



## County of Lassen

### Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

May 25, 2022

TO: Technical Advisory Committee  
Agenda Date: June 2, 2022

FROM: Maurice L. Anderson, Director

RE: Use Permit #2021-003, Reclamation Plan #2021-001,  
TLT Enterprises LLC  
CA Mine ID #91-18-0008, Ward Lake Pit

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**DRAFT**

#### Project Description

**Use Permit Amendment #2021-003, Reclamation Plan Amendment #2021-001 TLT Enterprises LLC.** Proposal to amend mining operations at the Ward Lake Pit (CA mine ID #91-18-0008). If approved, the amendment would allow for the expansion of approximately 78.6 acres, with an associated additional volume of 5,000,000 tons of material; extension of the life of the mine from 2030 to 2050; and an increase of the maximum volume per year from 100,000 tons to 200,000 tons per year. The project site is located in Litchfield, CA at 476250 Ward Lake Road, off Center Road (A-27) in Lassen County, approximately 13 miles east of Susanville, CA. The project parcel is zoned U-C-2 (Upland Conservation, Resource Management District) and U-C-A-P (Upland Conservation, Agricultural Preserve Combining District), and is designated Extensive Agriculture by the Lassen County General Plan 2000. A.P.N. 109-100-059 (old 109-100-40, 42, 44) and 109-100-060 (old 109-100-42). Staff Contact: Cortney Flather, Natural Resources Technician.

#### **The Lassen County Department of Planning and Building Services finds as follows:**

1. The Lassen County Planning Commission approved Use Permit #70-80-44 on May 6, 1981, allowing a surface mine operation and asphalt batch plant.
2. The Lassen County Planning Commission approved Use Permit #11-02-85 on January 8, 1986, amending Condition #5 of original Use Permit #79-80-44, related to the asphaltic surfacing of Ward Lake Road.
3. The Lassen County Planning Commission approved Use Permit and Reclamation Plan #94032 on August 3, 1994, adding a concrete batch plant and expanding mine boundaries.
4. The Lassen County Board of Supervisors approved Use Permit and Reclamation Plan #96056 on September 23, 1997, expanding mine boundaries and allowing year-round operations with limited winter activity. The Board also approved an associated rezone at this time, to allow for the previously approved concrete operations.
5. The Lassen County Board of Supervisors approved Use Permit #2018-003 and Reclamation Plan #2018-001 amending Use Permit and Reclamation Plan #96056 on May 14, 2019 to allow for 24-hour mining operations, Monday through Saturday, extend the life of the mine from 2020 to 2030, and allow annual site production in excess of the permitted 100,000 tons during declared emergencies.

6. The applicant is proposing an amendment to allow for the expansion of approximately 78.6 acres, with an associated additional volume of 5,000,000 tons of material; extension of the life of the mine from 2030 to 2050; and an increase of the maximum volume per year from 100,000 tons to 200,000 tons per year.
7. The current mine boundary is 160 acres with annual production limited to 100,000 tons, except to supply emergency jobs, with an end date of 2030.
8. The portion of assessor's parcel number 109-100-059 that is zoned U-C-A-P (formerly APN 109-100-42) was previously under Williamson Act Contract Number AA-62, but was released from said contract upon cancelation by the Lassen County Board of Supervisors on September 22, 2015.
9. Mining or processing of natural mineral materials is a use allowed by use permit in the U-C and U-C-2 zoning districts under Lassen County Code § 18.68.040 and § 18.69.040, respectively.
10. The project site is not within the 100-year flood plain according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).
11. Expansion of the mining area by an additional 78.6 acres will increase the area over which light and noise impacts will occur causing additional displacement of mule deer and American pronghorn from noise and human activity. As discussed in the 1997 Deer Impact Analysis, human activity in the Project area would displace animals escaping mid-winter snow as well as taking advantage of late-winter and early spring plant phenology or the spring green-up due to noise and activity at the site. The proposed Project will result in these impacts occurring over a larger area than the current mining operation and for a longer duration (until 2050). Adherence to Mitigation Measure 4.5-7 and Mitigation Measure 4.5-8 contained in Section 4.5, Biological Resources, of the DSEIR) for the current operation will reduce displacement impacts to American pronghorn and mule deer; however, this impact will remain significant and unavoidable.
12. Displacement due to human disturbance of mule deer and antelope from important winter habitat was determined to be significant and unavoidable at the Project-level since displacement impacts occur over a larger area than direct habitat loss. This impact is cumulatively considerable in combination with the existing mining operation as well as the nearby BLM pit. The proposed Project combined with the existing mining operations in the Project vicinity will result in a significant and unavoidable cumulative impact related to the displacement of mule deer and antelope from winter habitat.
13. Eight residences are located along Ward Lake Road; an estimated 24 residences are located along Center Road (A-27) and Highway 395, east of Ward Lake Road through the community of Litchfield; and approximately six additional residences are located along Center Road (A-27), west of Ward Lake Road toward the California Correctional Center and High Desert State Prison.
14. The Lassen County Director of Planning and Building Services has determined that this project is not a minor amendment pursuant to Lassen County Code, Section 9.60.040(b), constitutes a



substantial deviation pursuant to California Code of Regulations, Section 3502(d), and is subject to the California Environmental Quality Act (CEQA).

15. Lassen County prepared a Draft Subsequent Environmental Impact Report which was circulated for agency and public review from March 29, 2022 until May 12, 2022 at 4:00 p.m.
16. The California Department of Conservation, Division of Mine Reclamation (DMR), was sent notice on April 28, 2022, March 30, 2022, and May 12, 2022, of the Use Permit and Reclamation Plan Amendment being processed by Lassen County, acting as lead agency.
17. Lassen County Code, Chapter 18.112.020 establishes the process for the approval of amendments to existing Use Permits and Reclamation Plans.
18. The Department of Planning and Building Services reviewed the proposed amendment and has found that it meets all provisions of the Surface Mining and Reclamation Act (SMARA) and Lassen County Code, Chapter 9.60.
19. The County's Technical Advisory Committee (TAC) is charged with the review of Use Permits and Reclamation Plans pursuant to Lassen County Code Chapter 9.60.060(c).
20. The Planning Commission is the primary decision-making body for Use Permits, Reclamation Plans and amendments thereto; however, because certification of the EIR requires Board of Supervisors approval, the Planning Commission will make a recommendation as to whether or not this project is consistent with the Lassen County General Plan, 2000; the Lassen County Land Use Element, Lassen County Natural Resource Element; and any other pertinent policies. See Attachment A for relevant plan goals and policies, as identified by Planning and Building Department staff.
21. Lassen County Code, Section 18.112.100 requires that the decision-making body make the following findings for the approval or denial of a Use Permit application:
  - 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 improvement in the neighborhood or to the general welfare.
  - b. The project is or is not consistent with the Lassen County General Plan, or any applicable area plan or resource plan adopted as part of the general plan.

**The Lassen County Department of Planning and Building Services recommends the following conditions be placed upon the project if approved:**

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 requirements and conditions of the previously approved Use Permit and Reclamation Plan #96056 including Use Permit Amendment #2018-003 and Reclamation Plan Amendment #2018-001, excepting the changes addressed in Use Permit Amendment #2021-003 and Reclamation Plan Amendment 2021-001.

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

4. The applicant shall mark the mining boundaries before an Authorization to Operate is granted.
5. Prior to issuance of an Authorization to Operate, the applicant shall send copies of all required permits from other agencies to Lassen County Planning and Building Services.
6. Prior to issuance of an Authorization to Operate, the applicant shall have an updated financial assurance cost estimate and the associated financial assurance mechanism for the reclamation of the current mine site and the estimated disturbance in the first year of mining on the expansion area.
7. A special-status botanical survey shall be conducted before an Authorization to Operate is granted.

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

8. 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. If Lassen County expects noise levels are being exceeded, an annual noise report shall be conducted at the expense of the operator and submitted to the Lassen County Planning and Building Services Department.
9. TLT Enterprises LLC shall be responsible for reimbursing the County 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 County Road A-27.
10. The applicant shall mark all vegetation test plots when installed. The vegetation test plot shall match the prescription proposed in the reclamation plan and shall be implemented within the first year of mining.
11. 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.



