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PLANNING COMMISSION MEETING  
December 4, 2018

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PROPERTY OWNER:	Joe Ochotorena
TYPE OF APPLICATION:	Minor Amendment

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LASSEN COUNTY PLANNING COMMISSION  
MINOR AMENDMENT #2017-003 STAFF REPORT  
December 4, 2018

FILE NUMBER:	MA #2017-003
PROPERTY OWNER:	Joe Ochotorena
APPLICANT:	Tim Ochotorena
TYPE OF APPLICATION:	Use Permit and Reclamation Plan Amendment
GENERAL LOCATION:	Eagle Lake
ASSESSOR'S PARCEL NUMBER(S):	079-010-14-11
PROJECT SITE ZONING:	U-C-A-P, Upland Conservation/Agricultural Preserve Combining District
GENERAL PLAN:	Agricultural Area with High to Moderate Environmental Sensitivities, <i>Eagle Lake Area Plan, 1982</i>
ENVIRONMENTAL DOCUMENT:	(See Discussion)
ASSIGNED STAFF:	Nancy McAllister, Natural Resources Technician

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AUTHORITY FOR APPLICATION:

Lassen County Code Section 9.60.040(b)  
Lassen County Code Section 18.112.035  
Public Resources Code Section 2777  
California Code of Regulations Section 3502(d-h)

REGULATING AGENCIES: Regulatory authority for the existing uses includes, but is not limited to the following agencies:

<u>Agency</u>	<u>Required Permits / Approvals/Review</u>
Lassen County Planning Commission	Minor Amendment Approval
California Department of Conservation, Division of Mine Reclamation	Minor Amendment Review

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PROJECT DESCRIPTION: Proposal for a minor amendment to approved Use Permit #96060 and Reclamation Plan #96060, to allow for a 2.5-acre expansion of a surface mining operation, from the currently permitted 7.5-acre boundary to a 10-acres boundary. The amendment would also extend the life of the mine from 2020 to 2040, allow for a maximum annual disturbance of 2 acres, and increase the final depth of mining/height of highwall. The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15162 of the *CEQA Guidelines*. The surface mining operation (CA Mine ID #91-18-0036) is currently situated on approximately 8.5 acres of a 410-acre parcel. The parcel is located just east of Highway 139, approximately 25 miles north of Susanville. APN: 079-010-14. Staff Contact: Nancy McAllister, Natural Resources Technician

DISCUSSION: On November 6, 1996 the Lassen County Planning Commission approved Use Permit and Reclamation Plan #96060. The approved Use Permit and Reclamation Plan allowed for open-pit cinder mine on private land. Operations included excavation of volcanic cinders from a hillside, screening and occasional crushing.

The mining operation is has exceeded the boundary permitted by the Use Permit and Reclamation Plan. The operator has applied for this amendment, in part, to bring the operation into compliance. The mining operation has a financial assurance mechanism (FAM), held by Lassen County, which will need to be updated to cover the most recent financial assurance cost estimate (FACE), upon its approval on December 17, 2018.

The applicant is proposing a 2.5-acre expansion of a surface mining operation, a 20-year extension of the life of the mine, a 1.5 acre increase to the permitted maximum annual disturbance, a 57-foot increase to the final permitted highwall height, and a final pit floor elevation of 5,876 feet above sea level, maintaining all other requirements of approved Use Permit and Reclamation Plan #96060.

SURROUNDING PROPERTY ZONING AND CHARACHETRISTICS: Parcels surrounding the project site are zoned U-C (Upland Conservation District), U-C-2 (Upland Conservation/Resource Management District), and O-S (Open Space District). Surrounding properties are used primarily for agriculture, grazing, open space, and timber production.

STATUTORY REVIEW:

**Lassen County Code**

Lassen County Code Chapter 9.60 defines and outlines the process for amending Use Permits and Reclamation Plans. The applicable sections are as follows:

9.60.040(b) Minor Amendment to Use Permit or Reclamation Plan. The county recognizes the dynamic nature of mining and the need to adjust operations and reclamation plans from time to time based on the characteristics of the mineral deposits or market conditions. An application for a minor amendment to the existing use permit and/or reclamation plan may be submitted to the county for consideration and approval. For a proposed amendment to be considered “minor” it must: (1) be reasonably within the scope of the existing use permit and reclamation plan; and (2) not involve substantial new disturbed lands (considering the extent of the existing permitted operation and the environmental sensitivity of the area). A minor amendment shall be reviewed to determine the applicability of the California Environmental Quality Act (CEQA). The community development director, together with the CAO shall be authorized to make a determination as to whether or not a proposed amendment qualifies as minor. An applicant shall be notified in writing of the determination of the director and CAO. If a proposed amendment is determined not to qualify as minor the reasons for the determination shall be specified in the notice.

