MINING AND RECLAMATION PLAN AMENDMENT
NOVEMBER 2020 - MINE BOUNDARY AMENDMENT

WARD LAKE QUARRY
LASSEN COUNTY, CALIFORNIA

Prepared for

Hat Creek Construction and Materials, Inc.

Prepared by

VESTRA Resources Inc.
5300 Aviation Drive
Redding, California 96002

FEBRUARY 2021
REVISED MARCH 2022

DMR Checklist

includes PRC Section 2772(c)(11) specifically referencing
Section 9.60.60(b) of the Lassen County Code

Reclamation Plan Content
Checklist

The Division of Mine Reclamation (DMR) reviews reclamation plans for compliance and completeness pursuant to Public Resources Code (PRC) Section 2772.1(b)(1). When submitting a reclamation plan to DMR, the lead agency must certify that the reclamation plan is a complete submission and is in compliance with SMARA and associated regulations and the lead agency's mining ordinance pursuant to PRC 2772.1(a)(3)(A-E). Additionally**,** pursuant to PRC 2772.1(a)(2), information prepared as part of a permit application or environmental document (pursuant to CEQA) shall be incorporated into the reclamation plan if it is used to satisfy the requirements of SMARA and associated regulations. These items shall be properly indexed in a Required Contents Chart and included in an appendix to the reclamation plan.

This checklist may assist operators and lead agencies when preparing and reviewing draft proposed reclamation plans and reclamation plan amendments in determining if they meet the minimum content requirements of the Surface Mining and Reclamation Act of 1975 (SMARA) and associated regulations (see box below for sections relevant to reclamation plans).

Surface Mining and Reclamation Act of 1975
Public Resources Code (PRC)
Division 2. Geology, Mines and Mining
Chapter 9. Surface Mining and Reclamation Act of 1975
Section 2710 et seq.

This portion includes requirements for reclamation plans.

Associated Regulations
California Code of Regulations (CCR)
Title 14. Natural Resources
Division 2. Department of Conservation
Chapter 8. Mining and Geology
Subchapter 1. State Mining and Geology Board

Article 1. Surface Mining and Reclamation Practice. Commencing with Section 3500

This portion includes minimum acceptable mining and reclamation practices for surface mining operations.

Article 9. Reclamation Standards. Commencing with Section 3700

This portion includes performance standards, which may apply to surface mining operations pursuant to CCR Section 3700.

The checklist is divided into seven topical areas: General Considerations, Geology and Geotechnical, Hydrology and Water Quality, Sensitive Species and Habitat, Topsoil, Revegetation, and Agriculture. To use the checklist, place a checkmark next to items that have been addressed by the reclamation plan or leave it blank if the reclamation plan is deficient. Alternatively, write N/A if the item is not applicable to the specific surface mining operation being reviewed.

Disclaimer: This checklist, prepared by DMR, paraphrases portions of SMARA and associated regulations that address the content of reclamation plans and plan amendments. DMR staff uses this checklist internally in performing our review of reclamation plans. However, use of this checklist is not required and it is provided only as a helpful tool. DMR always recommends consulting the full text of SMARA and associated regulations, available at the link below. Additionally, completion of this checklist does not guarantee completeness or compliance of the reclamation plan pursuant to PRC Section 2772.1(b)(1). Analysis of completeness and compliance requires thorough review of each specific project.

http://www.conservation.ca.gov/index/Pages/lawsregs.aspx

Mine Name: Ward Lake Quarry	Checklist Completed by: Vestra Resources
End Use: Open Space/ Ag Preserve	Date: November 10th, 2020

GENERAL CONSIDERATIONS

Authority	Requirements/Practices/Standards	✓ or N/A
PRC 2772(b)	Required contents chart: A chart identifying the location (e.g. page number, chapter, appendix, or other location in the reclamation plan) of content that meets the requirements of PRC Sections 2772, 2773, 2773.3 and CCR Articles 1 and 9 (as delineated in this checklist).	Sec 1
PRC 2772(c)(1)	Contact information: Name and address of the surface mining operator and any person designated by the operator as an agent for service of process (must reside in CA).	Sec 1
PRC 2772(c)(2)	Material quantity and type: The anticipated total quantity and type of minerals to be mined (see Annual Report Instructions, Exhibit B, for mineral types and units of measure).	Sec 1 & 3
PRC 2772(c)(3)	Dates: The initiation and termination dates of mining (be as specific as possible, e.g. December 31, 2030).	Sec 1 & 3
PRC 2772(c)(4)	Depth of mining: The maximum anticipated depth of the surface mining operation.	Fig 13
PRC 2772(c)(5) (A-F)	Reclamation plan maps shall include**:** Size and legal description of lands affected by surface mining operations;	Sec 4
	Names and addresses of owners of all surface interests and mineral interests;	Pg 3
	Property lines, setbacks, and the reclamation plan boundary;	Fig 1,9,12
	Existing and final topography with contour lines at appropriate intervals;	Fig 9 & 12
	Detailed geologic description of the area of the surface mining operation;	Fig 8
	Locations of railroads, utility features, and roads (access roads, temporary roads to be reclaimed, and any roads remaining for the end use).	Fig 1,9,12
	All maps, diagrams, or calculations that are required to be prepared by a California-licensed professional shall include the preparer's name, license number, signature & seal.	X
PRC 2772(c)(6)	Mining method and schedule: A description of the mining methods and a time schedule that provides for completion of mining on each segment so that reclamation can be concurrent or phased.	Sec 1, 3 & 4
PRC 2772(c)(7)	Subsequent use(s): A description of the proposed subsequent use(s) after reclamation	Sec 1 & 4
	Evidence that all landowners have been notified of the proposed use.	
PRC 2772(c)(9)	Impact on future mining: A statement regarding the impact of reclamation on future mining on the site.	Sec 4
PRC 2772(c)(10)	Signed statement: Statement signed by the operator accepting responsibility for reclamation of the mined lands per the reclamation plan.	N/A
PRC 2776(b-c)	Pre-SMARA areas: Reclamation plans shall apply to operations conducted after January 1, 1976 or to be conducted in the future. Mined lands disturbed prior to January 1, 1976 *and not disturbed after that date* may be excluded from the reclamation plan.	N/A
CCR 3502(b)(2)	Public health and safety: A description of how any potential public health and safety concerns that may arise due to exposure of the public to the site will be addressed.	Sec 2 & 3
CCR 3709(a)	Equipment storage and waste disposal: Designate areas for equipment storage and show on maps.	N/A
	All waste shall be disposed of in accordance with state and local health and safety ordinances.	Sec 3
CCR 3709(b)	Structures and equipment removed:	Pg 19

	Structures and equipment should be dismantled and removed at closure, except as demonstrated to be necessary for the proposed end use.	Pg 18,19
CCR 3713(a)	Well closures: Drill holes, water wells, monitoring wells will be completed or abandoned in accordance with laws, unless demonstrated necessary for the proposed end use.	N/A
CCR 3713(b)	Underground openings: Any portals, shafts, tunnels, or openings will be gated or protected from public entry, and to preserve access for wildlife (e.g. bats).	N/A

GEOLOGY AND GEOTECHNICAL

Authority	Requirements/Practices/Standards	✓ or N/A
PRC 2772(c)(5)	A description of the general geology of the area	Sec 2
	A detailed description of the geology of the mine site.	Sec 2
PRC 2773.3	If a metallic mine is located on, or within one mile of, any "Native American sacred site" and is located in an "area of special concern, " the reclamation plan shall require that all excavations and/or excess materials be backfilled and graded to achieve the approximate original contours of the mined lands prior to mining.	N/A
CCR 3502(b)(4)	The source and disposition of fill materials used for backfilling or grading shall be considered in the reclamation plan.	Sec 4
CCR 3502(b)(3)	The designed steepness and treatment of final slopes must consider the physical properties of slope materials, maximum water content, and landscaping.	Sec 4
	The reclamation plan shall specify slope angles flatter than the critical gradient for the type of slope materials.	Sec 4
	When final slopes approach the critical gradient, a Slope Stability Analysis will be required.	Sec 2
CCR 3704.1	Backfilling required for surface mining operations for metallic minerals.	N/A
CCR 3704(a)	For urban use, fill shall be compacted in accordance with Uniform Building Code, local grading ordinance, or other methods approved by the lead agency.	N/A
CCR 3704(b)	For resource conservation, compact to the standards required for that end use.	Sec 4
CCR 3704(d)	Final reclamation fill slopes shall not exceed 2:1 (H:V), except when allowed by site-specific engineering analysis, and the proposed final slope can be successfully revegetated. See also Section 3502(b)(3).	App C
CCR 3704(e)	At closure, all fill slopes shall conform with the surrounding topography or approved end use.	Sec 4
CCR 3704(f)	Final cut slopes must have a minimum slope stability factor of safety that is suitable for the end use and conforms with the surrounding topography or end use.	Sec 4

HYDROLOGY AND WATER QUALITY

Authority	Requirements/Practices/Standards	✓ or N/A
PRC 2770.5	For operations within the 100-year flood plain (defined by FEMA) and within one mile up- or downstream of a state highway bridge, Caltrans must be notified and provided a 45-day review period by the lead agency.	N/A
PRC 2772(c)(8)(A)	Description of the manner in which contaminants will be controlled and mine waste will be disposed.	Sec 3 & 4
PRC 2772(c)(8)(B)	The reclamation plan shall include a description of the manner in which stream banks/beds will be rehabilitated to minimize erosion and sedimentation.	N/A
PRC 2773(a)	The reclamation plan shall establish site-specific sediment and erosion control criteria for monitoring compliance with the reclamation plan.	Sec 4
CCR 3502(b)(6)	Temporary stream and watershed diversions shall be detailed in the reclamation plan.	N/A
CCR 3503(a)(2)	Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.	Sec 3

CCR 3503(b)(2)	Operations shall be conducted to substantially prevent siltation of groundwater recharge areas.	Sec 2, 3 & 4
CCR 3503(a)(3)	Erosion control facilities shall be constructed and maintained where necessary to control erosion.	Sec 2, 3 & 4
CCR 3503(b)(1)	Settling ponds shall be constructed where they will provide a significant benefit to water quality.	Sec 2, 3 & 4
CCR 3503(d)	Disposal of mine waste and overburden shall be stable and shall not restrict natural drainage without suitable provisions for diversion.	Sec 3
CCR 3503(e)	Grading and revegetation shall be designed to minimize erosion and convey surface runoff to natural drainage courses or interior basins.	Sec 2, 3 & 4
	Spillway protection shall be designed to prevent erosion.	N/A
CCR 3706(a)	Surface mining and reclamation activities shall be conducted to protect on-site and downstream beneficial uses of water.	Sec 2, 3 & 4
CCR 3706(b)	Water quality, recharge potential, and groundwater storage that is accessed by others shall not be diminished.	Sec 2, 3 & 4
CCR 3706(c)	Erosion and sedimentation shall be controlled during all phases of construction, operation, reclamation, and closure of surface mining operations to minimize siltation of lakes and water courses as per RWQCB/SWRCB.	Sec 2, 3 & 4
CCR 3706(d)	Surface runoff and drainage shall be controlled to protect surrounding land and water resources.	Sec 2, 3 & 4
	Erosion control methods shall be designed for not less than 20 year/1 hour intensity storm event.	
CCR 3706(e)	Impacted drainages shall not cause increased erosion or sedimentation. Mitigation alternatives shall be proposed in the reclamation plan.	N/A
CCR 3706(f)(1)	Stream diversions shall be constructed in accordance with the Lake and Streambed Alteration Agreement (LSAA) between the operator and the Department of Fish and Wildlife.	N/A
CCR 3706(f)(2)	Stream diversions shall also be constructed in accordance with Federal Clean Water Act and the Rivers and Harbors Act of 1899.	N/A
CCR 3706(g)	All temporary stream diversions shall eventually be removed and the affected land reclaimed.	N/A
CCR 3710(a)	Surface and groundwater shall be protected from siltation and pollutants in accordance with the Porter-Cologne Act, the Federal Clean Water Act, and RWQCB/SWRCB requirements.	Sec 2, 3 & 4
CCR 3710(b)	In-stream mining shall be conducted in accordance with Section 1600 et seq. of the California Fish and Game Code, Section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbors Act of 1899.	N/A
CCR 3710(c)	In-stream mining shall be regulated to prevent impacts to structures, habitats, riparian vegetation, groundwater levels, and banks.	N/A
	In-stream channel elevations and bank erosion shall be evaluated annually using extraction quantities, cross-sections, and aerial photos.	N/A
CCR 3712	Mine waste and tailings and mine waste disposal units are governed by SWRCB waste disposal regulations and shall be reclaimed in accordance with this article: CCR Article 1. Surface Mining and Reclamation Practice. Section 3500 et seq.	Sec 3

SENSITIVE SPECIES AND HABITAT

Authority	Requirements/Practices/Standards	✓ or N/A
CCR 3502(b)(1)	A description of the environmental setting (identify sensitive species, wildlife habitat, sensitive natural communities, e.g. wetlands).	Sec 2
	Impacts of reclamation on surrounding land uses.	Pg 10,19
CCR 3503(c)	Fish and wildlife habitat shall be protected by all reasonable measures.	Pg 10
CCR 3703(a)	Sensitive species shall be conserved or mitigated as prescribed by the federal and California Endangered Species Acts.	Pg 10
CCR 3703(b)	Wildlife habitat shall be established on disturbed land at least as good as pre-project, unless end use precludes its use as wildlife habitat.	Sec 4
CCR 3703(c)	Wetlands shall be avoided or mitigated at 1:1 minimum for both acreage and habitat value.	N/A
CCR 3704(g)	Piles or dumps shall not be placed in wetlands without mitigation.	N/A
CCR 3710(d)	In-stream mining shall not cause fish to be trapped in pools or off-channel pits, or restrict migratory or spawning activities.	N/A

TOPSOIL

Authority	Requirements/Practices/Standards	✓ or N/A
CCR 3503(a)(1)	Removal of vegetation and overburden preceding mining shall be kept to a minimum.	Sec 3
CCR 3503(f)	When the reclamation plan calls for resoiling, mine waste shall be leveled and covered with a layer of finer material. A soil layer shall then be placed on this prepared surface.	Sec 4
	The use of soil conditioners, mulches, or imported topsoil shall be considered where such measures appear necessary.	Sec 4
CCR 3704(c)	Mine waste shall be stockpiled to facilitate phased reclamation and kept separate from topsoil or other growth media.	Sec 4
CCR 3705(e)	If soil is altered or other than native topsoil, soil analysis is required. Add fertilizers or soil amendments if necessary.	Sec 4
CCR 3711(a)	All salvageable topsoil shall be removed as a separate layer.	Sec 3
	Topsoil and vegetation removal should not precede mining by more than one year.	
CCR 3711(b)	Topsoil resources shall be mapped prior to stripping and location of topsoil stockpiles shown on map included in the reclamation plan.	Fig 1
	Topsoil and other growth media shall be maintained in separate stockpiles.	Sec 3
	Test plots may be required to determine the suitability of growth media for revegetation purposes.	Sec 4
CCR 3711(c)	Soil salvage operations and phases of reclamation shall be set forth in the reclamation plan to minimize the area disturbed and to achieve maximum revegetation success.	Sec 3 & 4
CCR 3711(d)	Topsoil and growth media shall be used to phase reclamation as soon as can be accommodated following the mining of an area.	Sec 1, 3 & 4
	Topsoil stockpiles shall not be disturbed until needed for reclamation.	Sec 3
	Topsoil stockpiles shall be clearly identified.	Sec 3
	Topsoil shall be planted with vegetation or otherwise protected to prevent erosion and discourage weeds.	Sec 3
CCR 3711(e)	Topsoil shall be redistributed in a manner resulting in a stable, uniform thickness consistent with the end use.	Sec 3 & 4

REVEGETATION

Authority	Requirements/Practices/Standards	✓ or N/A
PRC 2773(a)	The reclamation plan shall be specific to the property and shall establish site-specific criteria for evaluating compliance with the reclamation plan with respect to revegetation.	Sec 4
CCR 3503(g)	Available research regarding revegetation methods and selection of species given the topography, resoiling characteristics, and climate of the mined areas shall be used.	Sec 2 & 4
CCR 3705(a)	Baseline studies shall be conducted prior to mining activities to document vegetative cover, density, and species richness.	Sec 4
	Vegetative cover shall be similar to surrounding habitats and self-sustaining.	Sec 4
CCR 3705(b)	Test plots shall be conducted simultaneously with mining to ensure successful implementation of the proposed revegetation plan.	Sec 4
CCR 3705(c)	Decompaction methods, such as ripping and disking, shall be used in areas to be revegetated to establish a suitable root zone for planting.	Sec 4
CCR 3705(d)	Roads shall be stripped of roadbase materials, resoiled, and revegetated, unless exempted.	Pg 19
CCR 3705(f)	Temporary access shall not disrupt the soil surface on arid lands except where necessary for safe access. Barriers shall be installed to keep unauthorized vehicles out.	Pg 19
CCR 3705(g)	Use local native plant species (unless non-native species meet the end use).	Sec 4
	Areas to be developed for industrial, commercial, or residential shall be revegetated for the interim period to control erosion.	N/A
CCR 3705(h)	Planting shall be conducted during the most favorable period of the year for plant establishment.	Sec 4
CCR 3705(i)	Use soil stabilizing practices and irrigation when necessary to establish vegetation.	Sec 4

CCR 3705(j)	If irrigation is used, demonstrate that revegetation has been self-sustaining without irrigation for two years prior to the release of financial assurance.	N/A
CCR 3705(k)	Noxious weeds shall be monitored and managed.	Sec 4
CCR 3705(l)	Plant protection measures such as fencing and caging shall be used where needed for revegetation success. Protection measures shall be maintained until revegetation efforts are successfully completed and the lead agency authorizes removal.	Sec 4
CCR3705(m)	Quantitative success standards for vegetative cover, density, and species richness shall be included in the reclamation plan.	Sec 4
	Monitoring to occur until success standards have been achieved.	Sec 4
	Sampling techniques for measuring success shall be specified. Sample size must be sufficient to provide at least an 80 percent statistical confidence level.	Sec 4

AGRICULTURE

Authority	Requirements/Practices/Standards	✓ or N/A
CCR 3707(a)	Where the end use will be agriculture, prime agricultural land shall be returned to a fertility level specified in the reclamation plan.	N/A
CCR 3707(b)	Segregate and replace topsoil in proper sequence by horizon in prime agricultural soils.	N/A
CCR 3707(c)	Post reclamation productivity rates for prime agricultural land must be equal to pre-project condition or to a similar site for two consecutive years.	N/A
	Productivity rates shall be specified in the reclamation plan.	Sec 4
CCR 3707(d)	If fertilizers and amendments are applied, they shall not cause contamination of surface or groundwater.	N/A
CCR 3708	For sites where the end use is to be agricultural, non-prime agricultural land must be reclaimed to be capable of sustaining economically viable crops common to the area.	N/A

LASSEN COUNTY CODE

Chapter 9.60 Surface Mining and Reclamation Plan Regulations

9.60.010 Purpose and intent. ✓

9.60.020 Definitions. ✓

9.60.030 Incorporation of SMARA and state regulations. ✓

9.60.040 Applicability.

(a) Requirements for Use Permit. Use Permit application included

(b) Minor Amendment to Use Permit or Reclamation Plan. Rec Plan application included

(c) Requirements for Reclamation Plans. ✓

(d) Exemptions. ✓

9.60.050 Contents of applications for use permits for surface mining operations and reclamation plans.

(a) ...all applications for use permits for surface mining operations shall contain the surface mining application supplement required by the planning department. Included

(b) As many copies of reclamation plan application as may be required shall be submitted in conjunction with all applications for use permits for surface mining operations. Included

(c) Applications shall include the necessary environmental review forms and information prescribed by the planning department. Included

(d) The planning department will review the application package for completeness. ✓

9.60.060 Processing. ✓

9.60.070 Performance standards for reclamation plans.

(a) All new or revised reclamation plans shall conform to minimum statewide performance standards required pursuant to SMARA Section 2773(b), as adopted by the state mining and geology board, including but not limited to wildlife habitat, backfilling, revegetation, drainage, agricultural land reclamation, equipment removal, stream protection, topsoil salvage, and waste management. ✓

(b) The county may impose additional performance standards developed either in review of individual projects, as warranted, or through the formulation and adoption of county-wide performance standards (Ord 509,§2, 1992). Included (see County form)

9.60.080 Phasing of reclamation. ✓

9.60.090 Findings for approval. ✓

9.60.100 Financial assurances for reclamation plans. 2021 FACE submitted July 2021

(a) ...the County shall require as a condition of approval one or more forms of security which will be released upon satisfactory performance of reclamation. FAM: Bond/Rider

(b) Financial assurances will be required to ensure compliance with elements of the reclamation plan including revegetation and landscaping requirements; restoration of aquatic or wildlife habitat; protection of archaeological sites; restoration of water bodies and water quality; slope stability and erosion and drainage control; disposal of hazardous materials; and other mitigation measures. ✓

(c) The amount of the financial assurances shall be based upon the estimated costs of reclamation for each year or phase stipulated in the reclamation plan. ✓

(d) In projecting the costs of financial assurances, it shall be assumed... that the operation could be abandoned by an operator and, consequently, the county or state may need to contract for mobilization and reclamation of the site. ✓

(e) Where reclamation is accomplished in annual increments, the amount of financial assurances required for any one year shall be adjusted annually and shall be adequate to cover the full estimated costs for reclamation of any land projected to be in a disturbed condition from mining operations by the end of the following year. ✓

(f) Financial assurances for reclamation that is accomplished in multiple-year phases shall be handled in the same manner as described for annual reclamation. ✓

9.60.110 Inspections. ✓

9.60.120 Interim management plans. ✓

9.60.130 Time limit for commencement of use permits for surface mining operations. ✓

9.60.140 Violations and penalties. ✓

9.60.150 Fees. ✓

9.60.160 Conflicting regulations. ✓

MINING AND RECLAMATION PLAN AMENDMENT
NOVEMBER 2020 – MINE BOUNDARY AMENDMENT

WARD LAKE QUARRY
LASSEN COUNTY, CALIFORNIA

Prepared for

Hat Creek Construction and Materials, Inc.

This report was prepared under the direction of a Professional Civil Engineer & a Professional Geologist

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71305

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1.0 PROJECT SUMMARY

1.1 Mine History

The Ward Lake Quarry has been operated since 1980, initially under a use permit issued to Caltrans. Caltrans had an agreement dated November 1979 with Miller's Custom Work to use materials from the site.

In 1981, Miller's Custom Work applied for and was granted an expansion of the operation to include excavation and removal of rock over an 80-acre area and installation of a hot plant for asphaltic concrete processing. The road connecting Ward Lake Road to the site was also approved at this time. An Environmental Impact Report (EIR) was prepared for that project in May 1981.

In 1994, Miller's Custom Work applied for an expansion of the 1981 permitted operation. An Initial Environmental Study/Mitigated Negative Declaration was prepared by Lassen County, the project was approved, and expanded operations began; however, a lawsuit was brought against the applicants and the County maintaining, among other items, that the Initial Environmental Study/Mitigated Negative Declaration were inadequate under CEQA and the concrete plant was not a permitted use in an area zoned U-C or Upland Conservation. The Lassen County Superior Court agreed, in part. Related to the inadequacy of the environmental review, the Initial Environmental Study/Mitigated Negative Declaration were found to be deficient in two areas – impacts to the deer and antelope herds and visual impacts. These two issues were the focus of an EIR which was prepared in June 1997.

Amendments to the Use Permit covered in the 1997 EIR included:

1. The rezoning of the parcel from "U-C" (Upland Conservation) to "U-C-2" (Upland Conservation/Resource Management District) to allow operation of a ready-mix concrete plant (already onsite and operating within limits imposed by the Superior Court).
2. Onsite production of ready-mix concrete added to the use permit as an allowed use.
3. Increase in the height of the exposed rock quarry face from the existing +/- 84 feet to a maximum of 150 feet with associated increase in harvest volume from 500,000 cubic yards (CY) to 1,700,000 CY.
4. Expansion of the season of operation from seven months (April through October) to year-round as weather permits.

The Reclamation Plan was already approved for the mining operation, which included regrading of slopes to no greater than 2H:1V, benching of the quarry face, and revegetation with native plants. During the 1997 amendment process, the quarry operator reduced the operating hours from 24 hours a day to between the hours of 6:00 a.m. and 7:00 p.m. The quarry previously operated as needed, 24 hours a day, seven days a week.

TLT Enterprises LLC acquired ownership of the quarry in 2011. The quarry was leased to Hat Creek Construction and Materials, Inc., which has operated it since that time.

Hat Creek Construction continued operating the Ward Lake Quarry under the original conditions outlined in Use Permit 96056 and previous Reclamation Plan No. 94032.

In 2017, Hat Creek Construction filed an amendment to Use Permit 96065 to address changes to the operating conditions at the site. The proposed Use Permit Amendment included:

- Modifying the operating hours to again allow for periods of 24-hour operations. This change was requested to respond to changes in State of California contracting practice requiring nighttime operation on Caltrans project to minimize daytime traffic impacts;
- Extending the life of the quarry from 2020 to 2030; and
- Increasing the annual volume to be mined per year to over 100,000 tons if responding to emergency situations.

A Subsequent Environmental Impact Report was completed at the request of Lassen County. Use Permit Amendment No. 2018-003 was approved on May 14, 2019. Although the Reclamation Plan for the site was not a primary issue and no reclamation plan amendment was submitted, the operating conditions at the site were incorporated by reference by the County into approval of Reclamation Plan Amendment 2018-001. No other portion of the Reclamation Plan was amended at that time.

This Reclamation Plan Amendment addresses the proposed expansion of the quarry by approximately 78.6 acres to the north of the existing quarry. The current Use Permit and Reclamation Plan are included as Appendix A.

1.2 Proposed Amendment

This proposed Reclamation Plan Amendment requests an expansion of the quarry area, extension of the life of the mine, and increase in annual volume removed. The proposed changes to the current Use Permit and Reclamation Plan include:

- Expansion of approximately 78.6 acres, with an associated additional volume of 5,000,000 tons of material
- Extension of life of the mine from 2030 to 2050
- Increase of maximum volume per year from 100,000 tons to 200,000 tons per year

See Site Plan (Figure 1).

1.3 Project Name

Ward Lake Quarry

1.4 California Mine Identification Number

91-18-0008

1.5 Mine Operator

Hat Creek Construction and Materials, Inc.
24339 Highway 89 North
Burney, California 96013
(530)335-5501

1.6 Property Owner

TLT Enterprises LLC.
24339 Highway 89 North
Burney, California 96013
(530)335-5501

1.7 Owner of Mineral Rights

Bureau of Land Management
2950 Riverside Drive
Susanville, California 96130
(530) 257-0456

1.8 Designated Agent

Perry Thompson
Hat Creek Construction and Materials, Inc.
24339 Highways 89 North
Burney, California 96013
(530)335-5501

1.9 Location

The Ward Lake Quarry is located in Litchfield in Lassen County, California. The site lies on the southwest side of Shaffer Mountain. It is located approximately three miles east of Ward Lake, off of Ward Lake Road, in Lassen County. The general site location is shown on Figure 2.

1.9.1 Section, Township, and Range

The current mining area and proposed expansion area are located in Sections 28, 32, and 33, Township 30 North, Range 14 East, MDB&M.

1.9.2 Latitude and Longitude

The latitude and longitude at the center of the project are N 40° 24' 52.12" and W -120° 25' 2.07", respectively.

1.9.3 Directions to Site

From Susanville, head east on Johnsonville Road, continue on Center Road, left on Ward Lake Road, turn right onto Wells Drive, proceed to site entrance.

1.10 Legal Description/Total Parcel Size

This Reclamation Plan Amendment addresses mining and reclamation activities within portions of APN 109-100-59 (historically, APN 109-100-40) and APN 109-100-60 (historically, APN 109-100-42). TNT Enterprises also owns APN 109-100-29, but nothing will take place on that parcel.

The total parcel size of APN 109-100-59 is 442 acres and the total parcel size of APN 109-100-60 is 240 acres, for a total mine area of 682 acres. Parcel boundaries are shown on Figure 3.

1.11 Total Area to be Mined

The currently disturbed area under Use Permit 96056 is approximately 138 acres. This Reclamation Plan Amendment adds an expansion of approximately 78.6 acres. The new total area of the mine is approximately 216.6 acres.

1.12 Total Area to be Reclaimed

The total area to be reclaimed as of 2020 is 138 acres. Total acres to be disturbed and reclaimed are 216.6 acres.

1.13 Quantity and Type of Materials to be Mined

Ward Lake Quarry will continue to mine and process construction aggregates, gravel, and sand for use on construction and road projects. The current material output is 100,000 tons/year. This project proposes to increase that to 200,000 tons/year. The total quarry volume of expansion is 5,000,000 tons.

1.14 Proposed Startup and Termination Dates

This mine is in current operation and is scheduled to end in 2030. This Reclamation Plan Amendment proposes to increase the life of the mine to 2050. The beginning of disturbance in the proposed expansion area will begin upon approval of this Reclamation Plan Amendment.

1.15 Proposed Land Use Following Reclamation

The ultimate end use of the currently permitted site is open space and wildlife habitat. The end use will be the same for the proposed expansion area.

2.0 SITE CONDITIONS

2.1 General Site Characteristics

The Ward Lake Quarry is located in Litchfield in Lassen County, California. The site lies on the southwest side of Shaffer Mountain at an elevation of approximately 4500 feet above mean sea level (MSL). Topography of the proposed expansion area generally slopes from east to west with gentle to moderate slopes.

No drainages exist within the boundary of the proposed expansion area. Secret Creek, an intermittent drainage, is located approximately 450 feet outside of the north boundary of the proposed expansion area within the parcels owned by TNT Enterprises LLC. No operations will take place within the stream area.

The proposed expansion area is situated directly north of the current operations. The undeveloped portions of the property support a sagebrush vegetative community.

2.1.1 General Plan and Zoning Information

The two parcels (APN 109-100-59 and APN 109-100-60) are designated as "Extensive Agriculture" by the Lassen County General Plan. APN 109-100-59 is zoned "U-C-2/Upland Conservation Resource Management District" and APN 109-100-60 is zoned "U-C-A-P/ Upland Conservation/Agricultural Preserve Combining District." Current zoning and General Plan land use are shown on Figures 4 and 5, respectively.

2.1.2 Surrounding Land Use

Land use adjacent to the current operation boundaries are defined by the Lassen County General Plan Land Use as "Agricultural Residential" to the west, "Extensive Agriculture" to the north, and "Open Space" to the south and the east. Zoning adjacent to the current operations is "Open Space District" to the south and east, "Upland Conservation /Agricultural Preserve Combining District" to the north, and "Upland Conservation/Agricultural Residential/Building Site Combining/Agricultural District" to the west. See Figures 4 and 5.

The General Plan land use designations for properties adjacent to the proposed expansion area are "Extensive Agricultural" to the west, "Open Space" to the north and east, and "Mountain Resort/Belfast Initiative Area" to the north and west. The zoning designations for the adjacent parcels are "Upland Conservation District" to the west and "Open Space" to the south, east, and north.

There are twelve residences located within one mile of the quarry. The nearest residence occurs approximately 470 feet from the west property line of the existing quarry and was constructed in approximately 2007. The nearest residence to the proposed expansion area (the same home) is approximately 4,600 feet to the south. Nearby residences are shown on Figure 6 and adjacent property ownership is shown on Figure 7.

The site is located four miles east of the California State Correctional Center. The community of Litchfield is located three miles to the southeast and is generally shielded from the site by topography. The city of Susanville is located approximately 14 miles to the west.

2.1.3 Transportation

Materials are transported from the project site by a private road entering Ward Lake Road and hence to County Road 27/Conservation Center Road. Truck traffic was addressed in the 2019 permit review. There is currently a maximum daily trip generation of 716 material-hauling trucks per day. The proposed increase in annual volume is not expected to increase the number of maximum daily truck trips.

2.1.4 Utilities and Services

The agencies in the following list provide public or private services or utilities to the project site:

Fire Protection:	Standish/Litchfield Fire Protection District
Law Enforcement:	Susanville Police Department
Electricity:	Lassen Municipal Utility District
Natural Gas:	None
Water:	Well on property
Sewage:	None (portable toilets)
Solid Waste:	Lassen County Landfill
Telephone:	Frontier Telephone

2.1.5 Aesthetics

The mine is located approximately one mile north of Highway 395 in Litchfield, California. A low ridge currently separates the mine area from surrounding lands, which has eliminated a direct view of operations from surrounding properties to the west and south. Disturbance of an additional 78.6 acres will increase the footprint of disturbed land to the north and alter topography at the Ward Lake Quarry site. The ridge separating the mine from the surrounding lands will still act as a visual barrier for the proposed expansion area to the south and east. The new area will be visible from the west, as is the current site area. Visual impacts are not anticipated to change. Visual Analysis is included in Appendix B.

2.2 Geologic Description

The project site is located on the margin of the Cascade Range and the Basin and Range geologic/geomorphic provinces of California. The Cascade Range province extends from the northern end of the Sierra Nevada north to the Canadian border. In the project vicinity, the Cascade Range province is bounded to the west by the Klamath Mountain province, to the east by the Basin and Range province, to the south by the Sierra Nevada province, and to the north by the Cascade Range extending through Oregon and Washington.

The Cascade Range province consists of a north-northwest-trending, relatively linear belt of active and dormant strata and shield volcanoes. The regional geologic conditions are dominated by

andesitic, rhyolitic and andesitic volcanic rocks mantled with surficial deposits consisting of pyroclastic rocks, lahar deposits, alluvium, and local lacustrine sediments (Hinds 1952).

The Basin and Range province is characterized by interior drainage with lakes and playas, and the typical horst and graben structure (subparallel, fault-bounded ranges separated by down-dropped basins). In these basins, moderate to extensive thicknesses of lacustrine (lake) and alluvial deposits are present.

The site is underlain by Quaternary-age terrace deposits and Pleistocene-age volcanic rocks (Grose et al. 2013; Lydon et al. 1960). The terrace deposits are near-shore emergent lacustrine deposits associated with the ancestral Lake Lahontan, which covered most of the project region (Grose, et al. 2013). The volcanic rocks consist of interlayered basalt, andesite, and rhyolite tuff and flows labeled the Andesite Flows and Pyroclastics of Litchfield (Grose et al. 2013). A more detailed geologic descriptions is included in the Geotechnical Report prepared by BAJADA Geosciences, Inc., included as Appendix C. Surface geology is shown on Figure 8.

2.2.1 Seismic Considerations

The Holocene-active Honey Lake and Warm Springs Valley faults have been mapped in the project region, with the project site being north of the mapped trend of the Warm Springs Valley fault. Both the Honey Lake and Warm Springs faults exhibit right-lateral displacement and are significant faults within the Walker Lane fault zone (Wills, 1990). The Honey Lake fault is about 35 miles long and capable of generating a MW 7.0 earthquake (USGS, 2020b). The Warm Springs Valley fault is about 24 miles long and capable of generating a MW 6.8 earthquake (USGS, 2020b).

