediate vicinity of the mine. The Susan River is approximately 0.15 miles east and Willard Creek is approximately 0.35 miles south. No watercourses, wetlands, vernal pools, or other sensitive habitats exist onsite. According to the FEMA Flood Map Service Center, the project site is in Zone X, an area of minimal flood hazard (USGS, 2020).

GENERAL PLAN AND ZONING:

Vested portion: The vested portion of the site is zoned T-P-Z by Lassen County, and has historically had surface mining/quarry operations occurring, prior to Lassen County's adoption of zoning ordinances. The implementation of the Reclamation Plan is not anticipated to influence the overall land uses or designations, as it would reclaim the mining operations as required by state law and implementing regulations. The parcels are not proposed for alteration under the Reclamation Plan.

The non-vested portion of the site is zoned U-C-2 and would not conflict with existing zoning for, or cause rezoning. Both the vested and non-vested portions of the proposed mine would convert more than three acres of land to non-timberland uses, the maximum use allowed by right as stated in Lassen County Code Section 18.70.030(f). Although the proposed project would result in the

conversion of what was and may eventually become forest land to traditional non-forest use, activities would not preclude the potential for future logging of the forested areas.

SURROUNDING PROPERTIES:

Adjacent lands are primarily zoned as U-C-2 with one property to the north zoned as U-C-A-P (Upland Conservation Agricultural Preserve Combining District) and another property to the north zoned T-P-Z. Many of the surrounding parcels are owned by Red River Forests, LLC, Sierra Pacific Industries, or the federal government. The land where the project is located is not designated as prime agriculture or as an agricultural preserve (Williamson Act contract).

There are 5 residences within 0.5 miles of the proposed project on the south side of Highway 36. The Bizz Johnson Trail is within 500 feet of the proposed site.

DISCUSSION:

The existing Hwy 36/Devil’s Corral Mine is located on a 16.010-acre parcel owned by Red River Forests LLC. The spillover portion of the proposed mine is located on a 121.000-acre parcel also owned by Red River Forests LLC.

On May 5, 2010, the Lassen County Planning Commission found that there are vested mining rights for 4.74 acres of assessor parcel number 115-200-055 (Resolution 05-01-10). This was later determined to include a right to process the material onsite to the extent that was occurring when the use became nonconforming and added 0.55 acres of access road to be included in the vested area, totaling 5.29 acres on September 3, 2014 (Resolution No. 9-1-14). Resolution No. 9-1-14 further states that when active mining of the vested site resumes, hours of operation will be limited to 6:00 a.m. to 4:00 p.m., Monday through Friday. The vested portion of the site has existed since at least 1947 and was used prior to the Surface Mining and Reclamation Act of 1975 (SMARA) for construction-grade aggregates primarily for road construction and maintenance. There is no evidence of mining activity since a portion of the proposed project was deemed vested in 2010.

A vested mining right is a constitutionally protected property right to continue operating in a certain location and in a certain way without being required to conform to all current land use restrictions. A vested mining right falls into the category of a "nonconforming use" of land. The leading court case in this area has described a "nonconforming use" in this way:

“A legal nonconforming use is one that existed lawfully before a zoning restriction became effective and that is not in conformity with the ordinance when it continues thereafter.... The use of the land, not its ownership, at the time the use becomes nonconforming determines the right to continue the use. Transfer of title does not affect the right to continue a lawful nonconforming use which runs with the land...”(Hansen Brothers Enterprises v. Board of Supervisors, 12 Cal. 4th 533, 540 fn. 1 (1996)).

With the approval of a vested right to mine (Resolution No. 05-01-10), obtaining a use permit from Lassen County is no longer required. As per the California Supreme Court's decision in *Communities for a Better Environment v. South Coast Air Quality Management District*, the attached Initial Study discusses the impacts of mining operations and reclamation activities on both the vested (5.29 acres)

and non-vested (3.91 acres) portions of the proposed mine. However, mitigation measures are only suggested for impacts during the reclamation (after cessation of mining) phase of the site for the vested portion of the mine. Mitigation measures will be required, where necessary, on the non-vested portion of the site for both mining activities and implementation of the reclamation plan. The entirety of the project site is subject to applicable State or Federal permit/regulation requirements as well as Environmental Health permits or other applicable County safety regulations.

The physical conditions on the ground at the time of the application submittal (October 5, 2020) serve as the baseline for the attached Initial Study. The proposed mine site burned in the Hog Fire in July of 2020 and salvage logging was witnessed on site as of October 30, 2020.

The project site is not in an area requiring notice to any tribe, pursuant to Assembly Bill 52. However, notices were sent to the Washoe Tribe of Nevada and California including a letter pursuant to Assembly Bill 52.

ENVIRONMENTAL DOCUMENT:

The Environmental Review Officer prepared an Initial Study, which identifies potentially significant impacts in the following categories, and mitigation measures have been identified to reduce said impacts to a less than significant level:

- Aesthetics
- Forestry
- Air Quality
- Biological Resources
- Noise
- Recreation

Due to these potentially significant impacts being reduced to less than significant with mitigation measures incorporated, the ERO has prepared a Mitigated Negative Declaration. Please refer to the attached Initial Study for additional information.

FINDINGS and/or RECOMMENDATIONS BY TAC:

The Technical Advisory Committee (TAC) met on July 1, 2021 and has adopted recommended findings and conditions for consideration by the Planning Commission. The recommended findings and conditions can be found in the attachments.

PLANNING COMMISSION ACTION:

Pursuant to section 15074(b), prior to approving a project, the decisionmaking body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decisionmaking body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the

negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

STAFF RECOMMENDATION:

Staff has reviewed the enclosed Use Permit Minor Amendment 2020-002 and Reclamation Plan 2020-001 and has found it to be consistent with Lassen County Code, Section 9.60.040 and Public Resources Code, Section 2710 et seq. (SMARA). Staff recommends that the Planning Commission adopt a resolution approving Use Permit Minor Amendment #2020-002, Reclamation Plan #2020-001, with conditions, and the Mitigated Negative Declaration as the environmental document for this project.

MANDATORY FINDINGS:

The following findings shall be made by the Planning Commission or Board of Supervisors, as applicable, in conjunction with any other findings which may be considered for the approval or denial of a use permit amendment:

- (a) That the project will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
- (b) That the project is or is not consistent with the Lassen County General Plan, 2000.

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING USE PERMIT MINOR AMENDMENT #2020-002, RECLAMATION PLAN #2020-001, WITH CONDITIONS; AND ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE HWY 36/DEVIL'S CORRAL MINE, TURNER EXCAVATING, INC.

WHEREAS, as required by the California Environmental Quality Act, the Planning Commission of Lassen County, after due notice and a public hearing conducted September 7, 2021, has considered the Environmental Impacts of the proposed Use Permit Minor Amendment #2020-002 and Reclamation Plan #2020-001, Turner Excavating, Inc., allowing for mining from 6:00 a.m. to 4:00 p.m. Monday through Friday (except during declared emergencies) on an existing 5.29-acre vested mine in addition to a 3.91-acre spill-over portion not included in the vested right to mine, allowing for approximately 300,000 yd³ of construction aggregates to be mined, and allowing mining until 2050; and

WHEREAS, the Environmental Review Officer of Lassen County has prepared an Initial Study and has given notice of preparation of a Mitigated Negative Declaration for adoption by the Planning Commission in accordance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
 - a. That the proposed project is consistent with the Lassen County General Plan and the provisions of Chapter 18.68 of the Lassen County Zoning Ordinance.
 - b. That the project, as conditioned, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
 - c. That the project will not cause substantial environmental damage;
 - d. That the Reclamation Plan as revised per the conditions of approval, substantially complies with the provisions of SMARA and the State Regulations;
 - e. That the proposed end use of timberland/open space is consistent with the General Plan, 2000 and current zoning of the site;

- f. The mitigation measures presented in Exhibit B effectively reduce all identified potentially significant environmental impacts on mined lands to a less than significant level;
 - g. That the mined lands to be reclaimed will be restored to a usable condition adaptable to alternative land uses and compatible with surrounding lands;
 - h. That a response to the comments from the Department of Conservation, Division of Mine Reclamation (DMR) have been prepared addressing the substantive issues raised by DMR;
3. The Planning Commission hereby approves Use Permit Minor Amendment #2020-002, Reclamation Plan #2020-001, subject to the conditions of approval attached hereto as Exhibit A and Exhibit B.
 4. The Planning Commission hereby adopts the Mitigated Negative Declaration as the environmental document for the project.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 7th day of September 2021, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary

EXHIBIT A

**CONDITIONS OF APPROVAL
USE PERMIT MINOR AMENDMENT #2020-002**

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use as described in this project description and application and as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission.
3. All operational conditions of the vested mine site established by the Planning Commission through Resolution No. 05-01-10 and Resolution No. 9-1-14 not specifically amended by this use permit are readopted and are applicable to the entire 9.2-acre site.

**Pre-Operational Conditions
(Must be satisfied before issuance of the Authorization to Operate)**

4. A permanent benchmark shall be established onsite before Authorization to Operate is granted.
5. The applicant shall mark the mining boundaries before an Authorization to Operate is granted.
6. Prior to issuance of an Authorization to Operate, the applicant shall send copies of all required permits from other agencies, including an Authority to Construct/Permit to Operate from the Lassen County Air Pollution Control District, Permit for Storm Water Discharges associated with Construction and Land Disturbances from the Lahontan Regional Water Quality Board, Permit for storing hazardous materials from the Lassen County Environmental Health Department, Blasting Permit from the Lassen County Sheriff's Office, a Timberland Conversion Permit from the California Department of Forestry and Fire Protection, an Encroachment Permit from Lassen County Public Works, and an Encroachment Permit from the California Department of Transportation.
7. Prior to issuance of an Authorization to Operate, the applicant shall have a financial assurance cost estimate and the associated financial assurance mechanism for the reclamation of the current disturbance on the vested portion of the site.
8. A post-fire Susanville beardtongue (*Penstemon sudans*) survey shall be conducted to accurately assess its population and distribution onsite before an Authorization to Operate is granted.

