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PLANNING COMMISSION MEETING
June 7, 2022

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LASSEN COUNTY PLANNING COMMISSION
STAFF REPORT
June 7, 2022

FILE NUMBER: UP 2021-003, RP 2021-001, EIR 2021-001
OWNER: TLT Enterprises, LLC
TYPE OF APPLICATION: Use Permit Amendment, Reclamation Plan
Amendment, Subsequent Environmental Impact
Report
GENERAL LOCATION: The project is located at 476250 Ward Lake Road,
off Center Road (A-27) in Litchfield, CA
ASSESSOR'S PARCEL NUMBER(S): 109-100-059 (Old 109-100-40, 42, 44), 109-100-060
(old 109-100-42)
PROJECT SITE ZONING: U-C-2 (Upland Conservation/Resource Management
District), U-C-A-P (Upland Conservation,
Agriculture Preserve Combining District)
GENERAL PLAN: Extensive Agriculture
ENVIRONMENTAL DOCUMENT: Subsequent Environmental Impact Report
STAFF CONTACT: Cortney Flather, Natural Resources Technician

AUTHORITY FOR APPLICATION:

Lassen County Environmental Review Guidelines (Board of Supervisors Resolution No. 01-043) section 1(b) establishes the procedure for project recommendations, as well as review of and recommendations provided upon the Environmental Impact Report.

REGULATING AGENCIES:

<u>Agency</u>	<u>Identified Permits / Approvals</u>
Planning Commission	Provide Review and Recommendations
Board of Supervisors	Review and Approve
Department of Conservation, Division of Mine Reclamation	Review and Approve
Lassen County Air Pollution Control District	Issue Permit
Lahontan Regional Water Quality Control Board (LRWQCB)	Permit for Storm Water Discharges associated with Construction and Land Disturbance
Lassen County Sheriff's Office	Blasting Permit

INTRODUCTION:

The purpose of this public hearing is to consider the Use Permit Amendment, Reclamation Plan Amendment, and Draft Subsequent Environmental Impact Report (DSEIR) for the above referenced proposed project.

The Planning Commission is tasked with reviewing said project and making recommendations to the Board of Supervisors, in accordance with the Lassen County Environmental Review Guidelines (Board of Supervisors Resolution No. 01-043) section 1(b). The Planning Commission is typically 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. Additionally, the Board of Supervisors is the decision-making body on this project, as overriding considerations have been deemed necessary for project approval.

PROJECT DESCRIPTION:

This project is a proposal to amend mining operations at the Ward Lake Pit (CA mine ID #91-18-0008). If approved, the amendment would allow for the expansion of approximately 78.6 acres, with an associated additional volume of 5,000,000 tons of material; extension of the life of the mine from 2030 to 2050; and an increase of the maximum volume per year from 100,000 tons to 200,000 tons per year.

DISCUSSION:

The Ward Lake Pit currently occupies 160 acres on a 442-acre parcel (APN 109-100-059), owned by TLT Enterprises LLC. The surface mining operation is presently permitted for the mining of rock, crushing, screening, washing, material stockpiling, fuel storage; operation of a cement plant (12,000 cubic-yard annual limit) and asphalt plant; and the use of settling ponds, scales, an office and a truck shop. The current use permit allows for six days a week, 24-hour operations, with the exception of January 1st to March 31st when no 24-hour operations may occur. The quarry typically operates 10 hours per day, five days a week, with maximum operations of 24 hours per day, six days a week. Grading, excavating, and blasting are prohibited onsite between January 1st and March 31st, 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. The detonation of explosives is prohibited between the hours of 6:00 p.m. and 7:00 a.m. year-round. Current noise standards for the operation, as measured at the nearest affected residentially designated lands, require that daytime noise levels stay below 70 dBA and nighttime noise levels stay below 60 dBA (noise level standard varies with the cumulative number of minutes the noise lasts in any one-hour time period).

The proposed expansion area consists mainly of shrub communities including sagebrush, bitterbrush, and rabbitbrush that are used as forage by several bird species 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. Special status wildlife species that have the potential to occur within the project area include the golden eagle, northern harrier, Swainson's hawk, greater sage-grouse, burrowing owl, long-eared owl, short-eared owl, loggerhead shrike, gray wolf, American badger, pallid bat, pygmy rabbit, and white-tailed jackrabbit.

There are no existing streams or bodies of water within the boundaries of the project site, and the site is not within the 100-year floodplain. Several permitted settling ponds are located at the north end of the current project site, which drain into intermittent channels. The project site is located within the Honey Lake Valley Groundwater Basin, which has been identified as a "low priority basin" by the Department of Water Resources, signifying that it is not currently at risk for overdraft. The area surrounding the site is primarily used for agriculture and open space.

Twelve residences are located within one mile of the existing 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 4,500 feet to the south.

The increased nighttime traffic and 24-hour operation of the plant will continue and is considered a baseline condition. Current operations of the plant and processing area will continue. Portions of the current quarry area will be reclaimed as the new area is mined. The proposed Project area is estimated to be visible from approximately 55,000 acres, which is not a changeover baseline condition. Light and glare impacts have been previously analyzed in the 2019 EIR. This represents the baseline condition and will not be modified with implementation of the proposed Project. No additional sources of lighting are planned or anticipated in the expansion area. Baseline traffic remains the same as that analyzed in the 2019 EIR with an average of 32 one-way truck trips per day during normal operating periods which are evenly distributed from 6:00 to 7:00 p.m. The distribution of truck trips includes 40 percent traveling east on Center Road and 60 percent traveling west on Center Road.

ENVIRONMENTAL DOCUMENT:

The County of Lassen prepared a Draft Subsequent Environmental Impact Report, which identified potentially significant impacts in the following categories (see DSEIR for more information):

- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Geology and Soils
- Land Use and Planning
- Noise

Mitigation measures that have been identified to reduce these effects include preconstruction surveys for burrowing owls, nests, special-status plant species, pallid bats, continuation of limited winter operations during the daytime (no grading, excavating, blasting), limiting of 24-hour operations to April 1 – December 31 annually, limiting of all grading/excavating/blasting to 7:00a.m.-6:00p.m., limiting of onsite generator start-up to 7:00a.m.-10:00p.m, marked non-

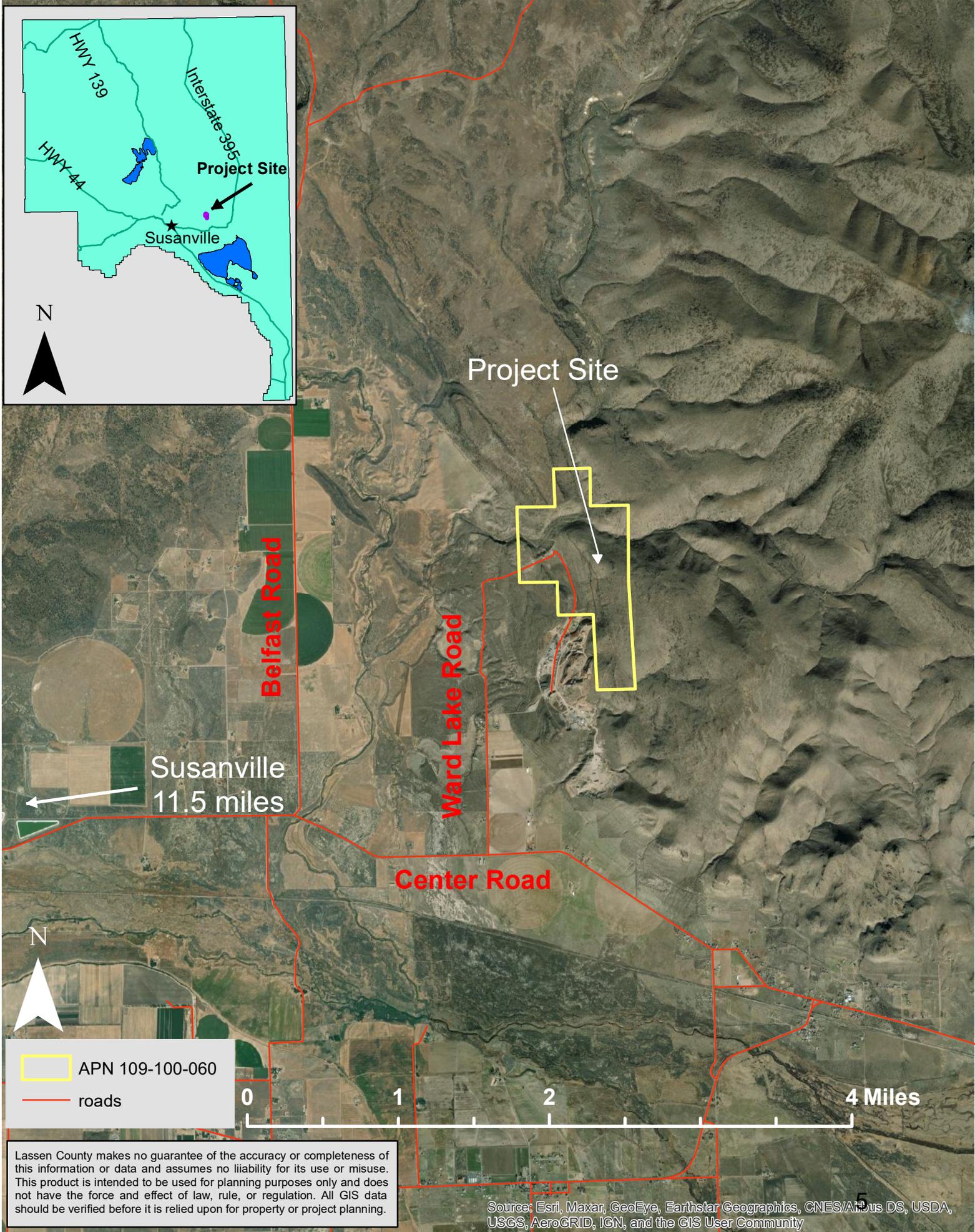
disturbance area for archeological artifact/s found, installation of pneumatic road tubes, and a phased reclamation schedule. For the full list of mitigation measures please see the Draft Resolution.

After mitigation, certain impacts to biological resources remain significant and unavoidable in the DSEIR. Because the DSEIR identified significant and unavoidable impacts, a statement of overriding considerations is required for project approval.