The Honey Lake fault is located about 7 miles southwest of the project site. The Warm Springs Valley fault is mapped about 13 miles south of the site. The State's fault location maps do not show the Warm Springs Valley fault projecting north of Honey Lake; however, lineations mapped from aerial photographs of the region and observed faulting within the existing quarry area project north through the quarry area and region with a trend that is coincident with the Warm Springs fault.

The quarry site is not within a special studies zone associated with the Alquist-Priolo Earthquake Fault Zoning Act (AP). Thermal wells and springs exist in the Wendel and Susanville areas; however, there are no known thermal wells or springs on the project site or adjacent lands.

2.2.2 Slope Stability

BAJADA Geosciences, Inc., performed a number of slope stability evaluations to estimate the maximum safe slope inclination at the site. The geologic conditions at the site consist of a layered rock and soil model. This model has competent, hard, fractured basalt flows sandwiched between weak rock and soil that contains cobble- and boulder-size clasts of harder andesite and rhyolite. Thus, the stability of the slope will not be governed by orientations and proliferations of discontinuity orientations of rock within the slope but more so by the stability of the soil interbeds.

Using this model, gross stability evaluations of slopes with varying inclinations and heights were performed. Slopes ranging in height from 150 to 350 feet were evaluated to estimate the maximum slope inclination that would provide a minimum Factor of Safety (FOS) value for static and pseudostatic conditions of 1.25 and 1.0, respectively, for those heights. Table 1 summarizes the results of stability where the minimum FOS is achieved for each slope height.

Table 1
RESULTS OF STABILITY ANALYSES

Slope Height (feet)	Slope Inclination (degrees)	Loading Condition	FOS	Acceptable FOS?
150	45	Static	1.55	Yes
		Pseudostatic	NP	NA
	50	Static	1.39	Yes
		Pseudostatic	NP	NA
	55	Static	1.26	Yes
		Pseudostatic	1.02	Yes
200	45	Static	1.47	Yes
		Pseudostatic	NP	NA
	50	Static	1.31	Yes
		Pseudostatic	1.05	Yes
250	45	Static	1.40	Yes
		Pseudostatic	NP	NA
	50	Static	1.25	Yes
		Pseudostatic	1.00	Yes
300	45	Static	1.36	Yes
		Pseudostatic	1.07	Yes
350	45	Static	1.31	Yes
		Pseudostatic	1.03	Yes

NP= Not performed; NA=Not applicable

2.3 Topography

Topography in the vicinity of the expansion area slopes from east to west with gentle to moderate slopes. Elevations within the proposed quarry expansion area range from about 4200 feet above msl to 4540 feet above msl. Prior to mining activities, the currently operating site was characterized by a small knob rising approximately 200 feet from the current base of operations. The pit floor in the currently operating mine site is now flat with a less than 4 percent slope and is used for crusher, asphalt concrete, office, shop, and stockpile areas. All other areas are utilized for material excavation. Current topography is shown on Figure 9.

2.4 Hydrology

There are no existing streams or bodies of water within the boundaries of the proposed expansion area. Drainage in the proposed expansion area occurs as sheet flow to the west and hence to an intermittent unnamed tributary to Secret Creek. Secret Creek is an intermittent stream located north of the proposed expansion area which eventually discharges into Willow Creek. Hydrology is shown on Figure 10.

The quarry site is composed up of mostly fractured and weather rock; therefore, the site is pervious and a majority of stormwater infiltrates. Concentrated flows are observed only during heavy rain events. These flows are contained and slowed by berms and benches and ultimately directed into settling basins.

The predominant source of groundwater recharge of the mine area is percolation through the soil and weathered bedrock into the subsurface. Present mining operations have not encountered groundwater. The proposed additional mining area is currently higher in elevation than the current mining operation. The quarry floor as proposed will remain at a higher elevation than the current quarry. The project site does not exist within a 100-year floodplain.

The site does not discharge stormwater and received a Notice of Non-Applicability (NONA) under *Order 2014-0057-DWQ General Permit for Stormwater Discharge Associated with Industrial Activities* in 2015.

2.5 Soils

According to the Natural Resource Conservation Services (NRCS) Web Soil Survey, soils at the project site are comprised of Devada-Rock outcrop association (2 to 50 percent slopes; nonirrigated land capability class 7e; no specified irrigated land capability classification), Orhood very stony sandy loam (5 to 15 percent slopes; non-irrigated land capability class 7s; no specified irrigated land capability classification), McConnel-Mottsville complex (2 to 9 percent slopes; non-irrigated land capability class 6e; irrigated land capability class 3e), and Fivesprings-Longcreek association (9 to 30 percent slopes; non-irrigated land capability class 7s; no specified land capability classification). These soils are listed by the NRCS as well drained to excessively drained with no flooding or ponding concerns. Soils report is included in Appendix D.

2.6 Natural Resources

2.6.1 Terrestrial Biological Resources

A Biological Assessment was completed for the proposed expansion area. A reconnaissance-level survey of the site was conducted to define site-specific vegetation types within the project area and to detect any potential habitat for special-status flora or fauna. The Biological Assessment report is included as Appendix E.

The proposed expansion area consists mainly of shrub communities including sagebrush, bitterbrush, and rabbitbrush that are used as forage for several bird species including sage grouse, chukar, Swainson's hawk, golden eagle, and a variety of other nongame birds and mammals. The area is also located within mule deer and winter range of the Horse Lake deer herd as well as resident and wintering pronghorn antelope herds.

The dominant habitat type identified through the California Wildlife Habitat Relationships (CWHR) classification is sagebrush (Mayer and Laudenslayer 1988). Sagebrush habitat is usually large, open, and often discontinuous and stands are usually dominated by big sagebrush (*Artemisia tridentata*). This habitat occurs over a range of middle and high elevations. Sagebrush is often mixed with other similar shrub species, such as rabbitbrush (*Chrysothamnus* spp.), horsebrush (*Tetradymia* spp.), and bitterbrush (*Purshia* spp.). In some places, stands may have an understory of

perennial grasses and forbs. The expansion will remove an additional 78.6 acres of this habitat type. This site will be reclaimed to open space and wildlife habitat.

2.6.2 Special-Status Plants and Wildlife

Special-status species identified by California Natural Diversity Database (CNDDB), California Native Plant Society (CNPS), and CWHR database searches and literature review were evaluated for their potential to occur within the project area. CNDDB occurrences within five miles of the site are shown on Figure 11. No special-status plant or wildlife species were identified within the proposed expansion area during field surveys. Additional pre-ground-disturbance surveys will be conducted.

Potential for occurrence was based on habitat requirements and proximity to known recorded occurrences of a species. Table 2 shows project impact determinations for potentially occurring special-status species. In the case that any sensitive species were encountered, CDFW would be contacted and a plan would be enacted to conserve or mitigate the species.

The potentially occurring species that were generated through desktop review were assessed based on the actual observed habitat types onsite. The assessment found that the following species have the potential to occur and require further discussion. For additional detail, please refer to Appendix D.

- Golden eagle (*Aquila chrysaetos*)
- Northern harrier (*Circus cyaneus*)
- Swainson's hawk (*Buteo swainsoni*)
- Greater sage-grouse (*Centrocercus urophasianus*)
- Burrowing owl (*Athene cunicularia*)
- Long-eared owl (*Asio otus*)
- Short-eared owl (*Asio flammeus*)
- Loggerhead shrike (*Lanius ludovicianus*)
- Gray wolf (*Canis lupus*)
- American badger (*Taxidea taxus*)
- Pallid bat *(Antrozous pallidus)*
- Townsend's big-eared bat *(Corynorhinus townsendii)*
- Pygmy rabbit (*Brachylagus idahoensis*)
- White-tailed jackrabbit (*Lepus townsendii townsendii*
- Ornate dalea (*Dalea ornata*)
- Spiny milkwort (*Polygala subspinosa*)
- Susanville beardtongue (*Penstemon sudans*)

Table 2 POTENTIALLY OCCURRING SPECIAL-STATUS SPECIES			
Common and Scientific Names	**Status Fed/State or CRPR**	**Preferred Habitat**	**Known and Potential Occurrence in Project Area**
Invertebrates			
Carson wandering skipper *(Pseudocopaeodes eunus)*	FT/--	Alkaline desert seeps dominated by saltgrass	No potential for occurrence due to lack of suitable habitat
Amphibians			
Foothill yellow-legged frog *Rana boylii*	--/CSC	Slow-moving, gravelly streams and rivers with sunny banks in forests and chaparral	No potential for occurrence due to lack of gravelly streams or water bodies
Birds			
Tricolored blackbird *Agelaius tricolor*	--/CE	Nest near fresh water in adjacent vegetation, especially near marshes. Forage in grasslands and croplands	No potential for occurrence due to lack of suitable habitat
Golden eagle *Aquila chrysaetos*	--/CFP	Needs open terrain for hunting – grassland, desert, savannah, shrub. Nests on cliffs and in large trees	Potential for occurrence due to suitable foraging habitat
Northern harrier *Circus cyaneus*	--/CSC	Grasslands, fields, and marshes	Potential for occurrence due to suitable foraging habitat
Swainson's hawk *Buteo swainsoni*	--/CT	Large, open grasslands in riparian systems	Potential for occurrence due to some suitable foraging habitat
Greater sandhill crane *Grus canadensis tabida*	--/CT	Shortgrass plains, grain fields and open wetlands for foraging. Nests in wetlands	No potential for occurrence due to lack of suitable habitat
Greater sage-grouse *Centrocercus urophasianus*	--/CSC	Open, continuous sagebrush communities	Potential for occurrence due to suitable habitat
Burrowing owl *Athene cunicularia*	--/CSC	Open, dry grassland, desert, and shrub	Potential for occurrence due to suitable habitat
Long-eared owl *Asio otus*	--/CSC	Roost in dense vegetation and forage in open grasslands or shrublands	Potential for occurrence due to suitable foraging habitat
Short-eared owl *Asio flammeus*	--/CSC	Large, open areas with low vegetation including prairie, grassland, shrubsteppe, agricultural areas	Potential for occurrence due to suitable habitat
Loggerhead shrike *Lanius ludovicianus*	--/CSC	Open areas with short vegetation and well-spaced shrubs or low trees	Potential for occurrence due to suitable habitat
Mammals			
Pallid bat *Antrozous pallidus*	--/CSC	Forages over many habitats; roosts in buildings, trees, rocky outcrops and crevices in mines and caves; also in oak and pine forested areas, usually near a source of water	Potential for occurrence due to suitable habitat
Townsend's big-eared bat *Corynorhinus townsendii*	--/CSC	Found in all but subalpine and alpine habitats. Requires mines, caves, rock piles, and lava tubes for roosting	Potential for occurrence due to suitable habitat
Gray wolf *Canis lupus*	FE/CE	Highly variable	No records in project vicinity in 93 years; has been located recently in other areas of Lassen County

Table 2 POTENTIALLY OCCURRING SPECIAL-STATUS SPECIES			
Common and Scientific Names	**Status Fed/State or CRPR**	**Preferred Habitat**	**Known and Potential Occurrence in Project Area**
North American wolverine *Gulo gulo luscus*	PFT/CT	Arctic, boreal, and alpine habitats. South of the Canadian border, restricted to high mountain environments near the treeline	No potential for occurrence due to lack of suitable habitat
American badger *Taxidea taxus*	--/CSC	Dry, open stages of shrub and forest with friable soils	Potential for occurrence due to suitable habitat
Pygmy rabbit *Brachylagus idahoensis*	--/CSC	Sagebrush, bitterbrush, and pinyon-juniper	Potential for occurrence due to suitable habitat
White-tailed jackrabbit *Lepus townsendii townsendii*	--/CSC	Sagebrush, subalpine conifer, juniper, alpine dwarf-shrub, and perennial grassland	Potential for occurrence due to suitable habitat
Plants			
Winged dock (*Rumex venosus*)	2B.3	Great Basin scrub (sandy); 1200-1800 m	Not observed onsite
Western seablite (*Suaeda occidentalis)*	2B.3	Great Basin scrub (alkaline, mesic); usually in wetlands; 1200-1500 m	Not observed onsite
Ornate dalea (*Dalea ornata*)	2B.1	Pinion-Juniper woodland; 1365-1700 m	Not observed onsite
Playa phacelia (*Phacelia inundata*)	1B.3	Great Basin scrub, lower montane coniferous forest, playas; 1350-2000 m	Not observed onsite
Spiny milkwort (*Polygala subspinosa*)	2B.2	Sagebrush scrub, Pinion-Juniper woodland, gravelly, rocky; 1330-1705 m	Occurs in vicinity, not observed but may be found onsite
Susanville beardtongue (*Penstemon sudans*)	4.3	Great Basin scrub, lower montane coniferous forest (openings), Pinyon-Juniper woodland; volcanic, rocky, sometimes roadsides; 1200-2425 m	Occurs in vicinity, not observed but may be found onsite

Key (Wildlife): Federally Endangered (FE), Proposed Federally Endangered (PFE); Federally Threatended (PFT); California Endangered (CE); California Threatened (CT); California Fully Protected (CFP); California Species of Special Concern by DFG (CSC).

Key (Plants): 1B.2: "moderately" rare, threatened, or endangered in California and elsewhere; **1B.3**: "not very" rare, threatened, or endangered in California and elsewhere; **2B.1**: "seriously" rare, threatened, or endangered in California but more common elsewhere; **2B.2**: "moderately" rare, threatened, or endangered in California but more common elsewhere; **2B.3**: "not very" rare, threatened, or endangered in California but more common elsewhere.

2.7 Climate

Maximum temperatures approach 90 degrees during the summer months of July and August. Minimum temperatures are often below freezing from late fall through early spring (Susanville Municipal Airport ID 048702; years of record 1893-2016).

Average monthly precipitation is low, staying below 3 inches, and falls primarily as snow during winter months. Monthly precipitation is shown in Table 3. No data are available for the average monthly pan evaporation for this area. The 25-year, 24-hour storm event amount is 4.03 inches.

Table 3 PRECIPITATION SUMMARY SUSANVILLE MUNICIPAL AP ID048702 (1893-2015) (inches per month)		
Month	**Precipitation**	**Snow**
Jan	2.96	11.6
Feb	2.12	7.3
Mar	1.73	5.2
Apr	0.79	1.2
May	0.77	0.3
Jun	0.55	0
Jul	0.23	0
Aug	0.17	0
Sep	0.46	0
Oct	1.05	0.5
Nov	1.61	1.8
Dec	2.6	7.6
Average	**15.04**	**35.6**

2.8 Archaeological and Historical Resources

An archaeological inventory survey was conducted on November 16, 2020, by a qualified professional archaeologist, to identify and document any archaeological, historical, or cultural resources located within the proposed expansion area. The archeological field survey identified one prehistoric cultural resource within the project area, just outside of the mine footprint. The cultural resource identified within the expansion area is a prehistoric resource consisting of sparse scatter of lithics including flake and tool fragment artifacts. The site will be protected from disturbance until additional evaluation has been completed per County mitigation measures.

2.9 Air Resources

The Ward Lake Quarry operates under PTO-19-140 issued by the Lassen County Air Pollution Control District. No new permits will be required for the proposed expansion.

3.0 EXCAVATION AND MINING PLAN

The following description of mining will supersede the existing reclamation plan where discrepancies occur.

3.1 Project Activities and Timeline

Mining activities are permitted under the current Use Permit 96056 and Reclamation Plan 94032. Current operations involve excavation and processing of rock, sand, and gravel. The mine operates Monday through Saturday, between the hours of 6:00 a.m. and 7:00 p.m., with 24-hour operations carried out on an as-needed basis. All materials are processed onsite. Materials may be imported to the site as needed for processing. The life of the Ward Lake Quarry is currently permitted to 2030. The life of the mine is proposed to be extended until 2050.

Processing of mined materials takes place onsite. This includes sorting, crushing, and washing of aggregate. The materials are used for the manufacture of asphalt concrete, aggregate base, ready-mix concrete, and road construction and repair materials. There is potential need to import materials from other locations to blend with aggregates to meet certain specifications. These materials will be stockpiled at the crusher site.

Mining of the proposed expansion area will commence upon approval of this Reclamation Plan Amendment. The expansion will follow the same operating procedures already approved for the current operations. Activities at the processing location will not change. The current mine face will be reclaimed as the expansion area is mined.

The proposed expansion is approximately 78.6 acres to the north of the existing quarry. This expansion has an estimated volume of 5,000,000 tons of material. The overall maximum volume of material moved per year is proposed to increase from 100,000 tons to 200,000 tons. In an effort to reduce the movement of material from the expansion area, a portable crusher may be moved into the flat area on the western side of the proposed expansion area.

Open pit methods are used for the mining of materials. Mine operations currently include extraction excavation from a basalt rock quarry.

3.2 Equipment Use

Equipment and vehicles onsite during mining activities include:

- Fuel tank
- Fuel hauler
- Loader
- Generator (s)
- Storage container
- Concrete batch plant
- Concrete truck
- Service truck

- Man lift
- Belly dump
- Articulated dump truck
- Crusher
- Asphalt batch plant
- Scale

Structures onsite during mining activities include:

- 2,400-square-foot shop building
- 1,375-square-foot office
- 144-square-foot well house
- 3,600-square-foot asphalt plant (footprint)
- 600-square-foot asphalt plant operations office
- 2,100-square-foot concrete plant (footprint)
- 600-square-foot concrete plant office
- 480-square-foot scale house
- 1,080-square-foot fuel containment
- 2,500-square-foot fuel containment

3.3 Hours of Operation

The mine hours of operation are from 6:00 a.m. to 7:00 p.m., six days per week. Operations occur between the hours of 7:00 p.m. and 6:00 a.m. on an as-needed basis.

3.4 Material Removal

The expansion will be operated in the same way as the current mine area. It is an open pit mine for basalt rock and sand and gravel deposits. Rock is crushed and the rock and sand are sorted and stockpiled. The materials are either transported for use offsite or used onsite for the production of asphalt concrete or ready-mix concrete.

As permitted, there is an occasional need to import supplemental aggregates for the concrete production. These are the same procedures as permitted for the current operation. A portable crusher may be moved closer to the active quarry face in the expansion areas as the mine face moves farther north. This is to make the process more efficient overall.

The processing plant will remain where it is located and perform as previously permitted. Rock will be removed beginning at the south near the current operation and moving to the north. As with the current operation, limited blasting will occur.

Final topography is included on Figure 12 and cross-sections are shown on Figure 13.

3.5 Erosion Control

Stormwater runoff is contained onsite and does not discharge offsite. A Notice of Non-Applicability (NONA) was filed in 2015 for the current operations. Surface water will continue to be directed onsite toward the settling ponds and will not be discharged offsite. Stormwater that does not infiltrate will be diverted via a series of ditches and berms

Standard soil erosion control protocols are currently practiced throughout the site and will continue during operations in the expansion area. These include:

- Use of berms, water bars, or rolling dips
- Diverting run-on from stockpile areas
- Planting vegetation/installing stabilizers as necessary
- Retention of all stormwater runoff within quarry to settling ponds

3.6 Topsoil

Topsoil is shallow onsite, as rock is located near the surface. The little topsoil available will be removed using a loader or similar equipment. Topsoil salvaged in the expansion area will be stockpiled separately from other mined materials. The topsoil (and/or other growth media) stockpiles will be clearly signed in the field to prevent inadvertent use. In addition, the location of the soil stockpile in areas not used for other materials will prevent inadvertent use. The topsoil (and/or other growth media) stockpiles are protected from wind and water erosion by planting with an erosion-control mix, as well as keeping the stockpiles in a low profile with moderate slopes. Topsoil stockpiles are located on Figure 1.

When available, topsoil may be imported to the site to assist in the future restoration and reclamation activities (such as from construction project spoils or landslide.)

3.7 Vegetation Removal

Vegetation removal in the expansion area will be completed using an excavator, loader, and dozer. Due to the predominant low sage and sagebrush vegetation type, there is little vegetation to be removed.

3.8 Disposal of Mine Waste

The proposed project does not anticipate producing mine waste. The quarry currently processes and markets all materials removed from the site.

3.9 Water Use

The expansion will not use water other than for dust abatement. Water is used in the processing of materials at the currently permitted location. Water discharged from the gravel/aggregate washing operations is retained in settling ponds. Additional water is provided by the wells near the mine site as needed. No new wells are proposed in the expansion area.

3.10 Water Diversions

There are no streams or bodies of water located within the 78.6-acre proposed expansion area. No waterways will be diverted.

3.11 Pollution Prevention

The only potential sources of pollution in the project area are possible spills of fuels and oils used in equipment onsite and particulate matter in the form of dust produced from material removal and crushing of material. BMPs are in place for current mine activities and will be implemented for the proposed expansion area as well. BMPs maintaining control of dust include:

- Keep stockpile and work surfaces moist
- Provide earthen wind breaks
- Place fine aggregate stockpiles between coarse aggregate piles to screen from winds
- Equipment layout should take advantage of natural or existing wind breaks
- Maintain proper operating procedures of asphalt and concrete ready-mix plants allowing for covering of conveyors if needed
- Fuel and fluids used for equipment stored in double-walled containment systems
- All maintenance conducted in the onsite shop

3.12 Noise Control

Noise considerations for the Ward Lake Pit were extensively studied in the Subsequent Environmental Impact Report in 2019. No changes to operating procedures will take place in the current production area. In the area of the expansion, noise-producing activities will be limited to excavation and hauling of materials.

3.13 Public Safety

There will be no change to public safety protocols. The site is gated and has 24 hour surveillance.

4.0 RECLAMATION PLAN

Site reclamation activities for the existing site were approved in previous reclamation plans. Previous reclamation plans will apply to areas other than the proposed expansion area. The overall goal of reclamation is to return the site to a condition similar to pre-mining condition.

The end use of the currently operating mine as well as the expansion area is to be open space and wildlife habitat.

The proposed expansion will be used solely as a quarry. No new equipment or processing plants will be used with the exception of a possible portable crusher. The existing equipment at the currently operating site will be used to process materials extracted from the expansion. The addition of 78.6 acres and the final slope and benching configuration for expansion are included in this Reclamation Plan Amendment. The revegetation seed mix and the timing of reclamation have been modified and are described herein this Reclamation Plan Amendment.

4.1 Currently Permitted Area – Reclamation Plans 94032 and 2018-001

As permitted, revegetation of the current mine area will include the following:

- Slopes prepared
- Broadcast seeding to spread seed mixes
- The processing area will be seeded with a mix of sagebrush (*Artemisia tridentate*) at two pounds of pure live seed (PLS) per acre, rabbitbrush (*Ericameria nauseosa*) at four pounds of PLS per acre, bitterbrush (*Purshia tridentate*) pure seed at one pound per acre, bluebunch wheatgrass (*Elymus spicatus*)at three pounds of PLS per acre.
- The existing quarry area will be seeded with a mix of sagebrush (*Artemisia tridentate*) at one and a half pounds of PLS per acre, rabbitbrush (*Ericameria nauseosa*) at three pounds of PLS per acre, bluebunch wheatgrass (*Elymus spicatus*) at three pounds of PLS per acre, bottlebrush squirreltail (*Elymus elymoides*) at three pounds of PLS per acre, green ephedra (*Ephedra viridis*) at one pound of PLS per acre, and bitterbrush (*Purshia tridentate*) plugs at twenty-six plugs per acre.

4.2 Schedule

Reclamation is to be completed concurrently with mining operations. Reclamation will occur such that ten acres will be disturbed at a given time for mining and reclamation activities. Once five acres are mined, mining excavation would occur on an additional five acres while concurrently reclaiming the depleted five-acre disturbance. It is anticipated that the resource will be depleted by 2050.

4.3 Engineering Data

4.3.1 Final Slope of Project Area

The final slope of the proposed expansion area will be 1:1 (H:V) per the Geotechnical Report included in Appendix C. Mine faces will be shaped to have a 50-foot highwall and 12-foot benches at a 1:1(H:V) slope. The quarry wall will be composed of hard rock and will not require stabilization. The area is composed of hard rock and, as recommended in the Geotechnical Report, highwalls will be graded at an inclination as to meet the minimum factor of safety (FOS). Benches will be constructed to drain to the margins of the highwall and/or to centralized collection areas that capture and convey drainage to the bottom of the cut slope. Cross-sections are shown on Figure 13.

There are existing gravel roads into the expansion area. Gravel roads will be left in place for monitoring of the reclaimed area, as not to disturb vegetation growth. Signs will be posted to keep vehicles off revegetated areas.

4.3.2 Reclaimed Land Use

Reclamation will return the area to open space/wildlife habitat.

4.3.3 Erosion and Drainage Control

Erosion and sedimentation will be controlled during and after reclamation activities. Surface runoff will be controlled using appropriate grading along with the implementation of BMPs including the use of:

- Mulches
- Vegetative cover
- Straw wattles
- Water bars/rolling dips
- Rock-lined ditches

4.3.4 Topsoil Replacement

The topsoil will be transferred from the stockpile and into the reclamation area using the same techniques as specified in the current mining and reclamation plan. When the excavation operations and the construction of embankment slopes have ceased, the topsoil will be spread to a uniform depth. The topsoil will be compacted to stabilize the material; however, compaction will not occur to a point where the topsoil is not an effective growing medium. The compaction will be completed with track equipment.

Topsoil will not be placed on the rock faces, only on the excavation floor and benches.

4.4 Streambed Restoration

No waterways will be diverted. Streambed restoration is not required.

4.5 Groundwater Quality Protection

No impacts to groundwater due to mining are anticipated.

4.6 Building and Equipment Removal

No structures are planned to be constructed in the quarry expansion area. No new equipment or processing plants will be used in the expansion area with the exception of a possible portable crusher. If a portable crusher is brought into the area, it will be removed prior to reclamation commencement.

4.7 Revegetation Plan Design

4.7.1 Baseline Studies

Baseline studies in the expansion area for vegetation cover, density, and species richness were conducted following *Rehabilitation of Disturbed Lands in California: A Manual for Decision Making* (Newton 2003). Surveys were completed within the low sagebrush habitat which dominates the expansion area. Methods were repeated via systematic sampling in order to achieve greater than eighty percent confidence in results. Data was collected using a $1m^2$ quadrat. The initial plot location was determined by random point projection using a GPS device and subsequent plots were systematically placed 1 meter apart. Methods were sufficiently repeated via systematic sampling in order to achieve adequate confidence in results (greater than eighty percent). Results are included in Table 4.

Table 4
WARD LAKE QUARRY BASELINE PLOT SUMMARY

Plot	% Cover (Veg)	% BG (Rock)	% Cover Perennial	% Cover Annual	Species Richness
1	55	45	50	25	5
2	10	90	0	50	2
3	10	90	20	25	5
4	30	70	10	35	4
5	60	40	30	90	3
6	50	50	30	80	4
7	65	35	10	70	4
8	75	25	65	25	6
9	50	50	85	20	4
10	30	70	45	20	4
11	50	50	35	60	4
12	85	15	80	20	3
13	75	25	60	50	5
14	10	90	0	50	4
AVERAGES	**46.79**	**53.21**	**37.14**	**44.29**	**4.07**

Percent cover was quantified for the entire plant community (mean=86.42 percent) and for each growth type (shrub [mean=7.73 percent], forb [mean=4 percent], annual grass [mean=24.64 percent], and perennial grass [mean=6.19 percent]). The percent cover of the entire vegetative community is greater than the total percent cover due to overlap in canopy layers.

Annual grasses were removed from the percent cover calculation as they annuals consist of cheat grass and medusahead which are invasive and will be controlled. Percent cover of shrubs (mean=7.73 percent), of perennial grass (mean=6.19 percent) and of forbs (mean=4 percent) equals approximately 18 percent cover.

Species richness was quantified within each plot to achieve an average number of species across the landscape (mean=4 species).

A species inventory was generated for the baseline botanical surveys. Eleven plant species were identified within the study area:

- Antelope bitterbrush (*Purshia tridentata*)
- Rubber rabbitbrush (*Ericameria nauseosa*)
- Big sage brush (*Artemisia tridentata* spp.)
- Mormon tea (*Ephedra viridi*s)
- Hooker's balsamroot (*Balsamorhiza hookeri*)
- Bristly fiddleneck (*Amsinckia tesselata*)
- Redstem stork's bill (*Erodium cicutarium*)
- Cheatgrass (*Bromus tectorum*)
- Medusahead (*Elymus caputa medusa*)
- Bluebunch wheatgrass (*Pseudoreogneria spicata*)
- Common wooly sunflower (*Eriophyllum lanatum*)

4.7.2 Proposed Plant Pallet

The quarry floor and benches in the 78.6-acre expansion area will be seeded with a mix of sagebrush (*Artemisia tridentate*) at two pounds of PLS per acre, rabbitbrush (*Ericameria nauseosa*) at four pounds of PLS per acre, bitterbrush (*Purshia tridentate*) one pound of pure seed per acre, and blue bunch wheat grass (*Elymus spicatus*) at three pounds per acre.

4.7.3 Seed and Plant Sources

Seed will be ordered from a reputable supplier that collected or grew out seed from a source as close to the project site as possible. Seed will be properly labeled as genus, species, subspecies, variety, and source and will be handled and packed in a manner that ensures the purity and viability of the materials. Weed seed will not exceed 0.5 percent of the PLS and inert material. Seeding rates will be given in pounds of PLS per acre. The seed mix will be measured and packaged by the seed supplier.

4.7.4 Plant Placement

Seeds will be broadcast using a tractor-mounted seeder and then tracked in with machinery. Plugs will be hand planted. Seeding will take place in the fall prior to the first rain. Hand planting will be conducted in the spring as the soil temperatures warm.

4.7.5 Irrigation

No irrigation is planned.

4.7.6 Test Plots

Test plots will be implemented per SMARA regulations and Division of Mine Reclamation guidelines. The purpose of the test plots is to determine on a small scale the effectiveness of planting and survival of native grass and shrub seeds and the cultivated plugs of target tree species. Test plot design will follow recommendations in the "*Rehabilitation of Disturbed Lands in California A manual for decision-making"* published by the California Department of Conservation.

Test plots will be installed once an area sufficient for the plot area has been mined and depleted. Each plot will consist of approximately 50-foot by 50-foot fenced area separated by sufficient distance, and a physical barrier, such as hay bales, in between plots to achieve isolation between plots. Factors that will be assessed by test plots includes the germination success of seed and establishment success of plugs, as well as benefits of soil amendments or treatment such as inoculation of planting with mycorrhizae from nearby (undisturbed) shrubs. Deer-friendly fencing will be placed around each plot. Plots will be monitored, and results will be compared to the performance standards described in Section 4.9. If simple regeneration efforts are unsuccessful, additional treatments, such as the use of mulches and ripping, will be tested. Additional treatments will be determined as test plots progress. Treatments may include:

- Chip mulch
- Commercially available mulches
- Ripping
- Fertilizers
- Weed matts/fabrics
- Plant solar protection (cartons)
- Plant deer protection (Vexar tubes)

4.8 Monitoring and Maintenance

4.8.1 Vegetation Monitoring

Vegetation surveys will be conducted once annually following reclaiming when dominant vegetation has matured and both early- and late-season species can be correctly identified. Surveys will be conducted by a professional experienced in undertaking field surveys and knowledgeable of plant taxonomy and ecology. The results of vegetation surveys will be used to compare site conditions over the maintenance and monitoring period.

4.8.2 Invasive Plant Control

Some invasion by noxious weeds, primarily medusahead and cheatgrass, is anticipated as a number of invasive species are ubiquitous in the region. It is unlikely the operator will be able to completely eliminate these species due to the large sources of seed on the site. Most mechanical, cultural, and chemical treatments are ineffective in situations where overseeding with other grasses is desired.

Milestone® (aminopyralid), applied at a rate of 14 ounces/acre as a fall pre-emergent, can provide some success. Milestone is broadleaf-selective herbicide that is safe for use on most grasses. A supplemental label (2ee) has been issued for medusahead control in Arizona, California, Colorado, Idaho, Oregon, Washington, Wyoming, and Utah. In the northern Central Valley, research shows that 14 ounces/acre can provide control. The treatment must be applied as a pre-emergent in the fall of year 2.

In this specific application, seeding for revegetation will also be conducted in the fall so the applications of herbicide will need to be conducted in the year following establishment.

Please note the herbicide application will remove all broadleaf native and nonnative plants. The effect on native grasses (bunchgrass) is unknown, and the application will also inhibit the sprouting of other annual species. For this reason, the herbicide application will be conducted only if determined to be necessary.

Brush species seeded for reclamation will be protected by covers or other means.

4.8.3 Monitoring Report

By December 1 of each monitoring year, a report will be prepared containing the results of the monitoring and an assessment of the data. Included will be a summary of those performance criteria attained and those for which corrective measures were undertaken to achieve compliance. Photographic and other evidence (i.e., maps, laboratory reports, etc.) will be used to support the final assessment. Raw data and maintenance log sheets will also be included as appendices.

4.9 Performance Criteria

Performance criteria have been developed for plant types planted during reclamation of the proposed expansion area. Should the evaluation of performance criteria reveal that revegetated areas are significantly behind in their target percentages, the reasons for insufficient plant germination and/or growth will be determined and appropriate remedial actions will be undertaken to meet the established criteria.

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

Revegetation of these areas will meet the following success standards:

- Shrub and grass species will achieve 5 percent cover in year 1, 10 percent by year 2, and 18 percent in years 3 to 5. If survival drops below these numbers, plants will be replaced the following fall;
- Establish a minimum species richness of at least two native perennial shrub species and one perennial grass species in three years over the reclaimed expansion area;
- Average basal density of 3 perennial plants within three years as quantified within 1-meter plots; and
- Invasive exotic species will not compose greater than 10 percent of the cover in any year.

Maintenance of the reclaimed areas during the early stages of plant establishment is essential to the attainment of reclamation objectives and performance criteria. The revegetation areas will be maintained in good condition through regular monitoring to detect problems before they affect the attainment of performance criteria.

Monitoring by a qualified biologist or forester will be conducted following completion of reclamation until performance criteria have been met for two consecutive years with no human intervention. Corrective or remedial actions will be undertaken if success criteria are not attained in a given monitoring year.

4.10 Natural Regeneration

Some natural regeneration will occur within portions of the project area. Seeds will be dispersed onto the reclamation area by natural sources (wind, gravity, animals, etc.) and may be transported from relatively long distances. Natural regeneration will produce volunteers of a variety of indigenous species.

The natural revegetation of native species will be encouraged and allowed to occur. If undesirable species not native to the area begin to invade such that they become a threat to the establishment of desirable native species, these species will be eradicated by hand, mechanical means, controlled burning, use of herbicides, or a combination of these methods.

4.11 Impact on Future Mining

This Reclamation Plan Amendment precludes future mining on the site after reclamation.

5.0 ADMINISTRATIVE REQUIREMENTS

5.1 Financial Assurance

Hat Creek Construction previously accepted responsibility for reclamation per Use Permit 96056 and Reclamation Plan 94032, accepts responsibility for this Reclamation Plan Amendment, and has provided financial assurance for completion of site reclamation in compliance with SMARA. The most recent Financial Assurance Cost Estimate was submitted in 2021.