Operational Conditions
(Must be satisfied during operation of the Use Permit)

9. Operations shall be limited to Monday through Friday, 6 a.m. to 4 p.m. unless under declared emergencies, shall not exceed extraction of the total estimated 300,000 yd³ of material, and shall not exceed 75 trucks trips per day.
10. The applicant shall meet any existing and future Lassen County noise ordinances. All aspects of the mine operations/reclamation shall adhere to noise element standards, including the vested portion. If Lassen County expects noises levels are being exceeded, an annual noise report will be conducted at the expense of the operator and submitted to the Lassen County Planning and Building Services Department.
11. Turner Excavating shall be responsible for reimbursing the State for costs incurred to install safety precautions, removal of materials, or detours relating to cleanup of any spillage of materials originating from the permitted site onto the State highway per California Vehicle Code (CVC) Section 17300 (c).
12. The applicant shall mark all vegetation test plots when installed. The vegetation test plot shall match the prescription proposed in the reclamation plan, 0.4-0.8 inches of topsoil over at least 6 inches of paleosol *or* 2 test plots, one with the previously mentioned prescription and one with 6 inches of paleosol (no topsoil) to ensure that an appropriate prescription will be utilized during the reclamation phase.
13. All Susanville beardtongue (*Penstemon sudans*) preservation areas shall be mapped and protected. Maps shall be provided to Lassen County Planning and Building Services and California Department of Fish and Wildlife (CDFW) as stated Mitigation Measure Bio-1.
14. Primary reclamation (e.g. grading, erosion control, ponds/detention basins, stream and wetland protection, sensitive wildlife and plant protection, soil/overburden stockpile management, etc.) shall be completed five years after the closure of the mine and not to exceed 2055. Revegetation monitoring following completion of primary reclamation will continue until the proposed success standards for revegetation are met.
15. If dust becomes an issue, it is at the County's discretion to require that spray bars be installed on water trucks or if other methods of dust suppression shall be utilized at the operator's expense.
16. If Lassen County suspects haul trucks are exceeding speed limits or if the applicant is suspected of exceeding the maximum number of truck trips (75 per day), it is at the County's discretion to require the applicant to install pneumatic road tubes at the operator's expense.
17. Lassen County and neighbors within one mile of the proposed site shall be notified before blasting occurs.

EXHIBIT B
CONDITIONS OF APPROVAL-MITIGATION MEASURES
IS #2020-003

1. **Mitigation Measure Aesthetics-1:** Upon completion of mining operations, where forest soils are available, one-year-old Styrofoam-container-grown ponderosa pine plugs from a local seed source and elevation shall be planted at approximately 300 trees per acre with an average of 12-foot x 12-foot spacing. All Styrofoam containers from the ponderosa pine plugs shall be bagged up and disposed of offsite. Competing vegetation shall be controlled around pine seedlings for the first two years after planting to facilitate successful establishment.

Following tree establishment, native herbaceous ground covers shall be allowed to reseed the areas of the site where trees are planted. The success standard surface cover shall be 75 percent with a species richness of 5 species present.

Lassen County will monitor success standards during our annual mine inspections pursuant to the Surface Mining and Reclamation Act (SMARA).

2. **Mitigation Measure Aesthetics-2:** All equipment (when not in use), structures, and stockpiles shall be moved to the northern portion of the site (vested portion) to reduce the visual impacts from Hwy 36.

Lassen County will check for compliance during our annual mine inspections pursuant to the Surface Mining and Reclamation Act (SMARA) and respond to complaints from the public.

3. **Mitigation Measure Forestry-1:** Approximately 2.5 acres of the site shall be converted to native forbs and grasses and 6.5 acres shall be timberland over the entirety of the site (vested and non-vested portions). Ponderosa pine/Jeffery pine (*Pinus jeffreyi*) plantings shall be planted at approximately 300 trees per acre with an average of 12-foot by 12-foot spacing. Competing vegetation shall be controlled around pine seedlings for the first two years after planting to facilitate successful establishment. The success standard surface cover shall be 75 percent with a species richness of 5 species present.

Lassen County will monitor success standards during our annual mine inspections pursuant to the Surface Mining and Reclamation Act (SMARA).

4. **Mitigation Measure Air-1:** A water truck shall be used for dust mitigation and if dust becomes a problem, spray bars shall be installed.

Lassen County will check for compliance during our annual mine inspections pursuant to the Surface Mining and Reclamation Act (SMARA) and respond to complaints from the public.

5. **Mitigation Measure Bio-1:** In order to reduce impacts to the Susanville beardtongue (*Penstemon sudans*) from mining activities, seeds shall be collected for use during reclamation. Seeds shall be collected at the appropriate time of year before mining activities commence. The project applicant shall collect and store seed using scientifically sound collection and storage techniques. Seeds shall be broadcast seeded during the appropriate planting time during reclamation. All areas planted with Susanville beardtongue shall be mapped. Monitoring methods shall occur according to the revised SMARA Reclamation Plan. In addition, Susanville beardtongue populations shall be marked with earth-toned exclusion fencing. All preservation areas shall be mapped and protected. All maps shall be provided to Lassen County and the California Department of Fish and Wildlife.

Lassen County will check for compliance during our annual mine inspections pursuant to the Surface Mining and Reclamation Act (SMARA).

6. **Mitigation Measure Bio-2:** Herbicide shall not be used in areas where the Susanville beardtongue is present.

Lassen County will check for compliance during our annual mine inspections pursuant to the Surface Mining and Reclamation Act (SMARA).

7. **Mitigation Measure Bio-3:** Native wildflowers and native grasses shall be planted to improve foraging habitat for western bumble bees and other pollinators. The selected revegetation palette shall achieve a continuous availability of pollen and/or nectar between spring and fall when foraging habitat is most critical for bees and other pollinators.

Lassen County will monitor success standards during our annual mine inspections pursuant to the Surface Mining and Reclamation Act (SMARA).

8. **Mitigation Measure Bio-4:** Overwintering opportunities for the western bumble bee shall be created by placing small leaf and brush piles in the wildflower meadow during mine reclamation in addition to planting bunch grasses.

Lassen County will check for compliance during our annual mine inspections pursuant to the Surface Mining and Reclamation Act (SMARA).

9. **Mitigation Measure Bio-5:** The project area shall be monitored for invasive plant species by the project applicant. Percent cover for noxious weeds (i.e., invasive, exotic) shall not exceed 10 percent. Removal shall be done by hand. Invasive plants shall be bagged and taken to a landfill. The removal shall be conducted annually before invasive seed is set and until reclamation is completed.

Lassen County will check for compliance during our annual mine inspections pursuant to the Surface Mining and Reclamation Act (SMARA).

10. **Mitigation Measure Bio-6:** Impacts to nesting birds shall be avoided by completing nest surveys prior to commencing activities that could disturb nesting birds (Shuford and Gardali 2008). Should a site survey detect nesting raptors or migratory songbirds near the project area, appropriate spatial and temporal buffers shall be implemented.

All survey data shall be sent to Lassen County for review to ensure compliance.

11. **Mitigation Measure Noise-1:** Mining, including blasting activities, shall not take place on weekends, holidays or during events on the Bizz Johnson Trail including the Bizz Johnson Trail Marathon.

Lassen County will monitor blasting activities and respond to public complaints to ensure compliance.

12. **Mitigation Measure Noise-2:** The generator/s shall be placed on the vested portion of the mine site or, if placed on the non-vested portion of the site, a noise study shall be conducted.

Lassen County will check for compliance during our annual mine inspections pursuant to the Surface Mining and Reclamation Act (SMARA) and respond to complaints from the public.

13. **Mitigation Measure Rec-1:** Warning signs noticing recreators of active mining and prior to the loading of explosives, blasting signs shall be posted and made visible to recreators using the Bizz Johnson Trail.

Lassen County will monitor blasting activities and respond to public complaints to ensure compliance.

RESOLUTION NO. 05-01-10

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION TO FIND THAT THERE ARE VESTED MINING RIGHTS FOR 4.74 ACRES OF ASSESSOR PARCEL NUMBER 115-200-55, FILE # 820.06.01 [portion of the southeast ¼ of the southwest ¼, Section 6, township 29 north, Range 11 east].

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing on May 5, 2010, has considered a request for a determination of vested rights to a certain quarry, filed by Michael Kirack and Steve Manning for property owned by Red River Forests Partnership/Beaty & Associates Inc; and

WHEREAS, the Red River Forests Partnership/Beaty & Associates Inc has indicated their concurrence with the above request; and

WHEREAS, said request for a determination of vested rights is for a 4.74 acre portion of Assessor Parcel Number 115-200-55; located north of Highway 36 where it crosses the Susan River, in an area known as the "Devils Corral," approximately 6 miles west of Susanville and more precisely described as a portion of the southeast ¼ of the southwest ¼, Section 6, township 29 north, Range 11 east, south of the Susan River); and

WHEREAS, Public Resource Code Section 2776(a) states in part that "...A person shall be deemed to have vested rights if, prior to January 1, 1976, the person has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary for the surface mining operations."; and

WHEREAS, the California Supreme Court states in Hansen Brothers Enterprises, Inc. v. Board of Supervisors of Nevada County that abandonment of a use depends on: (1) An intention to abandon; and (2) an overt act, or failure to act, which carries the implication the owner does not claim or retain any interest in the right to the nonconforming use.

WHEREAS, the Environmental Review Officer has found that this determination is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission hereby adopts findings and analysis contained in Staff Report 820.06.01, and in the Planning Commission packet.
3. The Planning Commission further finds that:
 - a. Evidence submitted requesting a determination and testimony considered at this hearing supports a determination that there are vested rights for the 4.74 acres described in the request.
 - b. Evidence demonstrates that a quarry has existed at the project site since at least 1947, which is prior to any requirements that an entitlement be secured through either the County or the State.
 - c. Evidence in the record demonstrates that surface mining operations were commenced and it presumed that substantial liabilities have been incurred.