The Use Permit application, Reclamation Plan application, Draft Subsequent Environmental Impact Report, and all associated documents can be found here:

www.lassencounty.org/dept/planning-and-building-services/environmental-documents-noticing-and-attachments

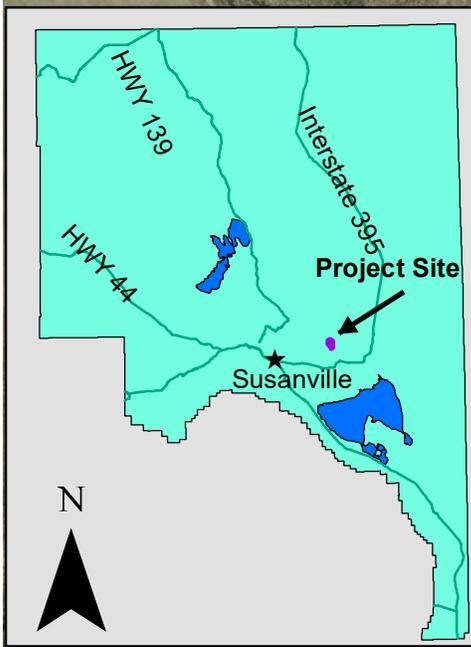
Ward Lake Quarry Expansion (#91-18-0008) Vicinity Map



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

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



 APN 109-100-060
 roads

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

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION MAKING FINDINGS AND RECOMMENDING THAT THE BOARD OF SUPERVISORS CONSIDER USE PERMIT AMENDMENT (#2021-003), AND RECLAMATION PLAN AMENDMENT (#2021-001), 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 (#2021-001),

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 an expansion of 78.6 acres, with an associated additional volume of 5,000,000 tons of material; the extension of the life of the mine from 2030 to 2050; an increase in the maximum volume from 100,000 to 200,000 tons of aggregate per year; 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, a Draft Subsequent Environmental Impact Report (DSEIR) has been 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, 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 Planning Commission as an advisory body is 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, has considered, in an advisory capacity to the Board of Supervisors, Use Permit Amendment #2021-003, and Reclamation Plan Amendment #2021-001, submitted by TLT Enterprises LLC (Perry Thompson) for Ward Lake Pit surface mining operation, to allow expansion of 78.6 acres, with an associated additional volume of 5,000,000 tons of material; the extension of the life of the mine from 2030 to 2050; an increase in the maximum volume from 100,000 to 200,000 tons of aggregate per year; and

WHEREAS, Lassen County has caused notice to be given, in accordance with the law, of a public hearing before the Planning Commission in these matters on June 7, 2022; and

WHEREAS, the Director of Planning and Planning and Building Services has provided to the Commission, and the Commission has incorporated into the record of this matter, the DSEIR, 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 evidence in support of the required findings; and

WHEREAS, the Planning Commission has duly considered the DSEIR as required by CEQA, and reviewed the above project and actions in light of that DSEIR; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS:

1. The foregoing recitals are true and correct, and the Planning Commission has jurisdiction to consider the subject matters of this resolution in an advisory capacity to the Board of Supervisors; and
2. The Lassen County Planning Commission certifies that it has reviewed and considered the information contained in the DSEIR dated March 2022, for the TLT Enterprises LLC, Ward Lake Pit amendment project; and
3. The Planning Commission hereby adopts as its findings the CEQA findings of fact and evidence submitted in support of a Statement of Overriding Considerations 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 hereto as EXHIBIT ONE, and incorporated herein; and
4. The Planning Commission hereby adopts as its findings the findings and conditions 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 TWO, and incorporated herein; and
5. The Planning Commission, after careful consideration of the facts, evidence, comments and recommendations contained in the DSEIR, and as submitted during the public review of the DSEIR, and as presented at the public hearings, hereby adopts the following recommendations to the Board of Supervisors:
 - a. That the Board certify that it has reviewed and considered the information contained in the FSEIR for the TLT Enterprises LLC, Ward Lake Pit amendment project, and further certify that the FSEIR has been completed in compliance with CEQA.

- b. That the Board adopt the findings as set forth in exhibits ONE and TWO attached hereto and consider adopting a Statement of Overriding Consideration.
- c. That the Board find that the project is consistent with the *Lassen County General Plan, 2000*, and the *Standish-Litchfield Area Plan 1982*.
- d. That the Board consider approval of use permit amendment #2021-003 and reclamation plan amendment #2021-001, subject to the conditions of approval attached hereto as EXHIBIT THREE.
- e. That the Board adopt the Mitigation Monitoring Program set forth in the DSEIR.
- f. That Board consider and make findings as to whether or not the project as conditioned, will or 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 Planning Commission of the County of Lassen, State of California, on the 7th day of June 2022, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

 Chairman
 Lassen County Planning Commission

ATTEST:

 Maurice L. Anderson, Secretary
 Lassen County Planning Commission

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 April 9, 2021.

B. A Notice of Preparation dated April 28, 2021, was prepared and distributed to interested individuals, agencies and property owners in the vicinity.

C. 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.

D. Lassen County sent the Notice of Completion of the DSEIR to the State Clearinghouse on March 29, 2022. State Review began on March 29, 2022. 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 30, 2022.

E. The DSEIR was released to the public and agencies for a 45-day review and comment period, beginning on March 29, 2022 and ending on May 12, 2022. The Planning Commission held a public hearing to provide the public, agencies and the Planning Commission an opportunity to

comment on the DSEIR. The hearing was opened at the June 7, 2022, Planning Commission 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 May 26th, 2022.

II. FINDINGS REGARDING NO IMPACTS

The SEIR 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 Mineral Resources

1. Impacts:

- a) Results in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- b) Results in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

2. Findings:

- a) Impacts to mineral resources are discussed in Section 2.8 of the SEIR.
- b) A search of the SMARA Mineral Lands Classification (MLC) data portal did not show any MLC related studies or maps for Lassen County or the proposed quarry expansion. There are no designated mineral deposits of regional or statewide importance within the proposed quarry expansion.
- c) The State of California has not designated an area of statewide or regional mineral resource significance within the proposed quarry expansion. In addition, the proposed quarry expansion is not delineated in the Lassen County General Plan or Standish-Litchfield Area Plan as a locally important mineral resource.
- d) The Planning Commission finds that implementation of the proposed Project would not result in the loss of availability of a mineral resource of value to the region or residents of the state or delineated locally important mineral resource. Therefore, the proposed Project would have no impact to mineral resources.

B. Impacts to Population and Housing

1. Impacts:

- a) Induces substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- b) Displaces substantial numbers of existing people or housing, necessitating the construction of replacement of housing elsewhere.

2. Findings:

- a) Impacts to population and housing are discussed in Section 2.8 of the SEIR.
- b) No new development or infrastructure is proposed as part of the quarry expansion and no additional employees are anticipated.
- c) No existing housing or people will be displaced by the proposed Project

C. Impacts to Public Services

1. Impacts:

- a) Results in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks, other public facilities.

2. Findings:

- a) Impacts to public services are discussed in Section 2.8 of the SEIR.
- b) The proposed Project includes expansion of an existing mining operation. As a result, Project implementation will not increase the local population that, in turn, would require new or physically altered schools, parks, or other public facilities.
- c) The proposed Project will not result in an impact to service ratios, response time or other performance objectives for fire or police protection which would require the construction of new or physically altered governmental facilities.

D. Impacts to Utilities and Service Systems

1. Impacts:

- a) Requires or results in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- b) Sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
- c) Results in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- d) Generates solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- e) Complies with federal, state, and local management and reduction statutes and regulations related to solid waste.

2) Findings:

- a) Impacts to utilities and service systems are discussed in Section 2.8 of the SEIR.
- b) Implementation of proposed Project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities that would result in significant environmental effects.
- c) The proposed quarry expansion will utilize the same utilities and services as the current mining operation.
- d) The proposed Project does not include any changes that will affect solid waste at the site.
- e) Water used for dust suppression will be provided by an existing well.
- f) As discussed in Section 4.11, Hydrology and Water Quality, the proposed Project will not create a demand for water in excess of available groundwater supplies.

E. Impacts to Recreation

1. Impacts:
 - a) Increases the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
 - b) Includes recreational facilities or requires the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.
- 2) Findings:
 - a) Impacts to recreation are discussed in Section 2.8 of the SEIR.
 - b) The proposed quarry expansion does not include recreational facilities and would have no foreseeable impact on existing recreational facilities.
 - c) The proposed Project would not increase the need for recreational services, as no additional employees are proposed.

F. Impacts to Aesthetics and Visual Resources

- 1) Impacts:
 - a) Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- 2) Findings:
 - a) The proposed Project is not located in an area that is designated as scenic highway, although the project is visible from portions of Highway 395 for a distance of approximately 2 miles, Highway 395 is not a designated scenic highway.
 - b) The Project does not impact a designated landmark, historic resource, trees, or rock outcroppings of valued visual character. Therefore, no impact to scenic resources would occur.

G. Impacts to Agriculture and Forestry Resources

1. Impacts:
 - a) Conflict with existing zoning for agricultural use or a Williamson Act contract.
 - b) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)) or result in the loss of forest land or conversion of forest land to non-forest use.
2. Findings:
 - a) The proposed Project is not covered by a Williamson site contract. The County's General Plan allows for mining in areas designated as Extensive Agriculture. Implementation of the proposed Project would result in no impact or conflict with existing uses or a Williamson Act contract.
 - b) The Project area is not forested and not zoned for forestland, timberland, or timber production zone. There is no conflict or impact to forestland.

H. Impacts to Air Quality

1. Impacts:
 - a) Conflict with or obstruct implementation of the applicable air quality plan.

2. Findings:
 - a) Lassen County is in attainment/unclassified for all criteria pollutants. There are no applicable attainment plans or other local air quality plans for the Northeast Plateau Air Basin or Lassen County APCD. Therefore, Lassen County is not subject to an air quality plan. No impact would occur in this regard.

I. Impacts to Biological Resources

1. Impacts:
 - a) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or USFWS.
 - b) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
 - c) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
 - d) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.
2. Findings:
 - a) Based on the Biological Resources Report (BRA) (Appendix E) the proposed quarry expansion area does not include sensitive natural communities.
 - b) Based on the BRA (Appendix E) the proposed quarry expansion area does not include any wetlands or other potential waters of the U.S. or State; therefore, the proposed Project will not result in impacts to riparian areas, or result in removal, filling, or hydrological interruption of wetlands or potentially jurisdictional waters.
 - c) Under the Regulatory subsection, the Lassen County General Plan and Standish-Litchfield Area Plan address the need to preserve unique and important plant communities as well as aquatic, fish, and wildlife habitats, for their biological resource and ecological values. The proposed Project would not conflict with any local policies or ordinances protecting biological resources or a tree preservation policy or ordinance.
 - d) There are no habitat conservation plans, natural community conservation plans, or related documents for the area for which the proposed Project could conflict.

J. Impacts to Land Use and Planning

1. Impacts:
 - a) Physically divide an established community.
2. Findings:
 - a) The proposed Project is consistent with the existing Lassen County General Plan designation and zoning of the site. The proposed Project does not have the potential to physically divide an established community and does not propose to divide land or rezone the parcels. Access to the site is limited.

K. Impacts to Geology and Soils

1. Impacts:
 - a) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.
 - b) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
2. Findings:
 - a) Soils at the Project site are comprised on Devada-Rock outcrop association (2 to 50 percent slopes; non-irrigated 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), 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. The proposed quarry expansion area does not contain expansive soils as defined in Table 18-1 B under the Uniform Building Code of 1994. The risks of injury, loss of life or property would not be considered substantial, and no impact would occur in this regard.
 - b) The proposed quarry expansion does not include the use of any septic tanks or alternative wastewater disposal systems.

L. Impacts to Hazards and Hazardous Materials

1. Impacts:
 - a) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
 - b) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
 - c) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the project would result in a safety hazard or excessive noise for people residing or working in the project area.
 - d) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan
2. Findings:
 - a) The proposed Project site is not located within a quarter mile of a school and will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
 - b) A search of the DTSC and SWRCB lists identified no open cases of hazardous waste violations on the Project site. Therefore, the site is not on a parcel included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (DTSC, 2021; SWRCB, 2021).
 - c) The proposed Project is not in the vicinity of an airport and will not expose workers to safety hazards or excessive noise from airports.

- d) The 2019 EIR determined that the impacts of traffic from current operations related to emergency access were less than significant. Implementation of the proposed quarry expansion will not result in a change or increase the severity of these impacts. The proposed Project does not involve a use or activity that could interfere with long-term emergency responses or emergency evacuation plans for the area.