9.60.040(b)(1) Process. Minor amendments shall be processed pursuant to County Code Chapter 18.112 (Use Permits). The planning commission's review of a minor amendment application, and any conditions of approval attached thereto, shall be limited to the changes to the existing use permit and/or reclamation plan proposed by the amendment.

Lassen County Code Chapter 18.112 Use Permits:

18.112.035(c) In the case of an application to amend an existing valid use permit, except for matters related to public health and safety, the commission's authority shall be limited to approval, conditional approval, or denial of the amendment applied for.

### **California Statutes and Regulations for the Division of Mine Reclamation**

Pursuant to the Surface Mining and Reclamation Act (SMARA), PRC Section 2777, amendments to an approved reclamation plan may be submitted detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and approved by, the lead agency.

The California Code of Regulations (CCR) sets the criteria for identifying changes to a mining operation which constitute a substantial deviation. CCR Section 3502(d) defines a substantial deviation as a change or expansion to a surface mining operation that substantially affects the completion of the previously approved reclamation plan, or that changes the end use of the approved plan to the extent that the scope of the reclamation required for the surface mining operation is substantially changed. In determining whether a change or expansion constitutes a substantial deviation, the lead agency shall take into consideration the following factors:

- 1) A substantial increase in the disturbance of a surface area or in the maximum depth of mining;
- 2) A substantial extension of the termination date of the mining operation as set out in the approved reclamation plan;
- 3) Changes that would substantially affect the approved end use of the site as established in the reclamation plan;
- 4) The consistency of any proposed change to the operation with the previously adopted environmental determinations;
- 5) Any other changes that the lead agency deems substantial deviations as defined in this subsection.

### **California Environmental Quality Act (CEQA)**

The Lassen County Planning Commission has determined that further environmental review is not required for the proposed amendment.

Pursuant to the California Environment Quality Act (CEQA) Section 15162(a), When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects; or

- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified as complete or the negative declaration was adopted, shows the following:
  - A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration.
  - B) Significant effects previously examined will be substantially more severe than previously shown in the previous EIR.
  - C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternative; or
  - D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

ENVIRONMENTAL REVIEW OFFICER RECOMMENDATION: The ERO has not identified any of the conditions requiring further environmental review.

DEPARTMENT OF CONSERVATION: Notice of the proposed Minor Amendment was sent to the State of California Department of Conservation, Division of Mine Reclamation (DMR), with a complete copy of the submitted application and attachments. DMR has not provided comment in reference to the project.

ASSEMBLY BILL 52: No tribe has requested notifications for projects in this area, pursuant to AB 52.

FINDINGS and/or RECOMMENDATIONS BY TAC: The Technical Advisory Committee (TAC) met on November 1, 2018 and has adopted recommended findings and conditions for consideration by the Planning Commission. The recommended findings and conditions can be found in the memos to the TAC.



STAFF RECOMMENDATION: Staff has reviewed enclosed Minor Amendment 2017-003 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 Minor Amendment #2017-003, amending approved Reclamation Plan #96060, with conditions.