- d. There is inadequate evidence to find that there was ever an intention to abandon the use, nor has there been an overt act, or failure to act, which carries the implication the owner, does not claim or retain any interest in the right to said use.
 - e. No evidence has been submitted, and there is no claim to any vested rights on any land other than the 4.74 acres claimed in this request.
 - f. There is no evidence and it has been adequately demonstrated that that there has never been mining activity within the southwest ¼ of the southeast ¼ or the southeast ¼ of the southwest ¼,, Section 6, township 29 north, Range 11 east, other than the vesting area claimed.
 - g. The applicants and land owner have acknowledged by way of their request and submittals that the only vested right claimed are for the 4.74 acre portion of Assessor Parcel Number 115-200-55 as described.
4. The Planning Commission hereby concurs with the Environmental Review Officer that this determination is exempt from the California Environmental Quality Act.
5. The Planning Commission hereby makes the determination that there is a 4.74 acre vested quarry located on a portion of Assessor Parcel Number 115-200-55 [being a portion of the southeast ¼ of the southwest ¼, Section 6, township 29 north, Range 11 east] on the condition that the site be surveyed by a licensed surveyor prior to submittal of an application for a reclamation plan and financial assurance.

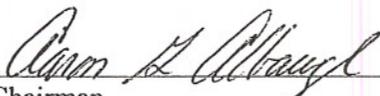
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 5th day of May, 2010, by the following vote:

AYES: Commissioners Albaugh, Beckett, Poulsen, Purdy, Stewart

NOES: None

ABSTAIN: None

ABSENT: None



Chairman
Lassen County Planning Commission

ATTEST:


Maurice L. Anderson, Secretary
Lassen County Planning Commission

RESOLUTION NO. 9-1-14

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION TO FIND THAT THERE ARE CERTAIN OPERATIONAL AND PROCESSING RIGHTS CONNECTED TO THE VESTED MINING RIGHTS ESTABLISHED BY RESOLUTION No. 05-01-10 ON 4.74 ACRES OF ASSESSOR PARCEL NUMBER 115-200-55, FILE # 820.06.01 [portion of the southeast ¼ of the southwest ¼, Section 6, township 29 north, Range 11 east].

WHEREAS, the Lassen County Department of Planning and Building Services, while processing an Initial Study, as required by the California Environmental Quality Act (CEQA), prior to approval of a reclamation plan for the site, did provide the applicant with a letter dated May 20, 2014, identifying issues which could potentially cause the processing of the initial study to be delayed; and

WHEREAS, the Red River Forests Partnership/Beaty & Associates, Inc., Steve Manning Construction, and Environmental Consultant Travis Deem attended a meeting held on July 9, 2014, which was scheduled in order to identify applicant and landowner concerns arising from the May 20, 2014, Lassen County letter; and

WHEREAS, the Red River Forests Partnership/Beaty & Associates Inc, as a result of the July 9, 2014, meeting, has requested a determination be made, which clarifies whether or not the right to mine, as established by Resolution No. 05-01-10, implies that there is right to certain operational items associated with the mine, such as processing onsite, and if this right does exist, to what extent, and further, Red River Forests Partnership/Beaty & Associates, Inc., seek to determine if lands providing access to the site should be included in the “vested” footprint; and

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing on May 5, 2010, determined, with Resolution No. 05-01-10, that vested rights exist on a 4.74 acre portion of Assessor Parcel Number 115-200-55, located north of Highway 36 where it crosses the Susan River, in an area known as the “Devils Corral,” approximately 6 miles west of Susanville and more precisely described as a portion of the southeast ¼ of the southwest ¼, Section 6, Township 29 north, Range 11 east, south of the Susan River); and

WHEREAS, the vested right determination in Resolution 05-01-10 is supported by Public Resource Code Section 2776(a) which states in part that, “...A person shall be deemed to have vested rights if, prior to January 1, 1976, the person has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary for the surface mining operations.”; and

WHEREAS, the California Supreme Court case Hansen Brothers Enterprises v. Board of Supervisors, 12 Cal. 4th 533 (1996) held that, ‘When continuance of an existing use is permitted by a zoning ordinance, the continued nonconforming use must be similar to the use existing at the time the zoning ordinance became effective.’

WHEREAS, the Environmental Review Officer has found that this determination is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission hereby adopts findings and analysis contained in the September 3, 2014, Staff Report 820.06.01, and in the Planning Commission packet.
3. The Planning Commission further finds that:

- a. Evidence submitted requesting a determination and testimony considered at this hearing supports a determination that the vested rights established in Resolution No. 05-01-10, include a right to process the material onsite to the extent that was occurring when the use became nonconforming.
 - b. Evidence previously submitted demonstrates that operations at the site were previously limited to extraction, crushing, screening and onsite storage of mineral aggregate.
4. Access to the site is confirmed to be part of the vested right established in Resolution No. 05-01-10 and the primary access road, which originates approximately 0.77 miles from highway 36 on Goumaz Rd. and terminates at the mine site after approximately 0.12 miles, is hereby included and added to the vested area of 4.74 acres; this correction amends the total vested area to 5.29 acres.
 5. The Planning Commission verifies that the site may continue the following operations: extraction, crushing, screening and onsite storage of mineral aggregate, as part of the vested right confirmed in Resolution No. 05-01-10.
 6. When active mining of the vested site resumes, hours of operation will be limited to the following; 6:00 am to 4:00 pm, Monday through Friday.
 7. The Planning Commission hereby concurs with the Environmental Review Officer that this determination is exempt from the California Environmental Quality Act.
 8. The Planning Commission verifies that the determination found in Resolution No. 05-01-10 remains valid and that all conditions of said resolution were satisfied.
 9. This resolution adopts all findings from and replaces Resolution No. 05-01-10.

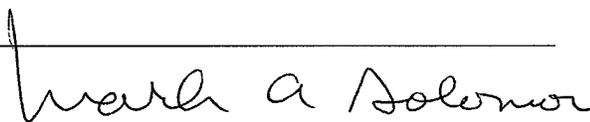
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 3rd day of September, 2014, by the following vote:

AYES: Mudrich, Purdy, Solomon, Meyer, Herman

NOES: None

ABSTAIN: None

ABSENT: None

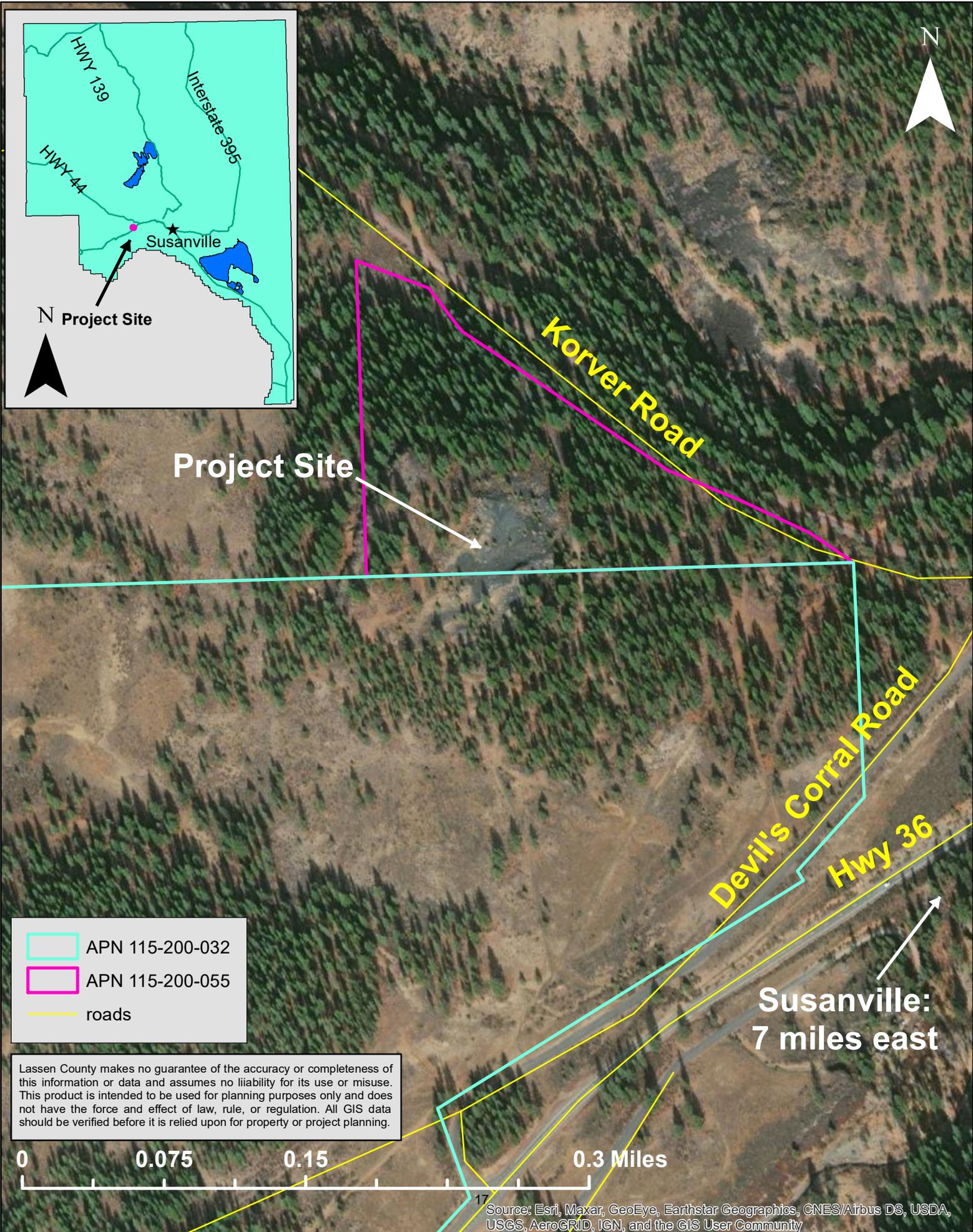


Chairman
Lassen County Planning Commission

ATTEST:


Maurice L. Anderson, Secretary
Lassen County Planning Commission

Hwy 36/Devil's Corral Mine; MA #2020-002, RP #2020-001, IS #2020-003



Project Site

Korver Road

Devil's Corral Road

Hwy 36

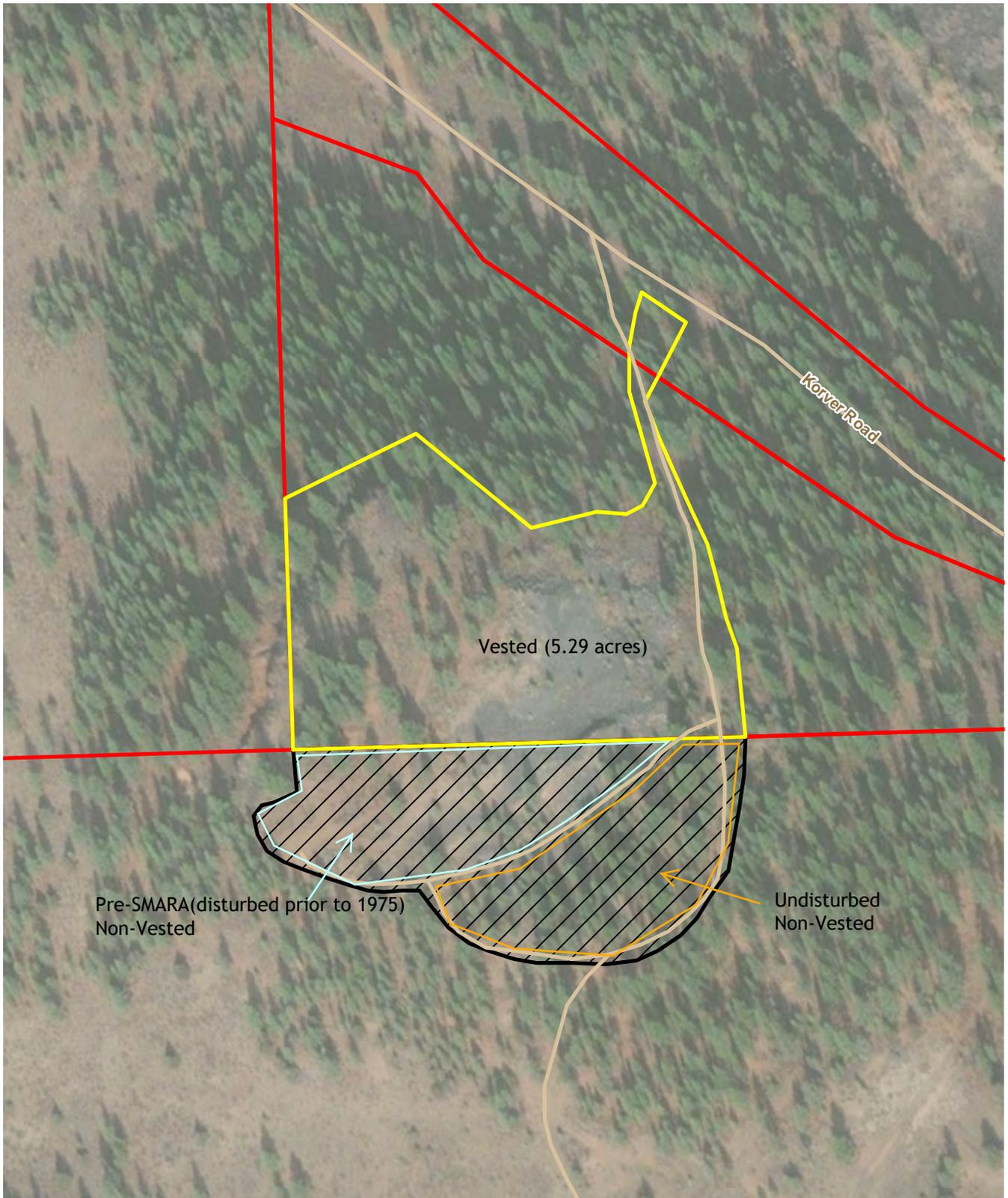
Susanville:
7 miles east

- APN 115-200-032
- APN 115-200-055
- roads

Lassen County makes no guarantee of the accuracy or completeness of this information or data and assumes no liability for its use or misuse. This product is intended to be used for planning purposes only and does not have the force and effect of law, rule, or regulation. All GIS data should be verified before it is relied upon for property or project planning.

0 0.075 0.15 0.3 Miles

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



-  Access Road
-  SMARA Vested Area
-  Non-Vested (3.91 acres)
-  Approximate Parcel Boundary

Total acres: 9.2



SOURCE: MAXAR 2018 AERIAL PHOTOGRAPH; LASSEN COUNTY 2014

FIGURE 5
 PRE-SMARA/ROADS
 DEVIL'S CORRAL MINE
 LASSEN COUNTY, CALIFORNIA

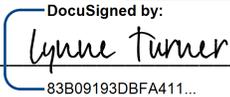
LASSEN COUNTY
APPLICATION FOR MINOR AMENDMENT TO SURFACE MINING USE PERMIT,
RECLAMATION PLAN AND/OR FINANCIAL ASSURANCE

1. APPLICANT INFORMATION:

Name Turner Excavating, Inc. / Lynne Turner

Address 3746 Big Springs Road, Lake Almanor, CA 96137

Contact Telephone Number 530-596-3953

Signature:  Date: 3/15/2021
83B09193DBFA411...

2. PROPERTY OWNER INFORMATION: (if different than applicant, original signature of record owner, acknowledging and authorizing this application must appear below)

Name Red River Forests LLC, Attn: Bob Rynearson

Address P.O. Box 990898, Redding, CA 96099-0898

Contact Telephone Number 530-243-2783

Signature:  Date: 3/12/2021
7B35861C226C410...

3. OWNER OF MINERAL RIGHTS INFORMATION: (If different than the property owner, the record owner of mineral rights must sign below)

Name Red River Forests LLC, Attn: Bob Rynearson

Address P.O. Box 990898, Redding, CA 96099-0898

Contact Telephone Number 530-243-2783

Signature: _____ Date: _____

4. MINE OPERATOR INFORMATION:

Name Turner Excavating, Inc. / Lynne Turner and Brian Turner

Address 3746 Big Springs Road, Lake Almanor, CA 96137

Contact Telephone Number 530-596-3953

5. ASSESSORS PARCEL NUMBER(S) (Contact the County Assessor's office for Parcel Numbers and Maps. Phone (530) 251-8241)

115-200-055 and 115-200-032

6. LEGAL DESCRIPTION OF PROPERTY (attach copy of deed):

Section 6 & 7, Township 29 North, Range 11 East, MDB&M

**LASSEN COUNTY
MINOR AMENDMENT APPLICATION
PAGE 2 OF 2**

7. **PROPOSED AMENDMENTS TO THE APPROVED MINING OPERATIONS**
(Describe in detail the proposed changes to the mining operation including changes in acreage to be disturbed, new equipment, changes in processing, etc. attach additional pages as needed. Note: Revised site plans, cross sections, etc. must be submitted if the proposed amendment(s) result in changes to the internal layout or footprint of the mine):

See Surface Mine Reclamation Plan Application (attached)

8. **PROPOSED AMENDMENTS TO THE APPROVED RECLAMATION PLAN**
(Describe in detail all changes to the reclamation plan resulting from, or in addition to, the changes proposed in the mining operation, including removal of new equipment, reclamation treatments, monitoring, etc. Attach additional pages and maps as needed):

N/A; site is currently operated as a SMARA-exempt silvicultural pit.

9. **RECLAMATION COST ESTIMATE** Prepare and attach a revised Reclamation Cost Estimate addressing all changes proposed:

See Appendix C of Reclamation Plan (attached)



Initial Study Application

FILING FEE: \$2,000 and ENV HEALTH FEE: \$85
 DEPARTMENT OF PLANNING AND BUILDING SERVICES
 707 Nevada Street, Suite 5 · Susanville, CA 96130-3912
 (530) 251-8269 · (530) 251-8373 (fax)
 www.co.lassen.ca.us

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.

This application consists of three pages; only attach additional sheets if necessary.

FILE NO. _____

Property Owner/s	Property Owner/s
Name: Red River Forests LLC, Attn: Bob Rynearson	Name:
Mailing Address: P.O. Box 990898	Mailing Address:
City, ST, Zip: Redding, CA 96099-0898	City, ST, Zip:
Telephone: 530-243-2783 Fax:	Telephone: Fax:
Email: BobR@wmbeaty.com	Email:

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input type="checkbox"/>	Correspondence also sent to: <input checked="" type="checkbox"/>
Name: Turner Excavating, Inc., Lynne Turner	Name: VESTRA Resources, Inc., Attn: Wendy Johnston
Mailing Address: 3746 Big Springs Road	Mailing Address: 5300 Aviation Drive
City, ST, Zip: Lake Almanor, CA 96137	City, ST, Zip: Redding, CA 96002
Telephone: 530-596-3953 Fax: 530-596-4027	Telephone: 530-223-2585 Fax: 530-223-1145
Email: turnerexcavating@frontier.com	Email: wjohnston@vestra.com License #: N/A

Project Address or Specific Location: Hwy 36, 7 miles west of Susanville. See General Site Location Fig. 1			
Deed Reference: Book:	Page:	Year:	Doc#:
Zoning:		General Plan Designation:	
Parcel Size (acreage): 137	Section: 6 & 7	Township: 29	Range: 11 E MDBM

Assessor's Parcel Number(s):	115- 200 - 55	115- 200 - 32	- -
- -	- -	- -	- -

Project Description: See the attached Surface Mine Reclamation Plan Application

SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.	*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided).
DocuSigned by: Date: 3/12/2021 7B35861C226C410...	DocuSigned by: Date: 3/15/2021 83B09193DBFA411...
Date:	Date:

Initial Study Application

ENVIRONMENTAL SETTING:

A. Describe the project site as it exists before the project, including information on size of parcel, topography, soil stability, plants and animals, and any cultural, historic or scenic aspects. Describe any existing structures on the site, and the use of the structure. Attach photographs of the site (optional).