M. Impacts to Hydrology and Water Quality

1. Impacts:

- a) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which would impede or redirect flood flows.
- b) Result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

2. Findings:

- a) There are no rivers or streams within the Project site. The proposed Project is not located within or immediately adjacent to a designated floodplain and as a result the proposed quarry expansion will not impede or redirect flood flows.
- b) The Project site and the immediate surrounding area is not located within a flood hazard zone, tsunami, or seiche zone. The proposed quarry expansion will not be inundated by water from flooding, tsunami or seiche. There is no risk of release of pollutants due to inundation of the site.

N. Impacts to Noise

1. Impacts:

- a) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, where the project would expose people residing or working in the project area to excessive noise levels.

2. Findings:

- a) The nearest airport is the Susanville Airport which is approximately 8.2 miles to the southwest. The Project is not located within the vicinity of a private airstrip or an airport land use plan, or within two miles of a public airport or public use airport.

O. Impacts to Transportation

1. Impacts:

- a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
- b) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

2. Findings:

- a) The proposed quarry expansion will not increase or change the distribution of current traffic generated by the existing operation. The proposed Project will continue to comply with Condition of Approval #8 for Use Permit Amendment No. 2018-003 and will not exceed a daily average of 26 haul truck round trips throughout the calendar year or the daily maximum of 275 haul truck round trips.

- b) Implementation of the proposed quarry expansion will not result in a change or increase the severity of these impacts. The proposed Project will continue to comply with the additional Conditions of Approval related to traffic for Use Permit No. 2018-003 for truck traffic distribution on area roadways and requiring assistance with roadway improvements. Traffic volumes generated by the proposed quarry expansion will not exceed the peak hour traffic numbers analyzed in the 2019 EIR.

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 Aesthetics and Visual Resources

1. Impacts:

- a) Have a substantial adverse effect on a scenic vista.
- b) In non-urbanized areas, substantially degrade the existing visual character or quality of the public views of the site and its surroundings.
- c) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

2. Findings:

- a) Impacts to aesthetics and visual resources are discussed in Section 4.2 of the DSEIR
- b) The area in the vicinity of the mine site is not identified as an area of scenic vistas.
- c) There are two active mines currently operating adjacent to the proposed expansion. These include the existing Ward Lake Quarry and smaller aggregate mine located on BLM-administered land immediately south of Ward Lake Quarry.
- d) The currently disturbed area of Ward Lake Quarry is 138 acres. The disturbed acreage of the BLM mine is approximately 50 acres.
- e) Based on the simulation conducted, the proposed quarry expansion area will be visible from the same locations visible due to current operations.
- f) No designated scenic highways or rivers are located in the vicinity of the proposed Project.
- g) The existing mining area of the quarry is visible from Highway 395 for a total of up to 2 miles. The expansion area would not be visible from additional areas. Highway 395 is not a designated scenic highway. The site does not obstruct, interrupt, or detract from a valued focal point or panoramic vista, trail, or recreation area.
- h) Implementation of the proposed Project will alter the visual character of the site by physical disturbance of an additional 78.6 acres. The Project site currently has lighting fixtures that are used during the periods of 24-hour operation. This will not be expanded as the processing area will not change.
- i) The proposed Project area is estimated to be visible from approximately 55,000 acres, which is not a changeover baseline conditions.
- j) Much of the surrounding land with visual impacts by the proposed Project is owned and administered by the federal government or State of California for the purpose of resource use; therefore, impacts to a large number of residences is limited.
- k) The towns of Litchfield and Standish are shielded from the mine by topographic features.

- l) The visual analysis determined that the proposed Project would result in impacts to lands to the west of the site.
- m) The majority of the parcels affected are large-tract agricultural properties.
- n) The existing quarry operation is permitted to operate for 24-hour periods as needed. Light and glare impacts have been previously analyzed in the 2019 EIR. This represents the baseline condition and will not be modified with implementation of the proposed Project. No additional sources of lighting are planned or anticipated in the expansion area.
- o) The above-mentioned impacts to aesthetics and visual resources were determined to be less than significant.

B. Impacts to Agriculture and Forestry Resources

1. Impacts:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use.
- b) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to nonagricultural use.

2. Findings:

- a) Impacts to agriculture and forestry resources are discussed in Section 4.3 of the DSEIR
- b) According to the Natural Resource Conservation Service (NRCS), Lassen County has not been surveyed for inclusion in the FMMP.
- c) No portion of the proposed Project site is irrigated.
- d) Although the Project site could be used as grazing land, the Project site would not yield sufficient vegetation to support an annual carrying capacity equivalent to at least one animal unit per acre.
- e) There are no fruit or nut-bearing trees on the project site. Therefore, the Project site does not meet the definition of prime agricultural land included in California Government Code §51201.
- f) The proposed Project will not result in the loss of prime farmland, unique farmland, or farmland of statewide importance, nor will the proposed Project result in the conversion of farmland to non-agricultural use.
- g) The proposed Project will result in the loss of approximately 78.6 acres of low capability grazing land.
- h) The above-mentioned impacts to agriculture and forestry resources were determined to be less than significant.

C. Impacts to Energy

1. Impacts:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
- b) Conflict or obstruct a state or local plan for renewable energy or energy standards.

2. Findings:

- a) Impacts to energy are discussed in Section 4.7 of the DSEIR
- b) The proposed Project will increase the annual energy requirements for mining operations and extend the energy needs of the Project for an additional 20 years. Similar to existing conditions, the proposed quarry expansion would consume energy the fuel consumed by off-road vehicles and equipment. The increase in energy will be proportionate to the increased volume of material produced from the mine. Electrical consumption would be similar to the existing mine operations and would not require an increased demand compared to existing conditions.
- c) Fossil fuels used for off-road vehicles and other energy-consuming equipment would be used during mine operations. Fuel energy consumed during construction would be limited to an additional 20 years would not represent a significant demand on energy resources.
- d) The proposed Project will result in an increase in crushing operations as well as an increase in annual hours of operation for off-road equipment to support the increase in annual production. The annual operating hours for the majority of the off-road equipment will increase by 50 percent. On average, the loaders will operate 1,200 hours per year, the excavators will operate 675 hours per year, onsite haul trucks will operate 525 hours per year and the dozer will operate 750 hour per year.
- e) Increased equipment use will result in an increase in diesel fuel consumption. Current operations require an estimated 385,520 gallons of diesel fuel each year. The proposed Project's diesel fuel consumption is estimated to be 41,027 gallons, which would increase fuel use in the County by two percent. A two percent increase in county-wide diesel fuel consumption is not anticipated to trigger the need for additional capacity.
- f) The proposed 78.6-acre quarry expansion does not include an increase in truck or employee traffic trips beyond existing conditions. It should be noted that, given the diverse location and distances of projects that could be served by the proposed Project, alternative transportation modes (e.g., rail lines) are generally unavailable or infeasible. Construction projects requiring materials from sources such as the proposed Project will continue to occur with or without the proposed expansion. As a result, the proposed expansion would continue to facilitate reduced vehicle miles traveled and fuel consumption by extending the life of a regional material source that serves local projects.
- g) Lassen County does not have a stand-alone Climate Action Plan but includes policies for energy resources within the Lassen County General Plan Energy Element. The objective of the Energy Element is to promote energy efficiency and the reduction of energy waste. The project does not conflict with or obstruct these goals or policies. Chapter 12.17 (Energy Conservation) of the Lassen County Building Code specifically requires compliance with Title 24. The project does not include construction of additional buildings at the Project site. Therefore, implementation of the proposed Project would not conflict with policies of the Lassen County General Plan or obstruct their implementation.
- h) The mine operator will be making improvements to the mixes of asphalt to be more energy and resource efficient, such as using reclaimed asphalt pavement (RAP) in mixes. Current and proposed operations recycle concrete and asphalt and uses the recycled materials in with the new asphalt materials. Using RAP in mixes requires approximately 16% less energy consumption compared to a virgin hot mix asphalt mixture through re use of asphalt concrete.

- i) Because the proposed quarry expansion will obtain all of its electricity from Plumas-Sierra Rural Electric Cooperative, or another supplier that must comply with the California Renewable Portfolio Standard, a substantial portion of the energy used by the proposed Project would be generated from renewable sources.
- j) the proposed Project is located at the site of an existing quarry and aggregate processing facility with convenient access to a Highway 395 and other regional roadways, providing efficient transportation options for delivering product to throughout Lassen County.
- k) The above-mentioned impacts to energy were determined to be less than significant.

D. 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 4.9 of the DSEIR
- b) The estimated annual incremental GHG emissions of the Project would be approximately 416 metric tons of CO₂e, which is well below the significance threshold of 10,000 metric tons of CO₂e.
- c) Neither Lassen County APCD nor Lassen County has a currently adopted region-specific plan for reducing GHG emissions.
- d) 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.
- e) 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. The proposed Project would not conflict with any applicable plans, polices, or regulations adopted for the purpose of reducing the emissions of greenhouse gases.
- f) The above-mentioned impacts to greenhouse gas emissions were determined to be less than significant.

E. 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 4.10 of the DSEIR

- b) The proposed Project will result in the use of hazardous materials used for the existing mining operation in the 78.6-acre expansion area. The existing mining operation involves the transport, use, and storage and disposal of hazardous materials such as fuels, lubricants and hydraulic fluids for vehicles and equipment onsite. Hazardous materials onsite also include materials used for cement and asphalt production and explosives used for blasting. All fuel storage tanks onsite have secondary containment structures. Explosive are handled by a licensed operator and are stored in an ATF-inspected and approved magazine onsite.
- c) The proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The existing quarry and aggregate processing operation utilize small amounts of fuel and lubricants and is subject to the County's Hazardous Materials Business Plan (HMBP) program, which is regulated by the Lassen County Environmental Health Department (EHD) as part of the Certified Unified Program.
- d) The proposed Project does not include changes to the current storage or use of hazardous materials at the mining operation.
- e) The Project site is located within a State Responsibility Area (SRA), an area where the state has financial responsibility for wild land fire protection and is located in a Moderate Fire Hazard Severity Zone.
- f) The Mine Safety and Health Administration (MSHA) requires implementation of Fire Prevention and Control standards (30 CFR Part 36). These measures are implemented at the current operation and will be required in the expansion area as well. Therefore, the proposed Project will not expose people or structures to a significant risk or loss, injury or death involving wildland fires.
- g) The above-mentioned impacts to hazards and hazardous materials were determined to be less than significant.

F. Impacts to Hydrology and Water Quality

1. Impacts:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.
- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater.
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or offsite; or iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- d) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.
- e) The proposed quarry expansion site does not include alteration of the course of a stream or river or include the addition of impervious surfaces; however, the expansion will alter the existing drainage pattern of the mining area.
- f) Erosion or siltation will not be conveyed offsite by stormwater.

- g) The Project site borders the area covered by the Lassen County Ground Water Management Plan (GWMP) and is partially within the Plan area. The proposed Project will not conflict with or obstruct the Lassen County GWMP.
- h) The proposed quarry expansion will not conflict with or obstruct the Water Quality Control Plan (WQCP) for the Lahontan Region.
- i) The above-mentioned impacts to hydrology and water quality were determined to be less than significant.