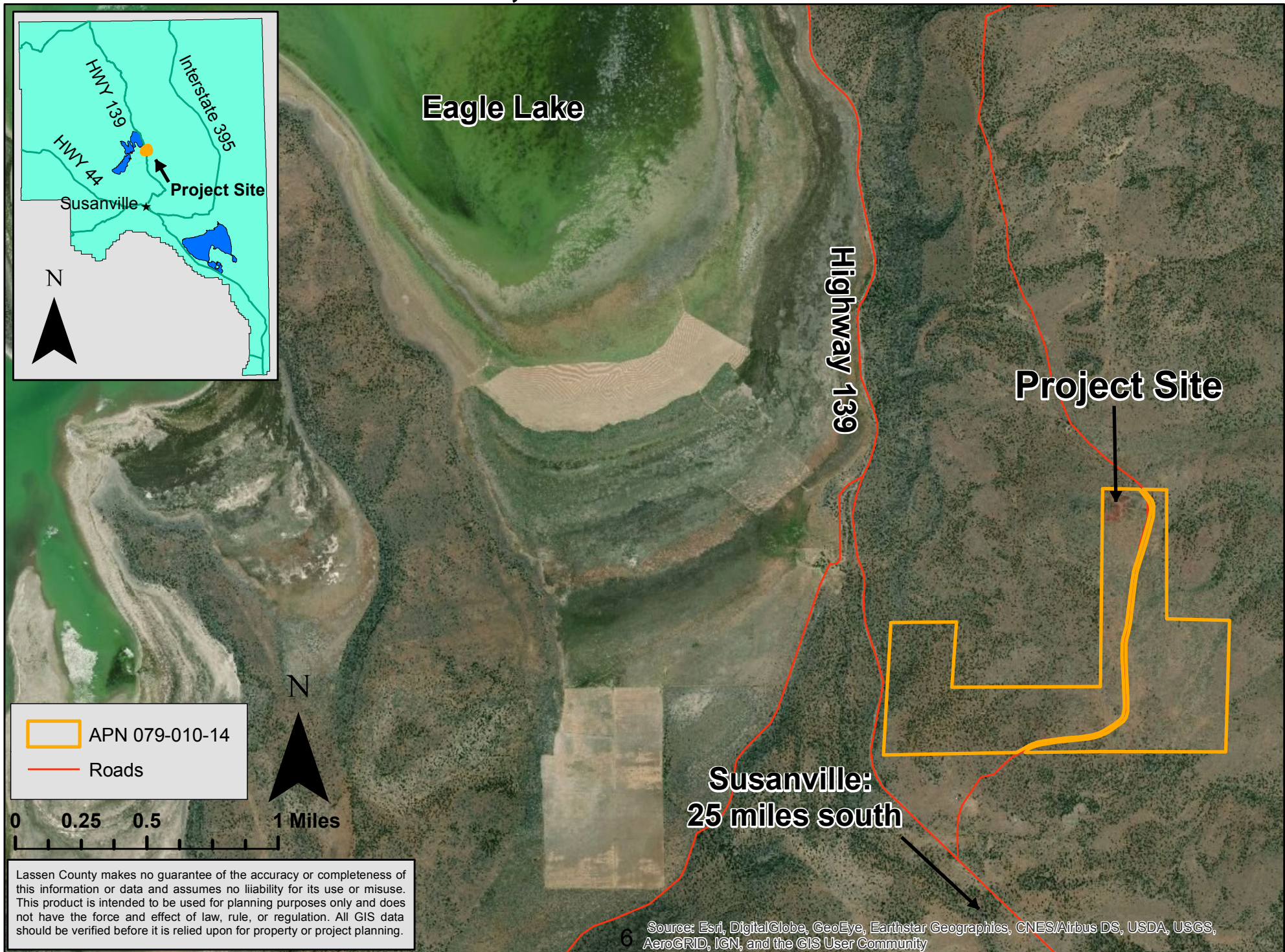
PLANNING COMMISSION ACTION: The planning commission's review of a minor amendment application, and any conditions of approval attached thereto, shall be limited to the changes to the existing use permit and/or reclamation plan proposed by the amendment.

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*.