Current vested mine active as SMARA-exempt pit.

B. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type and intensity of the land use (residential, commercial, agricultural, etc.). Attach photographs of the vicinity (optional).

Agriculture / Timber Production

Slope of Property:

(Approx. percentage of property having following slopes)	<u>10</u>	(0-8%)
	<u>30</u>	(9-15%)
	<u>30</u>	(16-20%)
	<u>30</u>	(over 20%)

List all county, state, federal, or regional agencies from which a permit or approval is required:

Lassen County, Division of Mine Reclamation (oversight)

Has any form of environmental document been prepared for the project:

Yes _____ If yes, attach. No X _____

List districts involved:

Are there any natural or man-made drainage channels through or adjacent to the property? No

(Name and/or type of drainage channels)

Are the following items applicable to the project or its effects? Discuss below all items checked 'yes' (attach additional sheets as necessary).

NOTE: Applicant may be required to submit additional data and information if deemed necessary by the Environmental Review Officer or Lead Agency.

YES NO

_____ X _____

1. Change in lake, stream, or other body of water or ground water quality, or alteration of existing drainage patterns.

X _____

2. Change in dust, ash, smoke, fumes, or odors in vicinity.

_____ X _____

3. Change in existing features of any bodies of water, live or intermittent streams, hills, or substantial alteration of ground contours.

Initial Study Application

YES	NO	
___	<u>X</u>	4. Substantial change in demand for public services (police, fire, water, sewage, etc.).
___	<u>X</u>	5. Significant amounts of solid waste or litter.
___	<u>X</u>	6. Will road or access construction involve grade alteration, cut and/or fill?
___	<u>X</u>	7. Could the project create a traffic hazard or congestion on the immediate street system or cause excessive vehicular noise?
___	<u>X</u>	8. Change in scenic views or vistas from existing residential areas or public lands or roads.
___	<u>X</u>	9. Substantial change in existing noise or vibration levels in the vicinity.
<u>X</u>	___	10. Use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives.
___	<u>X</u>	11. Change in pattern, scale, or character of land use in the general area of the project.
___	<u>X</u>	12. Substantially increase energy consumption (electricity, heat, fuel, etc.).
___	<u>X</u>	13. Relationship to a larger project or series of projects.
___	<u>X</u>	14. Would the proposed project vary from standards or plans adopted by any agencies (such as air, water, noise, etc.)?
<u>X</u>	___	15. Will the removal or logging of timber be part of the project?

Mitigation Measures proposed by the Property Owner/Applicant:

2 - Increase in dust due to operations proposed to be mitigated with water truck.

8 - The mine is currently visible due to the Hog Fire. Planting of conifer trees following log removal on adjoining lands as well as planting of conifers following reclamation will mitigate long-term visual impacts. Baseline condition is disturbed area due to mining. Planting of conifers outside of the mine area post-fire will also reduce visibility.

11 - Site is a disturbed mine site that is unreclaimed. Following mining, the site will be reclaimed and returned to production.

15 - Logging was completed under post-fire exemption.

Additional: Planting of forbs for bumblebee mitigation and collection of Penstemon sudans seed for use in reclamation and retention of limited onsite populations (see attached).



SURFACE MINE RECLAMATION PLAN APPLICATION

FILING FEE: \$900 + \$150/ac over 5 ac total disturbed area to \$1,800 max.
 With Use Permit: \$1,200 + \$200/ac over 5 ac total disturbed area to \$2,400 max.
 DEPARTMENT OF PLANNING AND BUILDING SERVICES
 707 Nevada Street, Suite 5 · Susanville, CA 96130-3912
 (530) 251-8269 · (530) 251-8373 (fax)
 www.co.lassen.ca.us

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.

This application consists of one page; only attach additional sheets if necessary.

FILE NO. _____

1) Property Owner/s Name: Red River Forests LLC, Attn: Bob Rynearson Mailing Address: P.O. Box 990898 City, ST, Zip: Redding, CA 96099-0898 Telephone: 530-243-2783 Fax: Email: BobR@wmbeaty.com SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application. Signed by: <u>Bob Rynearson</u> Date: <u>3/12/2021</u>	Property Owner/s Name: Mailing Address: City, ST, Zip: Telephone: Fax: Email: SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application. Date:
2) Owner of Mineral Rights (if different than property owner, The record owner of mineral rights must sign below) Same as Property Owner: <input checked="" type="checkbox"/> Name: Mailing Address: City, ST, Zip: Telephone: Fax: Email: SIGNATURE OF MINERAL RIGHTS OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application. Date:	3) Mine Operator Same as Applicant: <input checked="" type="checkbox"/> Correspondence also sent to: <input checked="" type="checkbox"/> Name: Turner Excavating, Inc., Lynne Turner & Brian Turner Mailing Address: 3746 Big Springs Road City, ST, Zip: Lake Almanor, CA 96137 Telephone: 530-596-3953 Fax: 530-596-4027 Email: turnerexcavating@frontier.com MINE OPERATOR(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application. Date:
4) Applicant/Authorized Representative* Same as Property Owner: <input type="checkbox"/> Name: Turner Excavating, Inc., Lynne Turner Mailing Address: 3746 Big Springs Road City, ST, Zip: Lake Almanor, CA 96137 Telephone: 530-596-3953 Fax: 530-596-4027 Email: turnerexcavating@frontier.com *SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided). I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application. <u>Lynne Turner</u> Date: <u>3/15/2021</u>	Agent (Land Surveyor/Engineer/Consultant) None: <input type="checkbox"/> Correspondence also sent to: <input checked="" type="checkbox"/> Name: VESTRA Resources, Inc., Attn: Wendy Johnston Mailing Address: 5300 Aviation Drive City, ST, Zip: Redding, CA 96002 Telephone: 530-223-2585 Fax: 530-223-1145 Email: wjohnston@vestra.com License #: N/A This application consists of 9 pages. Both the Applicant and Property Owner (unless the same) shall initial at the bottom of pages 2 through 7 where indicated.

5) Assessor's Parcel Number(s):	115 - 200 - 55	115 - 200 - 32	- -
- -	- -	- -	- -

6) Project address or specific location: Hwy 36, seven miles west of Susanville. See General Site Location Fig. 1

Deed Reference: Book: _____ Page: _____ Year: _____ Doc#: _____

Zoning: _____ General Plan Designation: _____

Parcel Size (acreage): 137 Section: 6 & 7 Township: 29 Range: 11 East, MDBM

7) Present use of the site: Timber management with existing quarry
See Zoning Fig. 2

8) Present use of land surrounding the site: Timber production on private lands to the west and public land with recreation (Biz Johnson Trail) to the east and north. Hwy 36 is located just south of the site, across private land under different ownership. Some residential use south of Hwy 36. See Fig. 3

9) Distance and direction to nearest residence (identify the owner and provide the Assessor's Parcel Number): _____
Nearest known house is 1,700 feet to the southeast - Rena/Dozier Family Trust, APN 115-200-63-11
See Fig. 3

MINE OPERATION INFORMATION

10) Proposed name of mine: 36 Mine/ Devil's Corral Mine

11) Proposed starting date (or date current operation began): Summer 2021; has been operating intermittently since the 1940s.

12) Proposed termination date: 2050 or upon exhaustion of reserves, whichever occurs first

13) List the mineral commodity(ies) to be mined: Construction aggregates.
Site has historically operated to serve public works projects as needed.

14) Maximum quantity of mineral commodity to be mined (in terms of production as defined by the State Mining and Geology Board):
Annually 175,000 cu. yds. / _____ tons Project Total 300,000 cu. yds. / _____ tons
Describe the maximum slopes and erosion controls for stockpiled mined material: _____
Topsoil will be seeded and strawed each year that material is added.

15) Approximate quantity of overburden to be removed (not including top soil):
Annually 0 cu. yds. Project Total 0 cu. yds.
Describe the use, maximum slopes and erosion controls for stockpiled overburden: Rock is present at the surface in almost all locations. Past mining (pre-SMARA) has removed most surficial material including topsoil and overburden. Similar exposures of the rock formation in the area are mostly devoid of soil or vegetation. Any overburden encountered will be used to deepen the rooting zone for vegetation.

16) When and how will top soil be salvaged and how will it be stored and identified? All salvaged topsoil will be placed in a single pile. The topsoil will be seeded and strawed each year. The site is an area of low rainfall; potential for erosion is minimal.

17) Approximate quantity of top soil (top surface layering in which plants are growing) to be removed:

Annually Varies cu. yds. Project Total 500-1,000 cu. yds.

Describe the use, maximum slopes and erosion controls for stockpiled top soil: All salvaged topsoil will be placed in a single pile. The topsoil will be seeded and strawed each year. The site is an area of low rainfall; potential for erosion is minimal. A Stormwater Pollution Prevention Plan (SWPPP) has been developed for the mine operation and is included as Appendix F.

18) Will supplemental material be imported to the site during mining (such as aggregates, cement, asphalt oil, production or dust control water, etc.)?

NO

X YES. Please describe the type and quantity of material(s) to be imported: There is currently no water well at the site. Water needed for dust control and other needs will be brought in on an as-needed basis by truck. A storage tank may be erected if needed. When possible, excess soil from other projects will be received onsite to assist in future reclamation.