### Conditions of Approval-Mitigation Measures

12. MM 4.4-1: The Project applicant shall ensure compliance with Lassen County APCD rules for fugitive dust emissions. Based on Lassen County APCD Rule 4:18 (Fugitive Dust Emissions), reasonable precautions shall be taken to prevent particulate matter from becoming airborne, including, but not limited to, the following provisions:
- a. *Cover trucks.* Covering open bodied trucks when used for transportation materials likely to give rise to airborne dust.
  - b. *Filter and containment.* Installation and use of hoods, fans, and other fabric filters to enclose and vent the handling of dusty materials. Containment methods may be employed during sandblasting and other similar operations.
  - c. *Dust suppression.* The application of asphalt, oil, water or suitable chemicals to dirt roads, material stockpiles, land clearing, excavation, grading or other surfaces which can give rise to airborne dusts.
  - d. *Good housekeeping.* The prompt removal of earth or other material from paved streets onto which earth or other material for earth moving equipment, erosion by water, or other means has been deposited.
13. MM 4.5-1: To avoid impacts on burrowing owls and other nesting birds, including raptors protected under State and federal regulations, the following shall be implemented (removal of raptor nests at any time of year is prohibited unless appropriate permits are obtained).
- a. *Burrowing owls.* A qualified biologist shall conduct preconstruction surveys for burrowing owls in accordance with the Staff Report on Burrowing Owl Mitigation prepared by the California Department of Fish and Game (CDFW) (March 7, 2012). Upon completion, survey results shall be provided to Lassen County.

Where physical or visual access is available, survey coverage shall extend 500 feet around the project site where suitable habitat for burrowing owls is present. A minimum of four field surveys shall be conducted: at least one between February 15th and April 15th; and a minimum of three surveys, at least three weeks apart, between April 15th and July 15th, with at least one survey after June 15th. Survey methods and survey reports shall be in accordance with the CDFW Staff Report and be provided to Lassen County. If no active burrows are observed, the site shall be re-inspected by a qualified biologist no more than one week prior to initiation of construction to ensure that owls are not present.

If an active burrow is observed in the project site, the County shall consult with CDFW regarding establishing a non-disturbance buffer around the burrow, or implementing passive relocation methods to exclude the owls from the site prior to commencement of

construction. No burrowing owls shall be excluded from occupied burrows until a burrowing owl exclusion and relocation plan is approved by CDFW. Following owl exclusion and burrow demolition, the site shall be monitored by a qualified biologist to ensure burrowing owls do not reoccupy the site prior to construction. In the event of loss of burrowing owl nests, a mitigation and monitoring plan shall be prepared by a qualified biologist to identify methods to offset the loss at a minimum 1:1 ratio (e.g., establishing a permanent conservation easement to provide for burrowing owl nesting, foraging, wintering, and dispersal, including completing habitat enhancements within the conservation easement area as necessary. The mitigation and monitoring plan shall be approved by CDFW prior to commencement of construction.

- b. For all other bird species, if vegetation removal or ground disturbance activities occur between February 1st and August 31st, a pre-construction nesting survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the work area. Surveys shall begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. The survey shall consider acoustic impacts and line-of-sight disturbances occurring as a result of the project in order to determine a sufficient survey radius to avoid nesting birds. At a minimum, the survey report shall include a description of the area surveyed, date and time of the survey, ambient conditions, bird species observed in the area, a description of any active nests observed, any evidence of breeding behaviors (e.g., courtship, carrying nest materials or food, etc.), and a description of any outstanding conditions that may have impacted the survey results (e.g., weather conditions, excess noise, the presence of predators, etc.). The survey shall be conducted no more than one week prior to the initiation of construction and the survey report shall be provided to Lassen County. If construction activities are delayed or suspended for more than one week after the pre-construction survey, the site shall be resurveyed.

If active nests are found, appropriate actions shall be implemented to ensure compliance with the Migratory Bird Treaty Act and California Fish and Game Code. Compliance measures may include, but are not limited to, exclusion buffers, sound-attenuation measures, seasonal work closures based on the known biology and life history of the species identified in the survey, as well as ongoing monitoring by biologists.

14. MM 4.5-2: Throughout the life of the mine, if milkweed (*Asclepias* spp.) is observed onsite during the breeding season/pupae development season (spring-summer) for the monarch butterfly, the plant shall be inspected for caterpillars by a qualified biologist. If developing monarch caterpillars are present, the plant shall be avoided until butterflies have emerged and the plant is no longer in use.



15. MM4.5-4: Prior to new ground disturbance, a qualified biologist shall conduct a survey in areas that contain rock outcrops or other potentially suitable roosting habitat for pallid bats. Survey reports shall be provided to Lassen County. If an active maternity roost is present, a qualified biologist, in consultation with the California Department of Fish and Wildlife, shall establish a suitable buffer zone to ensure that active bat nurseries are not adversely affected. If non-breeding bats are found in rock outcrops within the disturbance footprint, the individuals shall be safely evicted under the direction of a qualified biologist.
16. MM 4.5-5: Prior to new ground disturbance and annually thereafter, a botanical survey shall be conducted during the blooming season when special-status plants known to occur in the region would be identifiable. Survey reports shall be provided to Lassen County. If special-status plants are present, a suitable buffer zone(s) shall be determined by a qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW) and exclusionary fencing shall be placed prior to commencement of earth-disturbing activities. If avoidance is not possible, CDFW shall be contacted to determine a satisfactory method of mitigation. Mitigation shall be undertaken concurrently with or in advance of the earth-disturbing activities.
17. MM 4.5-6: All construction personnel participating in earth-disturbing activities and their supervisors shall receive training by a qualified biologist regarding protective measures for special-status plant and animal species and sensitive habitats that could exist in the study area. When new personnel are hired, proof that newly hired personnel have received mandatory training shall be provided to Lassen County before starting work. At a minimum, the training shall include the following:
  - a. A review of the special-status species that could occur in the project site, the locations where the species could occur, the laws and regulations that protect these species, and the consequences of noncompliance with those laws and regulations.
  - b. Procedures to be implemented in the event that these species are encountered during construction.
  - c. A review of sensitive habitats that occur in the study area and the location of the sensitive habitats.
  - d. A review of applicable mitigation measures, standard construction measures, best management practices, and resource-agency permit conditions that apply to the protection of special-status species and sensitive habitats.
18. MM 4.5-7: To minimize impacts from the loss of wildlife habitat, site disturbance in the expansion area shall not exceed two 5-acre increments while concurrently reclaiming the first 5-acre increment. After the initial excavation of two 5-acre increments, disturbance shall not exceed 5-acres at any given time. Reclamation in the expansion area shall be completed concurrently with mining operations in accordance with the adopted Reclamation Plan

Amendment. Reclamation, including seeding, must commence within two years following completion of mining in each five-acre area in order to minimize the total area disturbed at any given time and to allow for restoration of the vegetative cover.

19. MM 4.5-8: To ensure no additional foraging habitat loss, all remaining areas of the mine parcels shall remain undisturbed for the duration of mining. This includes the remaining portions of Lassen County Assessor's Parcel Number (APN) 109-100-059 and APN 109-100-060 (i.e., all portions of the parcels outside of the reclamation boundary for the current mine operation (as of 2021) and the proposed 2021 mine expansion boundary).
20. MM4.5-9: *Limits on Operation*. The operator shall continue limits on operations from January 1st to March 31st. Impacts can be lessened through continuing seasonal operating restrictions included in the Condition of Approval for Use Permit No. 96056: *Except in a state of emergency, as declared by the local Emergency Services Director and/or the Board of Supervisors and/or the City of Susanville, no grading, excavating, or blasting on the site shall be allowed between January 1st and March 31st annually.*
21. MM 4.5-10: *Operating Conditions of Use Permit No. 2018-003*. The operator shall continue the Conditions of Approval for Use Permit Amendment No. 2018-003. Impacts can be lessened with the seasonal operating restrictions and light and noise reductions included in the Conditions of Approval for Use Permit Amendment No. 2018-003.
22. MM 4.6-1: Prior to ground disturbing activities with the expansion area, a non-disturbance area for WARD-PRE-01 shall be defined and marked by a qualified archaeologist. Once the non-disturbance area is delineated, one the following options shall be implemented by the project proponent:
  - *Resource Avoidance*. The project shall be redesigned to avoid all ground disturbances within the established non-disturbance area and long-term access restrictions shall be established (fencing or deed restrictions) to preclude disturbance to the resource.
  - *Evaluation and Data Recovery*. WARD-PRE-01 shall be evaluated for eligibility for inclusion in the CRHR by a qualified archaeologist. The results of the evaluation shall be submitted to Lassen County. If the evaluation is negative (i.e., not historically significant), no further mitigation is required. If the property is found to be an historical resource and data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaking. The study shall be deposited with the California Historical Resources' Regional Information Center.