5.2 Annual Inspections

Hat Creek Construction will allow access to Lead Agency officials for the purpose of annual inspections of the mining project. The required annual report will be prepared in conclusion to the annual inspection and provided to the State Mining and Geology Board by July 1 of each year.

5.3 Reclamation Plan Amendments

An amended reclamation plan will be submitted to the Lead Agency prior to any substantial deviations from approved plans.

6.0 REFERENCES

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Figures

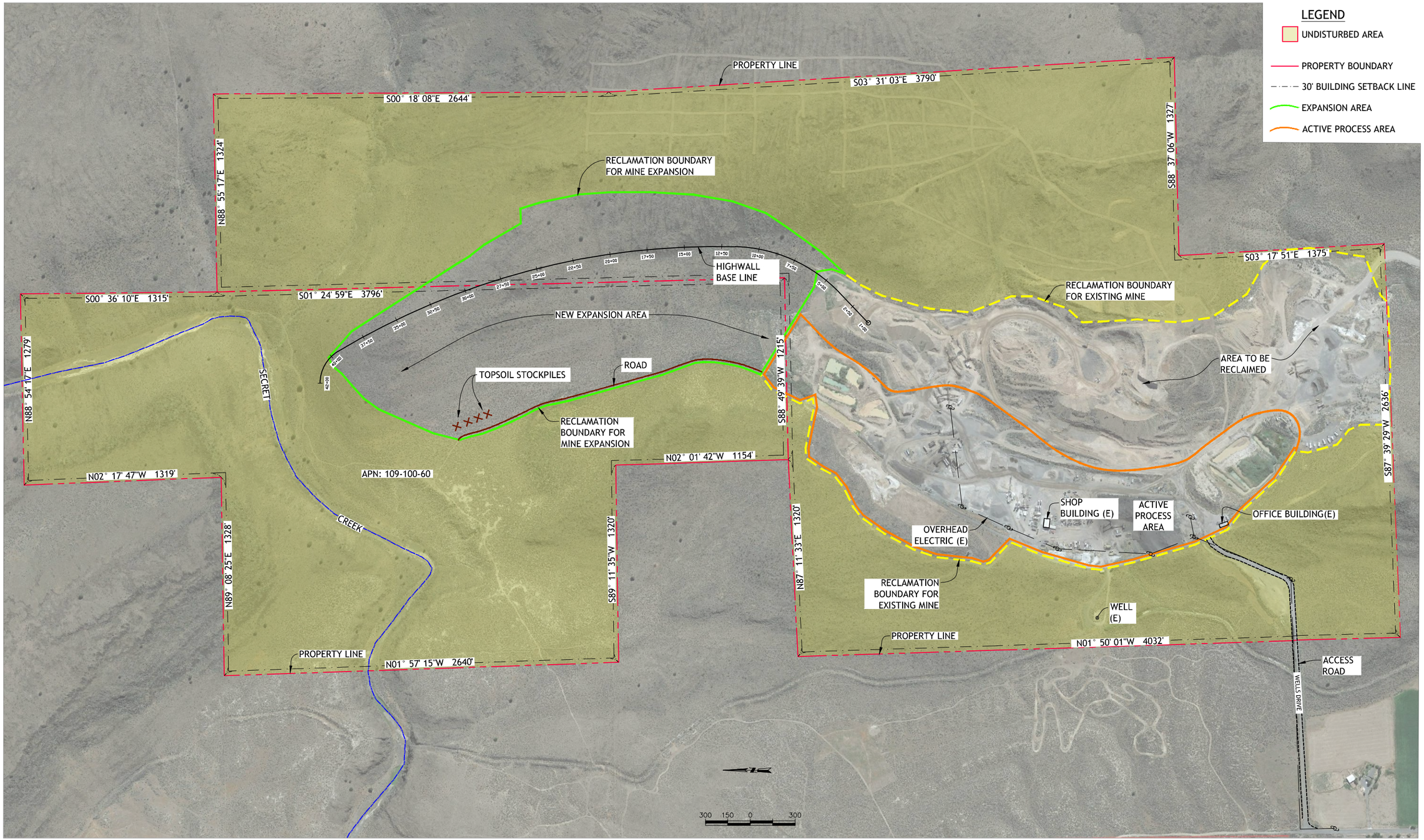

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FIGURE 1
SITE PLAN
WARD LAKE QUARRY
LASSEN COUNTY, CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
SUSAN DIANE GOODWIN
Exp. 6/30/21
No. 61857
CIVIL
STATE OF CALIFORNIA

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OF
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JOB NO. 71305

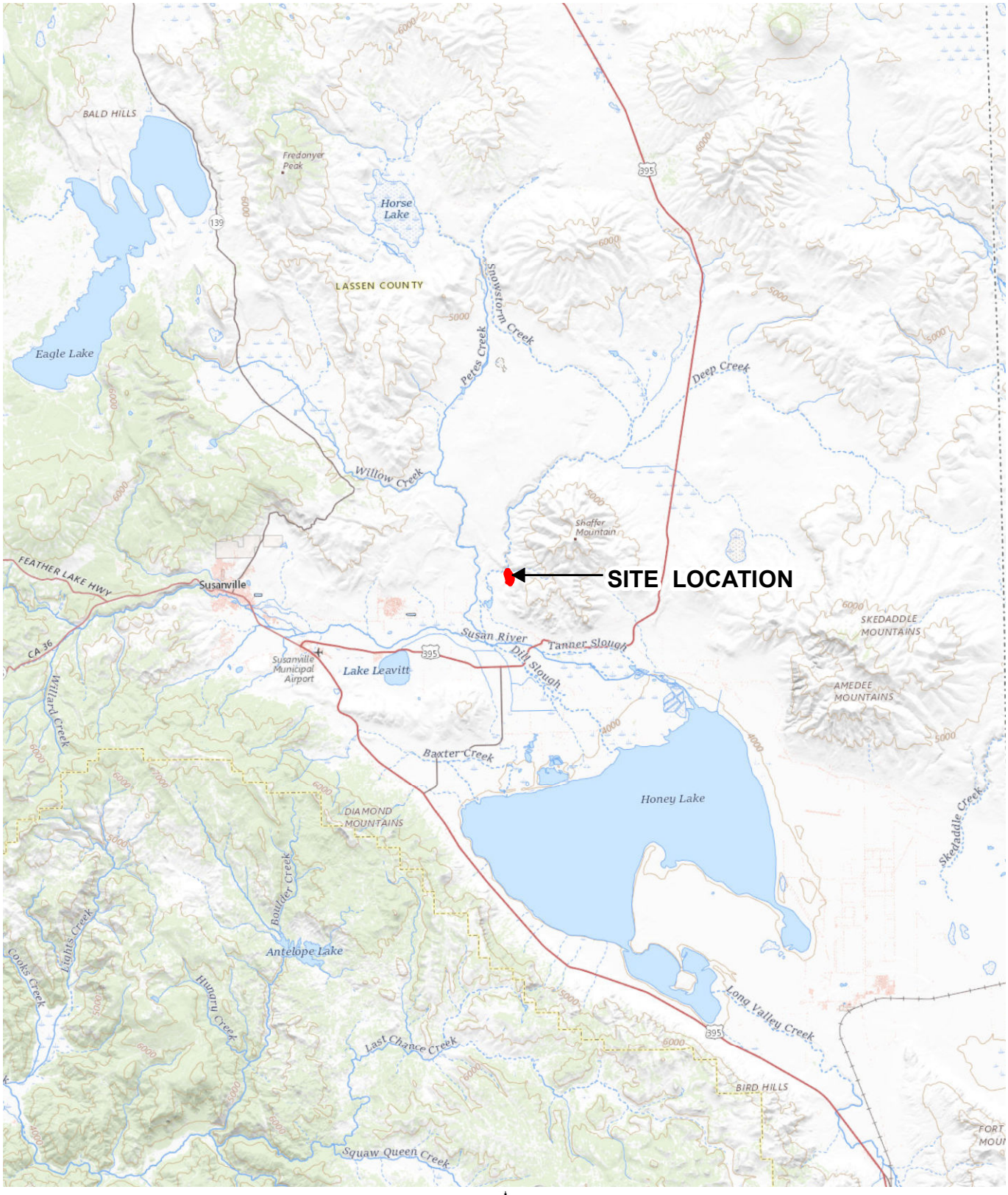

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FIGURE 2
GENERAL SITE LOCATION
WARD LAKE QUARRY
LASSEN COUNTY, CALIFORNIA

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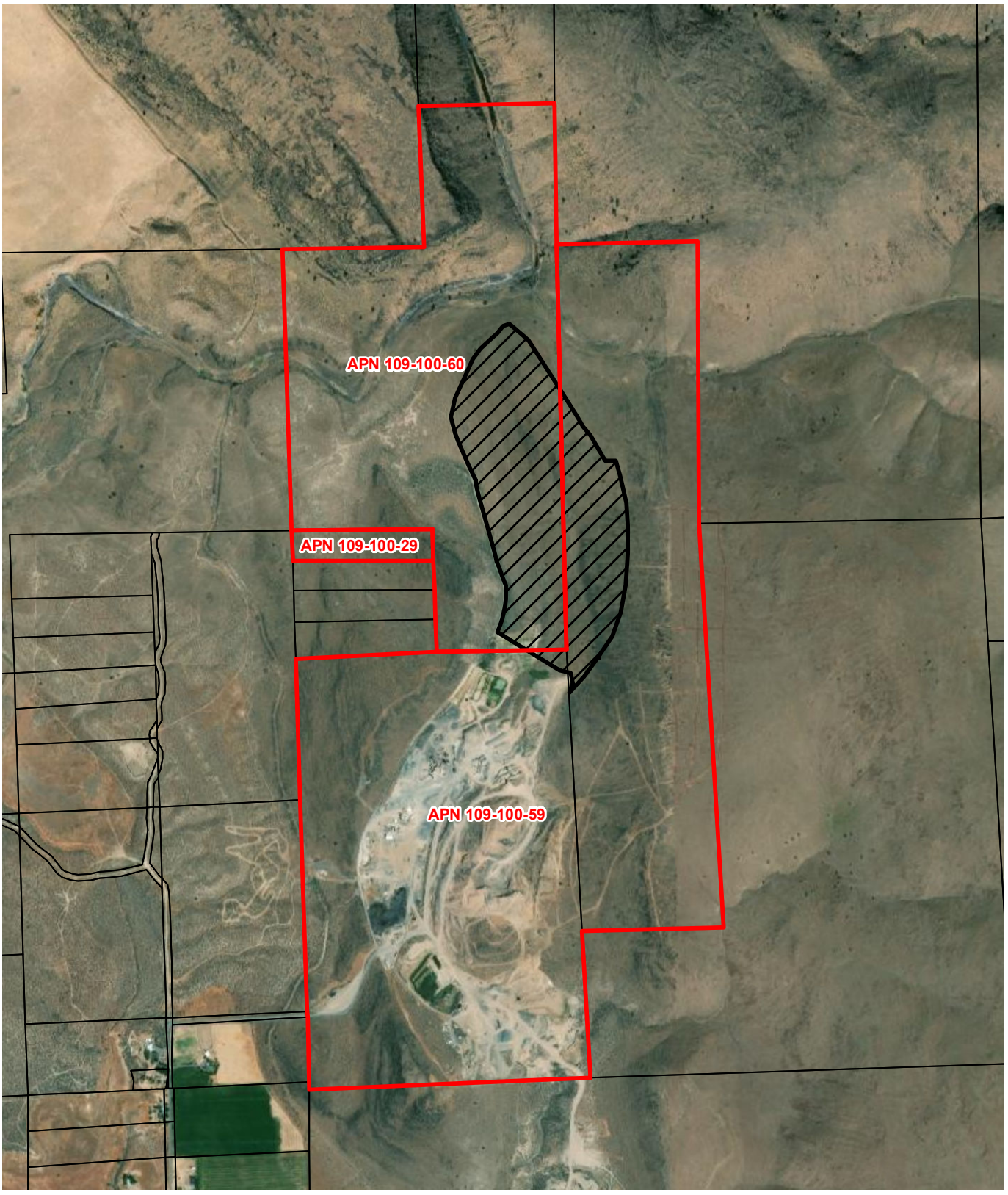

Approximate Parcel Boundary

Proposed Expansion Area

N

0 0.125 0.25 0.5 Miles

VESTRA

SOURCE: MAXAR 2019 AERIAL PHOTOGRAPH

FIGURE 3
PARCEL BOUNDARIES
WARD LAKE QUARRY
LASSEN COUNTY, CALIFORNIA

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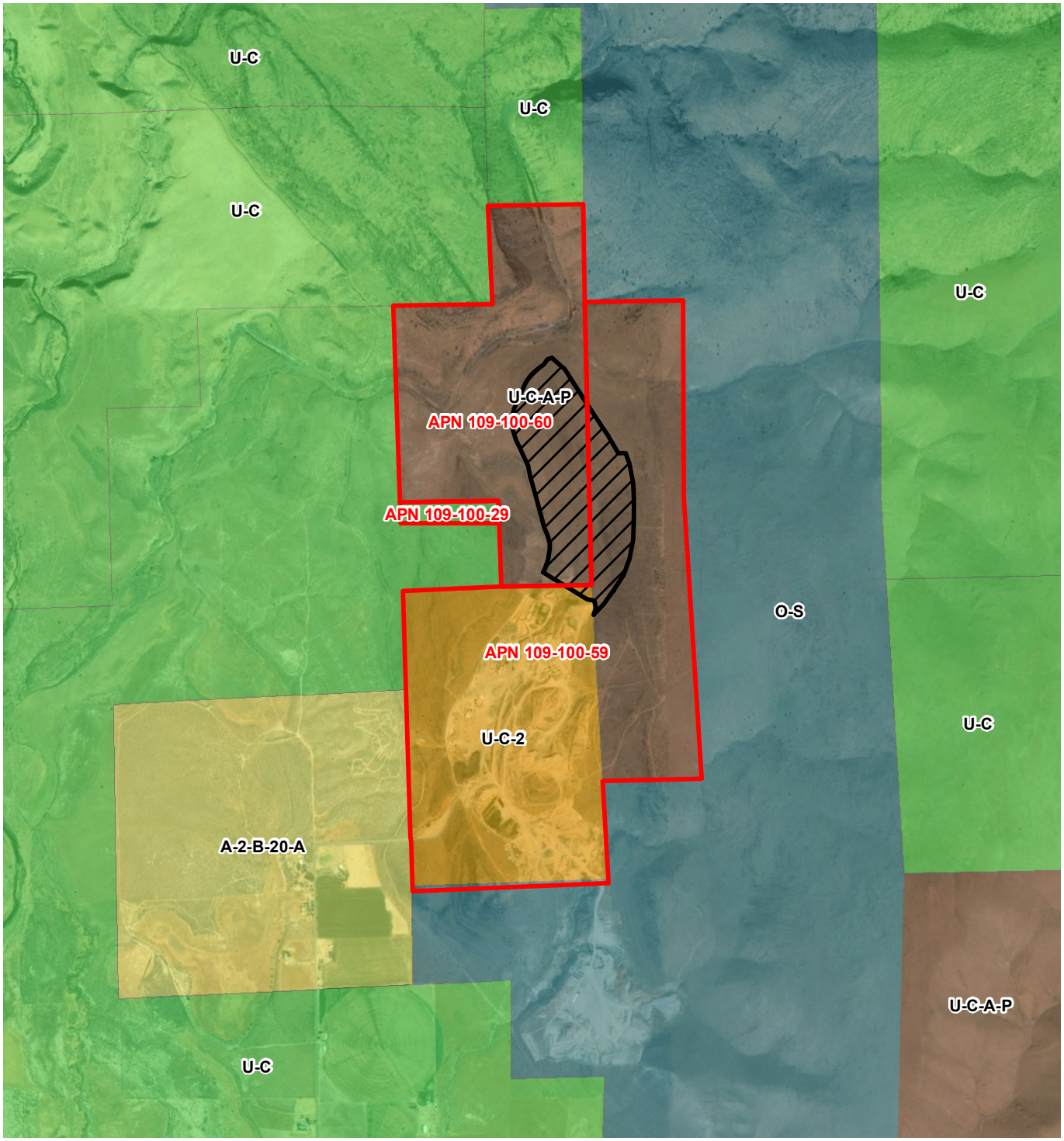

Approximate Parcel Boundary

Proposed Expansion Area

A-2-B-20-A (Agricultural Residential District/Building Site Combining District/Agricultural Combining Districts)

O-S (Open Space District)

U-C (Upland Conservation District)

U-C-2 (Upland Conservation/Resource Management District)

U-C-A-P (Upland Conservation District/Agricultural Preserve Combining District)

N

VESTRA

0 1,000 2,000 4,000 Feet

SOURCE: MAXAR 2019 AERIAL PHOTOGRAPH; LASSEN COUNTY 2018

FIGURE 4
ZONING
WARD LAKE QUARRY
LASSEN COUNTY, CALIFORNIA

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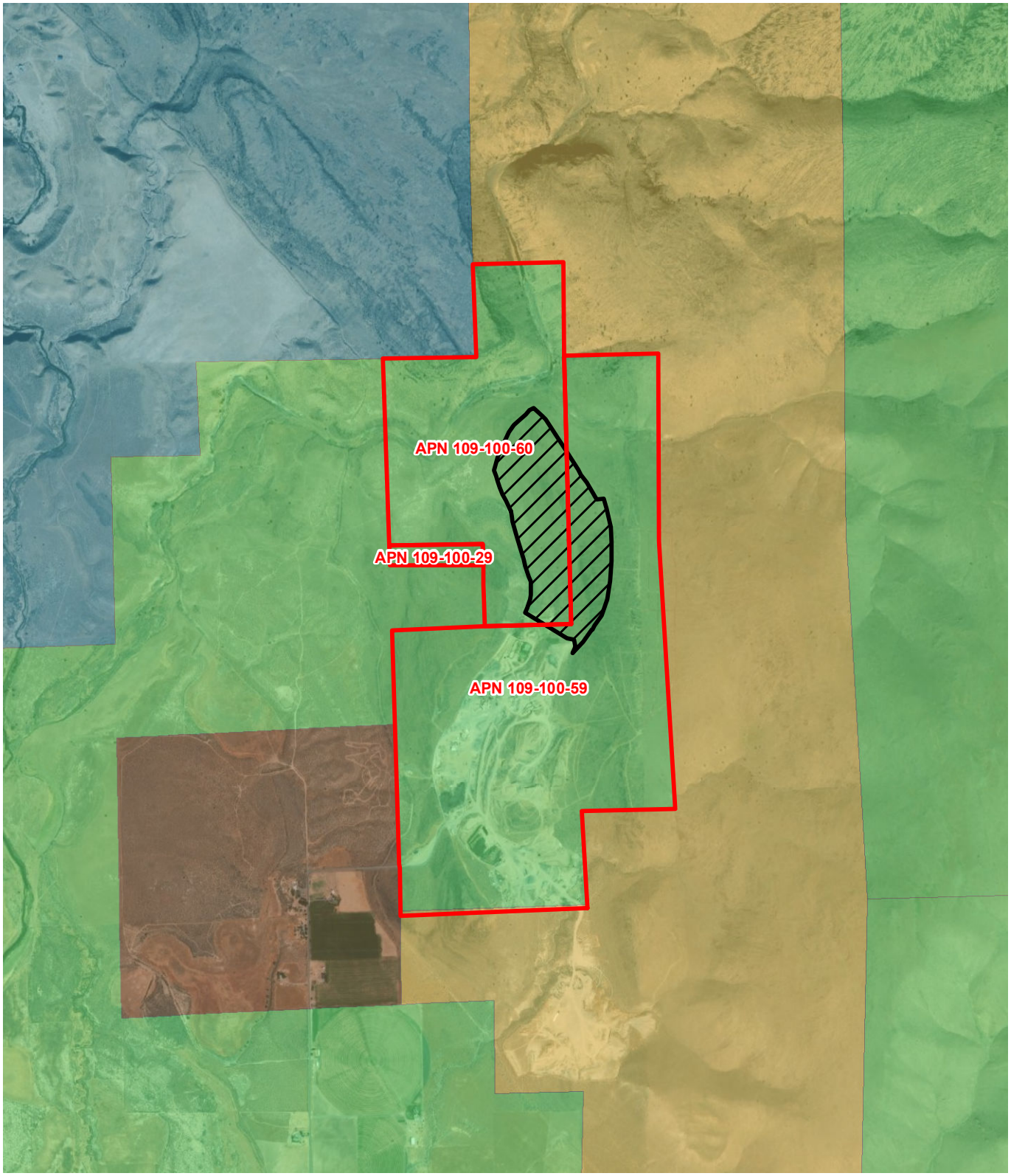

FIGURE 5
GENERAL PLAN LAND USE
WARD LAKE QUARRY
LASSEN COUNTY, CALIFORNIA

SOURCE: MAXAR 2019 AERIAL PHOTOGRAPH; LASSEN COUNTY 2014

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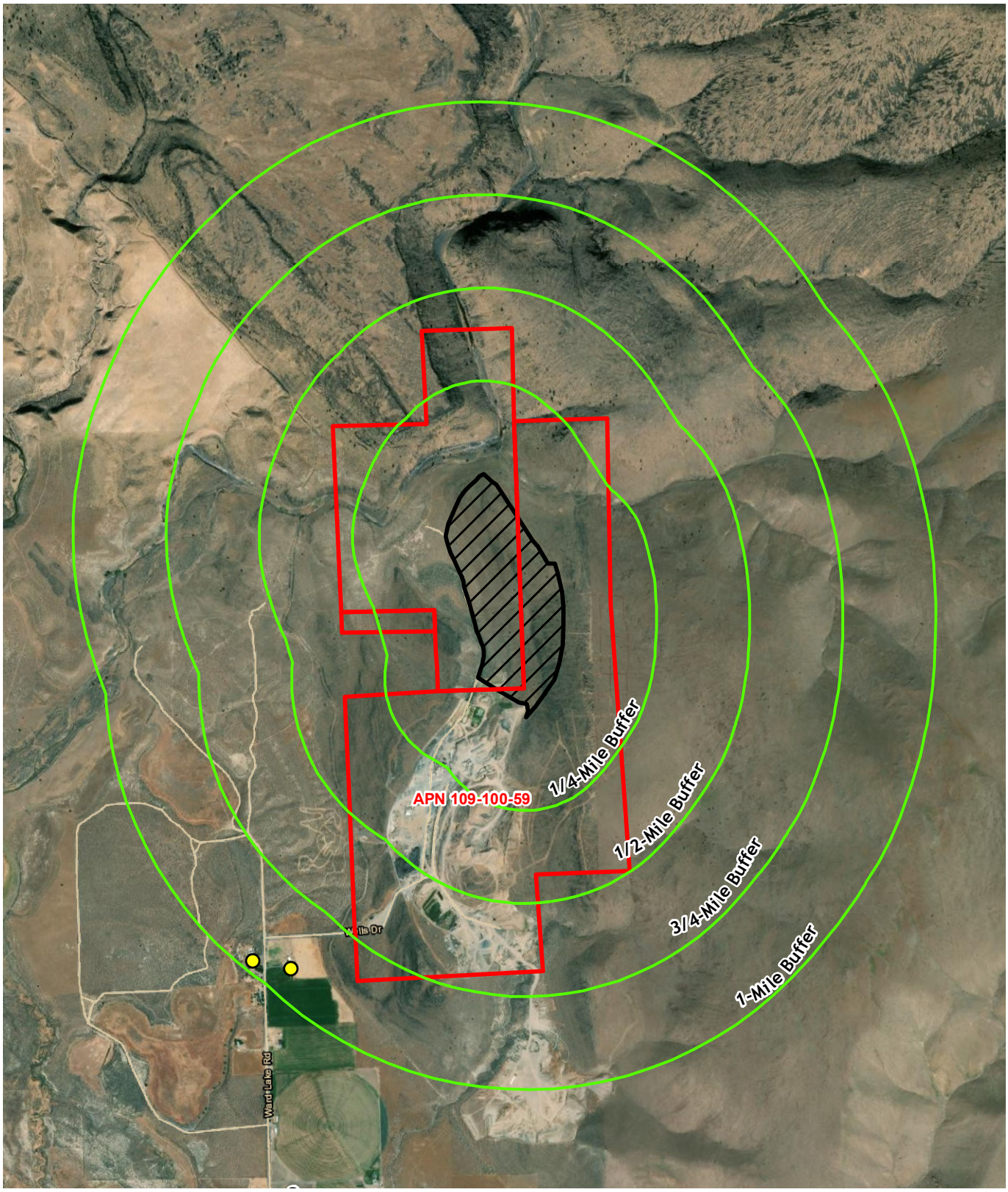

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SOURCE: MAXAR 2019 AERIAL PHOTOGRAPH

FIGURE 6
NEARBY RESIDENCES
WARD LAKE QUARRY
LASSEN COUNTY, CALIFORNIA

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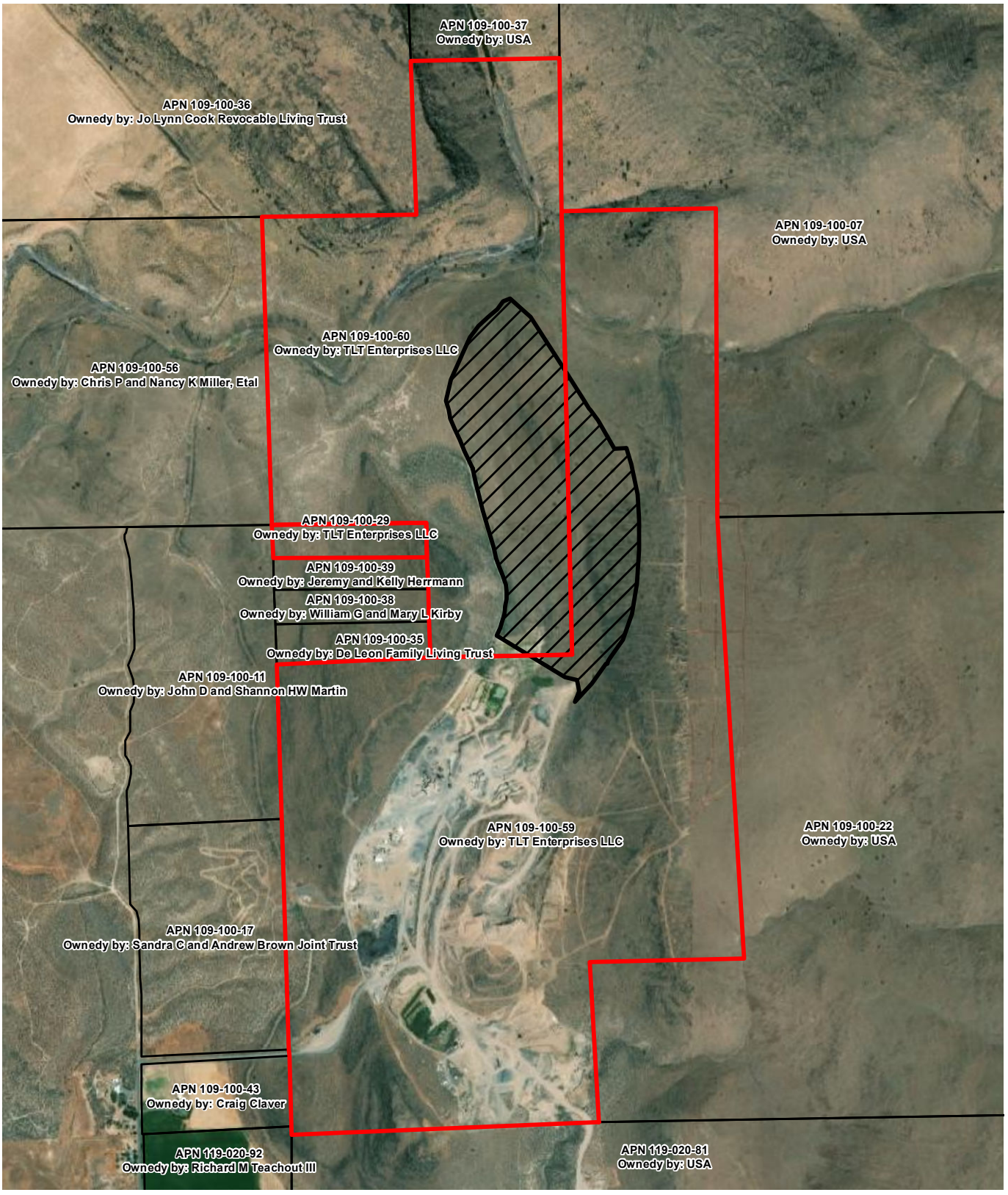

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SOURCE: MAXAR 2019 AERIAL PHOTOGRAPH; CNDDB AUGUST 2020

FIGURE 7
ADJACENT LAND OWNERS
WARD LAKE QUARRY
LASSEN COUNTY, CALIFORNIA

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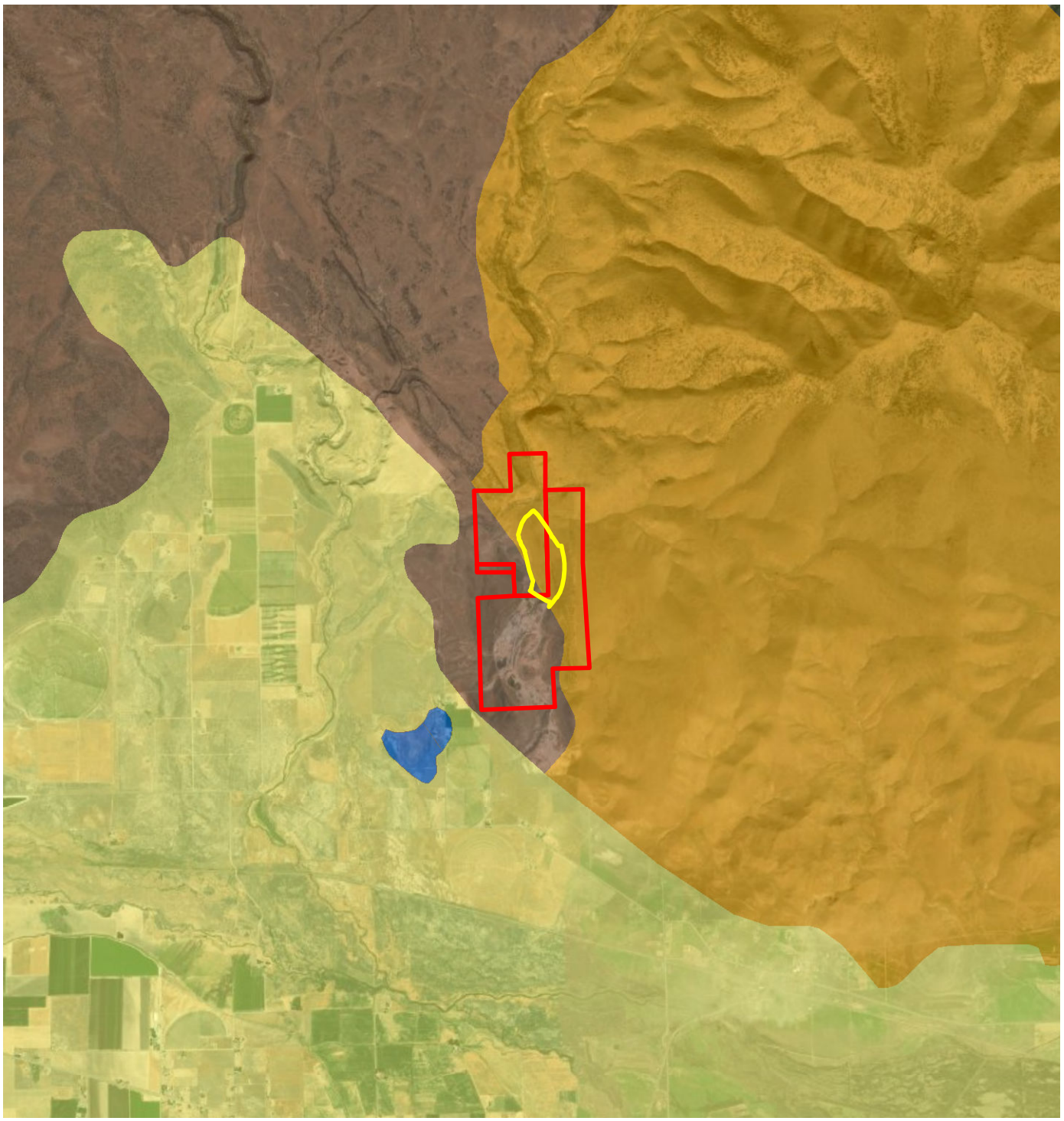

Proposed Expansion Boundary

Approximate Parcel Boundary

Q: Quaternary alluvium and marine deposits (Pliocene to Holocene)

Qv: Quaternary volcanic flow rocks, unit 1 (Cascade volcanic field) (Quaternary)

Tv: Tertiary volcanic flow rocks, unit 17 (Cascade Range)

Water

VESTRA

0 0.5 1 2 Miles

SOURCE: DIGITALGLOBE 2018 AERIAL PHOTOGRAPH; USGS 2014

FIGURE 8
GEOLOGY
WARD LAKE QUARRY
LASSEN COUNTY, CALIFORNIA

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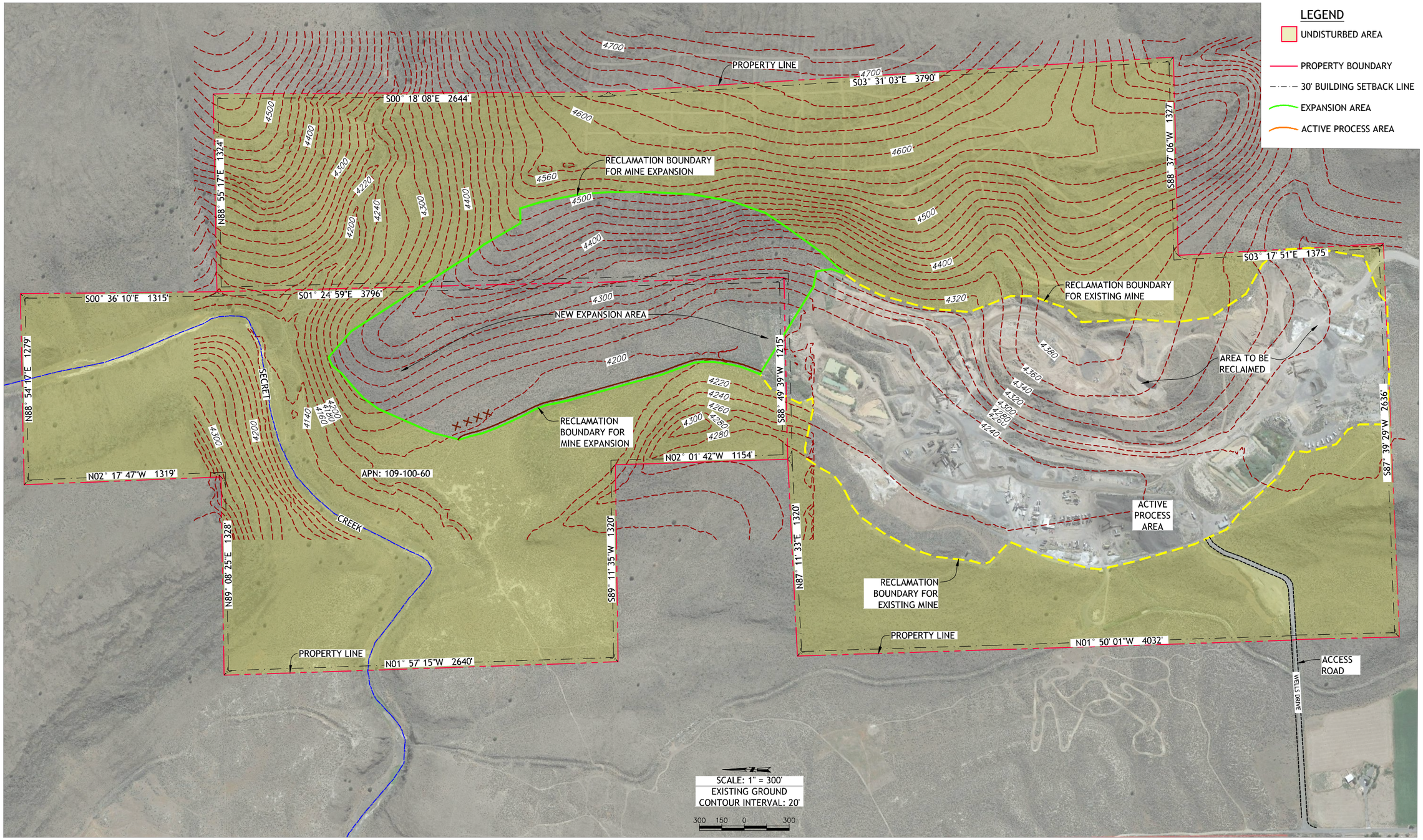