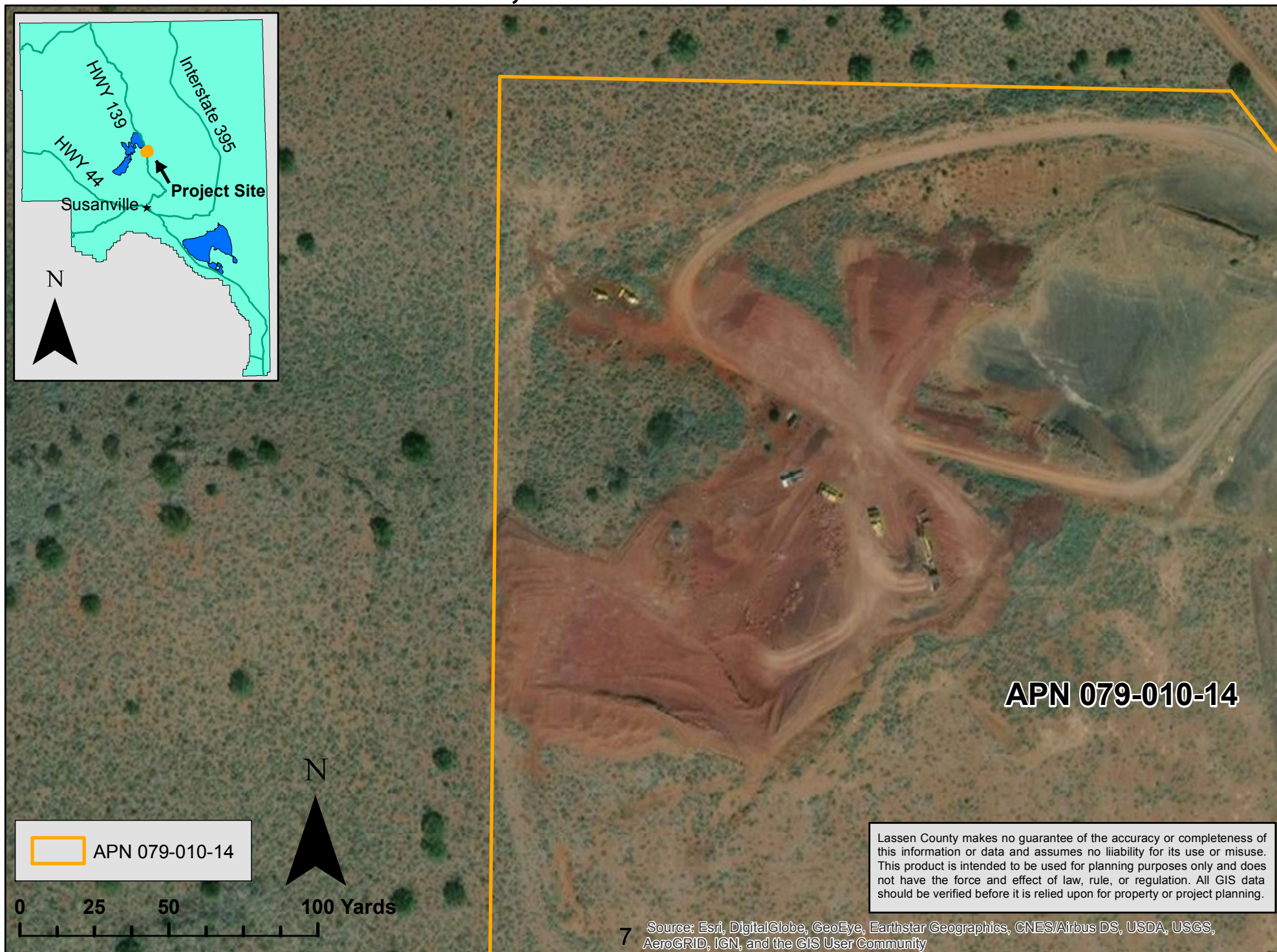


# Cinder Cone Pit, Minor Amendment 2017-003





# Cinder Cone Pit, Minor Amendment 2017-003







County of Lassen  
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

November 1, 2018

Maurice L. Anderson, Director  
707 Nevada Street, Suite 5  
Susanville, CA 96130-3912  
Phone: 530 251-8269  
Fax: 530 251-8373  
email: landuse@co.lassen.ca.us  
website: www.co.lassen.ca.us

TO: Technical Advisory Committee  
Agenda Date: November 1, 2018

FROM: Maurice L. Anderson, Director

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

RE: Amendment to Use Permit and Reclamation Plan #96060, Tim Ochotorena  
Technical Advisory Committee Meeting, Findings and Conditions

Project Description

MINOR AMENDMENT #2017-003: CA Mine ID 91-18-0036, Tim Ochotorena. Proposal for a minor amendment to approved Use Permit #96060 and Reclamation Plan #96060, to allow for a 2.5-acre expansion of a surface mining operation, from the currently permitted 7.5-acre boundary to a 10-acres boundary. The amendment would also extend the life of the mine from 2020 to 2040, allow for a maximum annual disturbance of 2 acres, and increase the final depth of mining/height of highwall. The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15162 of the *CEQA Guidelines*. The surface mining operation is currently situated on approximately 8.5 acres of a 410-acre parcel. The subject parcel is zoned U-C-A-P (Upland Conservation/Agricultural Preserve Combining District) and designated Extensive Agriculture by the *Lassen County General Plan, 2000* and Agricultural Area with High to Moderate Environmental Sensitivities by the *Eagle Lake Area Plan, 1982*. The parcel is located just east of Highway 139, approximately 25 miles north of Susanville. APN: 079-010-14. Staff Contact: Nancy McAllister, Natural Resources Technician