23. MM 4.6-2: *Inadvertent Discovery of Cultural Resources*. If subsurface deposits believed to be cultural or human in origin are discovered during construction, then all work must halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. If the professional archaeologist determines that the find does not represent a cultural resource, then work may resume immediately, and no agency notifications are required. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, then he or she shall immediately notify the County, which shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be eligible for inclusion in the NRHP or CRHR. Work cannot resume within the no-work radius until the County, through consultation as appropriate, determines that the site either: 1) is not eligible for the NRHP or CRHR; or 2) that the treatment measures have been completed to its satisfaction.
24. MM 4.6-3: *Unanticipated Discovery of Human Remains*. In the event of the discovery of human remains, or remains that are potentially human, the contractor shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the Lassen County Coroner (as per §7050.5 of the Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, then the NAHC can mediate (§5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.
25. MM 4.8-1: *Avoid and Minimize Impacts to Paleontological Resources*. Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be suspended, and the County shall be immediately notified. At that time, the County will coordinate any necessary investigation of the discovery with a qualified paleontologist. The

mine operator shall be required to implement mitigation necessary for the protection of paleontological resources. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

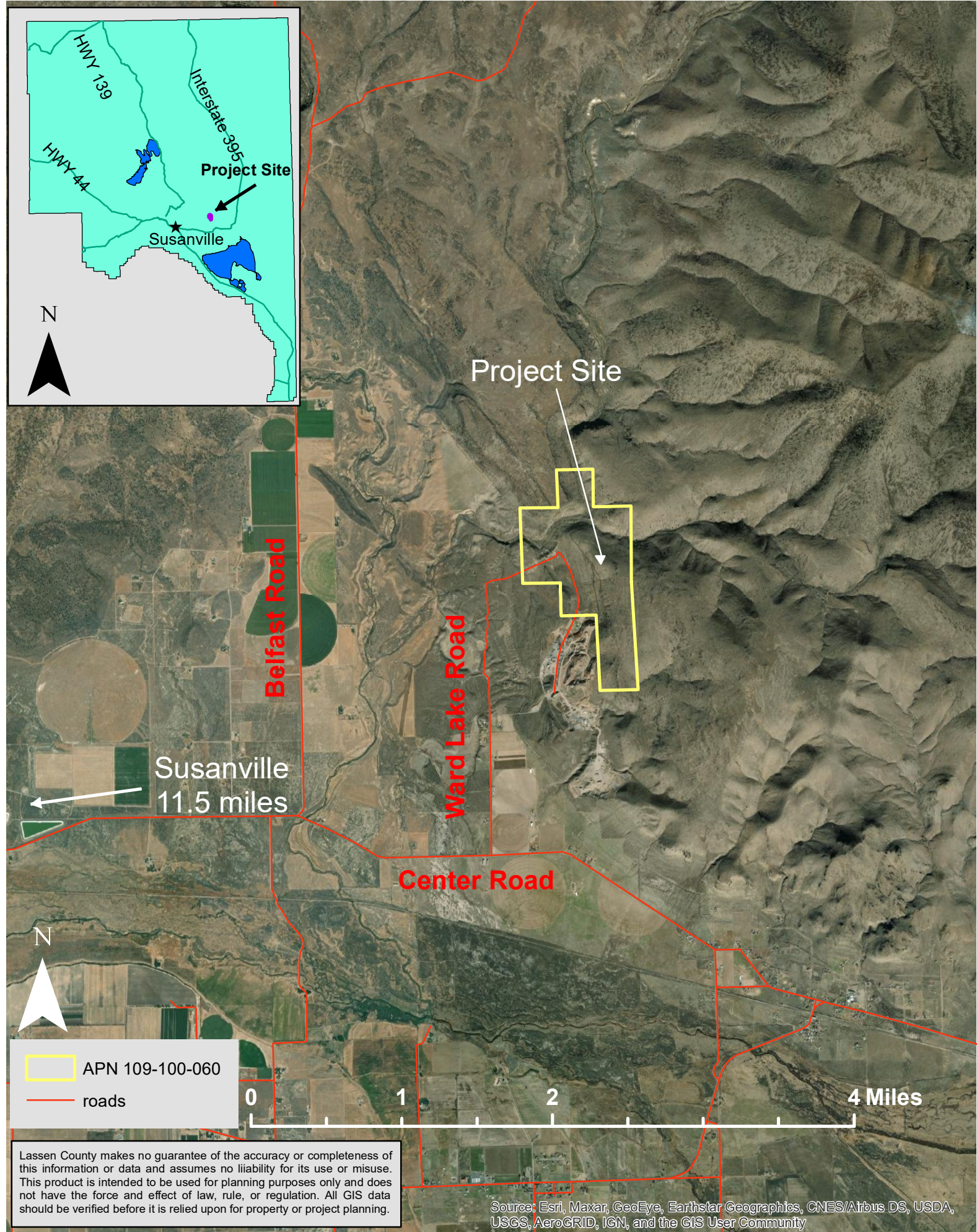
26. MM 4.13-1: *Materials Haul Truck Operations*. To maintain traffic noise below 65 dB Ldn, the operator shall continue to comply with Condition of Approval #8 of Use Permit Amendment No. 2018-003 (Resolution No. 19-024) which limits truck trips to an average of 26 round trips (26 arriving and 26 departing) throughout the calendar year and a daily maximum of 275 round trips (275 arriving and 275 departing).
27. MM 4.13-2: *Material Haul Truck Counts*. Prior to commencement of mining activities within the quarry expansion area, the mine operator shall install pneumatic road tubes or other similar methods to quantify daily truck trips in an effort to ensure that annual truck counts do not exceed limitations imposed by Condition of Approval #8 of Use Permit Amendment No. 2018-003. Results of the counts shall be provided to the County on an annual basis (January 1st of each year) throughout the duration of mining activities.
28. MM 4.13-3: *Plant and Expansion Area Operations*. The following measures shall be implemented:
  - Restrict crushing operations to the daytime hours of 7:00 a.m. to 10:00 p.m.
  - The operator shall continue to limit winter operation (no grading, excavating, or blasting per Resolution No. 97-067, Condition #21).
  - The operator shall limit 24-hour operations to April 1st to December 31st annually.
  - The operator shall not grade or excavate between 7:00 p.m. and 7:00 a.m. or blast between 6:00 p.m. and 7:00 a.m.

The Use Permit and Reclamation Plan applications and attachments can be found here:

<http://www.lassencounty.org/dept/planning-and-building-services/environmental-documents-noticing-and-attachments>