2. Findings:

- a) Impacts to hydrology and water quality are discussed in Section 4.11 of the DSEIR
- b) The proposed quarry expansion does not include additional pollutant sources or changes to the management of stormwater or wash water.
- c) The current mining operation retains all surface flow (stormwater) onsite. Stormwater from the expansion area will be conveyed to the existing retention ponds and additional retention ponds will be constructed to capture stormwater if needed as expansion advances. Ponds will be sized to meet the 25-year, 24-hour storm per the Industrial General Permit (IGP) and SMARA requirements. No discharge is anticipated from the expansion area.
- d) The existing operation includes gravel/aggregate washing. Water discharged from the gravel/aggregate washing operations onsite are retained in settling ponds. The proposed Project will not result in changes to wash water management. The proposed quarry expansion is subject to Conditions 4 and 5 of Resolution No. 97-067, requiring all necessary permits from the Lahontan RWQCB and/or the State Water Resources Board be secured and a SPCC plan for fuel storage be approved by the RWQCB.
- e) Well water is used by the current operation for wet suppression of onsite dust.
- f) The operation of off-road equipment will increase to support the increase in annual production. The Project will result in an estimated 50 percent increase in annual operational hours of the majority of off-road equipment. Therefore, a maximum water use increase of 50 percent for dust suppression could occur (increase from 38 acre-feet per year to 57 acre-feet per year).
- g) The Project site is located within the Honey Lake Valley Groundwater Basin, which is not currently at risk for overdraft. Estimated total water stored in the upper 100 feet of aquifer is estimated to be 10 million acre-feet.
- h) As seen in the groundwater levels for monitored wells in the Project area, found in the Department of Water Resources (DWR) Water Data Library, there is currently no trend or pattern indicating overdraft in the basin. Therefore, the proposed quarry expansion will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.
- i) The above-mentioned impacts to hydrology and water quality were determined to be less than significant.

G. Impacts to Transportation

1. Impacts:

- a) Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (

2. Findings:

- a) Impacts to transportation are discussed in Section 4.14 of the DSEIR

- b) Lassen County does not have a threshold of significance related to vehicle miles traveled (VMT). The California Governor’s Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA contains recommendations regarding significance thresholds for VMT for different project types and land uses. The OPR Guidance does not include thresholds specific to mining or industrial projects. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.
- c) Implementation of the proposed quarry expansion will not result in an increase in VMT compared to existing permitted operations. Proposed additional production will be achieved by maximizing truck loads, not increasing truck trips.
- d) The facility tends to shorten trips and reduce VMT by providing a construction material source in the region serving local projects. Other sources of aggregate and asphalt large enough to serve the construction projects generally served by the proposed Project are located near Lake Almanor or north of Reno in Nevada. Therefore, the proposed Project results in an overall decrease in VMT for construction projects within Lassen County.
- e) The proposed quarry expansion will not result in an increase in VMT and will not conflict with or be inconsistent with CEQA Guidelines §15064.3.
- f) The above-mentioned impacts to transportation were determined to be less than significant.

H. Impacts to Wildfire

1. Impacts:

- a) The Project could substantially Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan.
- b) Due to Slope, Prevailing Winds, and Other Factors, the Project could Exacerbate Wildfire Risks, and thereby Expose Project Occupants to Pollutant Concentrations from a Wildfire or the Uncontrolled Spread of Wildfire.
- c) Require the Installation or Maintenance of Associated Infrastructure (Such as Roads, Fuel Breaks, Emergency Water Sources, Power Lines or Other Utilities that May Exacerbate Fire Risk or that May Result in Temporary or Ongoing Impacts to the Environment.
- d) Expose People or Structures to Significant Risks, Including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes.

2. Findings:

- a) Impacts to wildfire are discussed in Section 4.15 of the DSEIR
- b) Lassen County and the City of Susanville use the Emergency Operations Plan (March 2019) to respond to major emergencies and disasters.
- c) As of this time CAL FIRE, Lassen County Office of Emergency Services, Lassen County Sheriff’s Department, and others have not adopted a comprehensive emergency evacuation plan applicable to this area.
- d) Law enforcement personnel and Lassen County Office of Emergency Services staff would be responsible for ensuring that evacuations are phased appropriately, taking into consideration the vulnerability of communities when making decisions.

- e) The proposed Project does not include an increase in peak traffic volumes generated by the existing operation. As a result, the proposed quarry expansion will not interfere with the implementation of or physically interfere with an adopted emergency response or evacuation plan.
- f) The proposed quarry expansion does not include residential developments or permanent occupied structures. Residences in the Project vicinity are located downslope of the expansion area, and on agricultural parcels surrounded by fields. There are no residences or occupied land uses upslope of the Project site which is comprised of undeveloped agricultural and open space (public lands). The proposed expansion area, including areas surrounding the site are located in a Moderate Fire Hazard Severity Zone (FHSZ).
- g) Mining has resulted in changes in onsite topography, creating a steeper slope along the eastern boundary of the mining area and flat areas on the pit floor where plant equipment is currently operated. The risk of potential ignitions resulting from mining activities onsite would be considered very low for the existing cleared areas of the site with non-combustible land cover (mine production areas, rock crushing/screening plant, washing operations, ponds). The proposed Project will continue to maintain onsite fire suppression apparatus (i.e., water trucks and fire extinguishers) to assist in a fire-related response should an incident occur onsite.
- h) steeper slopes along the eastern boundary of the expansion area could potentially result in more rapid burn upslope if wildfire were to occur onsite after reclamation. However, the proposed Project is subject to Mine Safety and Health Administration (MSHA) requirements related to the implementation of Fire Prevention and Control standards (30 CFR Part 36). These measures are implemented onsite at the existing quarry and will be required in the expansion area as well.
- i) The proposed quarry expansion will not require installation of fire breaks or additional water sources, power lines, or other utilities; however, will include construction of internal roads within the expansion area for mining and material hauling. The internal roads are not anticipated to exacerbate fire risk at the site since vegetation will be removed prior to road construction and use. As a result, implementation of the proposed quarry expansion would not include the construction of any infrastructure that may exacerbate fire risk or result in temporary or ongoing impacts to the environment.
- j) Development of the proposed Project would not significantly alter existing onsite drainage patterns or impervious services compared to existing conditions. The flows within the existing mine area are contained and slowed by berms and benches and ultimately directed into settling basins.
- k) The proposed Project will continue to implement Best Management Practices (BMPs) to reduce impacts to storm water quality. In addition, during the mine's operational history there have been no significance surface failures. Therefore, the proposed Project does not pose a significant risk of landslides.
- l) The above-mentioned impacts to wildfire were determined to be less than significant.

P. Impacts to Air Quality

1. Impacts:

- a) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

- b) Expose sensitive receptors to substantial pollutant concentrations.

2. Findings:

- a) The regulatory models used to estimate the air quality impacts are described in detail in the air quality analysis prepared for the proposed Project (refer to Appendix D, Air Quality & Health Risk Assessment).
- b) The only incremental daily emission change is related to the blasting operations due to greater blasting zone size. The daily processing rates would not change and thus, the associated daily emissions would not change. The incremental annual emissions would be greater due to the proposed Project as a result of the greater annual production rates.
- c) The Ward Lake Pit Expansion Air Quality and Health Risk Assessment Technical Report (RCH Group, 2021) includes reasonable precautions to prevent particulate matter from becoming airborne consistent with Lassen County Air Pollution Control District (APCD) Rule 4:18.
- d) The Northeast Plateau Air Basin and Lassen County are currently in attainment or unclassified for all criteria pollutants.
- e) A Health Risk Assessment (HRA) was included in the Ward Lake Pit Expansion Air Quality and Health Risk Assessment Technical Report (RCH Group, 2021) to address health impacts on existing residences and schools from diesel generators and off-road equipment associated with the aggregate extraction and processing and resultant diesel particulate matter (DPM) emissions from the Project.
- f) The proposed Project would constitute an emission source of DPM due to operations associated with generators, off-road equipment, and haul trucks. Studies have demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk.
- g) The HRA is intended to provide a worst-case estimate of the increased exposure by employing a standard emission estimation program, an accepted pollutant dispersion model, approved toxicity factors, and conservative exposure parameters.
- h) The maximum cancer risk from existing condition emissions for a residential-adult receptor would be 0.17 per million and for a residential-child receptor would be 1.35 per million. The maximum cancer risk from proposed Project emissions for a residential-adult receptor would be 0.52 per million and for a residential-child receptor would be 1.91 per million.
- i) The chronic HI would be less than 0.01. The chronic HI would be below the significance threshold of 1 and the impact of the proposed Project would therefore be less than significant.
- j) The above-mentioned impacts to air quality were determined to be less than significant.

Q. Impacts to Geology and Soils

1. Impacts:

- a) Expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving
 - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

- ii. Strong seismic ground shaking
 - iii. Seismic-related ground failure, including liquefaction
 - iv. Landslides
- b) Result in substantial soil erosion or the loss of topsoil.
 - c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

2. Findings:

- a) The Project site is located about 7 miles from the closest State-mapped Holocene-active fault. However, as shown on Plate 9, it appears that possible northerly extension of the Holocene-active Warm Springs Valley fault might project through the quarry area (Bajada, 2020). The Warm Springs Valley fault is zoned as Holocene-active approximately 13.6 miles south of the project site; however, the State has not zoned northern extensions of the fault as meeting the Alquist-Priolo Act criteria for an active fault (Wills, 1990).
- b) There could be a risk of fault rupture across the Project site from the Warm Valley Springs fault (Bajada, 2020). Based on a moment magnitude of 6.8 or less that could occur along the Warm Springs Valley fault, it is estimated that a maximum ground displacement of about 2.5 feet could occur during an earthquake (Wells & Coppersmith, 1994). However, the State evaluated the fault and estimated that the fault strands projecting into the quarry area exhibited insufficient evidence of recency of movement that they were not zoned as active (Wills, 1990). The potential risk of loss, injury, or death are relatively low, especially with a relatively long recurrence interval for that fault. The risk might be rockfall triggered by ground shaking but with properly designed slopes and benches, this risk should be reduced to a negligible level. Mining in the proposed quarry expansion area will be conducted in accordance with the recommendations contained in the Preliminary Geotechnical Report Ward Lake Quarry Expansion (Bajada, 2020) (refer to Appendix F).
- c) The existing quarry and proposed quarry expansion area are not within a special studies zone associated with the Alquist-Priolo Earthquake Fault Zoning Act (AP).
- d) Most materials located within the proposed quarry expansion area consist of volcanic rock materials and terrace deposits. The volcanic rock materials are not subject to liquefaction. The terrace deposits are thought to contain appreciable fines and groundwater is anticipated to be located at depths below 50 feet (Bajada, 2020). Terrace deposits are considered to have a low potential for liquefaction susceptibility.
- e) Mining at the project site will be conducted per the recommendations contained in the Preliminary Geotechnical Report Ward Lake Quarry Expansion (Bajada, 2020) prepared for the expansion area (refer to Appendix F), which will minimize the risk of landslides on cut faces.
- f) The proposed Project has the potential to cause localized erosion through actions such as excavation, vegetation clearing and disturbing upland areas. The mining protocols and BMPs included in the Reclamation Plan Amendment will minimize soil erosion and loss of topsoil at the site.
- g) The terrace deposits are thought to contain appreciable fines and groundwater is anticipated to be located at depths below 50 feet, per the exploratory holes advanced with the air-percussion drill rig (see Appendix F). Thus, terrace deposits are considered to have a low potential for liquefaction susceptibility or lateral spreading.