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

1. The applicant is proposing a 2.5-acre expansion of a surface mining operation, a 20-year extension of the life of the mine, a 1.5 acre increase to the permitted maximum annual disturbance, a 57-foot increase to the final permitted highwall height, and a final pit floor elevation of 5,876 feet above sea level, maintaining all other requirements of approved Use Permit and Reclamation Plan #96060.
2. The Lassen County Planning Commission approved the original Use Permit and Reclamation Plan #96060 on November 6, 1996.
3. The Lassen County Director of Planning and Building Services has determined that this project is a minor amendment pursuant to Lassen County Code, Section 9.60.040(b) and does not constitute a substantial deviation pursuant to California Code of Regulations, Section 3502(d).
4. The Lassen County Director of Planning and Building Services has determined that further environmental review is not required for the proposed amendment. Land associated with the proposed expansion was previously cleared for biological and cultural resources prior to a juniper eradication project. No special status species or archeological sites are known to exist in the project area.

5. The proposed expansion would extend mining operations down the existing hill side, following the natural contour, with a final slope grade of 2 Horizontal to 1 Vertical (2H:1V) or flatter.
6. The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15162 of the *CEQA Guidelines*.
7. The project parcel is under Williamson Act contract and the compatible land uses listed in said contract are those allowed in the primary zoning district, Upland Conservation. The processing of natural mineral materials is a use allowed by permit in the Upland Conservation District.
8. The California Department of Conservation, Division of Mine Reclamation (DMR), was sent notice on October 4, 2018 and October 19, 2018 of the Minor Amendment being processed by Lassen County, acting as lead agency.
9. Lassen County Code, Chapter 18.112.020 establishes the process for the approval of amendments to existing Use Permits and Reclamation Plans.
10. The Department of Planning and Building Services reviewed the proposed minor amendment and has found that it meets all provisions of the Surface Mining and Reclamation Act (SMARA) and Lassen County Code, Chapter 9.60.
11. The County's Technical Advisory Committee (TAC) is charged with the review of Reclamation Plans pursuant to Lassen County Code Chapter 9.60.060(c), and Chapter 9.60.040 requires that minor amendments be processed pursuant to Chapter 18.112, which requires review of an amendment by TAC.
12. The Planning Commission, as the primary decision making body for Reclamation Plans and amendments thereto, will determine if 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.
13. Lassen County Code, Section 18.112.100 requires that the Planning Commission make the following findings for the approval or denial of a Use Permit application:
  - i. 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.
  - ii. That 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. If any special status species are identified in the expanded mining area, work in the immediate vicinity shall stop and the appropriate professional shall be brought in at the operator's expense to assess the resource and recommend mitigation.
3. In the event that any archaeological or cultural resources are discovered during any ground disturbing activities in association with this project, such work is to be halted in the immediate area of the discovery until a qualified archaeologist, who shall be retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures. The project proponent shall implement any mitigation measures recommended by the archaeologist to reduce potentially significant impacts to identified cultural resources to a less than significant level.
4. Financial assurances, as required by PRC, Section 2773.1, shall be adjusted by the operator as the mine site is expanded to account for the reclamation of all new disturbances, according to approved Reclamation Plan #96060.
5. All requirements and conditions of the previously approved Use Permit and Reclamation Plan #96060 remain applicable, excepting the changes addressed in Minor Amendment #2017-003.



# USE PERMIT APPLICATION

FILING FEE: CLASS 1 \$397 CLASS 2 \$571 CLASS 3 \$2,381  
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

NOV 13 2017

Lassen County Department of  
Planning and Building Services

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. MA 2017-003

Property Owner/s	Property Owner/s
Name: <u>CASIANO LAND &amp; LIVESTOCK CO.</u>	Name: <u>MA 2017-003</u>
Mailing Address: <u>1718 MAIN STREET</u>	Mailing Address:
City, ST, Zip: <u>Susanville Ca. 96130</u>	City, ST, Zip:
Telephone: <u>530-251-6700</u> Fax: <u>530-251-4122</u>	Telephone: Fax:
Email: <u>tim.ochofloreza@yahoo.com</u>	Email:

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input type="checkbox"/>	Correspondence also sent to: <input type="checkbox"/>
Name: <u>Tim Ochofloreza</u>	Name:
Mailing Address: <u>PO Box 270502</u>	Mailing Address:
City, ST, Zip: <u>Susanville Ca. 96127</u>	City, ST, Zip:
Telephone: <u>530-251-6700</u> Fax: <u>251-4122</u>	Telephone: Fax:
Email: <u>tim.ochofloreza@yahoo.com</u>	Email: License #:

Project Address or Specific Location:			
Deed Reference: Book:	Page:	Year:	Doc#:
Zoning: <u>AG-UC</u>	General Plan Designation:		
Parcel Size (acreage): <u>409.92 Acres</u>	Section: <u>9</u>	Township: <u>32 N</u>	Range: <u>12 E</u>

Assessor's Parcel Number(s):	- -	- -	- -
<u>079 - 010 - 14</u>	- -	- -	- -

Project Description:
<u>OPERATION will be an open PIT (hill side) EXTRACTION of mineral materials (Basaltic Cinders &amp; Rock, operation will require screening, &amp; crushing of materials mainly for State winter Highway Abrasives, along with, County residential commercial roadways, Landscaping, Construction Projects</u>

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).
<u>[Signature]</u> Date: <u>10-25-17</u>	<u>[Signature]</u> Date: <u>10/25/17</u>
<u>[Signature]</u> Date: <u>10-25-17</u>	<u>[Signature]</u> Date: <u>10/25/17</u>

See associated process form for required attachments and instructions.



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

1. APPLICANT INFORMATION:

Name Tim Ochotorena  
Address PO Box 270502 Susanville CA 96127  
Contact Telephone Number 530-257-3122, 251-6700 Cell  
Signature: [Signature] Date: 11/2/2017

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

Name Same  
Address \_\_\_\_\_  
Contact Telephone Number \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

Name Same As Owner  
Address \_\_\_\_\_  
Contact Telephone Number \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

4. MINE OPERATOR INFORMATION:

Name TW TRUCKING, INC  
Address PO Box 270502 Susanville, CA, 96127  
Contact Telephone Number 530-257-3122

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

079-010-14

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

Section 9, Township 32 North, Range 12 East, MDB&M

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

1. APPLICANT INFORMATION:

Name Tim Ochotorena  
Address PO Box 270502 Susanville, CA 96127  
Contact Telephone Number 530-257-3122, 251-6700 Cell  
Signature: Tim Ochotorena Date: 11/2/2017

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

Name Same CASIANO LAND & LIVESTOCK  
Address PO Box 270502 Susanville CA. 96127  
Contact Telephone Number 530-257-3122 / 251-6700 Cell  
Signature: Joe Ochotorena Date: 3/14/18

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

Name Same AS Owner  
Address \_\_\_\_\_  
Contact Telephone Number \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

4. MINE OPERATOR INFORMATION:

Name TNS TRUCKING, Inc  
Address PO Box 270502 Susanville, CA, 96127  
Contact Telephone Number 530-257-3122

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

079-010-14

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

Section 9, Township 32 North, Range 12 East, MDB&M



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 attached Amended Surface Mining Permit*

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):

*See attached Amended Reclamation Plan*

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

**TNS TRUCKING Inc.**

**(530)257-3122**

**PO BOX 270502**

**Fax (530) 251-4122**

**Susanville Ca. 96127**

**Date: 05/10/2018**

Lassen County Planning Dept.