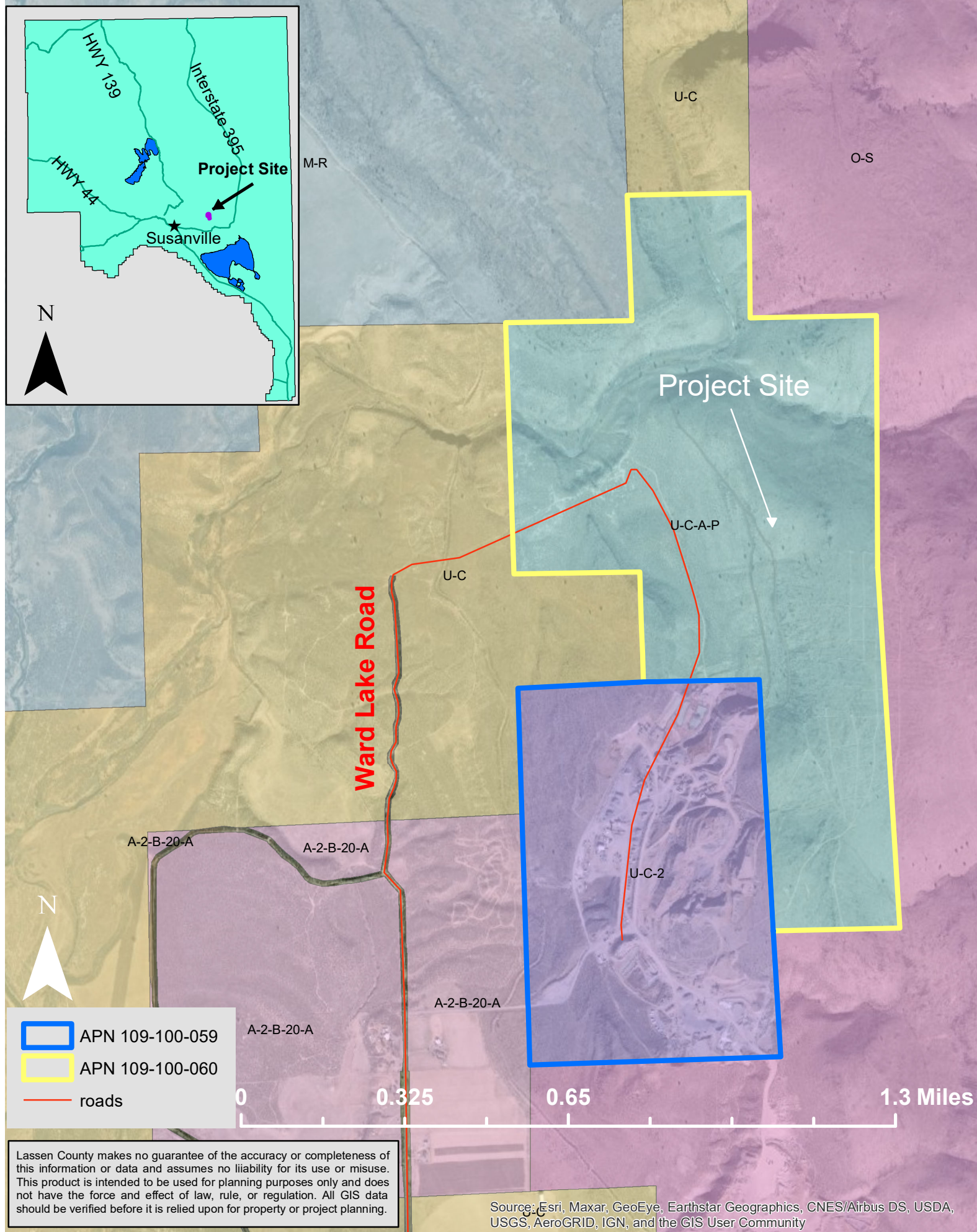


# Ward Lake Quarry Expansion (#91-18-0008) Vicinity Map





# Ward Lake Quarry Expansion (#91-18-0008) Zoning Map





# ATTACHMENT A

## STANDISH-LITCHFIELD AREA PLAN 1986

### GOALS AND OBJECTIVES OF THE PLAN

#### 2. ENVIRONMENT/NATURAL RESOURCES

##### **F. Issue: Wildlife/Fishery Resources**

**Goal and Objective:** Recognize and protect wildlife and fishery resources by maintaining a policy for compatible relationships among habitats, parks and residential development. Protect critical habitats from intrusion by incompatible uses.

##### **F. Issue: Rare and Endangered Plants and Animals**

**Goal and Objective:** Protect the Planning Area's rare and endangered plants and animals.

##### **G. Issue: Natural Vegetation Resources**

**Goal and Objective:** Provide for maximum feasible retention of natural vegetation in order to ensure watershed, wildlife, fishery, timberland, and scenic values to the area.

### ENVIRONMENTAL SAFETY

#### FLOODING

##### **Policy**

1-A Land uses within the 100-year floodplain shall not jeopardize life or property at either a specific site or downstream.

1-B The types of land uses permitted and County development standards within the 100-year floodplain should conform to the requirements of the National Flood Insurance Program.

### NATURAL/CULTURAL RESOURCES

#### WATER QUALITY

##### **Policy**

5.A The supply and quality of Lassen County water resources shall be preserved and protected.

5.B The County shall develop additional measures to ensure and protect the groundwater supply in the Planning area.

##### **Implementation**

5.1 If it appears that the quality of groundwater could deteriorate, development immediately adjacent to any water courses or body of water should be designed to ensure the water quality is

not adversely affected by soil erosion, by direct discharge of potentially harmful substances, by ground leaching from storage of raw materials, or by runoff from the sites.

5.2 New development shall demonstrate adequate quantity and quality of water for consumption and fire protection prior to the approval of new residential lots.

5.3 The County Sanitarian should regularly monitor groundwater quality in the Planning Area and take appropriate measures to prevent health hazards if it appears that the quality of groundwater could deteriorate.

5.4 Geothermal fluids shall be disposed of in a manner that does not affect quality of surface or groundwaters and does not present a hazard to the County's other natural resources.

## **FISH AND WILDLIFE**

### **Policy**

9-A Lassen County shall conserve and enhance the wildlife and fisheries of the area. Generally, those lands identified as significant wildlife areas by the Department of Fish and Game shall be designated for Intensive or Extensive Agriculture, Conservation or Open Space.

*The project area is identified as Antelope Winter Range and as a "10: Most Important" on the Sensitivity Index (MAP 7).*

### **Implementation**

9.1 The County Planning Department shall review all proposed projects for their possible adverse or beneficial impacts to fish and wildlife habitats.

9.2 Lands designed to protect wildlife should be zoned "E-A", Exclusive Agriculture, or "U-C", Upland Conservation District or "O-S, Open Space. In some instances, these districts should be combined with a "PUD," Planned Unit Development, District to encourage preservation of unique site characteristics or encourage innovative design. One example of how the PUD designation could be applied is by clustering residential units in order to leave more area open to wildlife.

9.3 Land designated conservation or open space shall be zoned "O-S," Open Space, or other appropriate zoning districts which further use the intent of policy 11-A.

## **COMMUNITY DEVELOPMENT**

### **INDUSTRIAL LAND USE**

#### **Policy: Industrial**

16-A Industrial land use activities shall be confined to mineral extraction, agricultural processing activities or to industrial activities incidental to the mixed use residential/commercial designation for the Town Centers of Standish and Litchfield. Other forms of industrial uses should be



located closer to the larger population centers of Susanville and Johnstonville at sites where there is existing infrastructure to serve them.

9.2 Lands designed to protect wildlife should be zoned “E-A”, Exclusive Agriculture, or “U-C”, Upland Conservation District or “O-S, Open Space. In some instances, these districts should be combined with a “PUD,” Planned Unit Development, District to encourage preservation of unique site characteristics or encourage innovative design. One example of how the PUD designation could be applied is by clustering residential units in order to leave more area open to wildlife.

9.3 Land designated conservation or open space shall be zoned “O-S,” Open Space, or other appropriate zoning districts which further use the intent of policy 11-A.

## **CIRCULATION**

### **Policy**

17-A It shall be a policy of Lassen County to provide a transportation system that provides safe and efficient service for the travel needs of all citizens, the movement of goods and as a means to implement the goals and objectives of this plan.

### **Implementation**

17.1 Rural and agricultural residential uses, other than those shown on the land use map, should not be allowed along State highways.

17.2 The County shall require applicants for new development projects to construct or upgrade the roads which will serve their projects to County standards.

17.3 Prior to the approval of all new projects, the County shall evaluate the potential effect on existing traffic patterns and shall require as a condition of approval, any improvements or in lieu fees necessary to alleviate potential traffic congestion and/or to ensure traffic safety throughout the Planning Area.

17.4 The Planning Commission should determine during the public hearing process which public and private roads should be upgraded and to which standards they should be improved to.

## **LASSEN COUNTY GENERAL PLAN 2000**

### **LAND USE ELEMENT**

LU-5 POLICY: The Circulation Element has been developed in concert and correlation with the Land Use Element. The County shall consider relevant policies of the Circulation Element as may be applicable to particular land use issues.

## **LAND USE ISSUE POLICIES**

### **5. ISSUE: Transportation**

LU-25 POLICY: The County shall continue to review and, when warranted, formulate improved standards for the necessary improvement and maintenance of roads serving new development, including standards for the incremental improvement or development of public roads.

LU-26 POLICY: When proposed projects will generate a substantial number of large trucks carrying heavy loads, the County shall require special mitigation measures to insure that those projects do not cause significant deterioration of County roads, or will otherwise mitigate such damage with adequate repair.