- h) The above-mentioned impacts to geology and soils were determined 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 Air Quality

1. Impacts:

- a) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

2. Mitigation Measures:

- a) MM 4.4-1: The Project applicant shall ensure compliance with Lassen County APCD rules for fugitive dust emissions. Based on Lassen County APCD Rule 4:18 (Fugitive Dust Emissions), reasonable precautions shall be taken to prevent particulate matter from becoming airborne, including, but not limited to, the following provisions:
- *Cover trucks.* Covering open bodied trucks when used for transportation materials likely to give rise to airborne dust.
 - *Filter and containment.* Installation and use of hoods, fans, and other fabric filters to enclose and vent the handling of dusty materials. Containment methods may be employed during sandblasting and other similar operations.
 - *Dust suppression.* The application of asphalt, oil, water or suitable chemicals to dirt roads, material stockpiles, land clearing, excavation, grading or other surfaces which can give rise to airborne dusts.
 - *Good housekeeping.* The prompt removal of earth or other material from paved streets onto which earth or other material for earth moving equipment, erosion by water, or other means has been deposited.

3. Findings:

- a) Impacts to air quality are discussed in Section 4.4 of the DSEIR
- b) Though offensive odors from stationary and mobile sources rarely cause any physical harm, they still remain unpleasant and can lead to public distress, generating citizen complaints to local governments.
- c) Eight homes are located on parcels from 10 to 80 acres in size to the west and south along Ward Lake Road.
- d) The nearest residence is approximately 875 feet from the western property line of the existing quarry operations and approximately 4,500 feet from the proposed quarry expansion area. Shaffer Elementary School is located 2.4 miles to the southeast of the Project Site. There are approximately 24 residences abutting Highway 395 and Center Road. Traveling farther west along Center Road, toward the California State Correctional Center, there are approximately six additional residences.
- e) Land uses and industrial operations that typically are associated with odor complaints include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, solid waste transfer stations, rendering plants, dairies, and fiberglass molding. The proposed project would not fall into any of these

categories. Operation of the proposed Project would result in fugitive dust and combustion emissions, which would not be expected to generate odors.

- f) Notably, the primary wind direction is from the west and south. Therefore, the primary wind direction is from the residences towards the project site. Odor emissions are highly dispersive, especially in areas with higher average wind speeds. However, odors disperse less quickly during inversions or during calm conditions, which hamper vertical mixing and dispersion.
- g) A majority of the proposed Project operations would occur from April through October which is not typically the season associated with inversion conditions (i.e., occur during wintertime). Inversion conditions may also result in odor impacts due to air stagnation. Given that the proposed Project would not operate during the months when inversion condition is more common, the likelihood of odor impacts due to the proposed Project would be reduced.
- h) Based on information obtained from the Lassen County APCD, no complaints were filed related to odor issues (including the existing asphalt plant) in the past five years.

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 CDFW or U.S. Fish and Wildlife Service (USFWS).

2. Mitigation Measures:

- a) MM 4.5-1: To avoid impacts on burrowing owls and other nesting birds, including raptors protected under State and federal regulations, the following shall be implemented (removal of raptor nests at any time of year is prohibited unless appropriate permits are obtained).
 - Burrowing owls. A qualified biologist shall conduct preconstruction surveys for burrowing owls in accordance with the Staff Report on Burrowing Owl Mitigation prepared by the California Department of Fish and Game (CDFW) (March 7, 2012). Upon completion, all survey results shall be submitted to Lassen County.

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

If an active burrow is observed in the project site, the County shall consult with CDFW regarding establishing a non-disturbance buffer around the burrow, or implementing passive relocation methods to exclude the owls from the site prior to commencement of construction. No burrowing owls shall be excluded from

occupied burrows until a burrowing owl exclusion and relocation plan is approved by CDFW. Following owl exclusion and burrow demolition, the site shall be monitored by a qualified biologist to ensure burrowing owls do not reoccupy the site prior to construction.

In the event of loss of burrowing owl nests, a mitigation and monitoring plan shall be prepared by a qualified biologist to identify methods to offset the loss at a minimum 1:1 ratio (e.g., establishing a permanent conservation easement to provide for burrowing owl nesting, foraging, wintering, and dispersal, including completing habitat enhancements within the conservation easement area as necessary. The mitigation and monitoring plan shall be approved by CDFW prior to commencement of construction.

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

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

- b) MM 4.5-2: Throughout the life of the mine, if milkweed (*Asclepias* spp.) is observed onsite during the breeding season/pupae development season (spring-summer) for the monarch butterfly, the plant shall be inspected for caterpillars by a qualified biologist. If developing monarch caterpillars are present, the plant shall be avoided until butterflies have emerged and the plant is no longer in use.
- c) MM 4.5-3: Prior to new ground disturbance and annually thereafter, a pre-construction survey shall be conducted by a qualified biologist to determine the presence of pygmy rabbits, white-tailed jackrabbits, and other special-status wildlife species that may be

present onsite. If special-status animal species are identified within the project site, a qualified biologist, in consultation with the California Department of Fish and Wildlife, shall recommend avoidance measures for protection of the species. Upon completion, all survey results shall be submitted to Lassen County.

- d) MM 4.5-4: Prior to new ground disturbance, a qualified biologist shall conduct a survey in areas that contain rock outcrops or other potentially suitable roosting habitat for pallid bats. If an active maternity roost is present, a qualified biologist, in consultation with the California Department of Fish and Wildlife, shall establish a suitable buffer zone to ensure that active bat nurseries are not adversely affected. If non-breeding bats are found in rock outcrops within the disturbance footprint, the individuals shall be safely evicted under the direction of a qualified biologist. Upon completion, all survey results shall be submitted to Lassen County.
- e) MM 4.5-5: Prior to new ground disturbance and annually thereafter, a botanical survey shall be conducted during the blooming season when special-status plants known to occur in the region would be identifiable. If special-status plants are present, a suitable buffer zone(s) shall be determined by a qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW) and exclusionary fencing shall be placed prior to commencement of earth-disturbing activities. Upon completion, all survey results shall be submitted to Lassen County.

If avoidance is not possible, CDFW shall be contacted to determine a satisfactory method of mitigation. Mitigation shall be undertaken concurrently with or in advance of the earth-disturbing activities.

- f) MM 4.5-6: All construction personnel participating in earth-disturbing activities and their supervisors shall receive training by a qualified biologist regarding protective measures for special-status plant and animal species and sensitive habitats that could exist in the study area. When new personnel are hired, the proof that they receive the mandatory training shall be submitted to Lassen County before starting work. At a minimum, the training shall include the following:
- A review of the special-status species that could occur in the project site, the locations where the species could occur, the laws and regulations that protect these species, and the consequences of noncompliance with those laws and regulations.
 - Procedures to be implemented in the event that these species are encountered during construction.
 - A review of sensitive habitats that occur in the study area and the location of the sensitive habitats.
 - A review of applicable mitigation measures, standard construction measures, best management practices, and resource-agency permit conditions that apply to the protection of special-status species and sensitive habitats.
- g) MM 4.5-7: To minimize impacts from the loss of wildlife habitat, site disturbance in the expansion area shall not exceed two 5- acre increments, starting excavation on another 5- acre increment while concurrently reclaiming the first 5- acre increment. After the initial

excavation of two 5-acre increments, disturbance shall not exceed 5- acres. At any given time. Reclamation in the expansion area shall be completed concurrently with mining operations in accordance with the adopted Reclamation Plan. Reclamation, including seeding, must commence within two years following completion of mining in each five-acre area in order to minimize the total area disturbed at any given time and to allow for restoration of the vegetative cover.

- h) MM 4.5-8: To ensure no additional foraging habitat loss, all remaining areas of the mine parcels shall remain undisturbed for the duration of mining. This includes the remaining portions of Lassen County Assessor's Parcel Number (APN) 109-100- 059 and APN 109-100-060 (i.e., all portions of the parcels outside of the reclamation boundary for the current mine operation (as of 2021) and the proposed 2021 mine expansion boundary).

3. Findings:

- a) Impacts to biological resources are discussed in Section 4.5 of the DSEIR
- b) The BRA prepared for the proposed quarry expansion identified 14 special-status wildlife species (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*), monarch butterfly (*Danaus plexippus*), gray wolf (*Canis lupus*), American badger (*Taxidea taxus*), pygmy rabbit (*Brachylagus idahoensis*), white-tailed jackrabbit (*Lepus townsendii townsendii*), pallid bat (*Antrozous pallidus*)) as having the potential to occur within the Project area. Three special-status plant species (spiny milkwort (*Polygala subspinosa*), ornate dalea (*Dalea ornata*), Holmgren's skullcap (*Scutellaria holmgreniorum*)) could also potentially be present. Potential effects to these species as well as raptors and migratory birds protected by federal and State regulations are discussed in section 4.5 of the DSEIR.
- c) The golden eagle is listed by the State of California as Fully Protected, which prohibits take or possession of the species. The site was assessed for potential nesting habitat as described in the USFWS "Protocol for Golden Eagle Occupancy and Reproduction Assessment". No golden eagles were observed onsite. No trees occur onsite that could provide nesting habitat for golden eagles. Golden eagles have been observed (per the California Natural Diversity Database (CNDDDB)) within five miles of the site, and there is foraging habitat within the expansion area as the sagebrush onsite is inhabited by prey species. The proposed quarry expansion would result in the loss of 78.6 acres of sagebrush foraging habitat for the golden eagle.
- d) The northern harrier is listed by the State of California as a Species of Special Concern. According to CNDDDB, there are no known occurrences within five miles of the proposed expansion area. However, northern harriers may nest in sagebrush flats several miles from water, and there is potential nesting and foraging habitat within the 78.6-acre expansion area.
- e) The Swainson's hawk was listed as a threatened species in 1983. There are no records of Swainson's hawks within the Project area in the CNDDDB, but there are three records of nesting hawks within five miles of the Project area. All of these records are located in irrigated farmland. There is no irrigated agricultural habitat or other suitable nesting habitat for Swainson's hawk within the project area; however, there is potential foraging habitat within the 78.6-acre expansion area as the sagebrush onsite is inhabited by prey species.

- f) The greater sage-grouse is listed by the State of California as a Species of Special Concern. The species was considered for listing under the ESA as Endangered or Threatened in 2015, but the USFWS found that listing was not warranted. There are no records of greater sage-grouse within five miles of the project area in the CNDDDB; the closest record is 58 miles to the north. No leks or signs of sage grouse activity were located in the proposed project area during the field surveys; however, potential breeding and nesting habitat exists in the open sagebrush areas of the Project area.
- g) The burrowing owl is listed by the State of California as a Species of Special Concern. A protocol-level survey for burrowing owls was completed in 2020. The survey followed the Burrowing Owl Survey Protocol and Mitigation Guidelines, published by the California Burrowing Owl Consortium, and covered the 78.6-acre quarry expansion area and a 500-foot buffer around the expansion area. The results of the survey are documented in the Burrowing Owl Survey, Ward Lake Quarry, Lassen County, California (VESTRA, 2020a), included in Appendix E. No burrows were observed during the survey that appeared to be able to accommodate an animal the size of a burrowing owl. However, the expansion area contains suitable nesting and foraging habitat for burrowing owls.
- h) The long-eared owl is listed by the State of California as a Species of Special Concern. There are no records of long-eared owls within five miles of the project area in the CNDDDB. There are currently no known nesting sites located in or near the project area, and there is no suitable dense nesting vegetation for the long-eared owl in the area. However, there is suitable foraging habitat for the species within the expansion area.
- i) The short-eared owl is listed by the State of California as a Species of Special Concern. There are no records of short-eared owls within five miles of the Project area in the CNDDDB. There are currently no known nesting sites located in or near the Project area, and there is not enough suitable grassland within the area for nesting. However, there is some suitable foraging habitat within the open shrubland of the Project area and surrounding areas.
- j) The loggerhead shrike is listed by the State of California as a Species of Special Concern. There are no records of loggerhead shrikes within five miles of the project area in the CNDDDB. There are currently no known nest occurrences located in or near the Project area, and it is not likely that loggerhead shrike would nest in the project site. However, there is potentially suitable foraging habitat for the loggerhead shrike within the open shrubland of the Project area and surrounding areas.
- k) The monarch butterfly is a candidate species under the Federal Endangered Species Act. Lassen County is in the “Priority 2” restoration zone for western monarchs in California. Restoration objectives focus on identifying and protecting existing native milkweed and nectar plants, and planting pesticide-free native milkweed and nectar plants. Monarchs are likely to be present in the general Project area from May 16th to September 30th (USFWS, 2021).
- l) The gray wolf was listed as endangered on March 9, 1978 (USDI FWS, 1978). The last recorded observation of gray wolf in the project vicinity was in 1924 near Litchfield, California. However, the wolf has a large home range and range expansion is documented and could result in wolves re-inhabiting the area at some point. CDFW has collected evidence (GPS tracking collar and remote trail camera images in 2016) that suggests that a small number of wolves have traveled into Lassen County (CDFW, 2017). Due to the small project footprint relative to the large home range size of the gray wolf,

the proposed project will not alter an amount of habitat significant enough to have any impact on the species.