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FIGURE 9
CURRENT TOPOGRAPHY
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LASSEN COUNTY, CALIFORNIA

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SUSAN DIANE GOODRICH
No. 61687
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STATE OF CALIFORNIA
10/5/20

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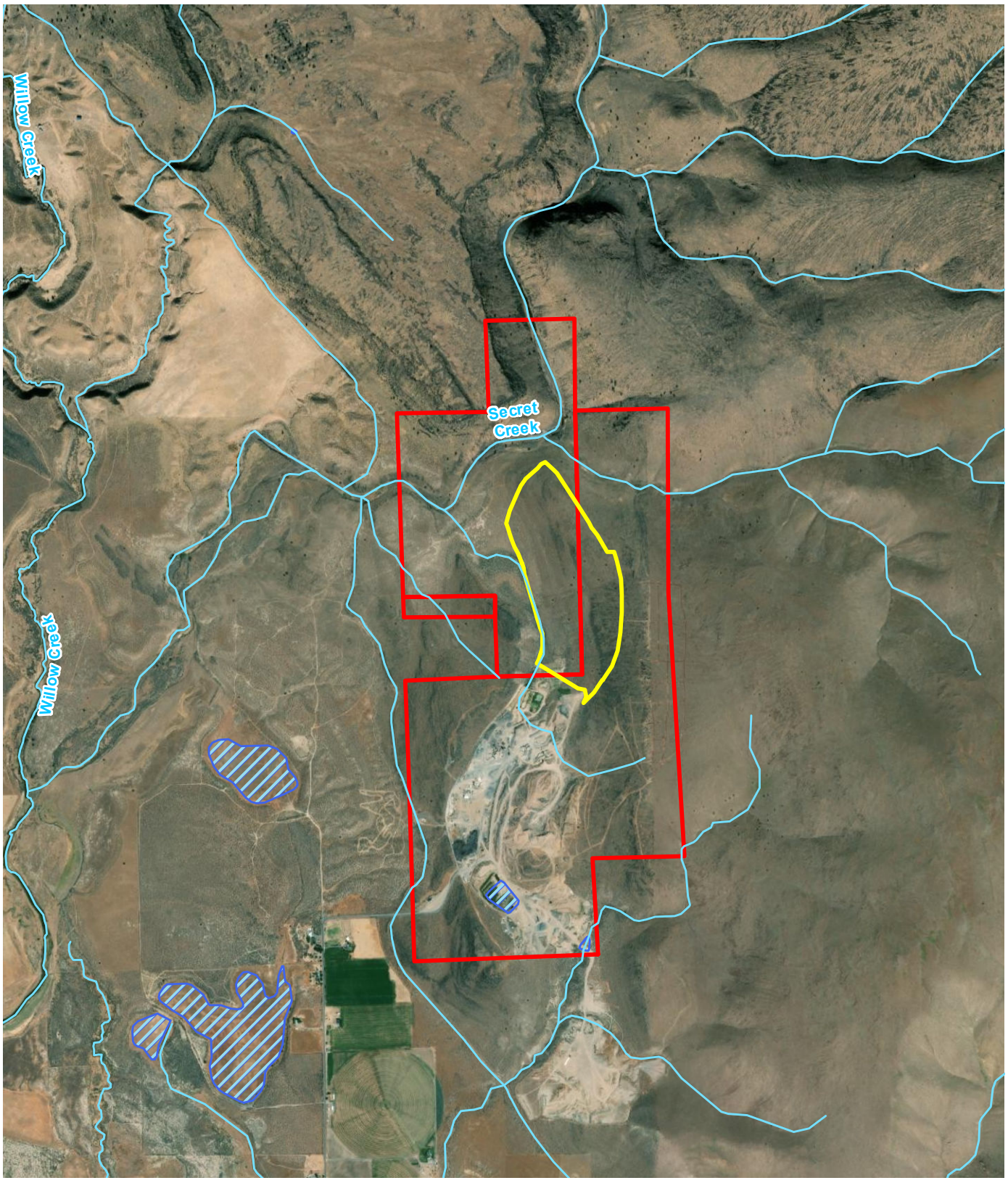

Watercourse
Waterbody
Proposed Expansion Boundary
Approximate Parcel Boundary

0 1,000 2,000 4,000 Feet

VESTRA

SOURCE: DIGITALGLOBE 2018 AERIAL PHOTOGRAPH; USGS 2014

FIGURE 10
HYDROLOGY
WARD LAKE QUARRY
LASSEN COUNTY, CALIFORNIA

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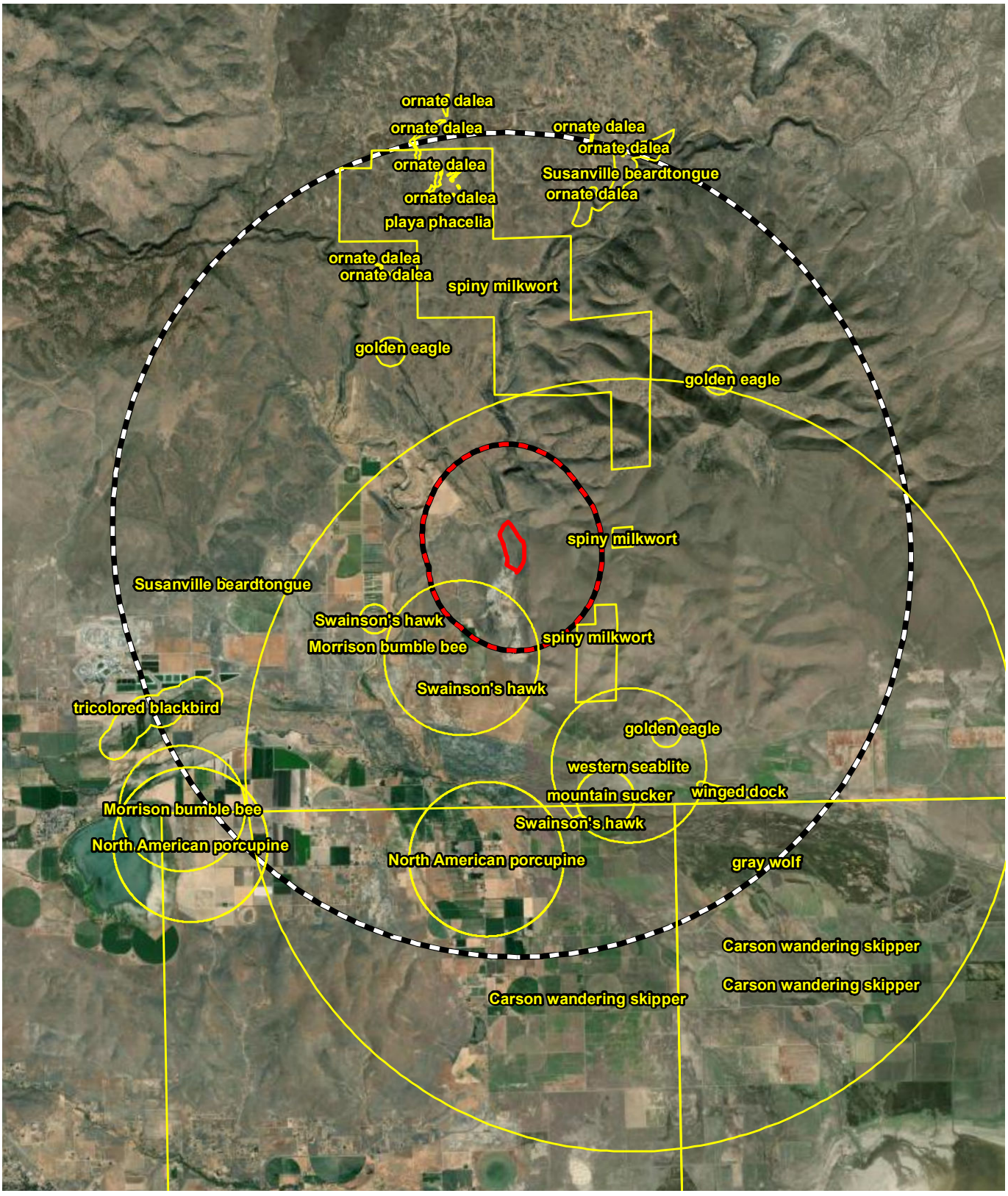

CNDDB Occurrence

Proposed Expansion Area

1-Mile Buffer Around Proposed Expansion Area

5-Mile Buffer Around Proposed Expansion Area

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0 0.75 1.5 3 Miles

SOURCE: MAXAR 2019 AERIAL PHOTOGRAPH; CNDDB AUGUST 2020

FIGURE 11
CNDDB OCCURRENCES
WARD LAKE QUARRY
LASSEN COUNTY, CALIFORNIA

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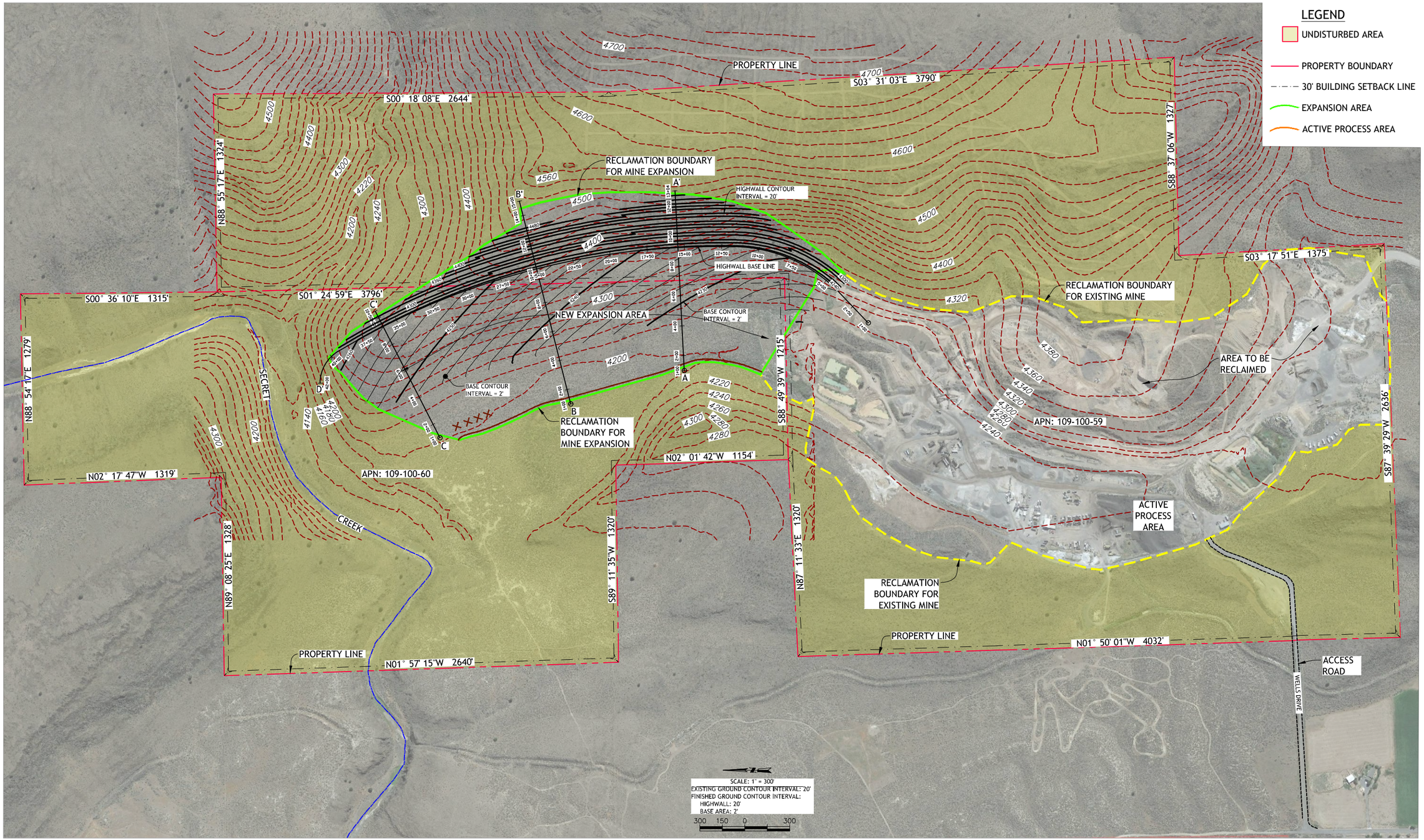

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FIGURE 12
FINAL TOPOGRAPHY
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LASSEN COUNTY, CALIFORNIA

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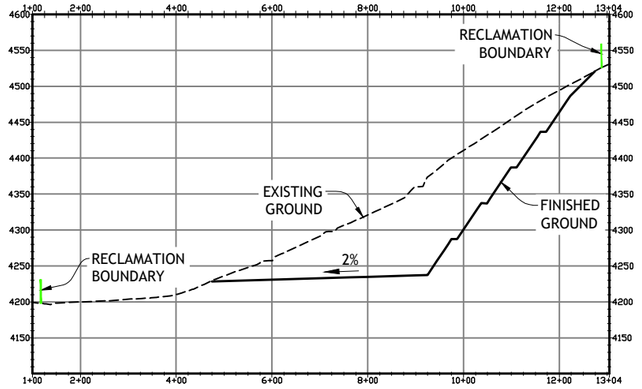
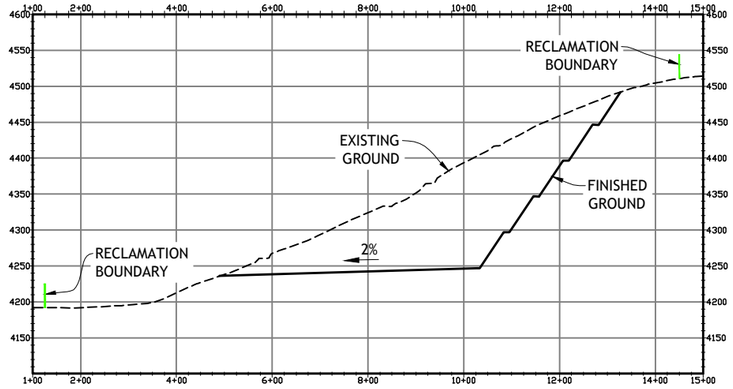


PROFILE A-A'
HORIZONTAL SCALE: 1" = 300'
VERTICAL SCALE: 1" = 100'



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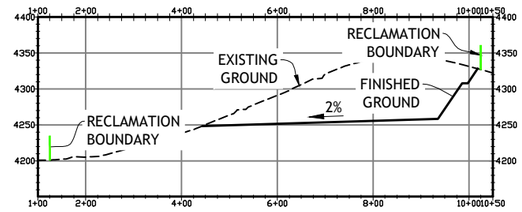
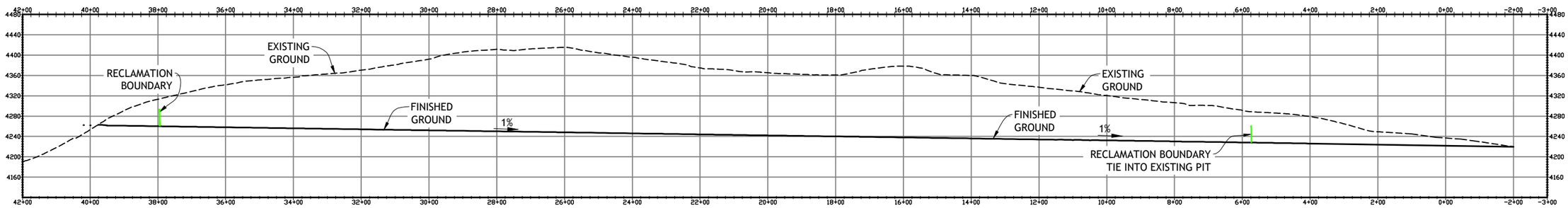
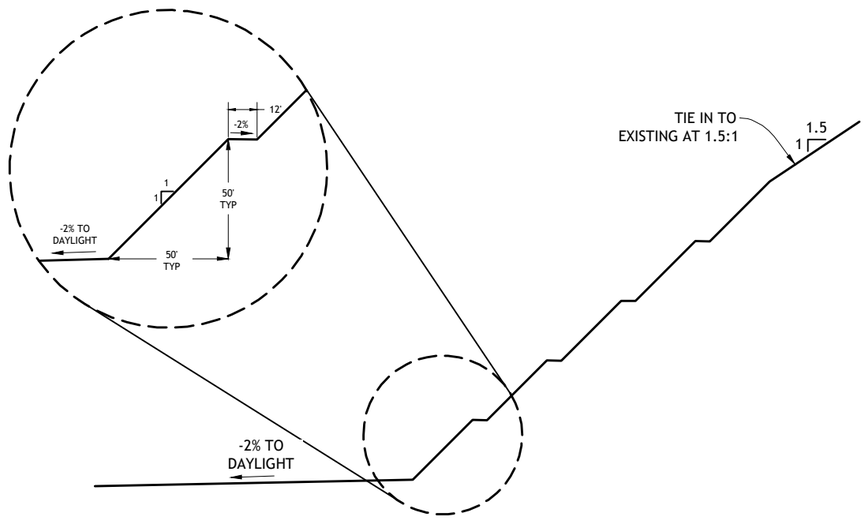
VERTICAL SCALE: 1" = 100'



PROFILE C-C'
HORIZONTAL SCALE: 1" = 300'
VERTICAL SCALE: 1" = 100'



PROFILE HIGHWALL BASE
HORIZONTAL SCALE: 1" = 300'
VERTICAL SCALE: 1" = 100'



HIGHWALL - TYPICAL SECTION
NOT TO SCALE

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VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET ADJUST SCALES ACCORDINGLY

VESTRA
www.vestra.com
(530) 223-2585
FAX (530) 223-1145
5300 AVIATION DRIVE ~ REDDING, CA 96002

NO.	DATE	REVISION	BY

DSGN: CS
DR: CS
CHK: SG
APVD: SG

FIGURE 13
CROSS SECTIONS
WARD LAKE QUARRY
LASSEN COUNTY, CALIFORNIA

SHEET
OF
DATE 10/05/20
JOB NO. 71305

P:\CAD\71305 HAT CREEK WARD LAKE\DWG\71305 WARD LAKE.DWG

Appendix A

Current Use Permit/Reclamation Plan

FILE NO. 96056

LASSEN COUNTY

USE PERMIT

APPLICATION

The following application form shall be used to apply for a Use Permit as per Chapter 18.112 of the Lassen County Code.

1. Proposed Use See attached Project Description and Explanatory Supplement

2. Name of Applicant MILLER'S CUSTOM WORK, INC.

   Mailing Address P.O. Box 1300, Susanville, CA 96130

   Phone No. 257-4207 Date April 12, 1996

   Day Phone same

3. If applicant is not the Property Owner of Record of the project site, please complete the following:

   Name of Property Owner DARREL E. MILLER, Successor Trustee of the Miller Family Trust UTA dated 6/21/79 as to an undivided 2/3 interest and DARREL E. MILLER as to an undivided 1/3 interest.

   Mailing Address P.O. Box 1300, Susanville, CA, 96130

   Phone No. 257-4207

   I hereby give the above applicant(s) permission to apply for and conduct upon my property the use applied for in this application.

   April 12, 1996
   Date

   X Darrel E. Miller
   Signature of Property Owner

4. Assessor's Parcel No. 109-100-40

5. Present Zoning U-C

6. Complete the use permit application supplement sheet and attach.

7. Attach a plot plan of the proposed project with a landscaping plan (if applicable).

8. Feel free to attach any photographs or attachments in relation to this application.

   I hereby understand that the use permit applied for is the same as described in this application and/or as modified in my revisions approved by the Planning Department prior to approval.

   April 12, 1996
   Date

   James C. Miller
   Signature of Applicant
   JAMES C. MILLER, President

(7/86)

E PERMIT APPLICATION SUPPLEMEN'

File # 90054

Complete the following application supplement. Answer all questions that relate to the proposed use. A thorough description of the proposed use will aid in the timely processing of the application.

PROPOSED USE ~~See attached Project Description and Explanatory Supplement~~

SITE LOCATION Western slope of Shaffer Mountain, East of Ward Lake (APN 109-100-40)

TIME FRAMES

Proposed timeframe for the project and each major phase (i.e. when structures and improvements will be completed): The project already substantially exists; project life per reclamation plan extends to 2020.

PROJECT SITE

Existing use of property: See attached project description

Uses of surrounding properties to the: north open range south surface mining east open range west farming

PROJECT INFORMATION (See Supplemental Project Description attached for further info)

Product or service to be provided: ~~Asphalt and Redimix Concrete; Crushed Aggregates;~~ sand

Hours of operation: 6:00a. m. to 6:00 p. m. Days of operation 5to6

Number of shifts: (currently) 1 Employees at largest shift: 10

Number of shifts: (proposed) 1 Employees at largest shift: 10

Number of deliveries or pick-ups: ~~perxdayxxxxxxxxxxxxperxweekxxxxxxxxxx~~

and Number of visitors/customers anticipated: per day appx 10 per week appx 55

Will the project result in a change in the ambient noise levels for adjacent properties? yes ____ no X If yes, please specify ____

Noise level in ~~Dbl.~~ Dba at: 50 feet ____, 100 feet ____, property line - dba = 50

~~"Measurements are currently being taken and will be provided"~~ ATTACHED

BUILDING INFORMATION

Existing Building and Improvements

Describe existing structures and improvements to be used in conjunction with this application: Access roads, utilities, batch plants, crushers, scales, etc., and related portable and removable equipment, fuel tanks, containment basins around hazardous fluids, per SPCC Plan (copy attached), operations trailer.

Floor Area: existing structures (sq. ft.) N/A

Seating capacity: (if applicable) N/A

Existing structures or improvements to be removed: N/A

Max. Height (ft.): Existing structures N/A

Proposed New Construction

Desribe proposed structures and improvements (e.g. parking, roads, water and sewer systems, etc.) None

Floor Area : new structures (sq. ft.) N/A

Seating capacity: (if applicable) N/A

(revised 1/87) (over)

Max. Height (ft.): proposed structures N/A

Description of exterior night lighting: N/A

Will grading or filling be required? ____ yes ____ cubic yards, X no

LANDSCAPING AND PARKING

Site Coverage: Total area to be covered by driveways, structures, etc. (%) N/A

Landscaping plan submitted: yes _____ no X N/A

Parking spaces: Existing spaces ____ employee ____ customer ____
Proposed spaces ____ employee ____ customer ____ N/A

Proposed parking plan submitted: yes _____ no X N/A

Describe proposed surface of parking area: N/A

SERVICES AVAILABLE

Indicate how the following services will be provided for your project and availability of service.

a. Electricity: Existing onsite by LMUD

b. Natural Gas: None

c. Water Supply: Existing wells

d. Sewage Disposal: Portable toilets

e. Solid Waste Disposal: Minimal - to Landfill as needed

If an extension of service lines is necessary, indicate which service(s) and the distance of the extension(s) N/A

SERVICE DISTRICTS

Please name if applicable

High School District: Lassen

Elementary School District: Shaffer

Fire Protection District: Standish/Litchfield

Water District: None

Community Services District: None known

Sanitation District: None

Other: None known

LICENSES OR APPROVALS REQUIRED

District: LCAPCD (ATO attached) Regional: LRWQCD

State: None known Federal: None known

Office Use Only *

Planning Area: _____ Fees: Application _____
Zoning District: _____ Environmental _____
Combining District: _____
Date Accepted: _____
Deed Reference: Book____ Page_____
Planning Area Standards: _____ Page: _____

Notes:

(revised 1/87)

PROJECT DESCRIPTION

The Re-permiting of existing surface mining operation to reflect current and future operations. The project includes quarrying of rock, excavation of sand and gravel, crushing, screening, washing, and stockpiling; transportation of a portion of the foregoing mineral materials offsite for commercial purposes. Utilization of a portion of the foregoing mineral materials for the onsite production of asphalt concrete and ready mix concrete; the occasional import of supplemental aggregates and materials for such concrete production; rezoning of project from U-C to U-C-2; implementation of existing reclamation plan (#94032) during the life of project, and at project life end which is currently projected to be in year 2020.

/klb/1324

SUPPLEMENT TO PROJECT DESCRIPTION

(THREE PAGES ARE AFFIXED HERETO)

The project is presently in existence at the project site substantially as proposed in the Project Description pursuant to an existing use permit, and other entitlements or authorizations. The project's restated permit sought hereby is subject to an existing and approved reclaimation plan which itself is subject to minor amendment for project mitigation purposes, if any are necessary.

This application, and its related applications, are submitted to bring the project under one use permit. The highlights of the changes sought via these applications vis-a-vis existing uses and/or authorizations, include but are not limited to, the following:

(a) increase height of exposed rock face from the existing 84 feet to 150 feet (See attached calculations and maps);

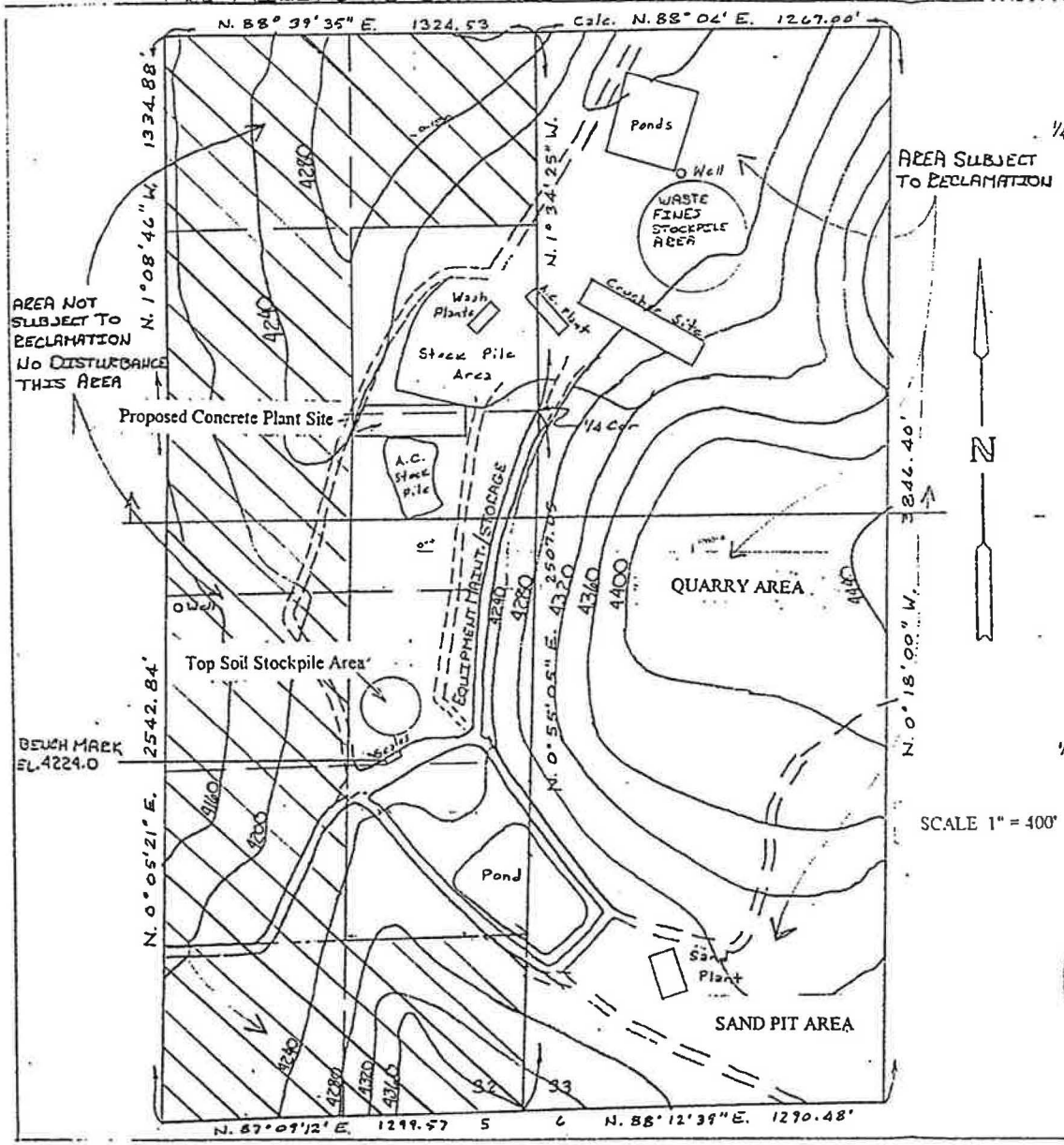
(b) onsite production of the ready mix concrete in addition to the existing approved production of asphalt concrete;

(c) recognition of year-round use of project site;

(d) recognition of 160 acre project site. All mining will be contained within the original authorized 80 acres of which presently approximately 27 acres has been utilized. The balance will be used for topsoil, overburden or equipment storage (See attached maps).