**Implementation Measure LU-R:** Pursuant to impacts evaluated in an environmental impact report or other form of project review, the County may require mitigation measures which will insure that project developers adequately and fairly compensate or participate with the County in the necessary upgrading and/or repair of roads which will be significantly damaged by a project.

LU-27 POLICY: The County shall refer to the Circulation Element for additional policies and implementation measures which relate to land use issues.

### **7. ISSUE: Industrial Land Uses**

GOAL L-13: Improvement, expansion and diversification of the County's industrial base and generation of related employment opportunities.

LU-32 POLICY: The County encourages and will facilitate the development of new, environmentally responsible industrial projects for the economic benefit of the County.

LU-34 POLICY: The County supports the development of industrial land uses primarily in or adjacent to areas which have been designated and developed for such uses and which have or can develop the necessary infrastructure to serve such uses, while recognizing that some types of resource-related industrial uses and processing plants may require or otherwise warrant relatively remote sites which are removed from standard industrial areas.

LU-35 POLICY: Subject to case-by-case review (including review for compatibility with surrounding agricultural uses), and in compliance with relevant area plan, zoning, permitting and environmental review requirements, the development and operation of the following land uses will typically be deemed to be consistent with the Extensive and Intensive Agriculture land use designations and will not require zoning to an "Industrial" zoning district, nor will they be interpreted by the County to constitute an "agricultural conversion" pursuant to this General Plan:

c) mines, the extraction of minerals, and the ancillary processing of mineral materials generated on-site, including the production of asphalt, ready-mix concrete and similar products;



## **15. ISSUE: Wildlife Habitat**

GOAL L-22: Protection and enhancement of important wildlife habitats to support healthy, abundant and diverse wildlife populations.

LU-49 POLICY: The County supports the management of wildlife resources in ways that enhance the health and abundance of wildlife populations and the diversity of species and their habitats and which, at the same time, balance management policies and program objectives with the range of social and economic needs for which the County is also responsible.

## **NATURAL RESOURCE LAND USES**

### **Extensive Agriculture**

The Extensive Agriculture designation primarily represents typical rangeland areas with grazing and general rangeland values, natural wildlife habitat, open space and scenic values, and/or low intensity outdoor-oriented recreational values. It also includes general forest areas, timber production areas and related uses. Large parcel sizes are required to support and protect resource values. Except in special "open space" areas, it may accommodate limited dispersed residential uses; however, such uses will typically be related and secondary to agricultural and other resource based land uses, including dispersed recreation and mining. Subject to County permit requirements and the provisions of related elements of the General Plan, areas designated extensive Agriculture may also accommodate natural resource-related production facilities, including but not limited to: mineral extraction and processing, including asphalt and similar plants; saw mills and logging operations; and facilities for the processing of agricultural products.

## **NATURAL RESOURCES ELEMENT**

### **7. Mineral Resources**

GOAL N-13: To improve and diversify the County's industrial base by encouraging development of mineral resources in ways which avoid or minimize unacceptable levels of land use conflict and significant environmental damage.

NR-46 POLICY: Projects for the extraction or use of mineral resources shall comply with the California Environmental Quality Act and the County's environmental review guidelines.

NR-47 POLICY: In the consideration of proposed mining activities, the County shall balance goals of protecting and managing wildlife, vegetation, and other resources with the economic and social need to diversify the County's industrial base.

NR-48 POLICY: Surface and subsurface mining operations shall obtain a Use Permit as required by the Lassen County Code.

GOAL N-14: To encourage exploration for developable mineral resources in ways which minimize environmental and land use impacts.

NR-49 POLICY: The County may require submittal of exploration plans describing all activities to be performed, including a schedule of activities.

NR-50 POLICY: Applications for mineral resource exploration activity subject to the California surface Mining and Reclamation Act (SMARA) shall include the submittal of a reclamation plan to, and approval by, the agency of jurisdiction as required by SMARA and the California Code of Regulations.

NR-51 POLICY: Mineral resource exploration activity that exceeds the SMARA threshold limits or is determined to be located adjacent to an incompatible land use should be required to obtain a Use Permit.

GOAL N-15: To encourage the development and management of mineral resources by coordinating efficient internal and interagency project review.

GOAL N-16: To prevent significant long-term environmental damage and damage of other natural resource values in areas which have been or which may be disturbed by mineral extraction.

NR-57 POLICY: All mineral resource extraction projects, unless exempt from the provisions of the California Surface Mining and Reclamation Act, shall include and carry-out a reclamation plan which has been approved by the County.

NR-58 POLICY: Reclamation plans shall include a monitoring program to ensure successful compliance with reclamation criteria. Reclamation plans that include revegetation shall be monitored to ensure that planted vegetation successfully satisfies the objectives of the reclamation plan.

NR-59 POLICY: An adequate performance guarantee shall be required of a type and in an amount acceptable to the County to cover the costs of reclamation should the permittee fail to complete successful reclamation of a mined site. Performance guarantees shall be determined based on reclamation cost estimates prepared by a qualified professional.

NR-60 POLICY: Reclamation activities shall be in compliance with the approved reclamation plan and shall be completed to the satisfaction of the County and/or the California Department of Conservation before complete or partial release of required performance guarantees.

## **MINERAL RESOURCES BACKGROUND**

### Mining Administration

The Board of Supervisors expressed the County's purpose and intent of Ordinance No. 509 as follows:

The County of Lassen recognizes that the extraction of minerals is essential to the continued economic well-being of the County and to the needs of society and that the



reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

The fundamental task of the County's SMARA program is to help bring and keep all mining operations in Lassen County in compliance with state and local surface mining and reclamation regulations and to assist local operators in meeting requirements for monitoring and annual reporting.

## **CIRCULATION ELEMENT**

GOAL C-1: A comprehensive, efficient and safe transportation system to serve the needs of County residents and to stimulate the economic progress of the County.

CE-3 POLICY: Encourage city, state and Federal agencies (e.g., City of Susanville, Caltrans, Forest Service, Bureau of Land Management) to consult with the County in the planning of major road projects, and to adequately maintain their road systems to serve recreationists and people and businesses who rely upon the use of resources on or near public lands in Lassen County. The County may consider the acceptance of Federal Forest Roads into the County-maintained road system when such roads are planned and developed in consultation with the County.

CE-6 POLICY: The County shall continue to review and, when warranted, formulate improved standards for the necessary improvement and maintenance of roads serving new development, including standards for the incremental improvement or development of public roads.

CE-10 POLICY: In consideration of proposed projects which would generate a substantial number of large trucks carrying heavy loads, the County shall require special mitigation measures to insure that those projects do not cause, or will adequately mitigate, significant deterioration of County roads.

### **Implementation Measure:**

CE-C Pursuant to impacts evaluated in an environmental impact report or other form of project review, the County may require mitigation measures which will insure that project developers adequately and fairly compensate or participate with the County in the necessary upgrading and/or repair of the affected roads.

CE-12 POLICY: No public highway or roadway should be allowed to fall to or exist for a substantial amount of time at or below a Level of Service rating of "E" (i.e., road at or near capacity; reduced speeds; extremely difficult to maneuver; some stoppages).

CE-13 POLICY: Because the safety and efficiency of traffic on State Route 36 and Main Street through the City of Susanville affects everyone who lives in, works in, and travels through that area of Lassen County, the County encourages continuing efforts by the Lassen County Transportation Commission, Caltrans and the City of Susanville to resolve safety problems and the poor and deteriorating level of service on this portion of the highway.

**Implementation Measure:**

CE-D The County shall work with Caltrans and the local transportation planning agency in the consideration of highway realignments and new public road interchange and frontage road locations and may propose mitigation measures to reduce the adverse impacts of such changes on established town centers and existing planned use patterns.

**WILDLIFE ELEMENT**

Goal W-1: To protect and enhance the overall health of wildlife habitats and special resource areas to maintain healthy, abundant and diverse wildlife populations.

WE-1 POLICY: The County supports the management of wildlife resources in ways that enhance the health and abundance of wildlife populations and the diversity of species and their habitats and which, at the same time, balance management policies and program objectives with the range of social and economic needs for which the County is also responsible.

WE-2 POLICY: The County supports the cooperative identification of “areas of significant wildlife value” or similar designations for areas where it is demonstrated by sound biological science and the habitat values are of significant importance to the health and/or survival of one or more species of wildlife. The county may apply a special designation to these areas, and/or agree to support specific resource management objectives, policies, and voluntary programs to protect wildlife resources within these areas.