Attn: Nancy McCallister

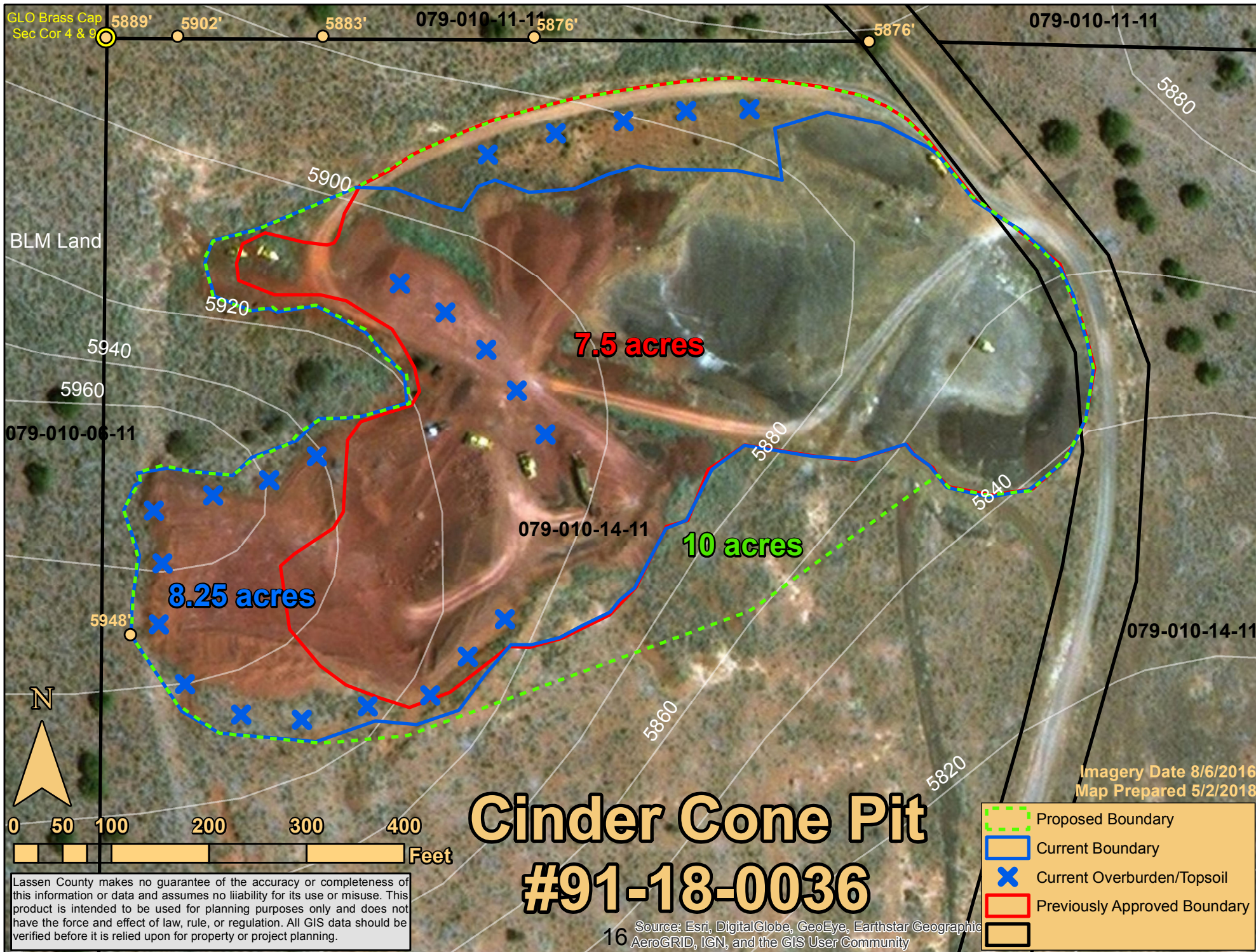
Re: Cinder Cone Pit Amendment

**RECEIVED**  
**MAY 11 2018**  
*Lassen County Department of  
Planning and Building Services*

**Proposed Changes:**

- 1.) Expand the Permitted Mine Boundary Area to 10 acres
- 2.) Extend the current termination date of mining operation from 2020 to 2040.
- 3.) Allow annual disturbance to 2 acres from the original 0.5 acres until Mine Boundary is reached.
- 4.) Change the current pit floor elevation from 5876' to 5840'
- 5.) Increase the permitted maximum depth of mining / height of Highwall from 25' to 82' while maintaining a constant final grade slope of 2:1 or less.
- 6.) Change in Highwall increase is requested for the reason that when the S.E boundary line is adjusted the elevation drop to 5840' will make this increase necessary , without these changes there would be insufficient amount of material to justify the increased cost.
- 7.) No other changes than these are being requested from the original Permit at this time.





↑  
N

Cross Sec.

82' High wall

5912

5883

5876

Longitudinal Sec - 2:1 slope

MAX 2 to 1 Slope  
From mind depth / High wall  
to pit Floor

Pit Floor

S.E Boundary 5840

Haul Road

↓ Direction of Slope.



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6.00 APPLICANT STATEMENT OF RESPONSIBILITY

I, Tim Ochotoren, 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

CEO

Title

2/5/2018

Date





*County of Lassen*  
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

**Maurice L. Anderson, Director**  
707 Nevada Street, Suite 5  
Susanville, CA 96130-3912  
Phone: 530 251-8269  
Fax: 530 251-8373  
email: landuse@co.lassen.ca.us  
website: www.co.lassen.ca.us

October 19, 2018

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

Douglas John  
Division of Mine Reclamation  
801 K Street MS 09-06  
Sacramento, CA 95814

Re: Minor Amendment to Reclamation Plan  
CA Mine ID #91-18-0036

Dear Mr. John:

Lassen County Department of Planning and Building Services received the attached application for a minor amendment to approved Reclamation Plan #96060. The applicant proposes a 2.5-acre expansion of a surface mining operation, a 20-year extension of the life of the mine, a 1.5 acre increase to the permitted maximum annual disturbance, a 57-foot increase to the final permitted highwall height, and a final pit floor elevation of 5,876 feet above sea level, maintaining all other requirements of approved Reclamation Plan #96060.