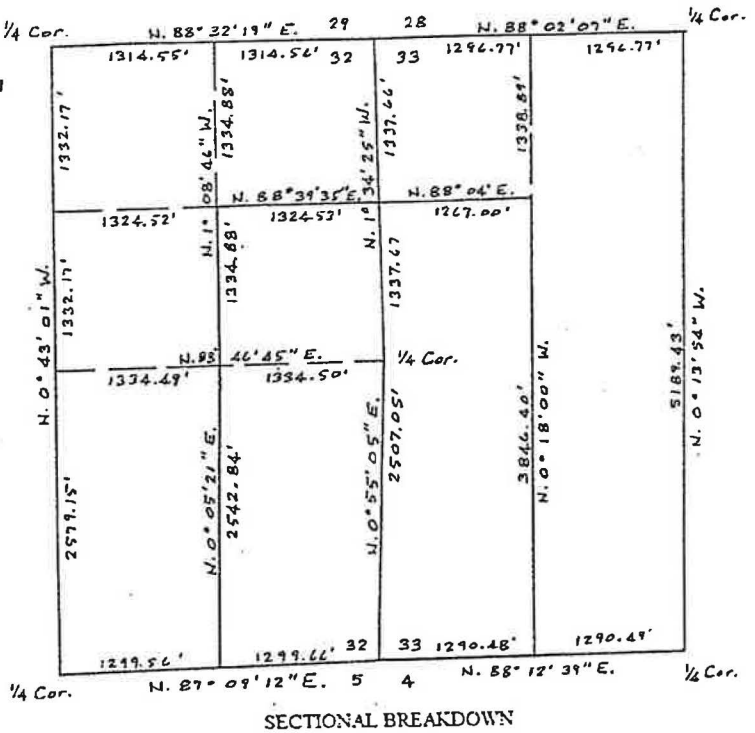
/klb/1324

PRE MINING TOPOGRAPHIC CONDITION



AREA SUBJECT TO RECLAMATION

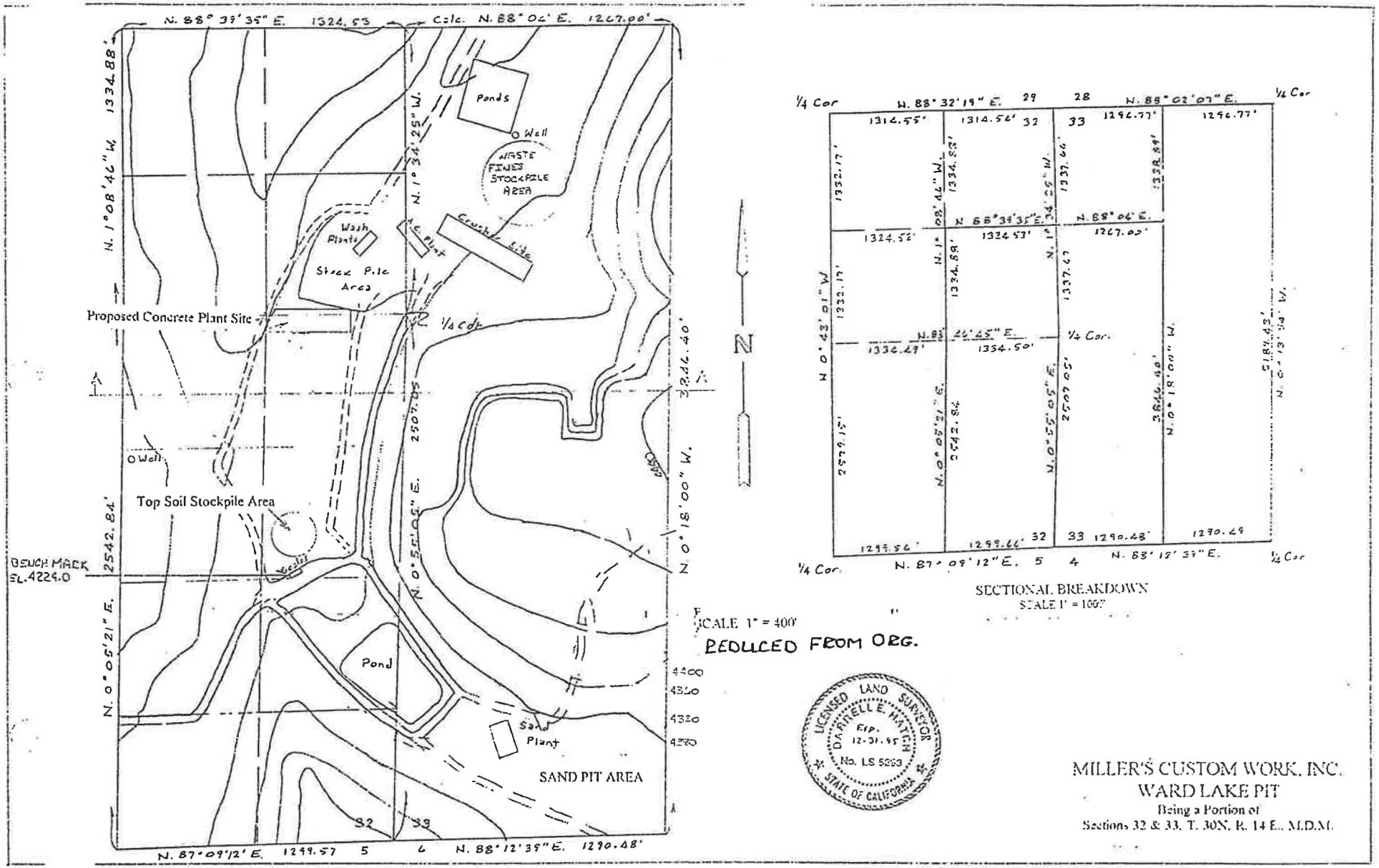
SCALE 1" = 400'



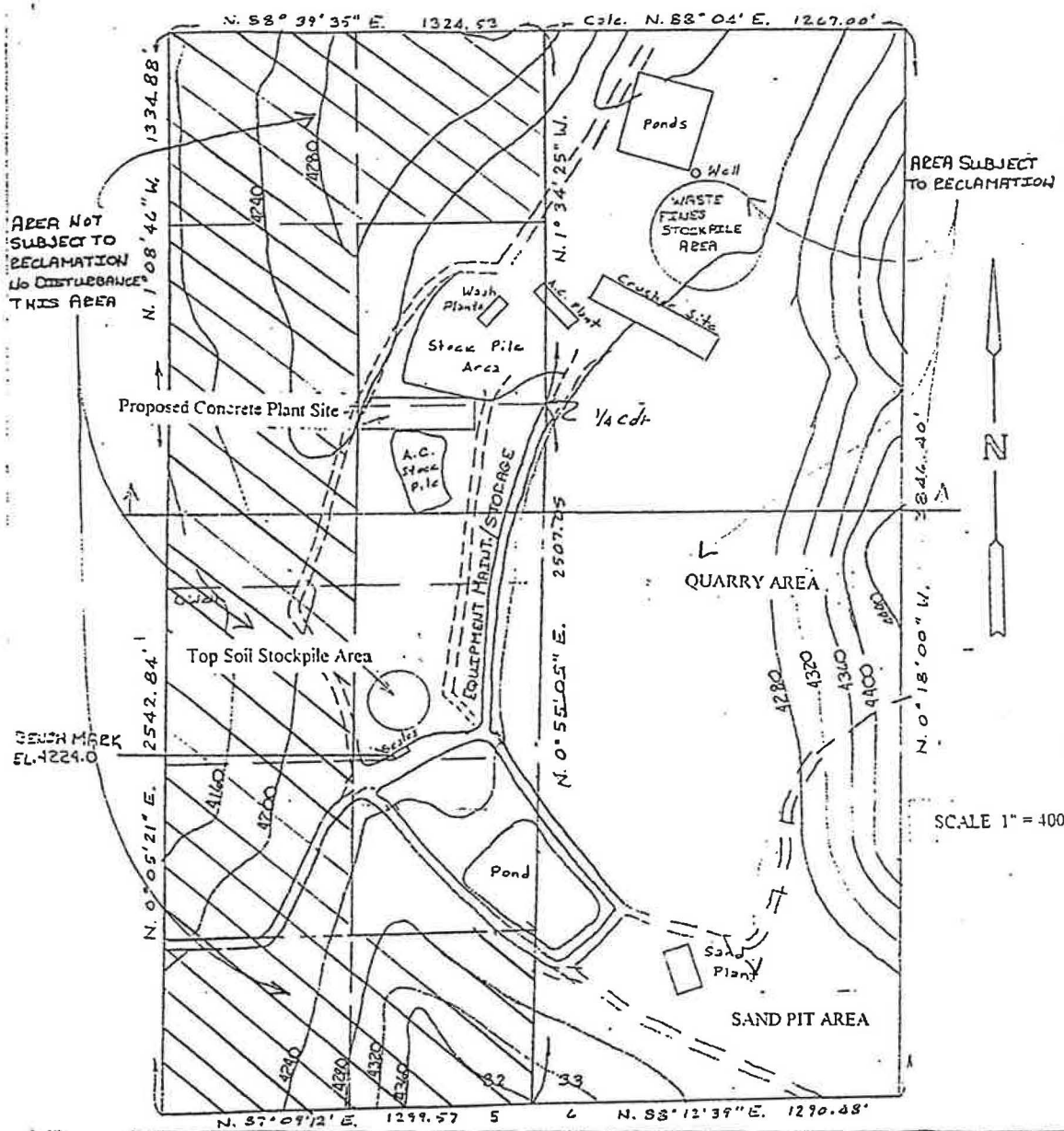
SECTIONAL BREAKDOWN
SCALE 1" = 1000'

LICENSED LAND SURVEYOR
DARRELL E. HATCH
Exp. 12-31-95
No. LS 5293
STATE OF CALIFORNIA

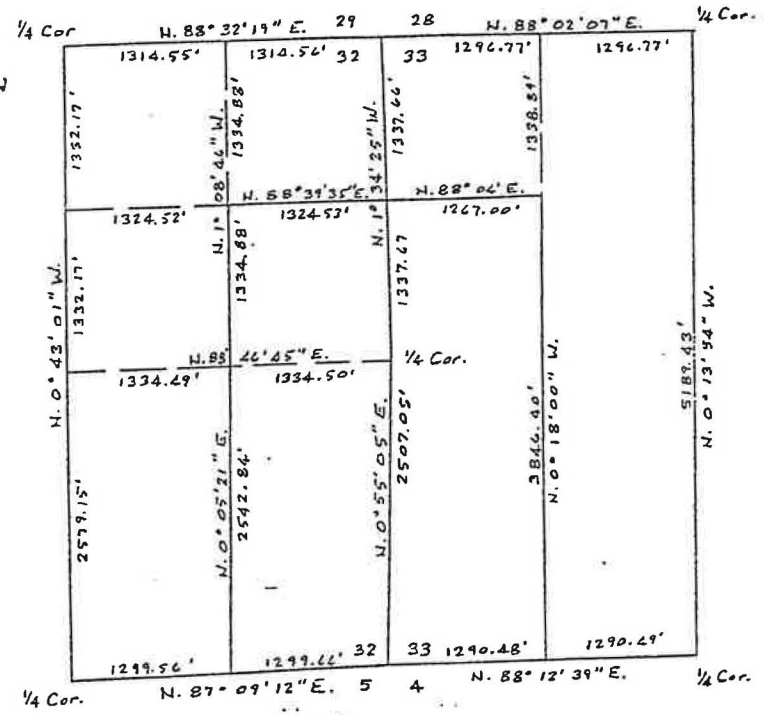
MILLER'S CUSTOM WORK, INC.
WARD LAKE PIT
Being a Portion of
Sections 32 & 33, T. 30N, R. 14 E., M.D.M.



TOPO CONDITIONS AS PRESENTLY EXIST (5/96)



POST MINING TOPOGRAPHIC CONDITION



SECTIONAL BREAKDOWN
SCALE 1" = 1000'

LICENSED LAND SURVEYOR
DARRELL E. HATCH
Exp. 12-31-95
No. LS 5253
STATE OF CALIFORNIA

MILLER'S CUSTOM WORK, INC.
WARD LAKE PIT
Being a Portion of
Sections 32 & 33, T. 30N. R. 14 E., M.D.M.

File copy
Supplemental info

CAL. LIC. #428856 NEV. LIC. #9144

MILLER'S CUSTOM WORK INC.

P.O. BOX 1300, 471-825 DIANE DR. SUSANVILLE, CA 96130
(916) 257-4207 VOICE (916) 257-7160 FAX

September 9, 1994

RECEIVED
SEP 12 1994
Lassen County
Department of Community Development

Mr. Richard Simon
Lassen County Dept. of Community Development
707 Nevada Street
Susanville, Ca. 96130

RE: Amendments to the reclamation plan and site maps

Dear Rick,

In response to your letter dated August 19, 1994 I have incorporated the following changes to the site plans and reclamation plan.

Item 16 a. The site plan includes pre mine and post mine contours;
Item 16 b. top soil stockpiles have been identified on the site plan;
Item 16 c. top soil stockpiles will be identified on the site and shall not be removed;
Item 16 d. areas targeted for reclamation and areas not to be disturbed have been identified on the site plans;
Item 16 e. cross sections of the excavation area have been drawn to reflect pre and post mine elevations.
Item 16 f. A bench mark has been set in the west wing wall of the scale foundation. The elevation is 4224.0. It has been set where it can't be disturbed by the activities.
Item 17. Section 20 of the reclamation addresses the disposition of the water wells on the site.
Item 18. Section 21 j. addresses crimping seeds into the resoiled areas of reclamation.
Item 19. We will coordinate with the Bureau of Land Management for recontouring and reclaiming the area in the southern part of the sand pit area.
Item 20. Section 20 of the reclamation plan addresses the end use of the site as open space and wildlife habitat.
If I have missed anything please contact me as time is of the essence.

Sincerely,

James C. Miller

James C. Miller
President

File copy
Subsequent App - Replaces original

RECEIVED
JUL 15 1994
Lassen County
Department of Community Development

LASSEN COUNTY

USE PERMIT

COPY MADE

APPLICATION

not in Packet 8-3-94

The following application form shall be used to apply for a use permit as per Chapter 18.112 of the Lassen County Code.

1. Proposed Use Mining, Sand & Gravel, Asphalt, Concrete Etc.

2. Name of Applicant Miller's Custom Work Inc.

   Mailing Address P.O. Box 1300, Susanville Ca. 96130

   Phone No. 916-257-4207 Date _____

   Day Phone 916-257-4207

3. If applicant is not the Property Owner of Record of the project site, please complete the following:

   Name of Property Owner _____

   Mailing Address _____

   Phone No. _____

   I hereby give the above applicant(s) permission to apply for and conduct upon my property the use applied for in this application.

   _____ James C. Miller
   Date Signature of Property Owner

4. Assessor's Parcel No. 109-100-40

5. Present Zoning A-1

6. Complete the use permit application supplement sheet and attach.

7. Attach a plot plan of the proposed project with a landscaping plan (if applicable).

8. Feel free to attach any photographs or attachments in relation to this application.

   I hereby understand that the use permit applied for is the same as described in this application and/or as modified in my revisions approved by the Planning Department prior to approval.

   7/15/94 James C. Miller
   Date Signature of Applicant

(7/86)

L A S S E N C O U N T Y

APPLICATION SUPPLEMENT
FOR
SURFACE MINING USE PERMIT AND RECLAMATION PLAN

1. APPLICANT: Name Miller's Custom Work Inc.

Address P.O. Box 1300, Susanville Ca. 96130

Telephone 916-257-4207

PROPERTY OWNER: Name Miller's Custom Work Inc.

Address P.O. Box 1300, Susanville Ca. 96130

Telephone 916-257-4207

OWNER OF MINERAL RIGHTS: Name U.S. Department of the Interior, BLM

Address 705 Hall Street

Susanville Ca. 96130

Telephone 916-257-5381

MINE OPERATOR: Name Miller's Custom Work Inc.

Address P.O. Box 1300

Susanville Ca. 96130

Telephone 916-257-4207

2. ASSESSORS PARCEL NUMBER(S) 109-100-40

3. LEGAL DESCRIPTION OF PROPERTY: Sec.32: SE1/4 of the NE1/4; The East 1/2 of the SE1/4; Sec.33: The SW1/4 of the NW1/4; the West 1/2 of the SW1/4; Township 30 North, Range 14 East MDBM.

4. PRESENT USE OF THE SITE: Mining operation including Quarrying, Crushing, screening, washing and stockpiling rock, sand and gravel and asphalt concrete hot plant operation.

5. PRESENT LAND USES IN THE VICINITY OF THE SITE: Mining, agricultural use to the South and West of the site.

MINING OPERATION INFORMATION

6. PROPOSED STARTING DATE (OR DATE OPERATION BEGAN): 1981

PROPOSED TERMINATION DATE: 2020

7. DESCRIBE THE MINERAL COMMODITY(IES) TO BE MINED: Basalt rock formations, sand and gravel depostis.

8. APPROXIMATE QUANTITY OF MINERAL COMMODITY TO BE MINED:

Annually 100,000 cu.yds. / (tons) (circle one)

Project Total 2,600,000 cu.yds. / (tons) (circle one)

9. APPROXIMATE QUANTITY OF OVERBURDEN TO BE MINED:

Annually 1000 (cu.yds.) / tons

Project Total 26000 (cu.yds.) / tons

10. EXPLAIN THE MINING METHODS PROPOSED (open pit, dredge, etc.):

Open pit methods have been used and will continue to be used.

11. DESCRIBE ALL PROCESSING TO BE DONE ON-SITE (Include equipment used):

A: Rock from the quarry is fed to a primary jaw crusher by front end loader, from the primary crusher the rock is conveyed to secondary cone and impact crushers where the rock if further crushed to smaller particle sizes. The aggregate is then screened to size and conveyed to piles where the loaders pick it up and haul to stockpiles. Continued on a seperate sheet of paper.

12. DESCRIBE PROPOSED USE OF MINED MATERIAL(S): The materials are used for the manufacture of asphalt concrete, aggregate base, ready mix concrete leach field rock, chips for seal coating highways, gravel for driveways etc.

13. WILL OPERATIONS BE:

continuous _____

intermittent _____ (explain) _____

seasonal ___x___ (explain) As weather permits

14. AMOUNT OF SURFACE AREA TO BE DISTURBED BY MINING OPERATIONS INCLUDING EXTRACTION, PROCESSING, STOCKPILES, ACCESS/HAUL ROADS, OFFICES, ETC.:

Annually _____ acres

Each Phase _____ acres

Total 160 acres

15. MAXIMUM ANTICIPATED DEPTH OF MINING ACTIVITY (Measured from pre-mined surface):

Approxamently 150 feet.

11. Processing Description Continued

B: Sand from the sand pit is loaded into a hopper by front end loaders. The sand is then conveyed to a screening plant and sized and separated into size classifications. The Pea Gravel is conveyed to a stockpile and the Concrete Sand is run through a sand screw to remove any clay particles. The Concrete Sand is then taken to the stockpile area by front end loaders.

C: Aggregates sized for use in the Asphalt Concrete processing are loaded into the proper bin according to their respective gradation. The aggregates are then fed proportionantly to the drier drum where the material is dried and mixed with the liquid asphalt. The mixture is then dumped onto a drag slat conveyor and conveyed to the storage and loadout silo where the mixture is loaded into the haul trucks and shipped to various jobsites.

D: Some of the aggregates and sand will be used in the Ready Mix Concrete portion of the processing operation.Concrete Rock and Concrete Sand is fed to the bins and weighed proportionantly according to the mix design. After the materials are weighed they are conveyed to the mixer truck where the rock, sand, cement and water are mixed together and shipped to the various customers.

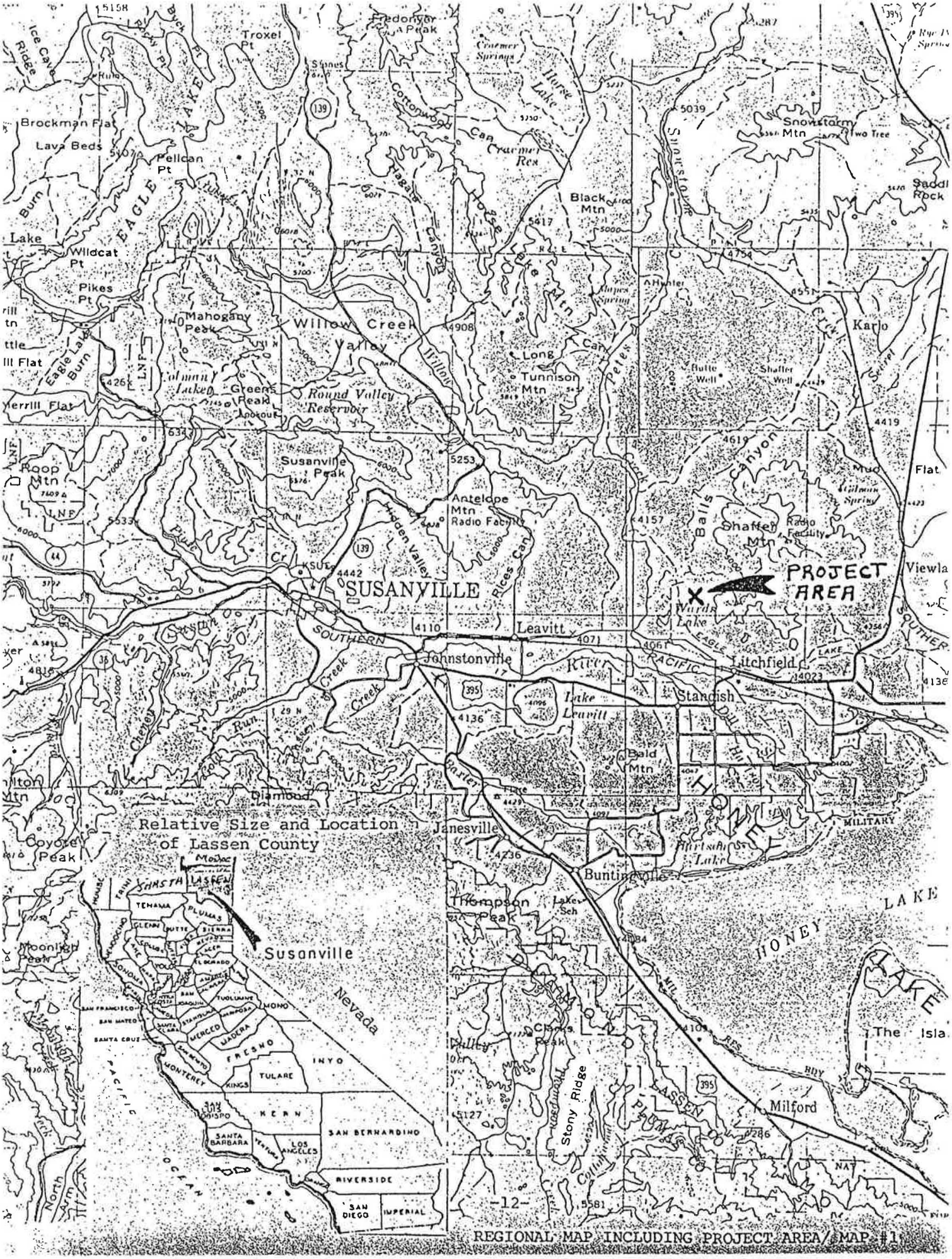
E. There will possibly be a need to import materials from other locations to blend with aggregates to meet certain specifications. These materials will be stockpiled at the crusher sites.

ENVIRONMENTAL SETTING

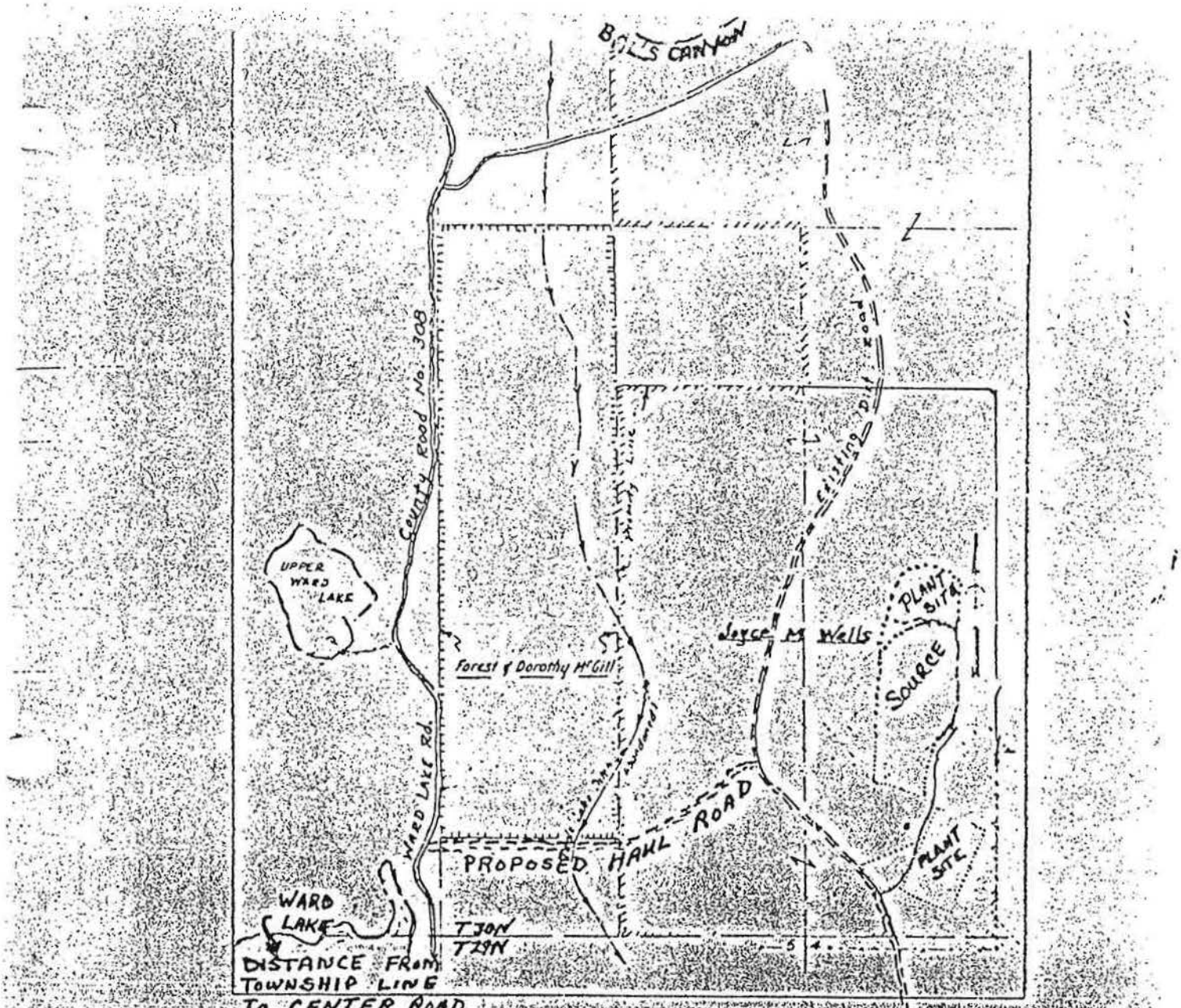
Within the project area and surrounding property, rocky and gravely soils combined with a lack of water source have limited the amount of natural plant life. It's an area of marginal grazing land with a cover of annual native grasses, Rabbit brush, Sage brush and bitter brush. Areas surveyed show Sage brush quantities within the site to be about 1254 plants per acre, Bitter brush to be about 13 plants per acre and rabbit brush to be about 52 plants per acre. Total plants per acre seem to be about 1319 plants per acre on the average and the area of plant coverage could be about 70 percent. At the time of the original use permit application process Bureau of Land Management Botanist and California Dept. of Fish and Game Wildlife Biologist surveyed the area and found no known endangered or rare plants per their listing included at the proposed project site. On June 21st, 1994 B.L.M. botanist Gary Schoolcraft completed another site investigation for Threatened, Endangered, Rare, or Sensitive Plants, especially looking for **Dalea Ornata** and it's habitat within the project site. No T/E, rare or sensitive plants were found or are suspected on the property. Immediate surrounding properties are similar in nature and considered marginal grazing land. Pronghorn Antelope, Mule Deer, Quail, Chukkar, Doves, and Cottontail rabbits are the game animals generally found within the project type habitat. The Great Basin Life Zone also supports numerous non-game mammals, birds and reptiles.

Assessor's parcel number 109-100-40 includes 240 acres within Sections 32 and 33 in Township 30 North, Range 14 East. The project site is on the Western slope of Shaffer Mountain. The topography of the site is flat to moderately steep sloping upward from the base of Shaffer Mountain.

Adjacent properties are privately owned parcels to the west and north, and east, and federally managed lands to the south managed by the B.L.M. The immediate surrounding properties are without current development. Lower areas to the west and south have been utilized for ranching and farming operations. A low ridge separates the actual plant sites from surrounding lands eliminating a direct view of planned operations form surrounding properties to the west and south. The nearest residence is aproxamently 1/4 mile west of the western property boundary. There are no cultural resources within the project boundaries.



REGIONAL MAP INCLUDING PROJECT AREA/ MAP #1



SECTION B-B'

SECTION A-A'

Note: It will not be necessary to remove material to the lower limit, but excavated areas must have smooth slopes and must be graded to drain.

TYPICAL CROSS SECTIONS OF EXCAVATION

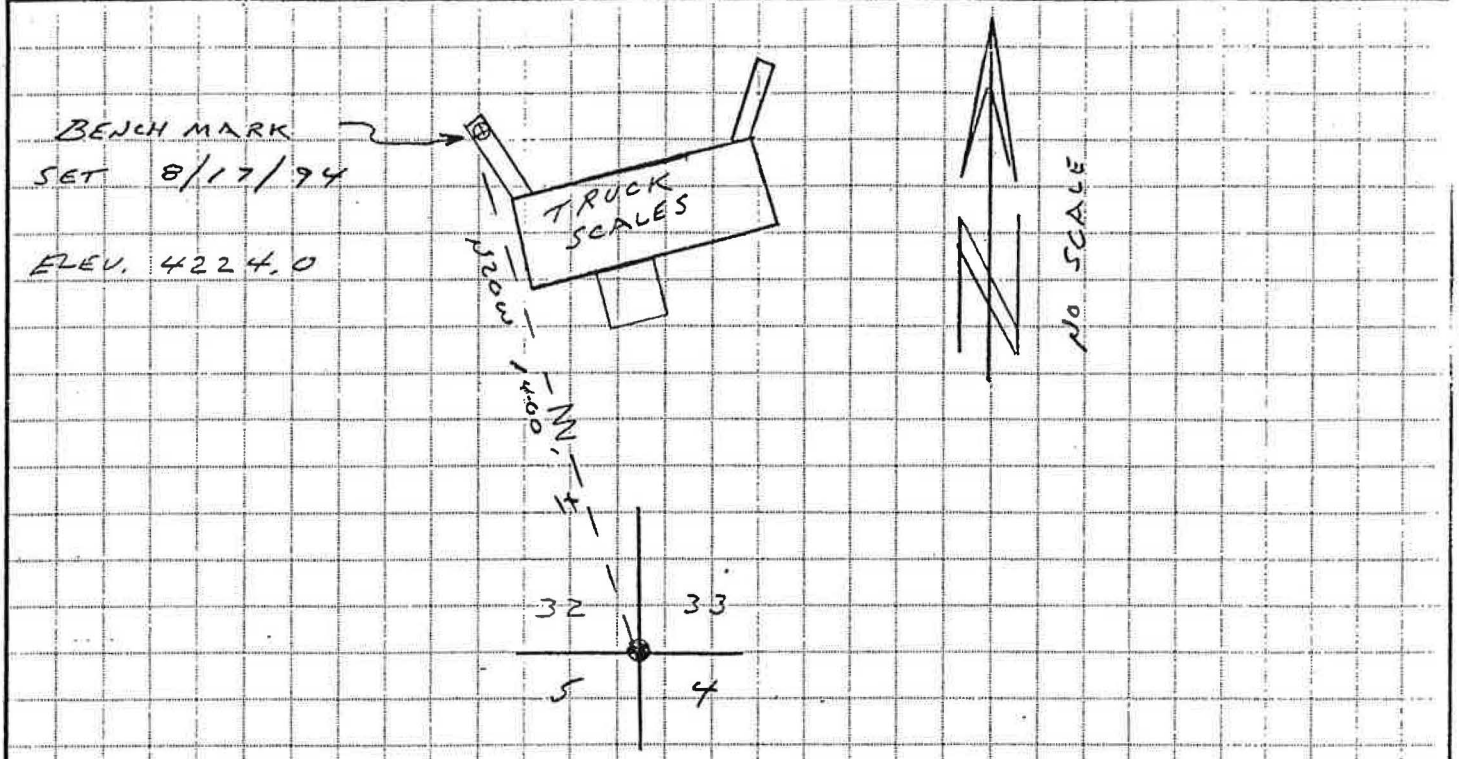
Scale in Feet

MILLER'S CUSTOM WORK
35 GRAND AVENUE
SUSANVILLE, CALIF. 96130

PROJECT AREA MAP #1-C

NST ENGINEERI. , INC.
Engineering - Planning - Surveying
1495 Riverside Drive
SUSANVILLE, CA 96130
(916) 257-5173

JOB MILLERS CUSTOM WORK
SHEET NO. WA. LAKE PIT OF
CALCULATED BY DATE 8/18/94
CHECKED BY DATE
SCALE



BENCH MARK - USGS DATUM - WARD LAKE PIT - LASSEN COUNTY

SET PK NAIL AND SHINER IN THE CENTER OF THE N. END OF A 9" WIDE x 6' LONG x 4' DEEP CONCRETE WING WALL, AT THE N.WLY. CORNER OF THE TRUCK SCALES FOR THE WARD LAKE PIT.

SAID BENCH MARK BEARS APPROXIMATLEY N20°E 1400' FT. FROM THE S.E. CORNER OF SECTION 32, T. 30 N., R. 14 E., M.D.M.

SURVEYED BY. Stephen H. Schmidt
STEPHEN H. SCHMIDT

LICENSED LAND SURVEYOR
STEPHEN H. SCHMIDT
EXP 9/30/94
No. 4643
STATE OF CALIFORNIA

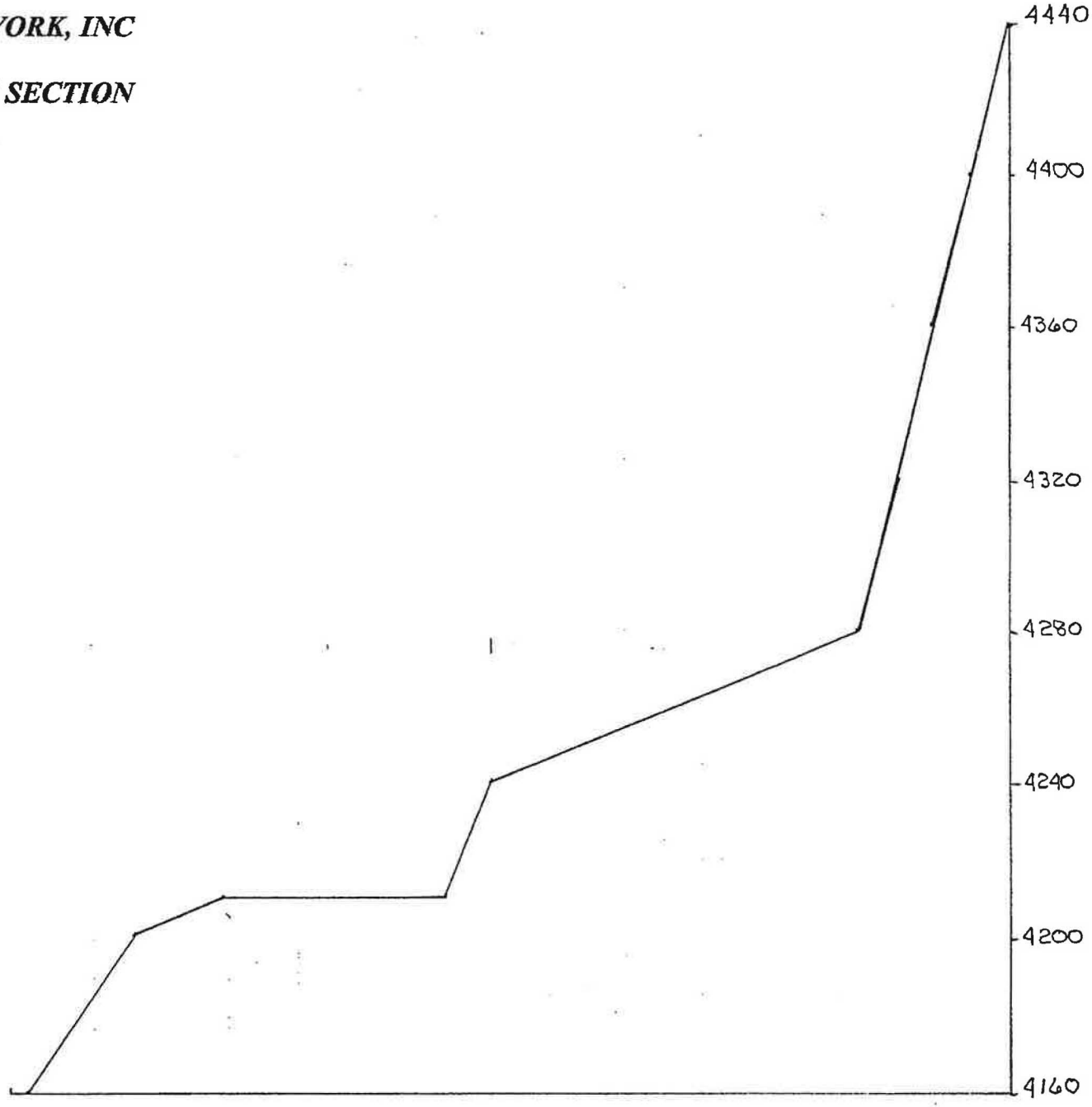
94-04-18

MILLER'S CUSTOM WORK, INC
WARD LAKE PIT
POST MINING CROSS SECTION

SCALE

H--1"=400'

V--1"=40'

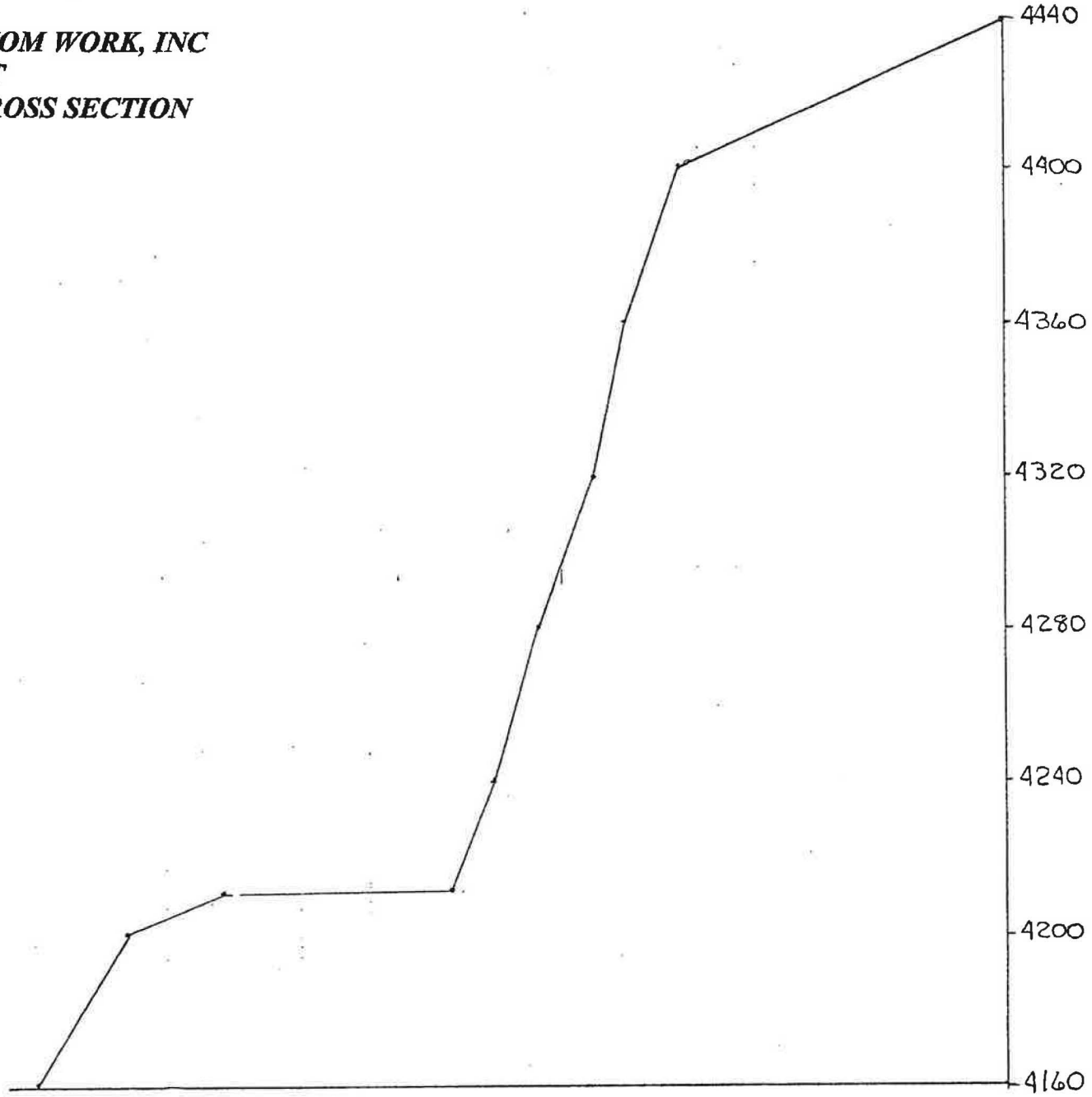


MILLER'S CUSTOM WORK, INC
WARD LAKE PIT
PRE MINING CROSS SECTION

SCALE

H--1"=400'

V--1"=40'



17. GEOLOGICAL DESCRIPTION

The project site is located where the Modoc Plateau meets the Great basin. This is an area of Cenozoic volcanic rock, the lower levels of which have been converted to gravel by shoreline action of ancient Lake Lahontin. The Deposits to be mined are located just above the high water line of Lake Lahontin in large deposits of Pleistocene volcanic basalt, sand and gravel. Some of the deposits appears as ledge rock, the exposed edges of a volcanic flow, and sand and gravel deposits from the shore line of the lake.