WE-5 POLICY: Prior to the imposition of substantial wildlife-related mitigation measures by the County, the County shall review evidence demonstrating that the proposed action or project could otherwise have potentially significant adverse impacts to wildlife and that the proposed measures will, in fact, help to accomplish practical and necessary mitigation objectives.

Goal W-2: Protection of rare, threatened, and endangered wildlife species with an ecosystem approach to habitat management which also supports multiple land uses.

WE-10 POLICY: Through local coordination, the County encourages programs and actions to remove and avoid the listing of additional wildlife species as threatened or endangered by the state or Federal government. When listings are proposed, sound biology needs to be applied to the preparation of habitat management plans and/or recovery plans, and the related social and economic impacts of such plans and related measures need to be considered and mitigated.

Goal W-5: Protect and enhance important upland habitat areas which include bitterbrush, mountain mahogany and aspen.

WE-17 POLICY: The County supports cooperative efforts to protect and enhance the wildlife habitat values of upland vegetation communities of bitterbrush, mountain mahogany and aspen.



## Lassen County Noise Element 2021

### Stationary Source Noise

Noise from industrial businesses and large stationary sources varies, but can contribute significant impacts on adjacent uses depending on the nature of industrial operations. Industrial operations often involve the use of mechanical equipment, generators, and vehicles that contribute to noise levels at industrial sites, particularly if operations occur outdoors. Historically, many communities in Lassen County have been in proximity to industrial uses, such as those associated with the production and storage of lumber products or aggregate materials. Diamond Mountain Speedway and local prisons are also stationary noise sources in Lassen County.

**Table 6** provides a summary of the distance from each identified stationary source to the boundary of the 65 dBA CNEL boundary. Major stationary sources identified in the 1989 Noise Element were analyzed in 2019 and compared with the 1989 noise data. More recent stationary noise sources were addressed with sound-level measurements. The Noise Element Background Technical Report (<http://www.lassencounty.org/dept/planning-and-building-services/noise-element-and-data>) provides a description of the methodology used and supporting data.

**Table 6. Stationary Noise Levels in Lassen County**

Location	Stationary Source	Distance to 65 dBA CNEL (feet)
Bieber	Big Valley Lumber	Within facility property
Herlong	Sierra Army Depot	At facility property boundary
	Federal Corrections Institution	Within facility property
Johnstonville	Industrial Area Johnstonville Road (Recyclers/Auto Dismantlers)	75 to 150 feet
Leavitt Lake	High Desert State Prison/California Correction Center	At facility property boundary
	Ward Lake Pit	700 feet (primarily within facility boundary)
Milford	Honey Lake Motocross Track	1,200 feet
Standish	Standish Gravel Pit	At facility property boundary
Susanville	Diamond Mountain Speedway	225 feet
	Banner Lassen Hospital (Helipad)	250 feet
	Sierra Pacific Mills	Within facility property
Wendel	HL Power Plant	900 feet
Westwood	Ultra Power	Within facility property

### Standard N-1. CNEL Standards by Land Use Category

New noise-generating land uses may not exceed the following standards (as presented in **Table 7**) at the property line for the parcel containing said noise-generating use. For noise-sensitive uses in a project's vicinity, exterior noise standards shall be measured at the property line of the receiving noise-sensitive use (or at the yard boundary for residences on agriculture land), and interior noise standards shall be measured with all doors and windows closed.

**Table 7. Community Noise Equivalent Level Standards for Receiving Land Uses**

Land Use Category	Interior Noise Standard (dBA)	Exterior Noise Standard (dBA)*
Residential	45	65
Recreational/Open Space	N/A	65
Institutional	45	65
Commercial/Retail	50	75 <sup>b</sup>
Industrial	N/A	90 <sup>b</sup>
Agriculture	N/A	90
Resource Extraction	N/A	90 <sup>b</sup>
Public Right-of-Way	N/A	90

<sup>a</sup> These noise generation limits are translated into hourly average ( $L_{eq}$ ) limits in Lassen County Code, Section 9.65.040. Proposed new stationary noise sources must comply with both Standard N-1 and Section 9.65.040

<sup>b</sup> Noise levels generated from these sources are also subject to the land use noise standard of the receiving properties, where such a standard imposes a lower noise limit. For instance, while commercial noise levels of up to 75 dBA CNEL are allowed within a commercially zoned property, this commercial noise source must not exceed 65 dBA CNEL at any residential property boundary in the vicinity. The limit is applied at the receiving land use property line or (for residences in agriculture zones) at the boundary of the yard area.

## **Lassen County Noise Ordinance No. 2021-004**

### **9.65.040 General Sound Level Limits**

- (a) Except as provided in sections 050, 060 and 070 of this chapter, it shall be deemed a Public Nuisance (Lassen County Code Chapter 1.18) for any person to cause or allow the creation of any noise, which exceeds the one-hour average sound level limits in Table 1, when the one-hour average sound level is measured at the property line of the property on which the noise is produced or at any location on a property that is receiving the noise. Any person violating any provision of the Lassen County Code, including the generation of noise in excess of the following sound level limits, may be issued an administrative citation by an enforcement officer as provided in this chapter, pursuant to Lassen County Code Chapter 1.20.
-



TABLE 1

ZONE	TIME	ONE-HOUR AVERAGE SOUND LEVEL LIMITS (dBA)
(1) R-1, R-2, R-3, PUD, P-C, R-S, M-R, F-R, I-1, O-C-B, O-D, O-H, E-A, O-S, A-1, A-2, A-3, U-C, U-C-2, A-F. <sup>1,2</sup>  Also any future established residential or agricultural zones.	7 a.m. to 7 p.m.	65
	7 p.m. to 10 p.m.	60
	10 p.m. to 7 a.m.	55
(2) B-P, C-H, C-L, C-G, C-R, C-T, C-1, C-2, Y-C. <sup>2</sup>  Also any future established commercial zones.	7 a.m. to 7 p.m.	75
	7 p.m. to 10 p.m.	70
	10 p.m. to 7 a.m.	65
(3) M-L, M-1, M-2, M, H-R, T-P-Z.  Also any future established industrial zones	7 a.m. to 7 p.m.	90
	7 p.m. to 7 a.m.	80

## SOUND LEVEL LIMITS IN DECIBELS (dBA)

<sup>1</sup> Within agriculture zones, noise exposure limit is applicable only to residences, at the residential yard boundary.

<sup>2</sup> These limits also govern the noise exposure level for a legal residence in any zone, applied at the residential yard boundary.

- 
- (b) Where a noise study has been conducted and the noise mitigation measures recommended by that study have been made conditions of approval of a Use Permit, which authorizes the noise-generating use or activity and the decision making body approving the Use Permit determined that those mitigation measures reduce potential noise impacts to a level below significance, implementation and compliance with those noise mitigation measures shall constitute compliance with subsection (a) above.
- (c) If the measured ambient noise level exceeds the applicable limit in Table 1, the allowable one-hour average sound level shall be the one-hour average ambient noise level, plus three decibels. The ambient noise level shall be measured when the alleged noise violation source is not operating.
- (d) The sound level limit at a location on a boundary between two zones is the lower of the respective limits for the two zones.
- (e) A fixed-location public utility distribution or transmission facility located on or adjacent to a property line shall be subject to the sound level limits of this section measured at or beyond six feet from the boundary of the easement upon which the facility is located, subject to the jurisdictional authority of the County.
-



## USE PERMIT APPLICATION

RECEIVED

FILING FEE: CLASS 1 \$742; CLASS 2 \$1,350; CLASS 3 \$1,350  
and ENVIRONMENTAL 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 LASSEN COUNTY DEPARTMENT OF

FEB 25 2021

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. \_\_\_\_\_

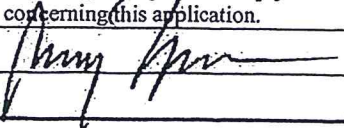
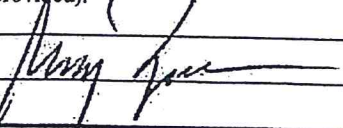
Property Owner/s	Property Owner/s
Name: TLT Enterprises LLC.	Name:
Mailing Address: 24339 Highway 89 North	Mailing Address:
City, ST, Zip: Burney, California 96013	City, ST, Zip:
Telephone: 530-335-5501 Fax:	Telephone: Fax:
Email:	Email:

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input type="checkbox"/>	Correspondence also sent to: <input checked="" type="checkbox"/>
Name: Hat Creek Construction and Materials, Inc.	Name: Vestra Resources
Mailing Address: 24339 Highway 89 North	Mailing Address: 5300 Aviation Drive
City, ST, Zip: Burney, California 96013	City, ST, Zip: Redding, CA 96002
Telephone: 530-335-5501 Fax:	Telephone: 530-223-2585 Fax: 530-223-1145
Email: perry@hatcreekconstruction.com	Email: wjohnston@vestra.com License #:

Project Address or Specific Location: 3 miles east of Ward Lake, off Ward Lake Road in Lassen County			
Deed Reference: Book:	Page:	Year:	Doc#:
Zoning: U-C-2 and U-C-A-P.		General Plan Designation: Extensive Agriculture	
Parcel Size (acreage): 682		Section: 28, 30, 33 Township: 30 Range: 14 East	

Assessor's Parcel Number(s):	109 - 100 - 59	109 - 100 - 60	- -
- -	- -	- -	- -

Project Description: Hat Creek Construction proposes to amend the Use Permits Mining and Reclamation Plan to make an expansion of approximately <del>51</del> <sup>78.6</sup> acres, with an associated additional volume of 5,000,000 tons of material, extension of life of the mine from 2030 to 2050 and increase of maximum volume per year from 100,000 to 200,000 tons per year.
---

<b>SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT:</b> 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.	<b>*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE</b> (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided).
 Date: 1/25/21	 Date: 1/25/21

See associated process form for required attachments and instructions.





# USE PERMIT PROJECT DETAIL SUPPLEMENT

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

RECEIVED

OCT 04 2021

FILE NO. LASSEN COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES

Form must be typed or printed clearly in black or blue ink. This supplement consists of three pages. Please complete the following application supplement and attach to the Use Permit Application. Answer all questions that are related to the proposed use.

1. Proposed timeframe for the project and completion of each major phase (i.e., when structures and improvements will be completed): Please see Mining Plan for proposed phasing.

2. Existing use of property: Vacant

3. Describe adjoining land uses (e.g., residential, commercial, agricultural, etc.). Please be as specific as possible.

North: Vacant BLM land

South: Vacant BLM land

East: Vacant BLM land

West: Vacant BLM land

4. Hours of proposed operation: Seasonal Daylight Hours to Seasonal Daylight Hours Days of operation: Typically 5 days/week, 7 in Peak Summer seasons possible
5. Number of shifts: Typically 1 shift Number of employees: 2-5 typically, with up to 5 additional during contract mining operations
6. Number of deliveries or pick-ups: Avg 35; Peak 55 per day Avg 190; Peak 380 per week
7. Number of visitors/customers: 0 per day negligible per week

8. Will the project increase noise levels in the immediate area? ☒ Yes ☐ No

If yes, anticipated noise levels in decibels at:

50 feet 85

100 feet 79

Property Line 85

9. Describe existing structures and improvements to be used in conjunction with the proposed use, including their floor area: Temporary or Mobile Equipment and support

10. Maximum height (in feet) of existing structures: None

11. Maximum height (in feet) of proposed structures: None

12. Describe any existing structures to be removed: None

13. Describe proposed structures and improvements (e.g., buildings, parking, roads, and sewer services, etc.). Please include dimensions and floor area: No buildings. Mining roads as shown in Mining Plan

14. Describe the topography and physical environment at and surrounding the project site: Rolling hills and vacant land with native sagebrush and occasional coniferous trees

15. Describe proposed exterior lighting, including location (attach lighting diagram if applicable): No permanent lighting

16. Will the project include or result in grading, including anticipated grading at project buildout?  
☒ Yes      ☐ No      If yes, approximate total surface area to be disturbed by site grading:  
\_\_\_\_\_ sq. ft. or 83 acres

Quantity of cut: 8.5 million cubic yards      Quantity of fill: 0 cubic yards

17. Percentage of site to be covered by impervious surfaces (e.g., roads, driveways, and structures), including estimated impervious surfaces at project buildout: 0%

18. Number of existing parking spaces: 0 employee      0 customer

Number of proposed parking spaces: 10 employee      0 customer

Describe surfacing of parking area: unpaved

Please attach a parking plan showing existing and proposed parking facilities. Please see Mining Plan for proposed phasing.

19. Please attach a detailed plot plan, drawn to scale, showing all existing and proposed improvements. Please see Mining Plan for proposed phasing.

20. For commercial, industrial and institutional developments, please attach a landscaping plan. Please see Mining Plan for proposed phasing.

21. Please indicate how the following services will be provided to serve the project, including name of the service provider:

Electricity: None      Underground ☐ Overhead ☐

Telephone: Cellular only      Underground ☐ Overhead ☐

Water Supply: Existing Well ☒      New Well(s) ☐      Community Water ☐

Other ☐ Well is located at approx. lat 39.867771 long -120.048319 on parcel 145-03-022

Sewage Disposal: Individual Septic System ☐ Community Sewer ☐ Shared Septic System ☐

If individual septic systems are proposed, has soil testing been performed to determine soil suitability?      ☐ Yes      ☐ No      If yes, please attach



**Solid Waste Disposal:** Operator removal

**LP/Natural Gas:** None

**If an extension of utility lines is necessary, indicate which services and the distance of the extension:** None

**22. Please provide the names of the following districts, if applicable:**

**High School:** Herlong High

**Elementary School:** Sierra Primary

**Fire Protection:**

**Community Services District:**

**Water:**

**Sewer:**

**Other:**

**23. List all county, state, regional or federal agencies from which a permit or approval is or may be required, including type of permit required:**

BLM - Plan of Operations;

Lassen County - Conditional Use Permit;

SWRCB - Storm Water General Permit



## 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)

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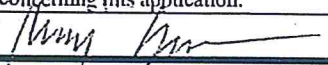
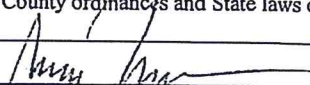
RECEIVED

FEB 25 2021

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.

LASSEN COUNTY DEPARTMENT OF  
PLANNING AND BUILDING SERVICES

<b>1) Property Owner/s</b>	<b>Property Owner/s</b>
Name: TLT Enterprises LLC.	Name:
Mailing Address: 24339 Highway 89 North	Mailing Address:
City, ST, Zip: Burney, California 96013	City, ST, Zip:
Telephone: 530-335-5501 Fax:	Telephone: Fax:
Email:	Email:
<b>SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT:</b> 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.	<b>SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT:</b> 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: 1/25/21	Date:
<b>2) Owner of Mineral Rights (if different than property owner, The record owner of mineral rights must sign below)</b>	<b>3) Mine Operator</b>
Same as Property Owner: <input type="checkbox"/>	Same as Applicant: <input type="checkbox"/> Correspondence also sent to: <input type="checkbox"/>
Name: Bureau of Land Management	Name: Hat Creek Construction and Materials Inc.
Mailing Address: 2950 Riverside Drive	Mailing Address: 24339 Highway 89 North
City, ST, Zip: Susanville, California 96130	City, ST, Zip: Burney, California 96013
Telephone: 530-257-0456 Fax:	Telephone: 530-335-5501 Fax:
Email:	Email: perry@hatcreekconstruction.com
<b>SIGNATURE OF MINERAL RIGHTS OWNER(S): I HEREBY ACKNOWLEDGE THAT:</b> 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.	<b>MINE OPERATOR(S): I HEREBY ACKNOWLEDGE THAT:</b> 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.
EMILY RYAN Digitally signed by EMILY RYAN Date: 2021.04.22 14:44:41 -0700 Date:	 Date: 1/25/21
<b>4) Applicant/Authorized Representative*</b>	<b>Agent (Land Surveyor/Engineer/Consultant)</b>
Same as Property Owner: <input type="checkbox"/>	None: <input type="checkbox"/> Correspondence also sent to: <input checked="" type="checkbox"/>
Name:	Name: VESTRA Resources
Mailing Address:	Mailing Address: 5300 Aviation Drive
City, ST, Zip:	City, ST, Zip: Redding, California 96002
Telephone: Fax:	Telephone: 530-223-2585 Fax:
Email:	Email: wjohnston@vestra.com License #:
<b>*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE</b> (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided). <b>I HEREBY ACKNOWLEDGE THAT:</b> 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.	<b>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.</b>
Date:	