19) Explain the mining methods proposed (for example “open pit excavation resulting in a subgrade pit”; or “excavation of a hillside resulting in side and back highwalls with an open floor”; stream dredge, etc.): The hill will be lowered from the top, resulting in three sections of highwall with a long, shallow slope dipping to the east. Methods to be used will include ripping and blasting.

20) Describe the maximum depth of mine pit (for subgrade pit) in relation to a verifiable benchmark or height of walls (for hillside excavation) and maximum pit wall slopes:

Depth of Pit (or height of walls) 40 feet Benchmark _____ Max Slope 1.43:1 (horizontal / vertical)
 Will pit slopes (walls) be benched? Explain: Highwalls are determined to be stable at the prescribed slope without benching. See the Geotechnical Report in Appendix B. See Fig. 4A-Existing Topography, 4B-Final Topography and 4C-Cross-Sections

21) a) Check all on-site processing proposed:

- Excavation Blasting Loading
- Crushing Screening Washing
- Concrete Production Asphalt Production
- On-site Fuel Storage Stockpiling
- On-site Equipment Maintenance, Storage and/or Fueling
- Other (explain): _____

b) List all equipment to be used on site: Dozer, loader, haul truck, primary crusher, drill for blasting, miscellaneous small equipment, scale. All equipment will be removed following reclamation.

22) Mined material will be used for: Construction aggregate

23) Indicate how much surface area (in acres) will be used for the following activities:

Extraction:	Currently <u>6.7</u>	Annually <u><1</u>	Total <u>6.7</u>
Processing:	Currently <u>1</u>	Annually <u><1</u>	Total <u>1</u>
Stockpiles:	Currently <u>n/a</u>	Annually <u><1</u>	Total <u><1.0</u>
Haul Roads:	Currently <u>1.5</u>	Annually <u>1.5</u>	Total <u>1.5</u>
Equipment Storage:	Currently <u>n/a</u>	Annually <u><0.25</u>	Total <u><0.25</u>
Offices(s):	Currently <u>n/a</u>	Annually <u><0.25</u>	Total <u><0.25</u>
Scale(s):	Currently <u>n/a</u>	Annually <u><0.25</u>	Total <u><0.25</u>

Other (explain): Past mining has already disturbed a significant portion of the site.

Total project area to be used: Currently 6.3 acres Total 9.2 acres

During the vesting process, the mining area was determined to be 5.29 acres with total reclamation area of 8 acres that has been revised to 9.2 acres. Based on a site survey, the currently disturbed acreage including roads is 6.3 acres (see Figure 5).

24) Will any settling ponds be constructed? No

25) Describe any temporary stream and watershed diversions and their construction: _____

None onsite

26) Describe the mining time schedule and how it provides for completion of mining on each segment so that reclamation can be concurrent or phased: _____

The mining schedule will depend upon demand. Because of the small area to be reclaimed, all reclamation will take place when mining is concluded.

27) How much area will be disturbed before reclamation begins?

9.2 acres

28) How will any potential public health and safety concerns that may arise due to exposure of the public to the site be addressed? _____

The road is gated and locked. There will be no adit or underground work.

29) Describe the geology of the site and vicinity (for geologic maps contact the Department of Conservation Division of Mines and Geology, Geologic Information and Publications Office, 801 K Street, MS 14-33, Sacramento, CA 95814-3532, (916) 445-5716) (attach pages as needed): See attached Geotech Report App. B for geologic description and Geology Fig. 6

The general geology of the region is volcanic and pyroclastic rock ranging from basaltic to andesitic. The quarry is located at the eastern side of Little Fredonyer Peak, west of the Susan River and seven miles west of the City of Susanville, California. The mountains are composed of volcanic flow and pyroclastic rock ranging from basaltic to andesitic in composition. The units at the quarry have been assigned an age of Quarternary on the Westwood sheet of the Geologic Map of California (1960).

30) Describe the following characteristics of the project site (if the site has already been disturbed, you may describe adjoining lands similar to the mine site. Attach additional pages as needed):

a) Vegetation: Include an inventory of plants found on or near the site. It is strongly suggested that the applicant work with a qualified biologist/botanist in developing the vegetation inventory and the revegetation plan (attach pages as needed):

Plant Type (common name OK)	Density (% cover for grasses)	Location / Aspect
Ponderosa pine/Jeffrey pine	6.5/acre; 300/acre <75% survival	See Figure 10
Misc. grasses, forbs, antelope bitterbrush	2.5/acre; 75% cover	See Figure 10

b) Wildlife in and around the site: Site shows evidence of being visited by wildlife common to the area including deer, rabbits, reptiles, and common birds. See CNDDDB Occurrences Fig. 7

c) Known rare, endangered and threatened species of plants and animals occurring on or near the site (contact the Department of Fish and Wildlife, Redding Office at (530) 225-2360, or Wendel Office at (530) 254-6808) (show location on site map): Susanville beardtongue (*Penstemon sudans*), CRPR "4"; see Fig 8. Western bumblebee, others; see CNDDDB Figure 7; also see the Biological Report in Appendix A.

d) Wetlands, wet areas and surface drainage system(s), including intermittent drainages (include on site map): There are no watercourses, wetlands vernal pools or established drainages at the site due to the terrain and high infiltration rate of the soil and underlying rock. See Hydrology Figure 9.

Botanical/biological survey completed on 7/7/20; report attached as Appendix A. Area has since burned.
e) Include copies of any reports, surveys, or other documents related to the characteristics of the site, used in your description. Surveys will be re-conducted in spring 2021.

31) How will any sensitive species, wildlife habitat, or wetlands be protected or mitigated? Susanville beardtongue seeds will be collected and stored to be used for reclamation. Flowering species will be planted at reclamation. Areas of beardtongue will be avoided where possible; exclusion fencing will be used where not visually offensive. Once collected, seed will be stored per standard procedures using cold storage and humidity controls.

32) Describe the proposed use of the mine site after mining has ended and reclamation is complete: Grassy hillside stabilized against erosion and timberland with Eastside pine type.

33) Describe how reclamation of the mine site will affect future mining in the area (consider whether the proposed reclamation plan will allow of preclude future mining on site or in the area. For example, will this operation deplete on-site mineral reserves? Will the proposed end use prevent future mining by construction of houses, other buildings, reservoirs, etc.): The mining on the site is designed to fully utilize the existing resources. The mine has encroached onto adjoining properties. These areas are included in this plan. The site is not suited for other development due to topography and lack of water, and will be returned to timberland or open space following reclamation.

34) Describe any impacts of reclamation on surrounding land uses: None

ATTACH THE FOLLOWING TO THE APPLICATION

35) ATTACH SEPARATE PAGES DESCRIBING HOW THE MINED LANDS WILL BE RECLAIMED. ADDRESS AT LEAST THE FOLLOWING ACTIVITIES (using corresponding numbers), TAKING INTO CONSIDERATION THE RECLAMATION STANDARDS SET FORTH IN THE STATE MINING AND GEOLOGY BOARD RECLAMATION REGULATIONS (California Code of Regulations (CCR) Section 3700 – 3713, available from the Lassen County Planning and Building Department):

A. EARTH WORK

1. How will the pit walls, waste dumps, tailings, haul roads, etc. be regraded and reshaped?
2. What will be the source and disposition of fill materials used for back filling or grading?
3. How will slopes be stabilized?
4. What is the proposed final grade of pit slopes, highwalls, waste piles, etc.?

B. SEEDBED PREPARATION AND REVEGETATION

1. The California Code of Regulations Section 3705(b) requires that test plots be established while the mining operation active, in order to determine the best revegetation species and methods for the site. Describe the location of and methods to be used in test plots.
2. Will top soil be reapplied during reclamation? When? Where? To what depth? Please explain. (Sample: “The top 10 inches, estimated at 10,000 cubic yards, will be scraped, stored and reapplied to regraded slopes and pit floor to a depth of 6 inches” or “crusher fines with organic material added will be redistributed to a depth of 12 inches” or “10,000 c.y. of top soil will be imported (*indicate source of imported material*) and distributed to a depth of 6 inches.”)
3. Describe how soil conditioners, mulches, imported topsoil will be used (include plan for soil analysis if required).
4. How will compacted soils (in processing areas, roads, pit floor, benches, etc.) be decompacted in preparation for planting? (Sample: “All compacted surfaces will be ripped to a depth of 12 inches prior to application of top soil)
5. What plant species will be planted on slopes; pit floor; haul roads; etc.?
6. How many pounds of seed (for each species) will be planted per acre; how many seedlings per acre; etc.?
7. What method(s) will be used for planting (e.g broadcast, drill seeding)? What time of year will planting take place?
8. How will new vegetation be protected until it is established and how will weeds be monitored and managed?
9. Will the site be irrigated to help establish plants? For how long?
10. Describe research used in the selection of revegetation methods and species, given the topography, resoiling characteristics, and climate of the areas to be mined.
11. What are the revegetation success standards proposed and how/when will success be monitored? The success standards should include vegetative cover, density and species richness and be based on the vegetation inventory. (For example, if grass cover was 30% and there were 75 bitterbrush plants per acre before mining, you might propose 15% grass cover and 35 bitterbrush plants within five years of reclamation as meeting the success standard)

C. EROSION CONTROLS

1. How will slopes be protected from erosion during and after mining?
2. How will runoff and process water be controlled and treated to prevent sediment and pollution from being discharged off site?
3. Describe site-specific sediment and erosion control criteria and how the site will be monitored for said criteria.
4. What measures will be taken to protect onsite and downstream beneficial uses of water (including groundwater recharge potential)?
5. How will any affected streambeds, banks, channels, or drainages be rehabilitated?
6. How will contaminants (fuel, oil, asphalt oil, process chemicals) be controlled?