- m) The American badger is listed by the State of California as a Species of Special Concern. There are no records of American badgers within five miles of the project area in the CNDDDB; however, there is suitable habitat within the open shrubland of the project area and surrounding areas. No American badgers, signs of badgers, or burrows were observed during the site surveys. Due to sensitivity to noise, badgers in surrounding areas would likely avoid the project area due to a close proximity to ongoing operations in the current mining area. No direct impacts to American badgers are anticipated.
- n) The pygmy rabbit is listed by the State of California as a Species of Special Concern. There are no CNDDDB records of these rabbits within five miles of the project area, and no pygmy rabbits were observed during site surveys. However, there is suitable foraging habitat for this species, so they could potentially occur. The proposed quarry expansion would result in the loss of 78.6 acres of sagebrush foraging habitat for the species.
- o) The white-tailed jackrabbit is listed by the State of California as a Species of Special Concern. There are no CNDDDB records of these rabbits within five miles of the Project area; however, there is suitable foraging habitat for this species, so they could potentially occur. The proposed quarry expansion would result in the loss of 78.6 acres of sagebrush foraging habitat for this species.
- p) The pallid bat is listed by the State of California as a Species of Special Concern. There are no records of pallid bats within five miles of the Project area in the CNDDDB, and no bats or sign of bats were observed in rock outcroppings during the site survey. However, there is suitable foraging habitat within the open shrubland of the Project area and surrounding areas, and rock outcroppings in the proposed quarry expansion area could provide roosting habitat.
- q) Spiny milkwort is a perennial herb native to California. This species is ranked by CDFW as 2B.2, i.e., moderately rare, threatened, or endangered in California but more common elsewhere. Spiny milkwort was not detected in the expansion area during the field surveys; however, the species has the potential to occur within the project area due to the gravelly and rocky soils that exist in the proposed quarry expansion area. A botanical survey for this species in accordance with CDFW protocols will be conducted prior to vegetation removal activities within the expansion area to determine the presence of this species. If detected, measures contained below will be implemented.
- r) Ornate dalea is a perennial forb that is native to California and is ranked by CDFW as 2B.1 (seriously threatened, rare or endangered in California. All seven of the reported occurrences of ornate dalea in CNDDDB are north of the expansion area, with the closest being ±3.5 miles to the northwest. The occurrences were in rocky clay flats with areas of vertisol clay soil. The Project site has potentially suitable habitat for ornate dalea, and there is potential for the species to be present.
- s) Holmgren's skullcap has been found to the north and west of the study area, and has a moderate to high potential to be present on the site. The taxon is closely related to the more widespread *Scutellaria nana*. Common-garden experiments suggest that the two taxa are not distinct; however, field observations have supported differentiation of the taxa. Given its taxonomic uncertainty, *S. holmgreniorum* was reassigned from CRPR 4.3 to CRPR 3.3 (needs review) in February 2013.
- t) There is a potential for direct mortality or injury to birds to occur if nests are present in the expansion area during vegetation removal and ground-disturbing activities.

- u) There is a potential for direct mortality or injury to the monarch butterfly, pygmy rabbit, white-tailed jackrabbit, and pallid bats if they are present in the expansion area during vegetation removal and ground-disturbing activities.
- v) Material extraction and possible use of a portable crusher will result in increased noise in the expansion area as well as the surrounding areas. The increase in processing at the site will require increased use of the primary crusher (estimated 33 percent annual increase in use). The proposed Project will also extend the life of the mine to 2050, which will increase the duration of impacts from the existing mining operation. The proposed Project will result in an increase in human presence within the area for a 30-year period, which could potentially result in increased disturbance or stress to special-status and non-status wildlife species. Increased human presence, noise and vibration from equipment operation, and light within the Project area could result in displacement of wildlife from the site and surrounding areas for the duration of the proposed Project.
- w) Although some botanical survey work has been conducted on and adjacent to the study area, there is a potential for special-status plants to be present in the quarry expansion area, and additional survey is warranted.
- x) The project would result in the loss of 78.6 acres of sagebrush scrub habitat that provides suitable foraging and breeding habitat for numerous bird species and mammals. Animal populations that utilize sagebrush shrub habitat would likely no longer utilize the site and surrounding sagebrush habitat.

C. Impacts to Cultural and Tribal Cultural Resources

1. Impacts:

- a) The Project would cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to §15064.5.
- b) The Project would disturb human remains, including those interred outside of formal cemeteries.
- c) Cause a substantial adverse change in the significance of a tribal cultural resource.

2. Mitigation Measures:

- a) MM 4.6-1: Prior to ground disturbing activities within the expansion area, a non-disturbance area for WARD-PRE-01 shall be defined and marked by a qualified archaeologist. Once the non-disturbance area is delineated, one of the following options shall be implemented by the Project proponent:
 - *Resource Avoidance.* The Project shall be redesigned to avoid all ground disturbances within the established non-disturbance area and long-term access restrictions shall be established (fencing or deed restrictions) to preclude disturbance to the resource.
 - *Evaluation and Data Recovery.* WARDPRE-01 shall be evaluated for eligibility for inclusion in the CRHR by a qualified archaeologist. The results of the evaluation shall be submitted to Lassen County. If the evaluation is negative (i.e., not historically significant), no further mitigation is required. If the property is found to be an historical resource and data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. The study shall be deposited with the California Historical Resources' Regional Information Center.

- b) MM 4.6-2: Inadvertent Discovery of Cultural Resources. If subsurface deposits believed to be cultural or human in origin are discovered during construction, then all work must halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. If the professional archaeologist determines that the find does not represent a cultural resource, then work may resume immediately, and no agency notifications are required. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, then he or she shall immediately notify the County, which shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be eligible for inclusion in the NRHP or CRHR. Work cannot resume within the no-work radius until the County, through consultation as appropriate, determines that the site either: 1) is not eligible for the NRHP or CRHR; or 2) that the treatment measures have been completed to its satisfaction.

- c) MM 4.6-3: Unanticipated Discovery of Human Remains. In the event of the discovery of human remains, or remains that are potentially human, the contractor shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the Lassen County Coroner (as per §7050.5 of the Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, then the NAHC can mediate (§5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

3. Findings:

- a) Impacts to cultural and tribal cultural resources are discussed in Section 4.6 of the DSEIR
- b) If no eligible resources are identified within the project area, then the subject project is not considered to have a significant impact on cultural resources. In addition, State regulations require that measures be taken to protect any resources that are uncovered during construction, and compliance with CEQA Guidelines §15064.5(f) requires that construction activities halt if potentially significant resources are discovered until the resources can be assessed by a qualified person.

- c) The archaeological field survey identified one cultural resource within the expansion area and two isolated finds. Isolated finds do not merit formal recordation and are not considered cultural resources. The cultural resource identified within the expansion area is a prehistoric resource consisting of sparse scatter of lithics including flake and tool fragment artifacts. This resource is considered potentially eligible for the California Register of Historical Resources (CRHR).
- d) Mining activities within the expansion area could result in a substantial adverse change to the cultural resource identified within the expansion area (ALTA_PRE-01), resulting in a significant impact. In addition, mining in the expansion area could result in the adverse change in the significance of currently undiscovered cultural or archaeological resources, resulting in a significant impact.
- e) Buried human remains could be inadvertently unearthed during excavation activities, which could result in damage to these human remains.
- f) ALTA archaeologist Kevin Dalton contacted the NAHC on March 27, 2020, to request a review of the Sacred Lands file for information on Native American cultural resources in the study area and to request a list of Native American contacts in this area. The NAHC replied on March 30, 2020, indicating that no Sacred Sites are known within the project area. The NAHC provided a list of Native American contacts that have knowledge or concerns about cultural resources in the Project area. On April 9, 2020, letters were sent to all tribes listed by the NAHC. To date, no response has been received from any of the groups consulted as part of this outreach effort.
- g) Pursuant to PRC §21080.3.1, on May 5, 2021 the County notified the Washoe Tribe, a California Native American Tribe that is traditionally and culturally affiliated with the geographic area, that the Project was under review. No responses were received requesting initiation of consultation under the provisions of AB 52.
- h) No tribal cultural resources were identified within or immediately adjacent to the project area.

D. Impacts to Geology and Soils

1. Impacts:

- a) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

2. Mitigation Measures:

- a) MM 4.8-1: Avoid and Minimize Impacts to Paleontological Resources. Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be suspended, and the County shall be immediately notified. At that time, the County will coordinate any necessary investigation of the discovery with a qualified paleontologist. The project proponent shall be required to implement mitigation necessary for the protection of paleontological resources. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

3. Findings:

- a) Impacts to geology and soils are discussed in Section 4.8 of the DSEIR
- b) There are no known paleontological resources or unique geologic features present in the proposed quarry expansion area. According to the mine operator no paleontological resources have been encountered during mining operations. However, there is a chance

that unknown paleontological resources may exist below the ground surface and could be encountered during mining and reclamation activities. Project implementation would result in a significant impact if paleontological resources were directly or indirectly destroyed during activities at the Project site.

E. Impacts to Land Use and Planning

1. Impacts:

- a) Conflict with Lassen County General Plan or Standish-Litchfield Area Plan.
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

2. Mitigation Measures:

- a) See Mitigation Measures 4.5-1 through 4.5-10 in Section 4.5, Biological Resources.

3. Findings:

- a) Impacts to land use and planning are discussed in Section 4.12 of the DSEIR
- b) The proposed quarry expansion does not include additional traffic or a change in the distribution of traffic from the current operation; therefore, would not conflict with local traffic or circulation policies.
- c) The proposed quarry expansion does not include any changes in land use designation (Extensive Agriculture). Subject to County permit requirements and the provisions of related elements of the Lassen County General Plan, areas designated Extensive Agriculture may also accommodate natural resource-related production facilities, including mineral extraction and processing, including asphalt and similar plants. The current mining activities are allowed by Use Permit Amendment No. 2018-003.
- d) The Standish-Litchfield Area Plan requires the land uses for mineral extraction should be zoned U-C (Upland Conservation District). The proposed quarry expansion area is currently zoned U-C-A-P (Upland Conservation District Agricultural Preserve Combining District).
- e) Processing of natural mineral materials is included as a use allowed by use permit in U-C zoning districts (Lassen County Code Chapter 18.68.040(4)).
- f) The proposed Project will not conflict with the land use goals or policies contained in the Lassen County General Plan or Standish-Litchfield Area Plan.
- g) Wildlife impacts are addressed in Section 4.5, Biological Resources, of this DSEIR. Goal L-22 contained in the Lassen County General Plan Land Use Element 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 and potential habitat for special-status species.
- h) Following implementation of the above-mentioned mitigation measures, the proposed Project is considered substantially consistent with the Lassen County General Plan and the Standish-Litchfield Area Plan.