5) Assessor's Parcel Number(s):	109 - 100 - 59	109 - 100 - 60	- -
- -	- -	- -	- -

6) Project address or specific location: 3 miles east of Ward Lake, off Ward Lake Road in Lassen County

Deed Reference: Book: \_\_\_\_\_ Page: \_\_\_\_\_ Year: \_\_\_\_\_ Doc#: \_\_\_\_\_

Zoning: U-C-2 and U-C-A-P See Figures 4 & 5 in Rec. Plan      General Plan Designation: Extensive Agriculture

Parcel Size (acreage): 682      Section: 28,30,33 Township: 30      Range: 14 East

7) Present use of the site: Site is an existing mine.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8) Present use of land surrounding the site: Agriculture Residential is to the west, Extensive Agriculture is to the north, Open Space is to the south and east. See Figures 4 and 5 in the Reclamation Plan.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9) Distance and direction to nearest residence (identify the owner and provide the Assessor's Parcel Number): \_\_\_\_\_

The nearest residence is approximately 470 feet from the west property line of the existing quarry and was constructed in 2007. This same home is also the closest residence to the expansion area being 4600 feet to the south. See Rec Plan Figure 6 & 7

### MINE OPERATION INFORMATION

10) Proposed name of mine: Ward Lake Quarry

11) Proposed starting date (or date current operation began): Ward Lake Quarry has been operating since 1980.

12) Proposed termination date: 2050

13) List the mineral commodity(ies) to be mined: Construction aggregate, sand and gravel

14) Maximum quantity of mineral commodity to be mined (in terms of production as defined by the State Mining and Geology Board):

Annually \_\_\_\_\_ cu. yds. / 200,000 tons      Project Total \_\_\_\_\_ cu. yds. / 5,000,000 tons

Describe the maximum slopes and erosion controls for stockpiled mined material: \_\_\_\_\_

Erosion control measures consist of planting stockpiles with an erosion control mix

\_\_\_\_\_

See Appendix C of the Reclamation Plan for the Geotech Report

15) Approximate quantity of overburden to be removed (not including top soil):

Annually \_\_\_\_\_ cu. yds.      Project Total \_\_\_\_\_ cu. yds.

Describe the use, maximum slopes and erosion controls for stockpiled overburden: \_\_\_\_\_

None

\_\_\_\_\_

\_\_\_\_\_

16) When and how will top soil be salvaged and how will it be stored and identified? Top soil will be planted with an erosion control mix and will be clearly signed in the field to prevent inadvertent use.

\_\_\_\_\_

\_\_\_\_\_

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

Annually \_\_\_\_\_ cu. yds. Project Total \_\_\_\_\_ cu. yds.

Describe the use, maximum slopes and erosion controls for stockpiled top soil: There is less than 6 inches of topsoil to remove and stockpiles will be seeded. Signs will be posted.

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: Topsoil may be imported to the site to assist in future restoration and reclamation activities.

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.): Current operations involve excavation and processing of rock, sand and gravel. Processing of mined materials includes sorting, crushing and washing of aggregate. Open pit methods are used for the mining of materials, expansion area will be similar.

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) 50 feet Benchmark 12 feet Max Slope 1:1 (horizontal / vertical)

Will pit slopes (walls) be benched? Explain: Yes pit walls will be benched with slopes no greater than 1H:1V.

See Appendix C Geotech Report and Figure 12 & 13.

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

X Excavation

X Blasting

X Loading

X Crushing

X Screening

X Washing

X Concrete Production

X Asphalt Production

X On-site Fuel Storage

X Stockpiling

\_\_\_\_ On-site Equipment Maintenance, Storage and/or Fueling

\_\_\_\_ Other (explain): \_\_\_\_\_

b) List all equipment to be used on site: Fuel tank, fuel hauler, loader, generator, concrete batch plant, concrete truck, service truck, belly dump, man lift, articulated dump truck, crusher, asphalt batch plant, scale. All this equipment is currently in use at the mine. A portable crusher is the only piece of equipment that may be brought in to use in the expansion area.

22) Mined material will be used for: Construction and road projects.



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

Extraction:	Currently <u>51</u> acres	Annually _____	Total _____
Processing:	Currently <u>78.6</u>	Annually _____	Total _____
Stockpiles:	Currently <u>&lt;1</u> acre	Annually _____	Total _____
Haul Roads:	Currently _____	Annually _____	Total _____
Equipment Storage:	Currently _____	Annually _____	Total _____
Offices(s):	Currently _____	Annually _____	Total _____
Scale(s):	Currently _____	Annually _____	Total _____

Other (explain): Existing haul roads will be used. No new roads are proposed.

Total project area to be used: Currently 138 acres Total 189 acres

This project is proposing a 51 acre expansion.

78.6

216.6

24) Will any settling ponds be constructed? Settling ponds are already in place at the existing mine. No ponds will be constructed in the proposed expansion.

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

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: With the expansion, the request for extension of life would be from 2030 to 2050. See reclamation plan

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

189 10 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? Signs will be posted to keep the public out and site has a locked gate.

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 Appendix C The Geotech Report

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
Sage Brush		proposed expansion area
Rabbit Brush		proposed expansion area
Bitter Brush		proposed expansion area
Bluebunch Wheatgrass	6%	proposed expansion area

- b) **Wildlife in and around the site:** See Appendix E Bio Assessment

- 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): There are none listed on or near the site. see reclamation plan + Bio Assessment

- d) **Wetlands, wet areas and surface drainage system(s), including intermittent drainages (include on site map):** There are no wetlands, wet areas or surface drainage systems including intermittent drainages on the site.

- e) **Include copies of any reports, surveys, or other documents related to the characteristics of the site, used in your description.** See Appendix E Bio Assessment and Figure 11 CNDDDB Occurrences

31) **How will any sensitive species, wildlife habitat, or wetlands be protected or mitigated?** A biological assessment was done and no sensitive species were listed for this site. In case of an encounter the CDFW would be contacted and a plan would be enacted to conserve or mitigate the species.

32) **Describe the proposed use of the mine site after mining has ended and reclamation is complete:** The proposed end use of the site will be wildlife habitat.

33) **Describe how reclamation of the mine site will affect future mining in the area (consider whether the proposed reclamation plan will allow or 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.):** This project will not deplete on-site mineral reserves. The future end use will not prevent mining by construction of homes, other buildings or reservoirs.

34) **Describe any impacts of reclamation on surrounding land uses:** There will be no impacts of reclamation on surrounding land uses.



## STATEMENT OF RESPONSIBILITY

I, PERRY THOMPSON, do hereby accept full responsibility for reclaiming the lands herein described in accordance with the reclamation plan and all conditions approved for this operation by Lassen County as lead agency.

[Signature]  
(Signature)

2/03/21  
(Date)

Position/Relationship to Operation: \_\_\_\_\_

## FINANCIAL ASSURANCES

Upon approval of the surface mining permit and reclamation plan, and prior to issuance of an "Authorization To Operate," financial assurance(s) ensuring that reclamation will be carried out in accordance with the approved reclamation plan must be submitted to and approved by Lassen County. Assurances may take the form of surety bonds, irrevocable letters of credit, certificates of deposit, or other forms of financial assurance acceptable to the State Mining and Geology Board and Lassen County.

Financial assurance instruments shall be made payable to "~~Lassen County and the Department of Conservation.~~" Financial assurances, along with copies of the itemized estimate of reclamation costs (based on the approved reclamation plan) must be submitted to Lassen County for review and approval prior to issuance of the "Authorization To Operate." Reclamation assurances are subject to annual review and adjustment in consideration of ~~operation compliance, inflation, reclamation performed, etc.~~

The permit application should be accompanied by a DETAILED itemized estimate of reclamation costs (using the current FACE form approved by the State Mining and Geology Board) including labor, equipment, mobilization and removal, materials such as seedlings, seed, fertilizer, mulch, irrigation system, top soil, etc., profit, overhead, long term monitoring (at least ~~three years after reclamation is complete~~) and contingency. The assumption when preparing the estimate is that the mine operator is gone and the County or State must hire an independent contractor to do all reclamation work from beginning to end.