D. MONITORING

1. How, and by whom, will the regrading and revegetation effort be monitored?
2. How long will monitoring be needed before the reclamation success standards are expected to be met?
3. Who shall prepare monitoring reports and how often will they be submitted to the lead agency?

E. OTHER:

1. How will mine waste material (if any) be disposed of or treated?
2. What is the anticipated reclamation schedule?
3. What will be done with any equipment and structures left on site when mining and reclamation are complete?
4. What will be done with any on-site water wells after mining and reclamation are complete?
5. How will underground openings be treated to prevent public entry and preserve access for wildlife (e.g. bats)?

MAPS AND DIAGRAMS (ONE SET OF ALL MAPS MUST BE SUBMITTED ON PAPER NO LARGER THAN 11" X 17" TO ALLOW REPRODUCTION) It is strongly suggested that the applicant work with a qualified engineer or surveyor in preparing mine site maps, plans, and diagrams.

36) SUBMIT MAPS DRAWN TO SCALE OF THE FOLLOWING (All maps must include a bar (graphic) scale)

A. VICINITY MAP(S):

1. Vicinity map showing general location of the site, nearest community, major roads, etc. (a Lassen County Road Map Or the USGS Topographic Quad may be used);
2. Assessor's Parcel Map(s) showing the boundaries of the entire parcel(s) and portions(s) thereof involved in mining and related activities.

B. TOPOGRAPHIC MAPS:

1. Topographic map(s) of the site BEFORE mining and AFTER reclamation. Contour intervals should be appropriate for the site, generally in the range of five to twenty feet;
2. Cross-section(s) of mining site, including elevations BEFORE mining and AFTER reclamation.

C. SITE MAP(S) SHOWING:

1. Property lines, setbacks, current and/or pre-SMARA disturbance boundaries (if applicable), and proposed final boundary of mining operation.
2. Location of streams, drainage channels, ponds and lakes, wetlands, roads, railroads, utilities, buildings, etc., on and immediately adjacent to the site.
3. Location of existing and proposed new access/haul roads. Identify the public road(s) that provide access to and from the site and show the proposed route from the site to the public road; identify access roads, temporary roads to be reclaimed and any roads remaining for the end use.

D. SITE PLAN(S) SHOWING:

1. Property lines, setbacks, current and/or pre-SMARA disturbance boundaries (if applicable), and proposed final boundary of mining operation.
2. Excavation/pit area(s);
3. Waste dumps (if any);
4. Processing area(s) including all stockpiles (by type), equipment storage, fuel tanks, crusher, screening area, etc.;
5. Settling ponds (if proposed), drainage channels and sediment control facilities;
6. All structures proposed;
7. Existing or planned utilities;
8. Existing or planned wells serving the site;
9. The site plan should also show areas within the project site that WILL NOT be disturbed, and therefore will not be subject to reclamation. (Unless otherwise shown on the site plan and/or phasing plan, the County will assume that the entire site will be disturbed and subject to reclamation and overage in the financial assurance);
10. Operation phases (if phasing is proposed);
11. Other details as appropriate

*Please Include with Maps the Size and Legal Description of Lands Affected by Surface Mining Operations.

*All maps, diagrams, or calculations that are required to be prepared by a California-licensed professional shall include the preparer's name, license number, signature and seal.

Question #35 A-E

35) ATTACH SEPARATE PAGES DESCRIBING HOW THE MINED LANDS WILL BE RECLAIMED. ADDRESS AT LEAST THE FOLLOWING ACTIVITIES (using corresponding numbers), TAKING INTO CONSIDERATION THE RECLAMATION STANDARDS SET FORTH IN THE STATE MINING AND GEOLOGY BOARD RECLAMATION REGULATIONS (California Code of Regulations (CCR) Section 3700 - 3713, available from the Lassen County Planning and Building Department):

A. EARTH WORK

1. How will the pit walls, waste dumps, tailings, haul roads, etc. be regraded and reshaped?

No waste dumps or tailing piles are proposed. The pit wall will be laid back per the attached Geotechnical Report. Existing roads at the site will be utilized in the operation. The existing roads have gravel road beds. The haul road inside the quarry has a rock foundation. Roads will remain after mining for use of timber production and fire protection. See Figure 5 “Site Layout.”

2. What will be the source and disposition of fill materials used for back filling or grading?

If the onsite sources of fill are not sufficient, additional topsoil will be brought in to assist in reclamation. No additional backfilling or grading will be done besides in the stages of the final reclamation after mining is complete.

3. How will slopes be stabilized?

Final slopes are deemed stable at the prescribed angle of 1.43:1 with no benching since all slopes will be less than 40 feet tall. Grasses and forbs will be planted to help with slope stability in areas without pine plugs. See Geotechnical Report, Appendix B.

4. What is the proposed final grade of pit slopes, highwalls, waste piles, etc.?

The highwalls will be a maximum of 1.43 to 1 with no benching and walls less than 40 feet high. There are no waste piles. See Geotechnical Report in Appendix B and Figures 4A, 4B, and 4C “Topography.”

B. SEEDBED PREPARATION AND REVEGETATION

1. The California Code of Regulations Section 3705(b) requires that test plots be established while the mining operation active, in order to determine the best revegetation species and methods for the site. Describe the location of and methods to be used in test plots.

A 30-foot by 30-foot test plot will be used to gauge the suitability of the planting prescription for use at the site. The test plot will be prepared by collecting enough paleosol to cover the plot 6 inches deep. If there is not sufficient paleosol onsite, imported material may be used. After 3 years, if 75 percent survival rate is not achieved, an additional prescription will be tested. Trees and herbaceous plants will be planted in a mosaic. Due to the small size of the site, it is possible that the entire deposit could be exhausted within less than ten years from the start of mining. This would prevent the test plot from yielding results prior to the need for final reclamation to commence. In the event that the scenario does occur, success of planting will be gauged during reclamation. In order to provide the maximum time for analyses, the plot will be created at the earliest possible date. The location of the test plot is shown on Figure 5.

2. Will topsoil be reapplied during reclamation? When? Where? To what depth? Please explain. (Sample: “The top 10 inches, estimated at 10,000 cubic yards, will be scraped, stored and reapplied to regraded slopes and pit floor to a depth of 6 inches” or “crusher fines with organic material added will be redistributed to a depth of 12 inches” or “10,000 c.y. of top soil will be imported (*indicate source of imported material*) and distributed to a depth of 6 inches.”)

For the purpose of this reclamation plan, topsoil will be considered the first 6 inches of the surface material, excluding areas of bare rock and large stones. Past mining has caused almost all of the original soil to be lost which makes mining to the underlying paleosol critical for creating a final landform that can support vegetation. All existing soil will be removed and stockpiled as shown on the reclamation maps. The depth of the soil varies from zero over the areas previously mined to a foot at the west end of the site. The amount of topsoil stockpiled from the site is expected to be 500-1,000 cubic yards.

A significant amount of ancient soil (paleosol) lies buried under the volcanic materials being mined. The presence of the paleosol beneath the site has been confirmed by drilling throughout the area to be mined. Where exposed at the base of the historic mining area, the paleosol is at least 3 feet thick. The mining plan is designed to remove rock to access this layer of paleosol. The layer of soil will be ripped and covered with any existing onsite overburden material and topsoil, which should provide a rooting depth of several feet in all areas where vegetation is proposed. Proposed planting is shown on Figure 10.

Soil or amendments will be imported if reserves are not available onsite. This is not anticipated to be necessary due to paleosol depth and availability. Soil will be redistributed in a manner that results stable uniform thickness that is consistent with the test plot resoiling depth. If paleosols are used for revegetation, soil analysis will be completed and the soil amended if found deficient to sustain vegetation.

Calfire requests that the site be restored to timberland. CDFW wishes to maximize habitat for western bumblebee (herbaceous cover). Due to difficult site conditions, conifer planting will require isolated growing conditions (limiting competing species for the first 2 to 3 years following planting). Following tree establishment, herbaceous ground covers will be allowed to reseed the areas of the site where trees are planted. The mosaic approach to reclamation (Figure 10) will mimic adjoining timber distribution and result in both timber restoration and bee habitat.

The timber mosaics will generally follow the pre-fire timber classification in CWHR. The forbs and grass mosaic will follow the bitterbrush-dominated type under CWHR.

3. Describe how soil conditioners, mulches, imported topsoil will be used (include plan for soil analysis if required).

Same as listed above for any imported topsoil. Importing topsoil is not anticipated but will be utilized if necessary to achieve the desired resoiling depth. Conditioners and mulches will not be used.

4. How will compacted soils (in processing areas, roads, pit floor, benches, etc.) be decompacted in preparation for planting? (Sample: “All compacted surfaces will be ripped to a depth of 12 inches prior to application of top soil)

All compacted surfaces, except roads that will be left in place, will be ripped to a depth of 6 inches prior to the application of top soil.

5. What plant species will be planted on slopes; pit floor; haul roads; etc.?

Upon completion of mining operations, where forest soils are available in the mosaic shown on Figure 10, one-year-old Styrofoam-container-grown ponderosa pine plugs from a local seed source and elevation shall be planted at approximately 300 trees per acre with an average of 12-foot x 12-foot spacing. All trash, such as plastic bags, will be removed and transported offsite for disposal. Competing vegetation will be controlled via herbicides or hand removal around pine seedlings for the first two years after planting to facilitate successful establishment. If by hand removal, invasive species will be removed, bagged by hand, and transported to a landfill. Tree survival will be 75 percent.

Following tree establishment, herbaceous ground covers will be allowed to reseed the areas of the site where trees are planted. The mosaic approach to reclamation (Figure 10) will mimic adjoining timber distribution and result in both timber restoration and bee habitat. The success standard fir surface cover outside of the timber planting is 75 percent with species richness of 5 species present.