F. Impacts to Noise

1. Impacts:

- a) Result in substantial temporary or permanent increase in ambient noise levels in excess of standards established in the Lassen County General Plan.
- b) Result in the generation of excessive groundborne vibration or groundborne noise levels.

2. Mitigation Measures:

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

3. Findings:

- a) Impacts to noise are discussed in section 4.13 of the DSEIR
- b) The proposed quarry expansion does not include changes to hourly or maximum plant operational noise levels analyzed in the 2019 EIR. Noise measurements of plant operations at the quarry were conducted on Thursday May 3rd through Friday May 4th, 2018 and included in the Hat Creek Materials Facility Expansion Environmental Noise Analysis (refer to Appendix H). Noise measurements were conducted when the plant was operating during daytime and nighttime hours. Crushing operations at the quarry result in noise levels equal to or less than 45 dB L50 at the residential receptor closest to the project site. Start-up operations produce the loudest noise levels, and once operations occur, they were generally in the mid 30 dBA L50 range. The measured 24-hour Ldn (day/night average sound level) at the location representing the nearest residence to plant operations was 55.6 dB.
- c) The proposed Project does not include changes to the existing operating hours of the quarry or existing operating conditions contained in the use permit for the quarry. The proposed Project will not result in additional equipment in the plant area of the Project site or locate plant equipment closer to sensitive receptors. The proposed Project will include an annual increase in the use of the primary crusher (approximately 33 percent) and an increase in the annual hours of off-road equipment use (increase of 50 percent for

the majority of off-road equipment). This will not result in a change to maximum or hourly average noise levels generated at the plant site.

- d) Noise levels from increased equipment use would not exceed 55.6 dB Ldn at the nearest residential receptor (the noise level measured during worst-case 24-hour operating conditions that included crushing operations during daytime and nighttime hours).
- e) Some of the plant equipment at the Project site has been switched to electric power instead of using a generator, reducing noise levels from plant operations. One of the two generators used to power crushing operations was removed in January 2022, further reducing noise levels generated by the plant. Plant operation noise levels of the proposed Project will not exceed standards established in the Lassen County General Plan.
- f) Noise will be generated in the expansion area by excavation and hauling of materials. Noise will be similar to that generated by extraction activities occurring within the current mining area of the operation. Equipment will include articulated dump trucks and loaders and dozers. A portable crusher will also be operated in the expansion area and limited blasting will occur. The expansion area is located north of the currently permitted mining area and further from residences in the Project vicinity than the current mining boundary. The closest residence is located more than ¾ mile from the expansion area (4,500 feet).
- g) Blasting in the expansion area will occur intermittently (3 to 7 times per year) and will not exceed the L50, L25, L8 or L1.5 daytime noise standards for Lassen County at the nearest residence. The Project does not include revisions to the current operating conditions of the quarry. Blasting will not occur at night during 24-hour operations.
- h) Noise generated by activities within the expansion area will not exceed Lassen County noise standards at nearby receptors.
- i) Existing traffic noise levels during peak operational periods of up to 550 truck haul trips per day currently exceed the 60 dB Ldn Lassen County traffic noise level standard along Ward Lake Road and Center Road west of Ward Lake Road.
- j) Noise levels up to 65 dB are conditionally acceptable and allowed by Use Permit Amendment No. 2018-003. The proposed Project will not result in a significant increase in average or maximum traffic volumes generated by the current operation.
- k) Increased production of the Project will be met by maintaining larger truck loads (i.e., greater than 24 tons), not by increasing truck volumes. The project does not include revisions to existing operating conditions of the quarry. Since the Project does not require an increase in traffic volumes, it will not result in an increase in traffic noise levels along area roadways compared to existing baseline conditions.
- l) Vibration levels attenuate with distance from the source and would not be perceptible at the nearest residence located 4,500 feet from the proposed expansion area.

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 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

2. Mitigation Measures:

- a) MM 4.5-9: *Limits on Operation*. The operator shall continue limits on operations from January 1st to March 31st. Impacts can be lessened through continuing seasonal operating restrictions included in the Condition of Approval for Use Permit No. 96056: *Except in a state of emergency, as declared by the local Emergency Services Director and/or the Board of Supervisors and/or the City of Susanville, no grading, excavating, or blasting on the site shall be allowed between January 1st and March 31st Annually.*
- b) MM 4.5-10: *Operating Conditions of Use Permit No. 2018-003*. The operator shall continue the Conditions of Approval for Use Permit Amendment No. 2018-003. Impacts can be lessened with the seasonal operating restrictions and light and noise reductions included in the Conditions of Approval for Use Permit Amendment No. 2018-003.

3. Findings:

- a) Impacts to biological resources are discussed in section 4.5 of the DSEIR
- b) Expansion of the mining area by an additional 78.6 acres will increase the area over which light and noise impacts will occur causing additional displacement of mule deer and American pronghorn from noise and human activity.
- c) As discussed in the 1997 Deer Impact Analysis, human activity in the Project area would displace animals escaping mid-winter snow as well as taking advantage of late-winter and early spring plant phenology or the spring green-up due to noise and activity at the site. The proposed Project will result in these impacts occurring over a larger area than the current mining operation and for a longer duration (until 2050).
- d) Human disturbance during a time of particular nutritional stress may effectively remove a portion of pronghorn and mule deer winter range (Kucera, 1996). Because several hundred deer would potentially be affected and impacts will last for an additional 30 years (until 2050), this would be a significant environmental impact.
- e) Adherence to Mitigation Measure 4.5-7 and Mitigation Measure 4.5-8 contained in Section 4.5, Biological Resources, of the DSEIR) for the current operation will reduce displacement impacts to American pronghorn and mule deer; however, this impact will remain significant and unavoidable. No additional mitigation measures are available for this impact.
- f) An increased closure season of all operations onsite was determined to be economically infeasible.
- g) The proposed Project combined with the existing mining operations in the Project vicinity will result in a significant and unavoidable cumulative impact related to the displacement of mule deer and antelope from winter habitat.

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 includes the continuation of mining operations at the site as currently permitted under Use Permit No. 96056 and Use Permit Amendment No. 2018-003. Activities would continue to occur within the existing 138-acre mining boundary. Annual production would be limited to 100,000 tons except to supply emergency jobs. Mining activities would cease by the year 2030 and the mining area would be reclaimed.

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 the additional significant displacement impacts of the proposed Project to pronghorn and mule deer. The existing impacts to pronghorn and mule deer from the current operation would continue to occur until the mining area is reclaimed. The No Project Alternative would eliminate all other potential impacts of the proposed Project. Demand of local and regional construction projects in excess of 100,000 tons per year would be supplied by an alternate source. Depending on the location of the alternate source, the No Project Alternative could result in an increase in greenhouse gas emissions, vehicle miles traveled, and air quality impacts if the source is located a greater distance from the construction projects than the Ward Lake Quarry.

3. Findings:

- a) The No Project Alternative would eliminate the additional significant impacts to pronghorn and mule deer of the proposed Project, but would not fully meet the Project objectives. The No Project Alternative may not achieve the first Project objective of meeting construction material demands of local and regional markets. The applicant has determined the current demand from their facility is up to 200,000 tons of construction material per year and the current operation is permitted for an annual production of 100,000 tons per year (except to provide materials to emergency projects). The No Project Alternative would meet the second Project objective until the end date of mining which is currently 2030. Beyond that date, material for emergency jobs would be provided by an alternate source. The No Project Alternative would fail to meet the third objective of extending the life of the quarry to extract additional superior materials from the site. Up to 5,000,000 tons of additional superior material would remain unused.

B. Alternative 2 – Reduced Expansion Alternative

1. This alternative is similar to the proposed Project, but with a reduced expansion area and shorter mine life. As with the proposed Project, annual production would increase from 100,000 tons to 200,000 tons. The Reduced Expansion Alternative includes expansion of the mining area of the current operation to include an additional 26 acres. Due to the smaller expansion area, the life of the mine would be extended only 10 years. Mining would occur until 2040 and then the site would be reclaimed. The

location of the processing area of the operation would not change. Mining would occur as described for the proposed Project, but within the smaller expansion area. Mining activities in the expansion area would start immediately adjacent to the current mining area of the Project site and progress to the north. This alternative would require the same equipment operating at the same capacity as the proposed Project. The same average and maximum traffic volumes would be required to haul materials.

2. Impacts:

- a) **Aesthetics and Visual Resources:** The Reduced Expansion Alternative would increase the mining area of the current operation by 26 acres. This alternative would result in similar visual impacts compared to the proposed Project, but within a smaller area. The Reduced Expansion Alternative could also be visible from a smaller area surrounding the Project site and reclamation of the mine would occur 10 years earlier compared to the proposed Project. Similar to the proposed Project, the aesthetic and visual resource impacts of the Reduced Expansion Alternative would be less than significant.
- b) **Agriculture and Forestry:** Similar to the proposed Project, the Reduced Expansion Alternative would have no impact related to conflict with an existing zoning for agricultural use or a Williamson Act contract and would have no impact to forestland or important farmland. The Reduced Expansion Alternative will result in the loss of 26 acres of low capability grazing land, but no important farmland. Similar to the proposed Project, the agricultural and forestry impacts of the Reduced Expansion Alternative would have no impact.
- c) **Air Quality:** The Reduced Expansion Alternative would not change the daily or annual emissions compared to the proposed Project. The same equipment and traffic volumes would be required to achieve the maximum annual production volume of 200,000 tons per year. The Reduced Expansion Alternative would reduce the duration of time emissions from the operation would occur by 10 years compared to the proposed Project. Similar to the proposed Project, air quality impacts of the Reduced Expansion Alternative would be less than significant.
- d) **Biological Resources:** Impacts to biological resources under the Reduced Expansion Alternative would be reduced when compared to the proposed Project. This alternative would decrease the duration of biological resource impacts by 10 years. This alternative includes a smaller expansion area than the proposed Project in which vegetation would be removed and ground disturbance would occur for material extraction. The reduced expansion area would reduce indirect impacts and direct habitat impacts to special status species, mule deer, and pronghorn antelope, however impacts would remain significant without mitigation. Displacement impacts to pronghorn and mule deer would remain significant and unavoidable.
- e) **Cultural and Tribal Cultural Resources:** The Reduced Expansion Alternative mining area contains one isolated find and no known cultural resources. Impacts

to currently undiscovered cultural resources, archaeological resources, tribal cultural resources, or human remains could occur during mining activities in the 26-acre expansion area. The reduced expansion area impacts to cultural and tribal cultural resources would require similar mitigation as proposed by the Project. Similar to the proposed Project, impacts would remain less than significant.