18. BIOPHYSICAL CHARACTERISTICS

Within the project area and surrounding property, rocky and gravely soils combined with a lack of water source have limited the amount of natural plant life. It's an area of marginal grazing land with a short sparse cover of annual native grasses, Rabbit brush, Sage brush and bitterbrush. Areas surveyed show Sage brush quantities within the site to be about 1254 plants per acre, Bitter brush to be about 13 plants per acre and rabbit brush to be about 52 plants per acre. Total plants per acre seem to be about 1319 plants per acre on the average and the area of plant coverage could be about 70 percent. At the time of the original use permit application process Bureau of Land Management Botanist and California Dept. of Fish and Game Wildlife Biologist surveyed the area and found no known endangered or rare plants per their listing included at the proposed project site. On June 21st, 1994 B.L.M. botanist Gary Schoolcraft completed a site investigation for Threatened, Endangered, Rare, or Sensitive Plants, especially looking for **Dalea Ornata** and it's habitat within the project site. No T/E, rare or sensitive plants were found or are suspected on the property. Immediate surrounding properties are similar in nature and considered marginal grazing land. Pronghorn Antelope, Mule Deer, Quail, Chukkar, Doves, and Cottontail rabbits are the game animals generally found within the project type habitat. The Great Basin Life Zone also supports numerous non-game mammals, birds and reptiles.

19. TIME SCHEDULE

We anticipate the operation of the quarry and sand and gravel plants at this location to operate to the year 2020. Based on the estimated reserves within the property at the current production, the pit should be depleted within the next 26 years.

20. PROPOSED END USE

When the rescources are depleted and reclamation has been acomplished the land will be designated for open space and wildlife habitat. The existing water wells on the site will be preserved in working order to supply water for and reclamation. When reclamation is complete the wells will be capped and left in place.

21. RECLAMATION PLAN

a. Reclamation of disturbed areas will consist of spreading top soil from the site and mineral wastes form the mining process over the disturbed areas and reseeded with native vegetation, ie, sage brush, rabbitt brush and bitter brush. The final slope will be track walked with a track type tractor to facilitate water infiltration and provide sites where seeds can collect.

b. As material is wasted from the processing operation, it will be placed in stockpiles or used for building pads for the crushing equipment and used later for the reclamation.

c. When the equipment is eventually removed from the site, the waste materials will be spread over the disturbed areas affected by the mining operation.

d. There is a need to store fuel and oils for the heavy machinery at the project site. We also have storage facilities for liquid asphalt used in the production of asphalt concrete. These materials are stored in large tanks on the site. The fuel tanks will be enclosed within berms. Any fuel can be contained within the bermed area should a spill occur.

e. We have constructed a series of retention ponds on the site to catch storm water runoff. The topography of the site is a gentle to moderately sloped area. The rainfall in the area is minimal and erosion within the site is minimal.

f. Mining wastes generated through washing operations are contained in settling ponds on the site. The water in the ponds is recirculated and used repeatedly.

g. Runoff from the site is contained within the site and does not reach any surface waterways. The NPDES permit application is in the process at this time.

h. There are no streambeds, banks, channels or drainages within the project site that have been impacted by the mining operation.

i. When the pit is depleted the ground will be recontoured to a gentile rolling slopes. The slopes within the quarry area will be of hard rock therefore will not require any slope stabilization. The angle of repose will be a minimum ratio of 2 feet horizontal to 1 foot verticle. The slopes within the sand pit will shaped to 2:1 ratio also. The slopes within the sand pit are not as stable as the quarry, therefore will require seeding for stabilization. There are no waste dumps within the site. The crusher tailings will be used in the reclamation of the site. The road system within the property has very minimal cuts and the roads can be used after the resources are depleted and the property is used for other purposes.

j. Disturbed lands and the actual pit areas will be reseeded with species native to the surrounding and undisturbed areas. After topsoil has been applied and seeds have been planted, a track type tractor will be used to track walk and crimp the seeds into the resoiled areas.

k. Hazardous conditions that will exist at the site will be the final angle of repose of the quarry walls at the eastern side of the quarry. A barbed wire fence will be constructed along this eastern side to protect the public and wildlife from accidentally entering any hazardous areas.

l. Reclamation will be accomplished when segments of the site resources are depleted, i e when the sand pit area or the quarry areas are depleted.

m. As certain phases of the operation are completed the equipment will be removed from the property and taken to other sites or disposed of.

n. The area south of the sand pit that has been excavated will be reclaimed as follows. Sufficient materials exist adjacent to the excavation to restore the slope to 2:1. Top soil

removed from the area will be spread over the area and the slope will be track walked with a tractor to roughen the slope.

22. RECLAMATION AND FUTURE MINING

The proposed reclamation of the site should not impede future development of mine sites within the area. The BLM has a site to the south of our property and surrounding properties could be utilized for mining purposes.

23. PERFORMANCE STANDARDS FOR RECLAMATION

Every effort will be made to reclaim vegetation at the site as it was prior to disturbance. Performance standards can be set to guide the revegetation effort and to set goals at specific time periods for plant establishment and quantity of cover.

5 YEARS

At the end of five years there should be about 15 percent coverage of new growth of sage brush, bitter brush and rabbit brush.

10 YEARS

Between the 5 year and 10 year period more seeds will be planted to try and obtain about 50 percent coverage.

15 YEARS

At the end of 15 years I would expect 70 percent plant coverage, the same as existing undisturbed areas.

The performance standards will be monitored continuously to ensure the goals for full revegetation can be achieved within the time frame set fourth.

MAPS / DIAGRAMS REQUIRED

(submit maps at appropriate scale, but at least one set of all maps should be submitted on paper no larger than 11" by 17" to facilitate reproduction)

16. SUBMIT MAPS DRAWN TO SCALE SHOWING:

    a. Boundaries of the affected lands;
    b. Vicinity map showing general location of the site;
    c. Topography of the area and the site with detail of mined lands;
    d. Location of existing land features including streams, drainages, ponds/lakes, wet areas, roads, railroads, utilities buildings and existing significant ground disturbance, on and immediately adjacent to the site;
    e. Location of new access/haul roads to be constructed;
    f. Delineation of areas within the site proposed for:

        1. excavation/pit;
        2. waste dumps;
        3. materials stockpiles (including stockpiled top soil or other growth media intended to be used in reclamation);
        4. materials processing;
        5. siltation ponds (if proposed), and other sediment control facilities;
        6. equipment maintenance/storage;
        7. structures
        8. utilities
        9. wells

    g. Map(s) and cross-section(s) of mining site including contours (a) before mining and (b) after reclamation. Indicate existing and proposed maximum slope ratios after reclamation.
    h. Copy of Assessors map(s) showing the entire site.

17. Attach a description of the geology of the area generally surrounding the mine site, and a detailed description of the geology of the mine site itself.

18. Describe in detail the pre-mine biophysical characteristics of the project site and explain how these characteristics relate to surrounding lands. Emphasis should be on vegetation, wildlife, known rare, endangered and threatened species of plants and animals occurring on the site or in the vicinity, wet areas, surface drainage system(s). Refer to and include copies of any reports, surveys, and other documentation used in your description. If mining or other ground disturbing activities have already taken place, the characteristics of similar lands adjacent to the mining site may be used.

19. Provide a time schedule of proposed mining activities on each segment of mined lands or each phase of the operation.

20. Provide a detailed description of the proposed use or uses of the mined lands after mining activities have ended and reclamation is complete. Refer to the Reclamation Standards For Surface Mine Operations Within Lassen County, available from the County Planning Department, and attach any supporting documentation applicable to the proposed end use.

21. Describe how reclamation of mined lands will be accomplished. This section should address at least the following:

    a. reclamation techniques that will be used to accomplish the proposed end use;
    b. storage and protection of top soil or other growth media;
    c. resoiling or other techniques to provide viable growth media on disturbed lands;
    d. control of contaminants, if any;
    e. erosion control during and after mining activities;
    f. disposition of mining wastes;
    g. protective measures against contamination of surface and ground water. Include Regional Water Quality Control Waste Discharge and/or NPDES permit number(s);
    h. rehabilitation of any affected streambeds, banks, channels, drainages;
    i. reshaping/contouring disturbed lands -- stabilization of mined slopes, waste dumps, tailings, road cuts, etc.;
    j. revegetation of disturbed lands with species appropriate for the site and the proposed end use;
    k. protective measures for long term mitigation of hazardous conditions (highwall stability, cut/fill slopes, etc.);
    l. reclamation time schedule (related to each segment of mined lands or phase of operations);
    m. disposition of equipment used in all phases of operation.

22. Provide a statement describing how reclamation of this site in the manner proposed will affect future mining in the area.

FINANCIAL ASSURANCES

23. 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 is performed 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, trust funds, certificates of deposit, or other forms of financial assurance acceptable to the State Board and Lassen County.
The financial assurance shall remain in effect for the duration of the surface mining operation and any additional period, to be determined by the lead agency, until reclamation is determined to

be complete. The amount of the financial assurance shall be sufficient for the lead agency to hire an independent contractor to perform reclamation according to the approved plan in the event that the mine operator/permittee defaults on reclamation. It is the responsibility of the mine operator/permittee to provide estimates of the cost of carrying out reclamation according to the approved reclamation plan to Lassen County in order to determine the amount of the reclamation bond. Estimates must be prepared by a qualified third party not otherwise employed by the mine operator. Such person may be a registered engineer, registered geologist, or other person with similar qualifications who is familiar with reclamation techniques and associated costs.

Financial assurances shall be made payable to Lassen County and the State Geologist. Financial assurances, along with copies of the third party estimate of costs must be submitted to Lassen County for review and approval prior to issuance of the "Authorization To Operate." Reclamation assurances may be subject to annual review and adjustment in consideration of operation compliance, inflation, reclamation already performed, etc.

STATEMENT OF RESPONSIBILITY

24. I, James C. Miller, do hereby accept full responsibility for reclaiming the lands herein described in accordance with the approved reclamation plan for this operation, and the conditions imposed by Lassen County as lead agency.

James C. Miller (Signature) 7/15/94 (Date)

(Position/Relationship to Operation) Corporation President

(revised 5-92)

820.03/application

FILE NO. 79-80-44 (11-02-85)

USE PERMIT

A Use Permit is hereby granted to the applicant identified below for an amendment to the applicant's original Use Permit #79-80-44, which allows the excavation, etc. of rock for asphalt concrete and aggregate materials and the operation of an asphalt concrete batch plant, 2 miles northwest of Litchfield, CA, in accordance with Lassen County Code Chapter 18.112 and subject to the conditions of approval specified below.

Applicant: Miller's Custom Works, Inc.

Mailing Address: 35 Grand Ave., Susanville, CA 96130

This Use Permit shall apply only to the project described in the Use Permit Supplement sheet and related graphics for the proposed project attached hereto. Modification of the use hereby permitted shall be made by amendment to this Use Permit or by application for an issuance of a new Use Permit.

This Use Permit shall be subject to the following conditions of approval (refer to attachment if necessary):

That Condition No. 5, as recorded, be deleted and replaced with the following condition:

> That County Road 308 (Ward Lake Road) be surfaced with asphaltic surfacing to the approval of the County Road Department. Said surfacing may be co-ordinated with the Road Department. All work will be accomplished by November 1, 1986. The operator of the project shall be responsible for adequate dust control on the haul road for 500 feet east of Ward Lake Road and on Ward Lake Road until the paving is completed.

cc: Lassen County Road Department

Note: In any case where a use allowed by this use permit does not comply with the conditions of the permit the Planning Commission shall take action to revoke the permit and terminate the use as per Lassen County Code Section 18.112.060.

The proposed use addressed herein has been reviewed by the Lassen County Planning Commission and has been approved for a use permit as per Lassen County Code Chapter 18.112, subject to the conditions of approval specified above.

Date Approved: January 8, 1986 Date: January 22, 1986

Approved By: Planning Commission

Signature of Planning Director

CONDITIONS FOR USE PERMIT #79-80-44
MILLER'S CUSTOM WORK

Omit 1. That this use permit is non-transferrable without the prior consent of the Lassen County Planning Commission;

✓2. That the applicant comply with the requirements of Lassen County Ordinance No. 440 and apply for, receive and accept a Surface Mining Permit and Reclamation Plan before this Use Permit becomes valid;

✓3. That the applicant meet all the requirements of the Lassen County Air Pollution Control Officer;

✓4. That the applicant meet all requirements of the Lahontan Regional Water Quality Control Board and the Lassen County Sanitarian;

✓5. That County Road 308 (Ward Lake Road) and the haul road for 500 feet east of County Road 308 be surfaced with a minimum of .17 asphaltic concrete to a width of 24 feet by the applicant to a traffic index of 6.5. Said surfacing to be completed within one year of the issuance of this permit;

✓6. That dust and fumes around the plant site and along the roads to and from the site be controlled to the satisfaction of the Lassen County Board of Supervisors;

✓7. That the noise level will not exceed 65 db at the property line between the hours of 10:00 P.M. and 7:00 A.M.;

✓8. That no explosives shall be detonated between the hours of 6:00 P.M. and 7:00 A.M.;

✓9. That the proposed haul road depicted in Project Area Map #1-C in the E.I.R. be the only road used in conjunction with the project;

✓10. That excavation, crushing, stockpiling and AC manufacturing be limited to an area described as follows:

T.30N., R.14E., M.D.B.&M.
Section 33: The SW¼ of the NW¼;
The NW¼ of the SW¼;
The N½ of the SW¼ of the SW¼;
The N½ of the S½ of the SW¼ of the SW¼.

feet. [illegible] will be from 5 to 20

5) Post mining [illegible]

August 19, 1994

Jim Miller
Miller's Custom Work, Inc.
P.O. Box 1300
Susanville, CA 96130

RE: Use Permit #94032, Miller's Custom Work, Inc., to amend current permits at Ward Lake Pit operation.

Dear Jim:

At the August 3, 1994 meeting of the Lassen County Planning Commission, the above referenced application was approved subject to the following conditions. This letter is to advise you of these conditions and procedure for appeal.

1. This use permit is granted for the use as approved by the Planning Commission on August 3, 1994. Substantial revisions and/or expansions of the project will require amendment of the permit or a new use permit subject to the approval of the Planning Commission.

2. (Original Cond. #1) This use permit is non transferrable without the prior consent of the Lassen County Planning Commission.

3. (Original Cond. #3, amended) The operator shall secure all necessary permits/approval from the Lassen County Air Pollution Control District. Evidence of approval shall be submitted to the Community Development Department.

4. (Original Cond. #4, amended) The operator shall secure all necessary permits/approval from the Lahontan Regional Water Quality Control Board and the State Water Resources Control Board. Evidence of approval(s) shall be submitted to the Community Development Department.

5. (Original Cond. #6, amended) Dust from all aspects of the operation shall be controlled by the operator at all times.

6. (Original Cond. #8) No explosives shall be detonated between the hours of 6:00 p.m. and 7:00 a.m.

7. (Original Cond. #9, amended) The existing paved haul road shall be the only road used for access to the site in conjunction with the project.

8. (Original Cond. #10, amended) All mining activities shall take place within the area described in the application as follows:

T. 30 N., R. 14 E., M.D.B. & M.

Section 32: The SE 1/4 of the SE 1/4 of the NE 1/4;

The E 1/2 of the NE 1/4 of the SE 1/4;

The NE 1/4 of the SE 1/4 of the SE 1/4.

Section 33: The SW 1/4 of the NW 1/4;

The W 1/2 of the SW 1/4.

9. The operator shall identify the boundaries of the approved mine activity area and flag the corners so that the boundaries are readily visible to County and State officials authorized to inspect the site.

10. The operator shall construct containment basins around permanent on site fuel storage tanks per County Ordinance 485; and other fluids tanks as may be required by County and State agencies.

11. A valid financial assurance shall be maintained for the operation at all times while the operation is subject to the state SMARA regulations, and until the site is determined to be reclaimed to the satisfaction of Lassen County.

12. (Original Cond. #1 of Rec. Plan, amended) The locations of both the Asphalt Hot Plant and the (future) Concrete Plant shall be shown on the detailed site plan to be submitted to the Community Development Department and included in the Reclamation Plan.

13. (Original Cond. #2 of Rec. Plan) Topographical changes within the excavation area shall be reshaped to a maximum slope of 2H:1V.

14. (Original Cond. #3 of Rec. Plan, amended) All top soil shall be stockpiled and protected from erosion, and shall be returned to the excavation areas (except the quarry face) at the time of reclamation. The location of the top soil stockpile shall be shown on the detail site plan and incorporated into the reclamation plan.

15. (Original Cond. #4 of Rec. Plan, amended) Disturbed areas, including but not limited to stockpile sites, equipment storage and maintenance areas, processing sites, and excavation sites (except quarry face), shall be revegetated with appropriate species as approved by the Community Development Department. Criteria by which the success of revegetation shall be determined, including percent of cover and density, shall be incorporated into the reclamation plan.

16. The maps associated with the reclamation plan shall be amended as follows:

The site plan shall include topographic contours;
Top soil stockpiles shall be identified on the site plan;
Top soil stockpiles shall be identified on the ground to ensure it is not removed;
Areas targeted for reclamation and areas not intended to be disturbed shall be identified on the site plan;
Cross section maps of the excavation areas, as well as bench marks by which to measure excavation depth, shall be submitted;
Bench marks shall be identified and preserved on the ground.

17. The reclamation plan shall be amended to address the disposition of the existing wells on site.

18. The reclamation plan shall be amended to include provisions for applying mulch (rice straw, gravel, native plant materials removed during site clearing, or other acceptable material) which shall be crimped into the resoiled areas of the site upon reclamation.

19. The operator shall coordinate with the Bureau of Land Management regarding recontouring the cut slope (located in the southwest portion of the site) to the required 2H:1V maximum slope.

20. The reclamation plan shall be amended to identify the proposed end use of the site as "open space and habitat."

21. The operating season shall be limited to March 1 through December 31 each year, or such other season as agreed to by the operator and the Department of Fish and Game. The site shall be secured for closure before January 1 each year, including temporary erosion controls and appropriate slope stabilization.

If any interested party is dissatisfied with this determination, a letter of appeal must be submitted to the Board of Supervisors within ten (10) days from the date of this letter. Any such appeal should be submitted to the County Clerk, together with the filing fee of $159.00.

Sincerely,

Robert K. Sorvaag,
Director

RKS:rws

cc: Department of Fish and Game
Lassen County APCD
Lahontan RWQCB

up/94032/tentapv

RESOLUTION NO. 97-067

RESOLUTION OF THE LASSEN COUNTY BOARD OF SUPERVISORS ESTABLISHING FINDINGS RELATED TO CEQA AND APPROVAL OF USE PERMIT (#96056), AND REZONE (#96056), CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (#96056) AND APPROVING USE PERMIT (#96056) AND REZONE (#96056), MILLER'S CUSTOM WORK, INC. WARD LAKE PIT PROJECT

WHEREAS, Lassen County has received and accepted the conditional use permit and rezone applications submitted by Miller's Custom Work, Inc. for the expansion of the Ward Lake Aggregate Pit Operation; and

WHEREAS, pursuant to Chapter 18.112, Section 18.112.035(a) of the Lassen County Code, when an application for a use permit is accompanied by an application to rezone the project site, the Planning Commission's review of and recommendations regarding the use permit and the project as a whole shall be advisory to the Board of Supervisors; and

WHEREAS, the Planning Commission, after due notice, has considered, in an advisory capacity to the Board of Supervisors, the Final EIR #96056 prepared and submitted by Planning Concepts, an independent contractor, Use Permit #96056, and Rezone #96056, submitted by Miller's Custom Work, Inc., to expand the Ward Lake Aggregate Pit and rezone the project site from U-C Upland Conservation to U-C-2 Upland Conservation / Resource Management, and has submitted its findings and recommendation to this Board by Resolution #9-01-97; and

WHEREAS, the Environmental Review Officer of Lassen County has prepared an Initial Environmental Study and an Environmental Impact Report (EIR) concerning the above project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, Lassen County has caused notice to be given, in accordance with the law, of public hearing before the Planning Commission and the Board of Supervisors in these matters, which Planning Commission hearing was opened on August 6, 1997, and concluded on September 3, 1997, and which Board of Supervisors hearing was held on September 23, 1997; and

WHEREAS, the Community Development Director has furnished to the Board of Supervisors, and the Board has incorporated into the record of this matter, the EIR, and the documents discussing the significant environmental effects identified in the EIR, proposed findings concerning mitigation, project alternatives, and project benefits including a statement of overriding consideration, as well as including evidence in support of the proposed findings; and

WHEREAS, the Board of Supervisors has duly considered the EIR as required by CEQA, and reviewed the above project and actions in light of that EIR; and

WHEREAS, before consideration of the proposed project, this Board called for comments on the proposal and all persons so desiring to comment were duly heard; and

WHEREAS, the Board has considered all of the testimony presented during the public comment period and the public hearing, as well as the findings and recommendation of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS AS FOLLOWS:

1. The foregoing recitals are true and correct, and the Board of Supervisors has jurisdiction to consider and act upon the subject matters of this resolution; and

2. The Lassen County Board of Supervisors certifies that it has reviewed and considered the information contained in the Final Environmental Impact Report (FEIR) dated July 31, 1997, for the Miller's Custom Work, Inc. Ward Lake project, and the findings and recommendations of the Planning Commission as contained in Commission Resolution #9-01-97; and

3. The Board hereby adopts as its findings the CEQA findings of fact and statements of overriding consideration concerning the Miller's Custom Work, Inc. project, consisting of the use permit and rezone, which detailed findings are attached hereto as EXHIBIT ONE, and incorporated herein; and

4. The Board hereby adopts as its findings the findings for approval of the conditional use permit and rezone for the Miller's Custom Work, Inc. project, which detailed findings are attached hereto as EXHIBIT TWO, and incorporated herein; and

5. The Board, after careful consideration of the facts, evidence, comments and recommendations contained in the FEIR, and as submitted during the public review of the EIR and as presented orally and in writing at the public hearings, and as presented in Commission Resolution #9-01-97, hereby:

a. Adopts the findings and statements of overriding consideration as set forth in exhibits ONE and TWO attached hereto.

b. Certifies that it has reviewed and considered the information contained in the FEIR for the Miller's Custom Work, Inc. project, dated July 31, 1997, and further certifies that the FEIR has been completed in compliance with CEQA.

c. Finds that the project is consistent with the Lassen County General plan and the Standish-Litchfield Area Plan, as such Area Plan was amended August 19, 1997.

d. Approves the conditional use permit #96056 and rezone #96056, subject to the conditions of approval attached hereto as EXHIBIT THREE.

e. Adopts the Mitigation Monitoring Program set forth in the FEIR.

f. Finds that the project, together with the conditions of approval, will not, under the circumstances of this case, be substantially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be substantially detrimental or injurious to people, property or improvements in the neighborhood.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, on the Twenty-third day of September, 1997, by the following vote:

AYES: Supervisors Chapman, Neely, Loubet, Dahle

NOES: None

ABSTAIN: None

ABSENT: Supervisor Lough

APPROVED: Jim Chapman
Acting Chairman
Lassen County Board of Supervisors

ATTEST:
Theresa Nagel
Theresa Nagel, County Clerk,
Lassen County

In accordance with Section 25103 of the Government Code of the State of California a copy of this document has been delivered to the Chairman of the Board of Supervisors, County of Lassen on 9-23-97
By Theresa Nagel
Clerk /Deputy Clerk of the Board of Supervisors

I, THERESA NAGEL, County Clerk of the County of Lassen, State of California, and ex-officio Clerk of the Board of Supervisors thereof, do hereby certify that the foregoing resolution was duly adopted by said Board of Supervisors at a regular meeting held on the 23 day of Sept, 1997.

Theresa Nagel
County Clerk and ex-officio Clerk of the
Board of Supervisors

up/rezone/96056/BrdRes

EXHIBIT THREE

CONDITIONS OF APPROVAL
USE PERMIT #96056

1. This use permit is granted for the use as reviewed by the Planning Commission on September 3, 1997, and as approved by the Board of Supervisors on _____, subject to the terms and conditions set forth herein. Substantial revisions and/or expansion of the project will require a new use permit subject to the approval of the Planning Commission.

2. In case of conflict between the conditions specified herein and those attached to use permits #79-80-44 and #11-02-85, issued to Miller's Custom Work, Inc. pertaining to the Ward Lake Pit, the conditions herein shall control.

PRIOR TO ISSUANCE OF THE AUTHORIZATION TO OPERATE UNDER THIS USE PERMIT

3. The operator shall secure all necessary permits from the Lassen County Air pollution Control District. Evidence of approval shall be submitted to the Community Development Department.

4. The operator shall secure all necessary permits from the Lahontan RWQCB and/or the State Water Resources Board. Evidence of approval(s) or a copy of the letter certifying that no off site discharge will occur, exempting the operation, shall be submitted to the Community Development Department.

5. The applicant shall prepare and implement a Spill Prevention and Countermeasure Plan to the satisfaction of the Regional WQCB.

6. The operator shall secure any necessary encroachment permits from the County Road Department.

7. A valid financial assurance, in an amount adequate to cover the costs of complete site reclamation, shall be in place, payable to "Lassen County or the Department of Conservation," prior to issuance of the Authorization to Operate and at all times that the project is subject to SMARA. The financial assurance instrument shall be reviewed periodically for adequacy and shall be amended by the operator as required by the lead agency.

8. Inasmuch as the conditions of approval of this use permit (#96056) shall cause the need to revise the existing approved reclamation plan for the operation, the applicant shall apply to so amend the reclamation plan.

9. The operator shall submit a New Mine Report to the State, with a copy to the Community Development Department, within 30 days of approval by the County, and shall submit annual reports to the State and County every year thereafter, as long as the project is subject to SMARA.

10. The applicant shall enter into a fair share agreement with the County Road Department to chip seal Ward Lake Road from the project access road to the intersection of Conservation Center Road. The agreement shall address the timeframe within which the chip seal is to take place. Unless otherwise specified and agreed to by both parties, the applicant shall be responsible to provide aggregate materials and oil, and the County shall provide the necessary labor to complete the work. Unless authorized by the County Engineer in writing, all work shall be complete within two years from the date of use permit approval.

11. The applicant shall remove all debris from the culvert at the north end of Ward Lake Road immediately upon approval of the project, and shall be responsible to prevent additional debris, originating from the mine site, from blocking the culvert for the duration of the mine operation.

OPERATIONAL CONDITIONS

12. Prior to installation or operation of the ready mix concrete batch plant the applicant shall either:

    a) Redesign project to omit the concrete batch plant; or

    b) The applicant shall secure the rezoning of the site to a district that allows for concrete batch plants.

13. The following reclamation shall be required and, where different from or in addition to the provisions of the approved reclamation plan, said reclamation plan shall be amended by application:

    Reclamation of graded areas. The intent of the Reclamation Plan shall be to recreate to the extent possible a viable, self-sustaining plant community similar to that which existed prior to mining as follows:

    Sand and Gravel Excavation Areas: These areas shall be regraded to maximum slopes of 2H:1V, shall be resoiled with adequate growth medium to support vegetation including fines from the crusher and stockpiled topsoil and shall be revegetated with native species including sage, bitterbrush, and rabbit brush. The success of revegetation in these areas shall be monitored by qualified personnel with reports submitted to the County Community Development Department at least once per year for five years. The final approved species list and planting

density must be approved by the County in consultation with the Department of Fish and Game.

Rock Quarry Area: This area shall be re-graded to a maximum overall slope of 2H:1V and shall be benched with minimum 10 foot wide benches at vertical intervals appropriate for the type of material, but not greater than 15 feet. The benches shall be sloped to drain toward the hillside, shall be resoiled with adequate growth medium to support vegetation including fines from the crusher and stockpiled topsoil and revegetated using native range grasses, shrubs, and trees if they can be supported.

The operator shall institute a test plot program on the first available rock face bench to determine the best species mix and planting scheme for subsequent benches. The test plots shall be set up and monitored by qualified personnel with reports submitted to the County Community Development Department at least once per year for five years. The final approved species list and planting density must be approved by the County in consultation with the Department of Fish and Game.

Timing/ Phasing of Reclamation: Reclamation of sub-areas shall take place in a phased manner where possible as excavation is completed.

Protection of Replanted Areas: Replanted areas shall be protected by fencing or other approved method intended to exclude livestock and deer until vegetation is established. Perimeter livestock fencing shall be provided and shall be four wires maximum, bottom wire smooth and no closer than 18 inches to the ground with total fence height not to exceed 42 inches. More site specific deer proof fencing shall also be provided directly around replanting areas.

14. The approved reclamation plan for the project, and any future amendments thereto, is hereby incorporated into this use permit. Adherence to the provisions of the approved reclamation plan, and any County-approved amendments thereto, is hereby made a condition of approval.

15. Top soil (the top surface layer supporting vegetation) shall be scraped and salvaged concurrent with mining, stockpiled and protected from erosion, and shall be re-applied to disrupted surfaces, to promote revegetation and slope stability upon reclamation.

16. At a minimum, wet suppression shall be used to control dust at all times from excavation, processing activities and on haul roads.

17. The disturbed portion of the site, including quarry highwall benches, shall be revegetated with native and/or compatible species per the approved reclamation plan.

18. On site fuel tanks shall be placed and kept in impermeable containment structures capable of holding at least 110% of the tank capacity pursuant to the County's above ground fuel storage standards.

19. The operator will participate in the County's mine permit administration and monitoring program by submitting annual fees pursuant to County Code Section 9.60.110.

20. If any historic or pre-historic artifacts are discovered, work in the immediate vicinity shall stop, the lead agency shall be notified and a qualified archaeologist brought in at the operators expense to assess the resource(s) and recommend mitigation.

21. 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 1 and March 31 annually.

22. Hours of operation, including truck traffic to and from the site on Ward Lake Road shall be limited to 6:00 a.m. to 7:00 p.m. Monday through Saturday.

23. In the event that the ready mix concrete plant is allowed and installed on site, the applicant shall paint that portion of the concrete plant visible from Ward Lake Road and Conservation Center Road as determined by the County, to blend with surrounding natural background colors.

24. Ready mix concrete production shall be limited to 12,000 cubic yards per year

25. The operator shall contract with a California Air Resources Board certified private contractor for an annual compliance test at the Ward Lake operation to determine compliance with APCD permit. The test shall be conducted during facility operations before January 1 every year and the results submitted to the APCD for review.

26. Explosives shall be handled by a licensed operator, and shall be stored in an ATF inspected and approved magazine.

27. No explosives shall be detonated between the hours of 6:00 p.m. and 7:00 a.m.

28. The operation shall not exceed the noise standards for industrial activities as described in the Lassen County Noise Element as follows:

> Noise produced by industrial uses shall not exceed 70 dB Ldn/CNEL at the nearest property line. (1989 Noise Element, page 21, #9)

The standards of Table III (1989 Noise Element page 19) are also applicable.

29. The operator shall, at the lead agency's request, measure the noise levels in the vicinity of operating equipment, at the nearest property line and at the nearest residential property

line, and submit the result to the lead agency for review. Measurements shall be taken by a qualified acoustical analyst.

30. The paved access to the site from Ward Lake Road shall serve as the only truck access to and from the site.

31. The operation (except the access road) shall be conducted within the following described area:

Township 30N., Range 14E., MDB & M:

Section 32: SE ¼ of the SE ¼ of the NE ¼;
E ½ of the NE ¼ of the SE ¼
NE ¼ of the SE ¼ of the SE ¼

Section 33: SW ¼ of the NW ¼:
W ½ of the SW ¼

32. The location of equipment, quarry, sand and gravel pits, maintenance areas, etc. shall be as shown in the site maps incorporated into the approved reclamation plan as such plan may be amended from time to time with County approval.