Species Common Name	Scientific Name	Flowering Period			California Native (Y/N)	Source
		SPR	SUM	FALL		
Lewis blue flax	<i>Linum lewisii</i>	•	•		Y	Great Basin Seed – Great Basin Wildflower Mix or Custom Mix
California poppy	<i>Eschscholzia californica</i>	•	•	•	Y	
Balsamroot	<i>Balsamorhiza hookeri</i> or <i>B. saggitata</i>	•	•		Y	
Yarrow	<i>Achillea millefolium</i>	•	•	•	Y	
Silvery lupine	<i>Lupinus argentus</i>		•		Y	
Antelope bitterbrush	<i>Purshia tridentata</i>		•	•	Y	
Idaho fescue	<i>Festuca idahoensis</i>		•		Y	
Susanville beardtongue*	<i>Penstemon sudans</i>		•		Y	
Sulphur buckwheat	<i>Eriogonum umbellatum</i>		•	•	Y	
Jeffery pine	<i>Pinus jefferyi</i>		N/A		Y	
Ponderosa pine	<i>Pinus ponderosa</i>		N/A		Y	Plugs

* Seeds will be collected during appropriate time of year and spread onsite to maintain existing population (seeds are viable for up to 5 years after collection)

6. How many pounds of seed (for each species) will be planted per acre; how many seedlings per acre; etc.?

See revegetation palette above. Approximately 300 trees per acre with an average of 12-foot by 12-foot spacing will be planted. Seed will be sourced locally per California Forest Seed Zone or from seed orchard banks.

7. What method(s) will be used for planting (e.g broadcast, drill seeding)? What time of year will planting take place?

The methods used for planting will be broadcasting for grass and forbs and hand planting for trees. Grasses and forbs will be seeded in the fall and the trees will be planted in the spring as the soil temperatures begin to warm.

8. How will new vegetation be protected until it is established and how will weeds be monitored and managed?

New vegetation will be protected from trespassers or vehicles with a locked gate or large rocks placed in the road to deter access. If weeds are transported in through straw or on vehicles, the method of control will be hand removal in herbaceous areas to avoid damage to western bumblebee or its habitat via herbicide. Since the observed background concentration for weeds appears to be small, abatement will begin when any individual plant or cluster of plants appears. As the planted vegetation matures it should largely compete out any invasive weeds. Vegetation in the timber mosaic will be controlled through the use of herbicide. Areas where Susanville beardtongue is present will not receive herbicide application.

9. Will the site be irrigated to help establish plants? For how long?

This site is not irrigated.

10. Describe research used in the selection of revegetation methods and species, given the topography, resoiling characteristics, and climate of the areas to be mined.

A Registered Professional Forester (RPF) with significant experience in reforestation was contacted regarding replanting and reestablishment of timber areas. An RPF will supervise planting activities at reclamation.

In addition, a site visit by a qualified biologist was conducted on July 8, 2020, to characterize the habitat types onsite as well as to document any observations of special-status species or their habitat within the mine area. A Trimble Geo XT Explorer 6000, Nikon P530 camera, and binoculars were used during the survey to observe and document site characteristics and species presence. Biological resources within these areas were documented, including all wildlife species and plant species observed during the survey.

A special-status botanical survey was completed according to methods outline in CDFW's "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities" published March 20, 2018. The survey covered all areas within the

mine boundary, access roads, and surrounding areas that may be impacted by mining activities. The survey found a population of Susanville beardtongue which occurs on rock outcrops and other disturbed soils onsite. This population was previously documented onsite in 2015. No special-status wildlife species were observed onsite during the survey.

The Natural Resources Conservation Service (2019) identified soils within the project boundary as Ulhalf-Southpac complex, 2 to 30 percent slopes (NRCS 2020). These soils are colluvium derived from volcanic rock and residuum weathered from volcanic rock. The typical restrictive layer is approximately 40 inches to 60 inches deep and is comprised of paralithic bedrock.

Vegetation at the project site has been identified via the California Department of Fish and Wildlife's (CDFW) Vegetation Classification and Mapping Program (VegCAMP) data and field surveys as Eastside pine and bitterbrush as shown on Figure 11 in the Reclamation Plan.

The site visit found that the site was predominantly an Eastside pine forest pre-fire, with the surrounding area dominated by bitterbrush and other shrub species. Annual grassland comprised the ground cover within this Eastside pine habitat. Antelope bitterbrush (*Purshia tridentata*) comprised the understory and large stands of shrubland surround the forested mine site. The typical structure and composition of habitat types that were observed onsite are described in the Reclamation Plan. The site was burned in a recent fire.

11. What are the revegetation success standards proposed and how/when will success be monitored? The success standards should include vegetative cover, density and species richness and be based on the vegetation inventory. (For example, if grass cover was 30% and there were 75 bitterbrush plants per acre before mining, you might propose 15% grass cover and 35 bitterbrush plants within five years of reclamation as meeting the success standard)

The monitoring of revegetation efforts will occur for up to three years. If the growth of the vegetation does not meet the cover criteria, the operator will replant underperforming areas as necessary. Replanting will occur up to the third year of monitoring. If the success rate of 75 percent survival for ponderosa pine is not achieved after five years of revegetation, replanting can continue until success is met or have the site evaluated by a botanist or qualified individual. At that time a revised plan and monitoring program can be submitted to Lassen County Planning Department for their approval. Forb species will achieve 15 percent cover within one year of revegetation, 45 percent cover within three years, and 75 percent cover within five years of revegetation outside of the pine planting areas. If density drops below these numbers, plants will be replaced the following year in early spring.

- Establish a minimum species richness of three native perennial species in three years;
- Average density of 5 perennial plants within three years as quantified within 30 square meter plots;
- Invasive exotic species will not compose greater than 10 percent of the cover in any year;
- Conifer plug survival of greater than 75 percent (no herbaceous understory monitoring).

Should the evaluation of performance criteria reveal that revegetated areas are significantly behind in their target percentages, the reasons for insufficient plant germination and/or growth will be

determined and appropriate remedial actions will be undertaken to meet the established criteria. Remedial actions could include planting additional material of the species or substitutions of other species better suited to the sites failing to attain desired performance criteria. Remedial actions will be applied to all areas requiring them, not merely to the monitored plots.

Indicators of restored habitat will include the use of native fauna associated with these ecosystems. The habitat will be characterized by the presence of wildlife including pollinator and dispersal mechanisms, predator-prey associations, and/or other biological interactions. The presence of such interactions will be determined through vegetation and wildlife surveys.

C. EROSION CONTROL

1. How will slopes be protected from erosion during and after mining?

Slopes will be protected from erosion during and after mining by using Best Management Practices (BMPs) aligned with standard construction and sediment. The slopes will be seeded and straw mulched. Downgraded rolling dips and water bars with stabilized outlets and side slopes engineered for vehicle crossings will be used. Fiber rolls will be placed along the toes of slopes and may be placed on slope contours with spacing varying with soil type and steepness. Sediment, organic matter, and native seeds are captured behind the fiber rolls. Some fiber rolls will have live stakes within trenches so runoff is not allowed to run under and around the roll. Straw anchoring and spreading straw mulch with machinery will provide roughening without undue compaction. In order to ensure minimal erosion this operation will avoid storing erodible overburden/stockpiles near drainage conveyances unless erosion control measures are installed around them. All stockpiles will be seeded or covered.

2. How will runoff and process water be controlled and treated to prevent sediment and pollution from being discharged off site?

There will not be any process water generated onsite. The site is located on a hill and does not receive run-on from offsite. There are no seeps or surface water onsite. The native rock is highly fractured and most precipitation appears to percolate down into the rock mass instead of running off. The discharge point is at the southeast end of the operation area. The high infiltration combined with the low rainfall in the area make the use of an onsite detention unnecessary.

3. Describe site-specific sediment and erosion control criteria and how the site will be monitored for said criteria.

There is a sediment and erosion control plan in place for this site, see Appendix F “SWPPP.”

4. What measures will be taken to protect onsite and downstream beneficial uses of water (including groundwater recharge potential)?

There are no beneficial uses of water onsite and/or downstream. See hydrology on Figure 9.

5. How will any affected streambeds, banks, channels, or drainages be rehabilitated?

This is not an instream operation.

6. How will contaminants (fuel, oil, asphalt oil, process chemicals) be controlled?

Petroleum products will be stored in a double-walled container or in a secondary containment area onsite. Volumes will not exceed 500 gallons. Materials (oils, grease, hydrocarbons) will be stored onsite in a locked Conex container during operating months. No materials will be stored at the site in the off season.

D. MONITORING

1. How, and by whom, will the regrading and revegetation effort be monitored?

The landowner or consultant will conduct yearly inspections during the post-reclamation period until standards are met. Sample size will be sufficient to provide at least 80 percent confidence level. California Forest Practice Standards will be used for conifer evaluation. Techniques published by the California Division of Mining will be used for herbaceous cover.

2. How long will monitoring be needed before the reclamation success standards are expected to be met?

It is anticipated that success standards will be met within three years of cessation of mining.

3. Who shall prepare monitoring reports and how often will they be submitted to the lead agency?

The lease, landowner, or consultant will prepare a monitoring report that will be submitted annually to the lead agency during the post-reclamation monitoring period.

E. OTHER

1. How will mine waste material (if any) be disposed of or treated?

No mine waste is or will be associated with this project.

2. What is the anticipated reclamation schedule?

Reclamation will be concluded within three years of mine closure.

3. What will be done with any equipment and structures left on site when mining and reclamation are complete?

No equipment or structures will remain onsite after mining. All structures will be temporary and portable. See Site Layout (Figure 5) for more details on locations of structures.

4. What will be done with any on-site water wells after mining and reclamation are complete?

No wells are located onsite.

5. How will underground openings be treated to prevent public entry and preserve access for wildlife (e.g. bats)?

No underground openings are located onsite.

6. Truck trip estimates

Truck trips are estimated at 25 loads/day with a maximum of 75 loads/day. Generally, seasonal operation occurs from March to November, but the site may operate for 12 months out of the year depending on market demand.

The site operates for one shift each day with two to three employees per shift.