The submitted minor amendment was reviewed by the Lead Agency and has been determined not to constitute a substantial deviation from the approved Reclamation Plan. It was also found to be in compliance with the applicable requirements of SMARA and Chapter 9.60 of Lassen County Code. The application is scheduled to go before the Lassen County Planning Commission on December 5, 2018.

If you have any questions, please contact Nancy McAllister, Natural Resources Technician at (530) 251-8265.

Sincerely,

A handwritten signature in black ink, appearing to read "Maurice L. Anderson".  
For: Maurice L. Anderson  
Director

MLA:njm  
Enclosures

cc: Tim Ochotorena, Operator

S:\PLA\Planning\2017\MA# 2017-003, Tim Ochotorena

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING MINOR AMENDMENT #2017-003, A MINOR AMENDMENT TO USE PERMIT AND RECLAMATION PLAN #96060, TIM OCHOTORENA.

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing conducted December 4, 2018, has considered the proposed Minor Amendment to Use Permit and Reclamation Plan #96060, Tim Ochotorena, to expand the boundaries of an existing surface mine operation (CA Mine ID #91-18-0036), extend the life of said mining operation, increase the permitted annual disturbance, and increase the final depth of mining/height of highwall. The project site is zoned U-C-A-P (Upland Conservation/Agricultural Preserve Combining District) and is located just east of Highway 139, approximately 25 miles north of Susanville. APN 079-010-14.

WHEREAS, the Environmental Review Officer (ERO) has determined, that the proposed amendments are within the scope of the original environmental document (Negative Declaration #96060) and that pursuant to Section 15162 of the California Environmental Quality Act Guidelines, no additional review is required.

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. The proposed amendment is within the scope of the original approved use permit and reclamation plan and does not involve substantial new changes to the end use. Therefore the amendment qualifies as “minor” under the provisions of Chapter 9.60 of the Lassen County Code.
  - b. The surface mining operation, as amended, will not cause substantial environmental damage, and upon successful execution of the reclamation plan, the project site will be restored to the original uses of wildlife habitat and grazing.
  - c. The amended Reclamation Plan substantially complies with the provisions of the Surface Mining and Reclamation Act of 1975 (PRC § 2710-2796.5).
  - d. The surface mining operation, as amended, is consistent with the *Lassen County General Plan, 2000*, with Chapter 18.69 of the Lassen County Zoning Ordinance, regulating land uses in the U-C-A-P zone (Upland Conservation/Agricultural Preserve Combining District), and with the provisions of Lassen County Code Chapter 9.60, regulating surface mining and reclamation.

- e. The amended use permit and reclamation plan, 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.
3. The Lassen County Planning Commission hereby adopts the Technical Advisory Committee's findings, contained in the Planning Commission staff report.
4. The Planning Commission hereby concurs with the ERO that the proposed amendment is within the scope of the original negative declaration and that no additional environmental review is required under the California Environmental Quality Act.
5. The Planning Commission hereby approves the proposed minor amendment to Use Permit and Reclamation Plan, File No. 96060, subject to the original conditions of approval and the conditions prescribed by the Technical Advisory Committee, attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 4<sup>th</sup> day of December 2018, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Chairman  
Lassen County Planning Commission

ATTEST:

\_\_\_\_\_  
Maurice L. Anderson, Secretary



**EXHIBIT A**

**CONDITIONS OF APPROVAL  
MINOR AMENDMENT 2017-003,  
TIM OCHOTORENA.**

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. If any special status species are identified in the expanded mining area, work in the immediate vicinity shall stop and the appropriate professional shall be brought in at the operator's expense to assess the resource and recommend mitigation.
3. In the event that any archaeological or cultural resources are discovered during any ground disturbing activities in association with this project, such work is to be halted in the immediate area of the discovery until a qualified archaeologist, who shall be retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures. The project proponent shall implement any mitigation measures recommended by the archaeologist to reduce potentially significant impacts to identified cultural resources to a less than significant level.
4. Financial assurances, as required by PRC, Section 2773.1, shall be adjusted by the operator as the mine site is expanded to account for the reclamation of all new disturbances, according to approved Reclamation Plan #96060.
5. All requirements and conditions of the previously approved Use Permit and Reclamation Plan #96060 remain applicable, excepting the changes addressed in Minor Amendment #2017-003.