33. The operator shall identify the boundaries of the approved mine activity area and flag the corners so that the boundaries are readily visible to County and State officials authorized to inspect the site.

34. The applicant shall provide the necessary funding to the County Road Department to install speed limit signs on Ward Lake Road, upon determination by the County Engineer, applying accepted traffic safety considerations, that speed limit signs would be beneficial in reducing truck speeds and increasing safety on Ward Lake Road. The applicant shall further provide the County funding to install a stop sign at the intersection of the project access road and Ward Lake Road upon similar determination by the County Engineer that such a sign would be beneficial. The applicant's obligations herein shall be valid for a period not to exceed two years from the date of project approval.

35. In the event that the approval of this Use Permit is legally challenged on grounds including, but not limited to, CEQA compliance and/or general plan consistency or adequacy, the County will promptly notify the applicant of any claim, action, or proceeding, and the County will cooperate fully in the defense of the matter. Once notified that a claim, action or proceeding has been filed to attack, set aside, void or annul an approval by the Planning Commission or the Board of Supervisors concerning this Use Permit, the applicant agrees to defend, indemnify and hold harmless the County and its agents, officers and employees.

RESOLUTION NO. 19-024

RESOLUTION OF THE LASSEN COUNTY BOARD OF SUPERVISORS MAKING FINDINGS RELATED TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVAL OF USE PERMIT AMENDMENT #2018-003 AND RECLAMATION PLAN AMENDMENT #2018-001, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT #2018-001, AND APPROVING USE PERMIT AMENDMENT #2018-003 AND RECLAMATION PLAN AMENDMENT #2018-001 (AMENDING USE PERMIT AND RECLAMATION PLAN #96056), FOR WARD LAKE PIT (MINE ID #91-18-0008), TLT ENTERPRISES LLC (Perry Thompson)

WHEREAS, Lassen County has received and accepted use permit and reclamation plan amendment applications submitted by TLT Enterprises LLC (Perry Thompson) for Ward Lake Pit surface mining operation, 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; and

WHEREAS, the Lassen County Environmental Review Guidelines (Board of Supervisors Resolution No. 01-043), and Lassen County Code Section 18.112, establish the procedures for project review consistent with both the California Environmental Quality Act (CEQA), and County use permit policy; and

WHEREAS, the Environmental Review Officer of Lassen County, following preliminary project review, prepared an Initial Study (IS#2018-001) to determine if the proposed project could result in significant environment effects; and

WHEREAS, the Lassen County Planning Commission reviewed the Initial Study, and determined that there is substantial evidence in the record that, if approved, the project will result in significant environmental impacts, and that a Subsequent Environmental Impact Report should be prepared and certified prior to project approval; and

WHEREAS, a Draft Subsequent Environmental Impact Report (DSEIR) was prepared by Lassen County in accordance with the California Environmental Quality Act (CEQA), to disclose environmental impacts, and evidence presented within said DSEIR indicates that, after mitigation, the project will result in significant and unavoidable environmental impacts; and

WHEREAS, the DSEIR was circulated for public review, in accordance with Sections 15087 and 15105 of the CEQA Guidelines, and all comments received, pertaining to the DSEIR, were responded to by Lassen County and incorporated into the FSEIR; and

WHEREAS, the Planning Commission as an advisory body was tasked with reviewing the DSEIR, and proposed Use Permit and Reclamation Plan Amendments, and making recommendations to the Board of Supervisors; and

WHEREAS, the Planning Commission, after due notice, considered, in an advisory capacity to the Board of Supervisors, Use Permit Amendment #2018-003 and Reclamation Plan Amendment #2018-001, submitted by TLT Enterprises LLC (Perry Thompson) for Ward Lake Pit surface mining operation; and

WHEREAS, the Planning Commission adopted Resolution No. 4-01-19, making findings and recommending that the Board of Supervisors consider Use Permit Amendment (#2018-003) and Reclamation Plan Amendment (#2018-001) for Ward Lake Pit (mine ID #91-18-0008), TLT Enterprises LLC (Perry Thompson), and that the Board consider certification of the Final Subsequent Environmental Impact Report (FSEIR); and

WHEREAS, pursuant to the Lassen County Environmental Review Guidelines (Board of Supervisors Resolution No. 01-043) section 1(b) and section 15025 of the CEQA Guidelines, the Board of Supervisors is required to prepare a Statement of Overriding Considerations in order to approve a project for which significant and unavoidable environmental impacts have been disclosed; and

WHEREAS, the Board of Supervisors, after due notice, has considered the Final Subsequent Environmental Impact Report #2018-001, prepared by Lassen County, and Use Permit Amendment #2018-003 and Reclamation Plan Amendment #2018-001, submitted by TLT Enterprises LLC (Perry Thompson) for Ward Lake Pit surface mining operation, 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; and

WHEREAS, Lassen County has caused notice to be given, in accordance with the law, of a public hearing before the Board of Supervisors on these matters, for which a hearing was opened on April 23, 2019, and concluded on May 14, 2019; and

WHEREAS, the Director of Planning and Planning and Building Services has provided to the Board of Supervisors, and the Board has incorporated into the record of this matter, the FSEIR, and supporting documents discussing the environmental effects of the proposed project, proposed findings concerning mitigation, project alternatives, and evidence of project benefits to support preparation of a Statement of Overriding Consideration including substantial evidence in support of the required findings; and

WHEREAS, the Board of Supervisors has duly considered the FSEIR as required by CEQA, and reviewed the above project and actions in light of the FSEIR; and

WHEREAS, before consideration of the proposed project, this Board called for comments on the proposal and all persons so desiring to comment were duly heard; and

WHEREAS, the Board of Supervisors has considered all of the testimony presented during the public comment period and the public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Lassen County Board of Supervisors has jurisdiction to consider the subject matters of this resolution; and

BE IT FURTHER RESOLVED, that the Board of Supervisors, as the decision making body of the lead agency,

(1) Certifies that the FSEIR has been completed in compliance with CEQA,
(2) Certifies that it has reviewed and considered the information contained in the FSEIR dated April 2019, prior to approval of the TLT Enterprises LLC, Ward Lake Pit amendment project, and further
(3) Certifies that the FSEIR reflects the lead agency's independent judgement and analysis; and

BE IT FURTHER RESOLVED, that the Board of Supervisors finds

(1) That changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects, as identified in the FSEIR and explained further in the CEQA findings of fact, attached hereto as EXHIBIT ONE, and
(2) That specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives, identified in the FSEIR, that would reduce impacts to aesthetics, biological resources, and noise to a less-than-significant level; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby adopts as its findings the CEQA findings of fact and evidence submitted in support of a Statement of Overriding Considerations, attached hereto as EXHIBIT TWO, concerning the TLT Enterprises LLC, Ward Lake Pit project, consisting of a use permit amendment and reclamation plan amendment, for which detailed findings are attached (EXHIBIT ONE), and incorporated herein; and

BE IT FURTHER RESOLVED, that the Board of Supervisors adopts a Statement of Overriding Consideration, finding that specific economic, social, or other benefits, including region-wide or statewide environmental benefits, of the proposal project outweigh the unavoidable adverse environmental effects, therefore considering the adverse environmental effects to be "acceptable." This Statement of Overriding Consideration is supported by substantial evidence (EXHIBIT TWO); and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby adopts as its findings the findings for approval of the use permit amendment and reclamation plan amendment for the TLT Enterprises LLC, Ward Lake Pit amendment project, which detailed findings are attached hereto as EXHIBIT THREE, and incorporated herein; and

BE IT FURTHER RESOLVED, that the Board of Supervisors finds

(1) That the project 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, and
(2) That the project is consistent with the *Lassen County General Plan, 2000*, and the *Standish-Litchfield Area Plan* 1982; and

BE IT FURTHER RESOLVED, that the Board of Supervisors approves Use Permit Amendment #2018-003 and Reclamation Plan Amendment #2018-001, subject to the conditions of approval attached hereto as EXHIBIT FOUR; and

BE IT FURTHER RESOLVED, that the Board of Supervisors adopts the Mitigation Monitoring Program attached hereto as EXHIBIT FIVE, as established in conditions of approval (EXHIBIT FOUR).

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, on the 14th day of May, 2019, by the following vote:

AYES: Supervisors Hemphill, Gallagher, Teeter and Albaugh.

NOES: None.

ABSTAIN: None.

ABSENT: Supervisor Hammond.

Chairman of the Board of Supervisors
County of Lassen, State of California

Attest:
JULIE BUSTAMANTE
Clerk of the Board

By: _____
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 14th day of May, 2019.

_____
Deputy Clerk of the County of Lassen Board of Supervisors

EXHIBIT ONE

CEQA FINDINGS

FINDINGS OF FACT REGARDING ENVIRONMENTAL IMPACTS,
MITIGATION MEASURES, PROJECT ALTERNATIVES,
PROJECT BENEFITS AND STATEMENT OF
OVERRIDING CONSIDERATION

DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
TLT ENTERPRISES LLC, WARD LAKE PIT AMENDMENT PROJECT
LASSEN COUNTY, CALIFORNIA

The Lassen County Planning Commission hereby adopts the following findings relating to the TLT Enterprises LLC, Ward Lake Pit amendment project in an advisory capacity to the Board of Supervisors, including a recommendation that the Board adopt these same findings and certify the Final Subsequent Environmental Impact Report (FSEIR).

The California Environmental Quality Act (CEQA) findings for the proposed action follow. To the extent that these findings are adopted by the Board of Supervisors, said findings shall apply to the certification that the FSEIR has been prepared in compliance with CEQA.

CEQA FINDINGS:

I. THE ENVIRONMENTAL IMPACT REPORT

A. TLT Enterprises LLC (the applicant) submitted applications for a use permit amendment and reclamation plan amendment, which applications were accepted by the County as complete on March 9, 2018.

B. An initial study dated June 1, 2018, was conducted by Lassen County. Based on the initial study, it was determined by the Planning Commission that a Subsequent Environmental Impact Report was necessary to evaluate the potential significant effects of the project on the environment, with a focus on potential impacts to aesthetics, traffic, biological resources, and noise, as these impacts were identified as potentially significant in the Initial Study.

C. A Notice of Preparation dated June 19, 2018, was prepared and distributed to interested individuals, agencies and property owners in the vicinity.

D. An Administrative Draft Subsequent Environmental Impact Report was prepared for County staff review before preparation of the Draft Subsequent Environmental Impact Report (DSEIR). Subsequently, the DEIR was prepared to identify, describe, and analyze the environmental effects of the proposed project and alternatives.

E. Lassen County sent the Notice of Completion of the DSEIR to the State Clearinghouse on March 1, 2019. State Review began on March 4, 2019. Notices of

The DSEIR was published on the Lassen County Planning and Building Services webpage and a Notice of Completion, with notice of availability of the DSEIR, was sent to interested parties, agencies and property owners within 1 mile of the project site on March 5, 2018.

F. The DSEIR was released to the public and agencies for a 45-day review and comment period, beginning on March 5, 2019 and ending on April 18, 2019. The Planning Commission held a public hearing during the 45-day DSEIR review period to provide the public, agencies and the Planning Commission an opportunity to comment on the DSEIR. The hearing was opened at the March 20, 2019, Planning Commission meeting and was continued to the April 2, 2019, meeting. Notice of the public hearing was published in the newspaper and distributed to agencies and property owners within 1 mile of the project site on March 5, 2019, with a corrected notice published on March 12, 2019.

G. A Final Subsequent Environmental Impact Report (FSEIR) will be prepared, and will incorporate the responses to comments received as a result of the public review of the DSEIR. The FSEIR is expected to be substantially the same as the DEIR except that it will include copies of the comments on the DSEIR, responses to those comments, as well as changes in or additions to the text of the DSEIR in response to comments for clarification or additional information. The FSEIR will give direct responses to each comment letter received.

H. the DSEIR analyzes the impacts of the TLT Enterprises LLC, Ward Lake Pit amendment project.

II. FINDINGS REGARDING NO IMPACTS

The DSEIR identifies those aspects of the project that pose no environmental impacts. No mitigation measures are necessary for these aspects of the project.

A. Impacts to Traffic

1. Impacts:
    a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections).
    b) Need for additional turn lanes.

2. Findings:
    a) Impacts to traffic are discussed in Section 4.11 of the DSEIR
    b) No increase in total truck trips will occur as part of the project. There will be no change in existing traffic load and capacity. For the duration of 2 to 4 nighttime-required highway projects per year, the traffic volume will be redistributed to nighttime hours (7:00 p.m. to 6:00 a.m.). This redistribution will result in less daytime traffic loading. No impact to traffic load and capacity of the street system is anticipated.
    c) The need for an exclusive eastbound left turn lane on Center Road (A27) at the Ward Lake Road intersection and the need for an exclusive westbound right turn lane on Center Road (A27) at the Ward Lake Road intersection were reviewed based on guidelines presented in the AASHTO publication A Policy on Geometric Design of Highways and

Streets. Analyses of these intersections found that there is a need to construct turning lanes due to increased traffic from project operations.
d) The Planning Commission finds the traffic sections above to have no impact.

III. FINDINGS REGARDING LESS-THAN-SIGNIFICANT IMPACTS

The DSEIR identifies those environmental impacts that are less than significant. No mitigation measures are necessary for less-than-significant impacts.

A. Impacts to Air Quality

1. Impacts:
a) Exposure of sensitive receptors to substantial concentrations of toxic air contaminants

2. Findings:
a) Impacts to air quality are discussed in Section 4.3 of the DSEIR
b) The Health Risk Assessment prepared for the Project assessed the health impacts to nearby sensitive receptors from diesel particulate matter generated by additional truck trips, and operation of generators onsite. Cancer risks and non-cancer health hazards were calculated to be below thresholds for significant health impacts.
c) The only known current or future project within the vicinity of the proposed Project that could combine with the Project-related diesel particulate matter emissions to result in a cumulatively significant impact is a smaller aggregate mine located adjacent to and south of the site on Bureau of Land Management (BLM) administered land. As discussed in the Health Risk Assessment prepared for the Project, the majority of any health impacts from mine operations are due to the operation of generators as haul truck emissions occur over the length of a haul route and are not near receptors for much duration. The adjacent mine does not have any concrete or asphalt plants or associated generators that would generate diesel particulate matter. The adjacent mine does not have any generators, therefore cumulative impacts related to toxic air contaminants are anticipated to be less than significant.
d) The Planning Commission finds impacts to air quality to be less than significant.
e) The Planning Commission finds cumulative impacts to air quality to be less than significant.

B. Impacts to Biological Resources

1. Impacts:
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by DFG or U.S. Fish and Wildlife Service (USFWS).

2. Findings:
a) Impacts to biological resources are discussed in Section 4.4 of the DSEIR
b) Fifteen special-status species are known or have the potential to occur within the project area. Impacts were assessed based on habitat availability and documented occurrences of the species. Nocturnally foraging animals are likely to avoid the project

area and utilize alternate habitat in the adjacent public land and privately-owned agricultural fields. Diurnal animals will not be impacted by nighttime activities.
c) As discussed in Section 4.4 of the DSEIR, the Project-level impacts of onsite nighttime operations and traffic from the project were determined to have a less-than-significant impact on any special-status species in the project area. Impacts of the project to special status species are not cumulatively considerable. There are no current or future known projects requiring nighttime operations in the County that would combine with the project to result in cumulatively significant impacts to special status species.
d) The Planning Commission finds the above impacts to biological resources to be less than significant.
e) The Planning Commission finds the above cumulative impacts to biological resources to be less than significant.

C. Impacts to Greenhouse Gas Emissions

1. Impacts:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

2. Findings:

a) Impacts to greenhouse gas emissions are discussed in Section 4.5 of the DSEIR
b) The County determined in the Initial Study that the Project may have a less-than-significant impact to GHG emissions, directly or indirectly, that may significantly impact the environment. No changes are being proposed to the permitted production of the asphalt or concrete plants, and therefore the total amount of GHG produced by the plant remains unchanged. An analysis of potential truck emissions completed by Lassen County using thresholds from the Bay Area GHG Management District resulted in values below the CEQA thresholds of significance for GHG (see initial study). The additional analysis including the calculated emissions from the asphalt plant and concrete plant, support the assessment and conclusion that the Project will have a less-than-significant impact to GHG emissions, directly or indirectly, on the environment.
c) No specific area plans or numerical threshold of significance for GHG emissions have been established by Lassen County. Therefore, the focus is whether the Project is consistent with applicable federal and state regulations and programs adopted to achieve state and regional reductions in GHG emissions. The Project is not in violation of any State or Federal standard.
d) The Project does not violate any state or federal plans or standards. In addition, the operation of the facility is a benefit to Lassen County in that the maintenance of roads and other infrastructure requiring the generation of asphalt pavement and concrete are necessary for support of a safe public transportation system within Lassen County. The generation of pavement material and concrete are required whether located at this facility or other facilities further away. The transportation of materials from facilities further away would result in higher emissions per ton of material produced due to the increased emission from miles traveled by truck. For these reasons, this impact is considered less than significant and no mitigation is required. The Project will not result in a cumulative

impact that would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.
e) The Planning Commission finds impacts to greenhouse gas emissions to be less than significant.
f) The Planning Commission finds cumulative impacts to greenhouse gas emissions to be less than significant.

D. Impacts to Hazards and Hazardous Materials

1. Impacts:
a) Create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials or through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
b) Expose people or structures to a significant risk of loss, injury or death involving wildland fires.

2. Findings:
a) Impacts to hazards and hazardous materials are discussed in Section 4.6 of the DSEIR
b) The Project does not include changes to mineral or asphalt production. The existing permitted mineral and asphalt production amount were analyzed under a previous environmental document and the impact was concluded to be less than significant. Additionally, the operation is required to have the necessary permits from Lassen County Environmental Health for storing hazardous materials. Operations will continue to follow the applicable laws and regulations regarding hazardous material transport, as defined in Section 353 of the California Vehicle Code.
c) The Project includes nighttime operations that may add to the risk of fire starting on site at night. However, wildfire spreading is reduced at night, due to increased relative humidity and decreased temperature and wind. The potential of fire to spread to the few residences in the area is low, due to roads and agricultural use. Additionally, it is expected that operation will move from day to night (project specific), without additional shifts. Because the volume of mining is not increasing, but rather undergoing a change in its timing, the cumulative risk for wildfire will not increase.
d) Project-level impacts related to the transport, use or disposal of hazardous materials will be less than significant and will not be cumulatively considerable. There are no projects in the county that will combine with the project to result in a cumulative impact related to hazardous materials.
e) The Project will result in no hazards and hazardous material impacts with exception of a possible change in the risk of fire starting onsite at night during 24-hour operations. The Project will not introduce new activities at the site or increase the likelihood of fires onsite. Project impacts related to wildland fires will not be cumulatively considerable, and will not contribute to cumulative impacts.
f) The Planning Commission finds impacts to hazards and hazardous materials to be less than significant.
g) The Planning Commission finds cumulative impacts to hazards and hazardous materials to be less than significant.

E. Impacts to Hydrology and Water Quality

1. Impacts:

a) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The Project will not change groundwater use at the Project site. The project is not expected to create a demand for water in excess of available supplies.

2. Findings:

a) Impacts to hydrology and water quality are discussed in Section 4.7 of the DSEIR
b) The Project will not change groundwater use at the Project site. The project is not expected to create a demand for water in excess of available supplies.
c) Hydrology and Water Quality impacts are cumulatively considerable when considered with all current and future projects within the same groundwater basin that may utilize groundwater. There is currently no trend or pattern indicating overdraft in the basin. The Project is not expected to create a demand for water in excess of available supplies. No additional projects that would use a substantial amount of groundwater have been identified in the County.
d) The Planning Commission finds impacts to hydrology and water quality to be less than significant.
e) The Planning Commission finds cumulative impacts to hydrology and water quality to be less than significant.

F. Impacts to Noise

1. Impacts:

a) Result in the exposure or persons to or generation of excessive ground borne vibration or ground borne noise levels.

2. Findings:

a) Impacts to noise are discussed in Section 4.9 of the DSEIR
b) The project will not introduce any new equipment or processes to the project site that will increase the levels of vibration or ground born noise levels generated by current onsite operations. The project would result in an increase in truck traffic on roadways during nighttime hours, however loaded trucks produce vibration levels less than the threshold at which vibration becomes annoying or levels that could cause damage to any buildings along the material haul route.
c) The Project does not result in the addition of any new equipment or processes to the project site that will increase vibration or ground borne noise levels, and there are no projects within the area that will include stationary sources of vibration or ground borne noise levels. Increases in vibration from truck traffic are cumulatively considerable in combination with projected traffic increases through the year 2030. However, even when increased traffic volumes are considered, loaded truck pass-bys produce vibration levels below human annoyance thresholds and below levels that could result in damage to structures along area roadways.
d) The Planning Commission finds the above impacts to noise to be less than significant.

e) The Planning Commission finds the above cumulative impacts to noise to be less than significant.

G. Impacts to Public Services

1. Impacts:

a) Result in the Need for New or Physically Altered Facilities related to Fire Protection.

2. Findings:

a) Impacts to public services are discussed in Section 4.1 of the DSEIR

b) The addition of nighttime operations could increase the risk of onsite fires, but this is not anticipated to affect service ratios, response times or other performance objectives for fire protection services.

c) Impacts from the Project are cumulatively considerable in combination with all other current and future projects that would result in an increased demand for fire protection services. The County has not identified any cumulative projects within Lassen County. The Project will change the timing of fires onsite due to 24-hour operations but will not result in an overall increase in fire risks at the site.

d) The Planning Commission finds impacts to public services to be less than significant.

e) The Planning Commission finds cumulative impacts to public services to be less than significant.

H. Impacts to Traffic

1. Impacts:

a) Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highway.

b) Conflict with local circulation policies.

c) Cause a cumulative increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections).

d) Cause a cumulative need for additional turn lanes.

2. Findings:

a) Impacts to traffic are discussed in Section 4.11 of the DSEIR.

b) Analysis of intersection traffic capacity at Center Road (A27)/Ward Lake Road and Center Road (A27)/Cutoff Road focused on the impacts to the Level of Service defined for each roadway. No degradation to Level of Service is anticipated.

c) The Lassen County General Plan Circulation Element and the Standish-Litchfield Area Plan Circulation Element contain goals, policies, and implementation measures related to circulation in the project area. The Project will have a minimal impact on the Level of Service at the Center Road (A27)/Ward Lake Road and Center Road (A27)/Cutoff Road intersections. Level of Service at these intersections will remain at LOS A under existing, plus Project, traffic conditions.

d) Lassen County requires that 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 speed; extremely difficult to maneuver; some

stoppages).The Project combined with a 1 percent traffic increase each year is not anticipated to degrade roadway capacity below a Level of Service of "E".
e) The Project combined with a 1 percent traffic increase each year is not anticipated to degrade roadway or intersection capacity or result in the need for additional turn lanes.in the Project area.
f) Combined with regional growth of 1 percent each year, the Project traffic is not expected to result in a significant cumulative impact to the load and capacity of the street system.
g) The Planning Commission finds the above impacts to traffic to be less than significant.
h) The Planning Commission finds the above cumulative impacts to traffic to be less than significant.

I. Impacts to Utilities and Service Systems

1. Impacts:
a) Require New or Expanded Water Supply Entitlements.

2. Findings:
a) Impacts to utilities and service systems are discussed in Section 4.12 of the DSEIR
b) Well water is used by the current operation for wet suppression of onsite dust. While the amount of groundwater used by the surface mining operation may be impacted by the proposed Project amendment, the Project is not expected to create a demand for water in excess of available supplies.
c) The geographic context for cumulative impacts related to water at the site is the Honey Lake Valley Groundwater Basin. The Project water use will not have significant impact to groundwater supplies and no new or expanded water quality entitlements will be required.
d) The Planning Commission finds impacts to utilities and service systems to be less than significant.
e) The Planning Commission finds cumulative impacts to utilities and service systems to be less than significant.

J. Impacts to Energy Consumption

1. Impacts:
a) The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
b) The effects of the project on local and regional energy supplies and on requirements for additional capacity.
c) The effects of the project on peak and base period demands for electricity and other forms of energy.
d) The degree to which the project complies with existing energy demands.
e) The effects of the project on energy resources.
f) The projects projected transportation energy use requirements and its overall use of efficient transportation alternatives.

2. Findings:

a) Impacts to energy consumption are discussed in Section 4.13 of the DSEIR

b) Because project work during operations will be transferred from daytime to nighttime use, there will be only a slight increase in generator fuel consumption. The increase in generator use for lighting represents a small draw on generator power and will be for limited duration, two to four times per year. The project would not result in any unusual characteristics that would result in excessive long-term operational fuel consumption. Fuel consumption associated with vehicle trips generated by the project would not be considered inefficient, wasteful, or unnecessary; in fact, the local nature of the facility results in fewer vehicle trips for local construction projects. The extension of the project for a 10-year period will continue the use of diesel fuel for generators and heavy-duty trucks. All new trucks must meet new emission control guidelines. The Hat Creek Construction fleet is in change-out period for trucks. In addition, Hat Creek Construction will be making improvements to the mixes of asphalt to be more energy and resource efficient, such as using RAP in mixes.

c) The project will not have a negative impact on local and regional energy supplies. The use of locally produced asphalt and aggregate will reduce overall energy demand due to decrease in miles from the location of final use.

d) There are no project impacts on peak and base period demand for electricity and other forms of energy.

e) The project is in compliance with existing energy standards.

f) The project uses diesel for onsite fuel. No other alternatives are available.

g) No transportation alternatives are available for product delivery at this time. Energy use is not anticipated to increase over time.

h) The Project will not combine with other projects to create a significant impact on local and regional energy supplies resulting in a need of additional capacity. The Project will not combine with other projects to result in an increase on peak and base period demand for electricity and other forms of energy, or result in a significant impact on energy resources.

i) The Planning Commission finds impacts to energy consumption to be less than significant.

j) The Planning Commission finds cumulative impacts to energy consumption to be less than significant.

IV. FINDINGS REGARDING IMPACTS MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

The DSEIR identifies those environmental impacts that are mitigable. Conditions of Approval for the project will be imposed that will mitigate or avoid these mitigable impacts.

A. Impacts to Biological Resources

1. Impacts:

a) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; specifically nighttime operations to Pronghorn antelope, mule deer and nocturnal foragers.

i) Additional Noise and Light Levels.

ii) Increased Traffic Impacts to Wildlife.

2. Mitigation Measures:

a) Operator shall continue limits on operations from January to March 31. 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 1 and March 31 annually.*

b) Operator shall conduct no nighttime operations (7:00 p.m. to 6:00 a.m.) during the period of January 1 to March 31. Applying the existing operational restriction to the proposed nighttime operations would eliminate additional disturbance/displacement of pronghorn antelope and mule deer utilizing the winter habitat during the winter months.

c) Year-round nighttime operation restrictions. No grading, blasting, or excavating shall be allowed onsite between the hours of 6:00 p.m. and 7:00 a.m.

d) Lighting fixture design. To minimize the effects of lighting of artificial light on wildlife, lighting fixtures associated with nighttime project work shall be downward facing and fully shielded. Lighting equipment should be designed and installed to minimize light pollution.

e) Noise reduction barriers. Adverse effects from noise may be reduced through installation of noise berms constructed around the project area where heavy machinery is in use. Barriers can eliminate or minimize the impacts of vibrations that may result from nighttime operations.

f) No "jake brake" usage. This option can significantly reduce the noise impacts from the increased traffic volume. "No use of jake brake" signs shall be posted on the access road and at the Center Road (A27) and Ward Lake Road intersection.

g) Wildlife crossing signage on roadways. This option would educate drivers about the potential for wildlife encounters on roads during nighttime hours. Signage will be permanent. This measure can prevent direct mortalities to nocturnal wildlife. Signs will be added along Center Road and Ward Lake Road with County approval.

h) Reduce traffic speed on roadways. This mitigation would reduce the speed limit in order to minimize traffic impacts to wildlife. "Reduce speed to 25 MPH" signs would reduce the speed limit on Ward Lake Road during nighttime hours, granting a longer reaction time should any wildlife be encountered on a roadway.

i) Driver education. Hat Creek Construction will conduct education events to increase driver awareness to avoid wildlife vehicle impacts.

3. Findings:

a) Impacts to biological resources are discussed in Section 4.4 of the DSEIR.

b) The addition of periods of 24-hour operations would result in additional disturbance to pronghorn antelope and mule deer by extending onsite operational noise to nighttime hours and introducing nighttime lighting. 24-hour operations could have a significant impact if these operations were to occur in the period from December to March. However, nighttime operations are prohibited for this period. Nighttime operations are prohibited from January 1 to March 31.

c) Nighttime operations between April 1 and December 31 could result in potential encounters on roadways with pronghorn antelope and mule deer during dawn and dusk.

d) The Planning Commission finds impacts to the above biological resources, after implementation of the above mitigation measures, to be less than significant.
e) The Planning Commission finds cumulative impacts to the above biological resources, after implementation of the above mitigation measures, to be less than significant.

B. Impacts to Land Use

1. Impacts:
a) Conflict with Lassen County General Plan or Standish-Litchfield Area Plan.

2. Mitigation Measures:
a) Operator shall continue limits on operations from January to March 31.
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 1 and March 31 annually.*
b) Operator shall conduct no nighttime operations (7:00 p.m. to 6:00 a.m.) during the period of January 1 to March 31. Applying the existing operational restriction to the proposed nighttime operations would eliminate additional disturbance/displacement of pronghorn antelope and mule deer utilizing the winter habitat during the winter months.
c) Year-round nighttime operation restrictions. No grading, blasting, or excavating shall be allowed onsite between the hours of 6:00 p.m. and 7:00 a.m.
d) Lighting fixture design. To minimize the effects of lighting of artificial light on wildlife, lighting fixtures associated with nighttime project work shall be downward facing and fully shielded. Lighting equipment should be designed and installed to minimize light pollution.
e) Noise reduction barriers. Adverse effects from noise may be reduced through installation of noise berms constructed around the project area where heavy machinery is in use. Barriers can eliminate or minimize the impacts of vibrations that may result from nighttime operations.
f) No "jake brake" usage. This option can significantly reduce the noise impacts from the increased traffic volume. "No use of jake brake" signs shall be posted on the access road and at the Center Road (A27) and Ward Lake Road intersection.
g) Wildlife crossing signage on roadways. This option would educate drivers about the potential for wildlife encounters on roads during nighttime hours. Signage will be permanent. This measure can prevent direct mortalities to nocturnal wildlife. Signs will be added along Center Road and Ward Lake Road with County approval.
h) Reduce traffic speed on roadways. This mitigation would reduce the speed limit in order to minimize traffic impacts to wildlife. "Reduce speed to 25 MPH" signs would reduce the speed limit on Ward Lake Road during nighttime hours, granting a longer reaction time should any wildlife be encountered on a roadway.
i) Driver education. Hat Creek Construction will conduct education events to increase driver awareness to avoid wildlife vehicle impacts.

3. Findings:
a) Impacts to land use are discussed in Section 4.8 of the DSEIR

b) Goal L-22 contained in the Lassen County General Plan Land Use Element is "Protection and enhancement of important wildlife habitats to support healthy, abundant and diverse wildlife populations."
c) Goal L-22 does not contain mention of a specific species or criteria for consistency; however, the Project site does contain critical winter range for pronghorn and mule deer. The impacts of nighttime operations to pronghorn and mule deer and special-status species are discussed in the Biological Resources section of the DSEIR. With implementation of the Biological Resource Mitigation Measures, the Project will not conflict with Goal L-22 of the Lassen County General Plan Land Use Element.
d) The Planning Commission finds impacts to land use, after implementation of the above mitigation measures, to be less than significant.
e) The Planning Commission finds cumulative impacts to land use, after implementation of the above mitigation measures, to be less than significant.

C. Impacts to Noise

1. Impacts:
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the Lassen County General Plan.
i) Materials Facility Extended Hours of Operations.
ii) Materials Haul Truck Operations.

2. Mitigation Measures:
a) The operator shall restrict the start-up of onsite generators to between the hours of 7:00 a.m. to 10:00 p.m.
b) Shield the asphalt plant generator noise levels by placing the generator behind either a berm or barrier, and orienting the generator opening to the north. The berm or barrier shall extend to a height even with the top of the generator enclosure.
c) No use of "jake" brakes leaving the Project site.
d) "Reduce speed" signs will be posted by the operator for tucks on the access road and Ward Lake Road and "no use of jake brake" signs will be posted by the operator on the access road and at the Center Road (A27) and Ward Lake Road intersection.
e) Maintain traffic noise below 65 dB Ldn by reducing truck traffic during 24-hour operations to 550 one-way truck trips (275 arriving and 275 departing).

3. Findings:
a) Impacts to land use are discussed in Section 4.8 of the DSEIR
b) Based upon the measured noise levels, it is expected that the on-site activities, which include the batch plants and crushing operations, will result in hourly noise levels equal to, or less than, 45 dBA L50. The primary increase in L50 values occurred between 6:00 a.m. and 8:00 a.m. during the generator start-up operations. Once operations occur, they are generally in the mid 30 dBA L50 range. Based upon the Noise analysis, the nighttime noise levels could exceed the Lassen County nighttime noise level criteria of 40 dBA L50, if generator start-up operations occur during the nighttime hours of 10:00 p.m. to 7:00 a.m.
c) Figure 4 of the Lassen County Noise Element identifies a conditionally acceptable range of 60-70 dBA Ldn for transient noise sources.

d) The Project will continue to exceed the 60 dBA Ldn noise level standard along Ward Lake Road, and a portion of Center Road (A27), west of Ward Lake Road under worst-case operating conditions. Mitigation Measure e) (above) will lessen the current impact to 65 dBA Ldn, a conditionally acceptable level, assuming a distribution of 377 one-way truck trips between 7:00 a.m. and 10:00 p.m. and 173 one-way truck trips during nighttime hours.
e) The Planning Commission finds the above impacts to noise, after implementation of the above mitigation measures, to be less than significant.
f) The Planning Commission finds the above cumulative impacts to noise, after implementation of the above mitigation measures, to be less than significant.

V. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

The DSEIR identifies those environmental impacts that are significant and unavoidable. Although these impacts cannot be avoided, Conditions of Approval for the project will be imposed that will mitigate these impacts.

A. Impacts to Aesthetic and Visual Resources

1. Impacts:
a) Substantially degrade the existing visual character or quality of the site and its surroundings through project lighting and nighttime views.
b) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (headlight impacts).

2. Mitigation Measures:
a) Direct lighting internally into the site and berm site areas to minimize impact when possible.
b) Install fully shielded (pointing downward) lighting fixtures.
c) Use only low beams on trucks in residential areas during nighttime operations.

3. Findings:
a) Impacts to aesthetics and visual resources are discussed in Section 4.2 of the DSEIR
b) The Project will alter the visual character of the site through the use of nighttime lighting during 24-hour operations. Lighting fixtures are currently used onsite during the morning and evening hours. The Project will extend the use of the lighting to include the hours between 7:00 p.m. and 6:00 a.m. during periods of 24-hour operation.
c) The Project will allow 24-hour operations resulting in an increase in nighttime truck traffic on Project area roads. The Project will result in increased nighttime traffic headlight use on roadways in the Project area. Local roadways used by Project traffic will include Ward Lake Road and Center Road (A27). Homes along Ward Lake Road are as close as 60 feet from the roadway. Headlight use will not impact large-scale nighttime views, but does have the potential to significantly degrade the existing visual quality of areas close to the roadways at night.
e) The Planning Commission finds impacts to aesthetics and visual resources, after implementation of the above mitigation measures, to be significant and unavoidable to residences along Ward Lake Road.

f) The Planning Commission finds cumulative impacts to aesthetics and visual resources, after implementation of the above mitigation measures, to be significant and unavoidable.

B. Impacts to Biological Resources

1. Impacts:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by DFG or U.S. Fish and Wildlife Service (USFWS).

i) Extending Site Life.

2. Mitigation Measures:

No mitigation measures are available.

3. Findings:

a) Impacts to biological resources are discussed in Section 4.4 of the DSEIR

b) The Project would extend the life of the mine an additional 10 years, from 2020 to 2030. Extension of the life of the mine for 10 years would extend the significant impact of the existing operation to pronghorn and mule deer. The project would not result in any additional impacts to pronghorn or mule deer; however, it would extend impacts that have been determined to be significant and unavoidable. Extending the life of the mine would also prolong the amount of time before the site can be reclaimed back to habitat for these species.

c) The Planning Commission finds the above impacts to biological resources to be significant and unavoidable.

d) The Planning Commission finds the above cumulative impacts to biological resources to be significant and unavoidable.

C. Impacts to Noise

1. Impacts:

a) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

b) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

2. Mitigation Measures:

a) The operator shall restrict the start-up of onsite generators to between the hours of 7:00 a.m. to 10:00 p.m.

b) Shield the asphalt plant generator noise levels by placing the generator behind either a berm or barrier, and orienting the generator opening to the north. The berm or barrier shall extend to a height even with the top of the generator enclosure.

c) No use of "jake" brakes leaving the Project site.

d) "Reduce speed" signs will be posted by the operator for tucks on the access road and Ward Lake Road and "no use of jake brake" signs will be posted by the operator on the access road and at the Center Road (A27) and Ward Lake Road intersection.

e) Maintain traffic noise below 65 dB Ldn by reducing truck traffic during 24-hour operations to 550 one-way truck trips (275 arriving and 275 departing).

3. Findings:

a) Impacts to noise are discussed in Section 4.9 of the DSEIR
b) The Project will result in traffic noise increases along the Material Haul Routes Increases in traffic noise levels would result in a significant increase in noise levels in the in the project vicinity above those existing without the project.
c) The Planning Commission finds the above impacts to noise, after implementation of the above mitigation measures, to be significant and unavoidable.
d) The Planning Commission finds the above cumulative impacts to noise, after implementation of the above mitigation measures, to be significant and unavoidable.

VI. FINDINGS REGARDING PROJECT ALTERNATIVES

Section 15126(c) of the California Environmental Quality Act Guidelines calls for exploration of all available mitigation measures and an explanation of the reason for selecting the recommended measures. Other mitigation options that are available are listed below, as well as the reason they were not recommended in the DSEIR. However, the Planning Commission and Board of Supervisors may choose to consider any of these measures in their deliberations.

A. Alternative 1 – No Project Alternative.

1. The "no project" alternative would include the continuation of mining operations at the site as currently permitted under Use Permit 96056. Hours of mining operations would remain 6:00 a.m. to 7:00 p.m., Monday through Saturday; mining would continue until the year 2020; site production would be limited to the permitted 100,000 tons per year.

Under the "no project" alternative, materials for projects requiring nighttime hauling and delivery of material would be supplied by another source. In addition, the operation would only be able to supply materials to fewer/smaller projects.

2. Impacts:

a) Under the "no project" alternative, environmental conditions at the site would remain as they currently exist. The "no project" alternative would eliminate any impacts of the proposed Project related to aesthetics, air quality, biological resources, land use, noise, and traffic and transportation in the Project area.
b) Under the "no project" alternative, materials for large local projects or local projects requiring 24-hour material hauling would be provided by a different source. Depending on the location of the alternate source, the "no project" alternative could result in an increase in greenhouse gas emissions or air quality impacts since construction materials for local projects may need to be provided by sources located a greater distance from construction projects.

3. Findings:

a) The "no project" alternative would eliminate the significant impacts of the proposed Project at the project site, but would not meet any of the Project objectives.

b) The "no project" alternative could result in an increase in greenhouse gas emissions and air quality impacts if sources out of the area are used for local construction projects requiring 24-hour material hauling.

B. Alternative 2 – Reduced Truck Trip Alternative – 550 Total Trucks, Daytime Only.

1. This alternative is similar to the proposed Project, but with a reduction in the number of total truck trips as well as no trucking or onsite operations between the hours of 10:00 p.m. to 7:00 a.m. This reduced truck trip alternative includes hauling, Monday through Saturday; extension of the life of the mine from 2020 to 2030; and annual site production in excess of the permitted 100,000 tons per year if required during Federal-, State-, or County- declared emergencies.

The reduced truck trip alternative would limit maximum daily truck trips to 550 one-way truck trips (275 in and 275 out) instead of 700 (350 in and 350 out). Trucking would occur only from the hours of 7:00 a.m. to 10:00 p.m. This volume of trucks was identified by j.c. brennan & associates, Inc., as the number of trucks that would reduce traffic noise levels to 60 dB Ldn along roadways utilized by the Project.

Under the reduced truck trip alternative, the applicant could only provide materials for jobs requiring 275 or less truckloads of materials each day during daytime hours. This alternative would limit the number and size of construction jobs the project could serve. Larger construction projects or those requiring nighttime hauling of materials would obtain materials from other sources that could provide the required volume of materials or would need to obtain materials from more than one source.

2. Impacts:

a) Aesthetics and Visual Resources:

i) The reduced truck trip alternative would reduce the amount of truck traffic in the Project area compared to the proposed Project during nighttime hours. The reduced truck trip alternative would still result in truck traffic and headlight use between the hours of 7:00 a.m. to 10:00 p.m.

ii) The visual impacts of stationary nighttime lighting at the materials processing facility would be reduced under this alternative since the reduced truck trip alternative would not involve 24-hour operations at the site requiring lighting. However, onsite lighting would still be required at the tail end of operations between 7:00 a.m. and 10:00 p.m.

b) Air Quality

i) The reduced trucking alternative would result in a reduction of emissions related to truck hauling trips. The reduced truck trip alternative would reduce project emissions to be about 80 percent of those generated by the proposed Project during peak operating periods.

c) Biological Resources

i) Impacts to biological resources under the reduced truck trip alternative would be reduced when compared with the proposed Project. The reduced truck trip alternative would reduce the risk of wildlife mortalities on roadways since fewer truck trips would occur during nighttime hours.

Trucking would still occur between 7:00 a.m. and 10:00 p.m. and mortalities may still occur at rates over those of the currently permitted operation.

d) Land Use

i) The reduced truck trip alternative could potentially conflict with the same land use policies contained in the *Lassen County General Plan* and *Standish-Litchfield Area Plan* as the proposed Project.

e) Noise

i) The number of truck trips under this alternative is the number of trips determined by the noise consultant that would lessen the noise impact to 60 dB Ldn along area roadways in the Project area.

ii) Under this alternative, noise from the materials facility extended hours of operation would be less than that of the proposed Project since the materials facility would not operate between the hours of 10:00 p.m and 7:00 a.m.

f) Traffic

i) The reduced truck trip alternative would generate less truck traffic than the proposed project. This alternative would limit the maximum daily trucks to 550 (275 in and 275 out each day).

3. Findings:

a) Under the reduced truck trip alternative, truck traffic and headlight use would still result in a significant and unavoidable impact.

b) Under the reduced truck trip alternative, impacts of the lighting from the materials processing facility would be significant and unavoidable to residences along Ward Lake Road.

c) Although the reduced truck trip alternative would reduce air quality emissions from trucking, the air quality impacts of the proposed Project were considered less than significant. Under the reduced truck trip alternative, the emissions generated by onsite equipment would be the same as those generated by the proposed Project.

d) Under the reduced truck trip alternative, biological impacts would be the same as those of the proposed Project: potentially significant without mitigation. The reduced truck trip alternative would still require mitigation measures to reduce trucking impacts to biological resources. This alternative will not reduce the significant and unavoidable impacts to antelope and mule deer from extending the life of the mine an additional 10 years.

e) Land use impacts of the reduced truck trip alternative would be potentially significant without mitigation. Mitigation measures similar to those of the proposed Project for biological resources and pavement degradation would be required for the reduced truck trip alternative.

f) The reduced truck trip alternative would comply with Lassen County traffic noise standards and would result in a less-than-significant increase in traffic noise levels when compared to existing peak baseline operating conditions. The reduced truck trip alternative would result in less-than-significant impacts related to truck traffic noise.

g) Under the reduced truck trip alternative, the noise impacts from the facility would be less than significant.

h) Similar to the proposed project, the reduced truck trip alternative would result in a less-than-significant impact to intersection level of service and the need for additional turn lanes on the local roadway network. Traffic impacts would be less than significant.
i) The reduced truck trip alternative would meet the Project objective of extending the life of the quarry to extract additional superior materials from the site.
ii) The reduced truck trip alternative would meet the objective of providing materials for construction projects, however would eliminate those requiring nighttime work. The reduced truck trip alternative would reduce the number of construction jobs the facility could serve at one time and would allow only the acceptance of jobs that do not require nighttime work. This alternative may partially meet the first two Project objectives depending on local and regional market demand; however, it would greatly limit the construction jobs served. The reduced truck trip alternative will hinder meeting the first two Project objectives.

C. Alternatives Considered but Rejected from Further Consideration

1) Alternative Project Location
i) An alternative project location was considered but further rejected because the materials at the site are considered superior material not commonly found in the region.
ii) The Project includes specific modifications to an existing operation that may not be feasible at an alternate existing mining site.
iii) For these reasons, an alternative Project location was rejected from further analysis.

2) Sixty-two Truck Trip Alternative
i) An alternative to the proposed project was considered, in which the maximum daily truck trips would be limited to a total of 62 (31 arriving and 31 departing), during 24-hour operations.
ii) This number of truck trips was determined by the noise consultant to reduce ambient truck traffic noise levels to a less-than-significant increase.
iii) This alternative was rejected because it was determined infeasible for regular operations. Although this alternative would not directly interfere with the Project objective of extending the life of the quarry to extract additional superior materials from the site, it would not allow the number of truck trips required to meet the first two Project objectives in full. In many cases, a 62 total truck trip daily maximum would not allow the operation to serve local and regional demands, emergency jobs, or other construction jobs requiring nighttime work sufficiently.

VII. FINDINGS REGARDING PROJECT BENEFITS

A. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project

outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

B. The Board of Supervisors must make findings related to said benefits, supported by substantial evidence, to make a Statement of Overriding Considerations.

C. The Applicant provided a summary of project benefits on March 26, 2019, for consideration by the Planning Commission and the Board of Supervisors.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

A. When the lead agency approves a project which will result in the occurrence of significant effects, which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

B. If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

C. The Board of Supervisors must make findings related to said Statement of Overriding Considerations, in order to approve a project resulting in the occurrence of significant and unavoidable impacts.

D. The Planning Commission recommends that the Board of Supervisors review any substantial evidence of project benefits outweighing the unavoidable adverse environmental effects, as provided by the applicant, and consider making a statement of overriding considerations.

EXHIBIT TWO
SUBSTANTIAL EVIDENCE FOR STATEMENT OF OVERRIDING CONSIDERATION

Hat Creek Construction & Materials, Inc. (HCCMI)
Ward Lake Facility Expansion

CEQA requires the decision-making agency to balance the benefits of a project against its significant unavoidable impacts when determining whether to approve a project. If the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable.[1] CEQA requires the agency to state in writing the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record.[2]

The proposed project would result in significant unavoidable impacts related to noise impact to neighboring properties, even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are identified and discussed in the Subsequent Environmental Impact Report and the Revised Environmental Noise Analysis that have been provided to Lassen County by HCCMI. It is proposed by HCCMI that these significant unavoidable impacts are outweighed by the benefits of approving the Ward Lake Facility Expansion, each of which, independently of the others, constitutes overriding consideration warranting approval of the proposed project. Those benefits are as follows:

- The expanded operations of the Ward Lake Facility are imperative to the continued operation of the facility. The continuing operations of the facility are in the best interest of HCCMI and Lassen County for additional reasons as noted below.
- Recently, more and more construction projects are being contractually required to be completed at night. Something the original EIR's on the property could not evaluate, as it is new trend in the local area. The requirement to perform work at night on various construction projects has been established to reduce the overall impact to the substantial majority of the general public. It has been shown that the inconvenience to the public is greatly reduced by performing many construction projects during the nighttime hours. The benefits extend not only to the decreased inconvenience to the traveling public, but it also significantly reduces the financial impact to all of the other businesses that are near the construction project.
- HCCMI, through the use of the Ward Lake Facility, is a significant contributor to the Lassen County economy. The contribution to Lassen County is not only by direct payments (such as property taxes and other taxes), but also by hiring and paying millions of dollars per year to employees that reside, pay taxes, and spend money in Lassen County. HCCMI also spends considerable amounts each year with local businesses that further enhances the local economy.
- The Ward Lake Facility provides critical services to Lassen County. The Ward Lake Facility is a unique operation in Lassen County since it is the only business that

provides aggregates, concrete, and asphalt mix to the local community from one location. In fact, it possesses the only asphalt mix plant in Lassen County. Without this facility, the State, County, Federal Agencies, and the public would be forced to haul asphalt mix from outside Lassen County to perform work inside Lassen County. Without the facilities at Ward Lake, the costs to construct in Lassen County would increase and the revenues from projects would be removed and spent in other areas.

- Without the Ward Lake Facility, the overall environmental impacts would increase. As noted above, the facility possesses the only asphalt mix plant in Lassen County. If the Ward Lake asphalt plant no longer existed in Lassen County and all asphalt mixes were imported to Lassen County, then the additional transportation would result in a net negative impact to the environment. The additional transportation would require the consumption of more fuel, more hours of vehicle emissions, more tires worn out, more roadways damaged, and therefore ultimately a higher carbon footprint than currently exists.

Hat Creek Construction believes that these specific considerations associated with the project serve to override and outweigh the project's significant unavoidable effects. Therefore, pursuant to CEQA Guidelines Section 15093(b), these adverse effects should be considered acceptable.

Should you have any questions, or need any additional information, please feel free to contact me.

Sincerely,

Hat Creek Construction & Materials, Inc.

Perry Thompson
President

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[2] CEQA Guidelines, 2012. Section 15093(a)

[3] CEQA Guidelines, 2012. Section 15093(b)

Nancy McAllister

From:	Christiana Darlington <christiana@clereinc.net>
Sent:	Thursday, March 28, 2019 2:19 PM
To:	Nancy McAllister
Cc:	perry@hatcreekconstruction.com; Gaylon Norwood; Matthew May; wjolinston@vestra.com; Bon Criss; Maurice Anderson
Subject:	Re: Ward Lake - Statement of Overriding Considerations
Attachments:	Construction Impacts on Businesses.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hello Nancy,

Hat Creek is providing the County with the following information to be considered when drafting statements of overriding consideration regarding its permit modification:

It is arguable that the mitigation measures found in the document will lessen impacts to a less than a significant level, but to be cautious and ensure maximum clarity of the impacts to the public, the County can make findings to support overriding considerations under CEQA, based on the benefits of the project, beyond the implementation of the mitigation based on the following information:

- number of people employed as a result of the proposed project.
  - There are approximately 75 people directly and indirectly employed in connection to the Ward Lake facility. Some employees are full time employees at the facility, other employees are hauling materials in and out of the facility, and others are employed on the construction projects that we are supplying from the Ward Lake Facility.
- amount of money paid to said employees that reside and spend money in Lassen County.
  - Hat Creek Construction contributed approximately $3.5 million in wages in 2018 to the Lassen County area.
- estimated amount of money kept in Lassen County by projects using locally sourced materials.
  - Yearly gross sales (construction and materials) from the Ward Lake facility has averaged around $15,000,000. Although it is not possible to determine the exact amount that would no longer be kept in Lassen County without our facility, we would estimate that 70% or $10,500,000 would be removed from Lassen County annually.
- estimated monetary losses to local businesses that would be otherwise affected by road construction, which would be prevented by nighttime work.
  - Although this value is significant, it is nearly impossible to determine. We have attached a copy of a study that was performed in Houston, TX that shows that 77% of businesses suffered a loss of sales connected to a road construction project near their businesses (Table 4, page 141). Although not all

Impacts can be eliminated, the performance of night work greatly decreases the hours per day that the business operations overlap with road construction and is a very effective mitigation.

Beyond economic benefits it is important to recognize the societal benefits of having locally owned businesses based in California handling large contracts for California public works. If Hat Creek did not win this work, it could be handled by non-local competitors. This increases the confidence of other local businesses and increases the likelihood of business retention and retaining local youth after they earn their educations out of the area.

Also, if out of the area businesses were needed to complete these road improvement projects there would likely be a more significant impact on roadways and air quality as trucks from outside the area, with longer haul routes, would be handling the work.

Please note that without the contracts that require nighttime work, Hat Creek Construction would most certainly see their Ward Lake pit relevancy diminish substantially, and would like close a significant portion of their business, effecting job retention and economics for the broader Northeastern California economy

As to the noise impacts specifically, note that the General Plan allows for noise impacts beyond those requested - and that the request to 65 dbh is well below the maximum of 70dbh. Industrial projects are expected to create noise within the spectrum of 60- 70 dbh.

Please let me know if you need an help with references to guidelines or relevant PRC codes, but I assume you have access to that information.

Please contact me with questions

Meanwhile, Hat Creek is looking for confirmation of the anticipated BOS hearing date. If April 23, 30 or May 7 is possible we strongly hope we can get to the BOS before May 10, 2019

Thank you,

Christiana

EXHIBIT THREE

FINDINGS FOR APPROVAL OF USE PERMIT AMENDMENT #2018-003 AND RECLAMATION PLAN AMENDMENT #2018-001

The Planning Commission hereby makes the following findings in support of the approval of Use Permit Amendment #2018-003 and Reclamation Plan Amendment #2018-001 for the TLT Enterprises LLC, Ward Lake Pit Amendment Project:

1. The Lassen County Planning Commission approved Use Permit #79-80-44 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 applicant is proposing an amendment to allow 24-hour mining operations, Monday through Saturday. The applicant is also proposing an extension of the life of the mine from 2020 to 2030 and annual site production in excess of the permitted 100,000 tons during declared emergencies. All other requirements of approved Use Permit and Reclamation Plan #96056 not addressed by the proposed amendment or approving resolution, with conditions, will be maintained.

6. Current hours of operation of the Ward Lake Pit surface mine are 6:00 a.m. to 7:00 p.m., Monday through Saturday.

7. The California Department of Transportation (Caltrans) has expressed intentions of requiring increased nighttime roadwork on future projects, in order to minimize the impact on traffic and on the traveling public.

8. The subject parcel is a 442-acre parcel that is located in portions of Sections 28, 32, and 33 in Township 30 North, Range 14 East, Mount Diablo Base and Meridian and is represented by Assessor's Parcel Number 109-100-59. This property is owned by TLT Enterprises LLC, a California Limited Liability Company, as shown at a Grant Deed recorded on February 6, 2012 as Document Number 2012-00605, and at a Grant Deed recorded on March 23, 2017 as Document Number 2017-01109, both of the Official Records of Lassen County.

9. The parcel described in the finding above was created by Lot Line Adjustment Number 2015-009 which was approved by the Lassen County Technical Advisory Committee on May 13, 2015. The Certificate of Lot Line Adjustment was recorded on March 23, 2017 as Document Number 2017-01107 of the Official Records of Lassen County. Therefore, the subject parcel is found to have been created in compliance with the California Subdivision Map Act and local ordinances.

10. The portion of assessor's parcel number 109-100-59 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.

11. 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.

12. The project site is not within the 100-year flood plain according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).

13. A noise study was conducted to analyze impacts resulting from noise levels of onsite operations and associated traffic. Impacts of noise from onsite operations were determined to be less than significant after mitigation, while impacts of traffic on permanent and periodic ambient noise increases above levels existing without the project were determined to be significant and unavoidable in the Draft Subsequent Environmental Impact Report.

14. Installation of noise berms was proposed as a mitigation measure; however, to be used as a mitigation and use permit condition, design and location specifics must be clarified.

15. A biological resource evaluation and nighttime wildlife survey conducted at the project site showed no special-status wildlife species to be present onsite or in the immediate surrounding area. Impacts to special-status wildlife species with potential to occur in the project area were analyzed and determined to be less than significant in the Draft Subsequent Environmental Impact Report.

16. Impacts of nighttime operations on pronghorn, mule deer, and nocturnal foragers were found to be less than significant after mitigation; however, impacts to pronghorn and mule deer that have previously been determined to be significant and unavoidable would be prolonged by the extension of the site life from 2020 to 2030.

17. Impacts related to the substantial degradation of existing visual character or quality of the site and its surroundings through project lighting and nighttime views, as well as impacts related to the creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area (headlight impacts), were determined to be significant and unavoidable to residences along Ward Lake Road in the Draft Subsequent Environmental Impact Report.

18. Access to the Pit is from Ward Lake Road, County Road 308, a portion of which is in the County Maintained Road System, which has access off Center Road, County Road 215, which is in the County Maintained Road System.

19. Existing and proposed truck traffic from the Ward Lake Pit operation has and will continue to degrade the quality of the Lassen County maintained portion of Ward Lake Road.

20. To make the mandatory findings required by Lassen County Code Section 18.112.100, it is the opinion of the Lassen County Department of Public works that an eastbound left-hand turn lane be required on Center Road at the intersection with Ward Lake Road, as the existing and proposed project traffic has potential to impair the health, safety, peace, morals, comfort and general welfare of persons residing or working in the project area.

21. 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.

22. 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) and is subject to the California Environmental Quality Act (CEQA).

23. The Lassen County Environmental Review Officer, through Initial Study #2018-001, determined that preparation of a Subsequent Environmental Impact Report is required for Use Permit Amendment #2018-003 and Reclamation Plan Amendment #2018-001. The findings of Initial Study #2018-001 and determination of the Environmental Review Officer were certified by the Lassen County Planning Commission on June 6, 2018, with the adoption of Resolution #6-05-18. A Subsequent Environmental Impact Report is currently being processed for this project.

24. The California Department of Conservation, Division of Mine Reclamation (DMR), was sent notice on February 22, 2018, May 25, 2018, and June 19, 2018, of the Use Permit and Reclamation Plan Amendment being processed by Lassen County, acting as lead agency.

25. Lassen County Code, Chapter 18.112.020 establishes the process for the approval of amendments to existing Use Permits and Reclamation Plans.

26. 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.

27. 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).

28. 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.

29. 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:

    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.

EXHIBIT FOUR
CONDITIONS OF APPROVAL
USE PERMIT AMENDMENT #2018-003

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

2. No nighttime operations (7:00 p.m. to 6:00 a.m.) shall be conducted during the period of January 31 through March 31 of each year.

3. No grading, blasting, or excavating shall be allowed onsite between the hours of 6 p.m. and 7:00 a.m., year-round.

4. Start-up of onsite generators shall be restricted to between the hours of 7 a.m. and 10:00 p.m.

5. Within 60 days of issuance of authorization to operate, all lighting on site shall be downward facing and fully shielded. All lighting shall be directed internally into the site and berm site areas to minimize impact.

6. Haul trucks shall only use low beams when passing along Ward Lake Road during nighttime operations.

7. Haul trucks associated with the mining operation shall not use Center Road (A-27) east of Ward Lake Road between the hours of 10:00 p.m. and 7 a.m.; during these hours all trucks must turn west onto Center Road from Ward Lake Road to avoid the community of Litchfield.

8. Haul trucks (loaded or empty) associated with the mining operation shall not exceed a daily average of 26 round trips (26 arriving and 26 departing) throughout the calendar year and shall not exceed a daily maximum of 275 round trips (275 arriving and 275 departing), with a maximum of 173 total trips occurring between the hours of 10:00 p.m. and 7:00 a.m., excluding personal employee vehicles and light-duty trucks assigned to employees.

9. Scale log data for Ward Lake Pit (CA Mine ID #91-18-0008) shall be provided to Lassen County by the mine operator by July 1, annually.

10. Use of "Jake brake" (engine brake) shall be prohibited along the mine access road and Ward Lake Road; Within 60 days of issuance of authorization to operate, the mine operator shall post "No Use of Jake Brake" signs on the access road and at the Center Road and Ward Lake Road intersection, in coordination with the Lassen County Department of Public Works.

11. Within 60 days of issuance of authorization to operate, the mine operator shall post advisory "Reduced Speed to 25 MPH" signs on the access road and Ward Lake Road (one northbound and one southbound, at minimum), in coordination with the Lassen County Department of Public Works.

12. Within 60 days of issuance of authorization to operate, the mine operator shall post "Wildlife Crossing" signs along Ward Lake Road and Center Road, in coordination with the Lassen County Department of Public Works.

13. The mine operator (TLT Enterprises/Hat Creek Construction) shall conduct driver education events, annually at minimum, to increase driver awareness to reduce impacts to wildlife and local residents, and shall give notice the Planning and Building Services Department prior to the date of each event.

14. The mine operator shall give written notice to the Lassen County Department of Planning and Building Services and all residents of Ward Lake Road at least 72 hours prior to commencing a non-emergency project, requiring nighttime operations, that will last 5 or more days and/or was awarded by way of formal bid process.

15. The operator shall assist Lassen County Road Department with the installation of an eastbound left-hand turn lane on Center Road onto Ward Lake Road, within 30 months of project approval (timeline as established by the Director of Public Works), by providing the necessary asphalt materials.

16. The operator shall assist the Lassen County Road Department with the repair of and/or asphalt concrete overlay of the Lassen County maintained portion of Ward Lake Road, within 30 months of project approval (timeline as established by the Director of Public Works), by providing the necessary asphalt materials.

17. Within 60 days of project approval, the operator shall submit a $200,000.00 surety bond, payable to Lassen County, as financial assurance for the completion of the above road maintenance assistance. Upon completion of all required assistance, the surety bond shall be released back to the operator. If the above road maintenance is to be completed in phases, the Director of Public Works may authorize incremental release of said bond, as phased work is completed.

18. Prior to issuance of an authorization to operate by Lassen County, the operator shall install a berm or barrier to shield residences in the project vicinity from noise produced by the asphalt plant generator. The berm or barrier shall extend to a height even with the generator enclosure. The opening of the generator enclosure shall be oriented to the north.

EXHIBIT FIVE
MITIGATION MONITORING PROGRAM

MITIGATION AND MONITORING PROGRAM CONTENTS

This section contains the Mitigation Monitoring Program (MMP) for the Ward Lake Pit Amendment Project (EIR2018-001, UP2018-003, RP2018-001). The MMP includes a brief discussion of the legal basis for and the purpose of the program, discussion, and direction regarding complaints about noncompliance, a key to understanding the monitoring matrix, and the monitoring matrix itself.

LEGAL BASIS OF AND PURPOSE FOR THE MITIGATION MONITORING PROGRAM

California Public Resources Code §21081.6 requires public agencies to adopt mitigation monitoring or reporting programs whenever certifying an Environmental Impact Report (EIR) or a Mitigated Negative Declaration. This requirement facilitates implementation of all mitigation measures adopted through the California Environmental Quality Act (CEQA) process.

The MMP contained herein is intended to satisfy the requirements of CEQA as they relate to the FSEIR prepared for the proposed project. It is intended to be used by County staff, participating agencies, project applicant, project contractors, and mitigation monitoring personnel during implementation of the proposed project. Mitigation is defined by State *CEQA Guidelines* §15370 as a measure that does any of the following:

- *Avoids impacts altogether by not taking a certain action or parts of an action.*
- *Minimizes impacts by limiting the degree or magnitude of the action and its implementation.*
- *Rectifies impacts by repairing, rehabilitating, or restoring the impacted environment.*
- *Reduces or eliminates impacts over time by preservation and maintenance operations during the life of the project.*
- *Compensates for impacts by replacing or providing substitute resources or environments.*

MITIGATION MONITORING TABLE

The attached table, WARD LAKE PIT AMENDMENT MITIGATION MONITORING PROGRAM, identifies the mitigation measures for the project as noted throughout the FSEIR. The table has the following columns:

Mitigation Measure: Lists the mitigation measures identified within the FSEIR for a specific impact, along with the number for each impact/measure enumerated in the FSEIR.

Implementation Phase: Identifies at what point in time, review process, or phase the mitigation measures will be completed.

Monitoring Phase: Identifies at what point in time, review process, or phase the mitigation measures will be monitored.

Enforcing Agency: References the County department responsible for enforcement of the mitigation, as well as the County department or any other public agency with which coordination is required to satisfy the identified mitigation measure.

Verification: Spaces to be initialed and dated by the individual designated to verify adherence to a specific mitigation measure.

NONCOMPLIANCE COMPLAINTS

Any person or agency may file a complaint asserting noncompliance with the mitigation measures associated with the proposed project. The complaint shall be directed to the County in written form, providing specific information on the asserted violation. The County shall conduct an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure has occurred, the County shall take appropriate action to remedy any violation. The complainant shall receive written confirmation indicating the results of the investigation or the final action corresponding to the particular noncompliance issue.

WARD LAKE PIT AMENDMENT MITIGATION MONITORING PROGRAM

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcing Agency	Verification of Compliance		
				Initials	Date	Remarks
MM 4.2.5.1(1) Direct lighting internally into the site and berm site areas to minimize impact when possible	Ongoing	Ongoing	Lassen County Planning and Building			
MM 4.2.5.1(2) Install fully shielded (pointing downward) lighting fixtures	Within 60 days of issuance of authorization to operate	60 days after issuance of authorization to operate	Lassen County Planning and Building			
MM 4.2.5.2(1) Use only low beams on trucks in residential areas during nighttime operations	Ongoing	Ongoing	Lassen County Planning and Building			
MM 4.4.5.2(a)(1) Operator shall continue limits on operations from January to March 31. 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 1 and March 31 annually.*	Ongoing	Ongoing	Lassen County Planning and Building			

MM 4.4.5.2(a)(2) Operator shall conduct no nighttime operations (7:00 p.m. to 6:00 a.m.) during the period of January 1 to March 31. Applying the existing operational restriction to the proposed nighttime operations would eliminate additional disturbance/ displacement of pronghorn antelope and mule deer utilizing the winter habitat during the winter months.	Ongoing	Ongoing	Lassen County Planning and Building			
MM 4.4.5.2(a)(3) Year-round nighttime operation restrictions. No grading, blasting, or excavating shall be allowed onsite between the hours of 6:00 p.m. and 7:00 a.m.	Ongoing	Ongoing	Lassen County Planning and Building			
MM 4.4.5.2(a)(4) Lighting fixture design. To minimize the effects of lighting of artificial light on wildlife, lighting fixtures associated with nighttime project work shall be downward facing and fully-shielded. Lighting equipment should be designed and installed to minimize light pollution.	Within 60 days of issuance of authorization to operate	60 days after issuance of authorization to operate	Lassen County Planning and Building			
MM 4.4.5.2(a)(5) Noise reduction barriers. Adverse effects from noise may be reduced through installation of noise berms constructed around the project area where heavy machinery is in use. Barriers can eliminate or minimize the impacts of vibrations that may result from nighttime operations.	Prior to issuance of an authorization to operate	Prior to issuance of an authorization to operate	Lassen County Planning and Building			
MM 4.4.5.2(a)(6) No "jake brake" usage. This option can significantly reduce the noise impacts from the increased traffic volume. "No use of jake brake" signs shall be posted on the access road and at the Center Road (A27) and Ward Lake Road intersection.	Within 60 days of issuance of authorization to operate	60 days after issuance of authorization to operate	Lassen County Planning and Building, in coordination with Lassen County Public Works			
MM 4.4.5.2(c)(1) Wildlife crossing signage on roadways. This option would educate drivers about the potential for wildlife encounters on roads during nighttime hours. Signage will be permanent. This measure can prevent direct mortalities to nocturnal	Within 60 days of issuance of authorization to operate	60 days after issuance of authorization to operate	Lassen County Planning and Building, in coordination with Lassen County Public Works			

wildlife. Signs will be added along Center Road and Ward Lake Road with County approval.						
MM 4.4.5.2(c)(2) Reduce traffic speed on roadways. This mitigation would reduce the speed limit in order to minimize traffic impacts to wildlife. "Reduce speed to 25 MPH" signs would reduce the speed limit on Ward Lake Road during nighttime hours, granting a longer reaction time should any wildlife be encountered on a roadway.	Within 60 days of issuance of authorization to operate	60 days after issuance of authorization to operate	Lassen County Planning and Building, in coordination with Lassen County Public Works			
MM 4.4.5.2(c)(3) Driver education. Hat Creek Construction will conduct education events to increase driver awareness to avoid wildlife vehicle impacts.	Ongoing	Ongoing	Lassen County Planning and Building			
MM 4.8.5.1 [*see MM 4.4.5.2(a)(1-6) and MM 4.4.5.2(c)(1-3)*]						
MM 4.9.5.1(a)(1) The operator shall restrict the start-up of onsite generators operations to between the hours of 7:00 a.m. to 10:00 p.m.	Ongoing	Ongoing	Lassen County Planning and Building			
MM 4.9.5.1(a)(2) Shield the asphalt plant generator noise levels by either placing the generator behind a berm or barrier, and orient the generator opening to the north. The berm or barrier shall extend to a height even with the top of the generator enclosure.	Prior to issuance of an authorization to operate	Prior to issuance of an authorization to operate	Lassen County Planning and Building			
MM 4.9.5.1(b)(1) No use of "jake" brakes leaving the Project site	Ongoing	Ongoing	Lassen County Planning and Building			
MM 4.9.5.1(b)(2) "Reduce speed" signs will be posted by the operator for tucks on the access road and Ward Lake Road and "no use of jake brake" signs will be posted by the operator on the access road and at the Center Road (A27) and Ward Lake Road intersection	Within 60 days of issuance of authorization to operate	60 days after issuance of authorization to operate	Lassen County Planning and Building, in coordination with Lassen County Public Works			
MM 4.9.5.1(b)(3) Maintain traffic noise below 65 dB Ldn by reducing truck traffic during 24-hour operations to 550 one-way truck trips (275 arriving and 275 departing) *The Lassen County General Plan requires discretionary*	Ongoing	Ongoing	Lassen County Planning and Building			

approval to allow for noise levels between 60 dB Ldn and 70 dB Ldn. A condition of approval to allow for noise up to 65 dB Ldn should be added.						
MM 4.9.5.3 [*see MM 4.9.5.1(a)(1-2) and MM 4.9.5.1(b)(1-3)*]						
MM 4.9.5.4 [*see MM 4.9.5.1(a)(1-2) and MM 4.9.5.1(b)(1-3)*]						