- f) Energy: The Reduced Expansion Alternative would require the same annual energy requirements during operation as the proposed Project. However, the overall energy use of the Reduced Expansion Alternative would be less than the proposed Project since mining would end in 2040 instead of 2050. Similar to the proposed Project, energy impacts of Reduced Expansion Alternative would be less than significant.
- g) Geology and Soils: The geology and soil impacts of the Reduced Expansion Alternative would be similar as those of the proposed Project, but would occur over a smaller area. Impacts related to geologic hazards and stability would be less than significant and no impacts related to expansive soils and wastewater disposal systems and septic tanks would occur. Impacts related to erosion of topsoil and paleontological resources and unique geologic features would be less than significant with the incorporation of mitigation similar to the proposed Project.
- h) Greenhouse Gas Emissions: The Reduced Expansion Alternative would result in the same daily and annual greenhouse gas emissions as the proposed Project, however overall emissions from this alternative would be reduced since mining activities would cease in 2040. Similar to the proposed Project, the Reduced Expansion Alternative would result in less than significant greenhouse gas emission impacts.
- i) Hazards and Hazardous Materials: The Reduced Expansion Alternative will have the same hazards and hazardous material impacts as the proposed Project. The Reduced Expansion Alternative will require the transport, use, storage, and disposal of the same hazardous materials used for the existing operation and proposed Project. Hazardous materials would be handled, stored, and transported in accordance with applicable laws and regulations. Fire prevention and control standards would ensue risks due to wildland fires are less than significant. Similar to the proposed Project, the Reduced Expansion Alternative would result in less than significant impacts related to hazards and hazardous materials.
- j) Hydrology and Water Quality: The hydrology and water quality impacts of the Reduced Expansion Alternative would be the same as the impacts of the proposed Project. The 26 acre expansion area of the Reduced Expansion Alternative would include the southern half of the expansion area of the proposed Project. The expansion area would not be within a flood hazard area and would not expose people or structures to flooding or inundation by seiche, tsunami or mudflow. No surface waters would be impacted within the expansion area and all stormwater and wash water would be retained onsite. Groundwater use would not create a

demand for water in excess of available supplies. Similar to the proposed Project, the Reduced Expansion Alternative would result in less than significant impacts to hydrology and water quality.

- k) Land Use: The Reduced Expansion 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. Land use impacts of the Reduced Expansion Alternative would be potentially significant without mitigation. Mitigation measures similar to those of the proposed Project for biological resources would be required for the Reduced Expansion Alternative. Similar to the proposed Project, land use impacts of the Reduced Expansion Alternative will be less than significant.
 - l) Noise: The Reduced Expansion Alternative would result in similar noise impacts as the proposed Project. The Reduced Expansion Alternative does not include changes to plant operational noise levels or traffic noise levels. Existing equipment used for material extraction at the current operation will be used in the expansion area. Equipment operated in the expansion area will be operated further from the residences than equipment operated within the current mining area and will result in lower levels of noise and vibration at the location of the nearest receptor. Similar to the proposed Project, noise impacts of the Reduced Expansion Alternative will be less than significant.
 - m) Transportation: The Reduced Expansion Alternative would generate the same average and maximum traffic and VMT as the proposed Project during operation. The expansion area would be accessed from the existing mining operation. The Reduced Expansion Alternative would not result in a conflict with local programs, plans, ordinance, or policies, will not increase traffic hazards, or result in inadequate emergency access. Similar to the proposed Project, traffic impacts of the Reduced Expansion Alternative would be less than significant.
 - n) Wildfire: As with the proposed Project, wildfire risks from the Reduced Expansion Alternative will be less than significant with prevention control standards currently practiced at the existing operation. The Reduced Expansion Alternative will not impair an emergency response plan or evacuation plan, or expose people or structures to significant risks. The Reduced Expansion Alternative would result in less than significant impacts related to wildfire.
3. Findings:
- a) The Reduced Expansion Alternative will result in similar impacts as the proposed Project, however impacts would occur for a shorter duration since under this alternative the life of the mine would be extended to 2040 instead of 2050. Direct impacts would occur within a smaller area. Overall pollutant and greenhouse gas emissions generated by the reduced expansion would be less than proposed Project due to the shorter duration of operations; however, the daily and annual emissions would remain the same during the operational period of the Reduced Expansion Alternative. The reduced expansion area does not include known

cultural resources; therefore, mitigation measures to avoid impacts to a known cultural resource would not be required. However, mitigation measures for currently undiscovered cultural and tribal cultural resources as well as human remains would be required to reduce impacts to a less than significant level. As with the proposed Project, impacts related to air quality, biological resources, land use and geology will be potentially significant without mitigation. Impacts related to displacement of pronghorn and mule deer will remain significant and unavoidable.

- b) The Reduced Expansion Alternative would meet the first two Project objectives of providing a local construction material supply to serve local and regional market demands and to provide a local source of materials for emergency jobs and other jobs requiring nighttime work during until the year 2040. Beyond the date of 2040, material for local and regional construction jobs, including emergency jobs would be provided by an alternate source, which may be located a greater distance from local and regional construction sites. The Reduced Expansion Alternative would partially meet the objective of extending the life of the quarry to extract additional superior materials from the site since the life of mine would be extended 10 years from the current end date (to the year 2040). Up to 2,500,000 tons of additional material could be extracted from the 26-acre expansion area. This alternative would leave as much as 2,500,000 tons of superior material unavailable for use.

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.

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

EXHIBIT THREE

**FINDINGS FOR APPROVAL OF USE PERMIT AMENDMENT #2021-003 AND
RECLAMATION PLAN AMENDMENT #2021-001**

The Planning Commission hereby makes the following findings in support of the approval of Use Permit Amendment #2021-003 and Reclamation Plan Amendment #2021-001 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 Lassen County Board of Supervisors approved Use Permit #2018-003 and Reclamation Plan #2018-001 amending Use Permit and Reclamation Plan #96056 on May 14, 2019 to allow for 24-hour mining operations, Monday through Saturday, extend the life of the mine from 2020 to 2030, and allow annual site production in excess of the permitted 100,000 tons during declared emergencies.
6. The Lassen County Board of Supervisors approved Use Permit #2018-003 and Reclamation Plan #2018-001 amending Use Permit and Reclamation Plan #96056 on May 14, 2019 to allow for 24-hour mining operations, Monday through Saturday, extend the life of the mine from 2020 to 2030, and allow annual site production in excess of the permitted 100,000 tons during declared emergencies.
7. The applicant is proposing an amendment to allow for the expansion of approximately 78.6 acres, with an associated additional volume of 5,000,000 tons of material; extension of the life of the mine from 2030 to 2050; and an increase of the maximum volume per year from 100,000 tons to 200,000 tons per year.
8. The current mine boundary is 160 acres with annual production limited to 100,000 tons, except to supply emergency jobs, with an end date of 2030.
9. The portion of assessor's parcel number 109-100-059 that is zoned U-C-A-P (formerly APN 109-100-42) was previously under Williamson Act Contract Number AA-62, but was released from said contract upon cancelation by the Lassen County Board of Supervisors on September 22, 2015.

10. 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.
11. The project site is not within the 100-year flood plain according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).
12. Expansion of the mining area by an additional 78.6 acres will increase the area over which light and noise impacts will occur causing additional displacement of mule deer and American pronghorn from noise and human activity. As discussed in the 1997 Deer Impact Analysis, human activity in the Project area would displace animals escaping mid-winter snow as well as taking advantage of late-winter and early spring plant phenology or the spring green-up due to noise and activity at the site. The proposed Project will result in these impacts occurring over a larger area than the current mining operation and for a longer duration (until 2050). Adherence to Mitigation Measure 4.5-7 and Mitigation Measure 4.5-8 contained in Section 4.5, Biological Resources, of the DSEIR) for the current operation will reduce displacement impacts to American pronghorn and mule deer; however, this impact will remain significant and unavoidable.
13. Displacement due to human disturbance of mule deer and antelope from important winter habitat was determined to be significant and unavoidable at the Project-level since displacement impacts occur over a larger area than direct habitat loss. This impact is cumulatively considerable in combination with the existing mining operation as well as the nearby BLM pit. The proposed Project combined with the existing mining operations in the Project vicinity will result in a significant and unavoidable cumulative impact related to the displacement of mule deer and antelope from winter habitat.
14. 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.
15. The Lassen County Director of Planning and Building Services has determined that this project is not a minor amendment pursuant to Lassen County Code, Section 9.60.040(b), constitutes a substantial deviation pursuant to California Code of Regulations, Section 3502(d), and is subject to the California Environmental Quality Act (CEQA).
16. Lassen County prepared a Draft Subsequent Environmental Impact Report which was circulated for agency and public review from March 29, 2022 until May 12, 2022 at 4:00 p.m.
17. The California Department of Conservation, Division of Mine Reclamation (DMR), was sent notice on April 28, 2022, March 30, 2022, and May 12, 2022, of the Use Permit and Reclamation Plan Amendment being processed by Lassen County, acting as lead agency.

18. Lassen County Code, Chapter 18.112.020 establishes the process for the approval of amendments to existing Use Permits and Reclamation Plans.
19. 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.
20. 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).
21. 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.
22. Lassen County Code, Section 18.112.100 requires that the decision-making body make the following findings for the approval or denial of a Use Permit application:
 - a) That the project will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvement in the neighborhood or to the general welfare.
 - b) The project is or is not consistent with the Lassen County General Plan, or any applicable area plan or resource plan adopted as part of the general plan.

EXHIBIT FOUR
CONDITIONS OF APPROVAL
USE PERMIT AMENDMENT #2021-003

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use as described in this project description and application and as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission.
3. All requirements and conditions of the previously approved Use Permit and Reclamation Plan #96056 including Use Permit Amendment #2018-003 and Reclamation Plan Amendment #2018-001 remain applicable, excepting the changes addressed in Use Permit Amendment #2021-003 and Reclamation Plan Amendment 2021-001.

Pre-Operational Conditions

(Must be satisfied before issuance of the Authorization to Operate)

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

Operational Conditions

(Must be satisfied during operation of the Use Permit)

8. All aspects of the mine operations/reclamation shall adhere to noise element standards in place for the current (existing) mine operation. If Lassen County expects noise levels are being exceeded, an annual noise report shall be conducted at the expense of the operator and submitted to the Lassen County Planning and Building Services Department.

9. TLT Enterprises LLC shall be responsible for reimbursing the County for costs incurred to install safety precautions, removal of materials, or detours relating to cleanup of any spillage of materials originating from the permitted site onto County Road A-27.
10. The applicant shall mark all vegetation test plots when installed. The vegetation test plot shall match the prescription proposed in the reclamation plan and shall be implemented within the first year of mining.
11. If dust becomes an issue, it is at the County's discretion to require that spray bars be installed on water trucks or if other methods of dust suppression shall be utilized at the operator's expense.

Conditions of Approval-Mitigation Measures

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

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

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

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

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

14. MM 4.5-2: Throughout the life of the mine, if milkweed (*Asclepias* spp.) is observed onsite during the breeding season/pupae development season (spring-summer) for the monarch butterfly, the plant shall be inspected for caterpillars by a qualified biologist. If developing monarch caterpillars are present, the plant shall be avoided until butterflies have emerged and the plant is no longer in use.
15. MM4.5-4: Prior to new ground disturbance, a qualified biologist shall conduct a survey in areas that contain rock outcrops or other potentially suitable roosting habitat for pallid bats. Survey reports shall be provided to Lassen County. If an active maternity roost is present, a qualified biologist, in consultation with the California Department of Fish and Wildlife, shall establish a suitable buffer zone to ensure that active bat nurseries are not adversely affected. If non-breeding bats are found in rock outcrops within the disturbance footprint, the individuals shall be safely evicted under the direction of a qualified biologist.
16. MM 4.5-5: Prior to new ground disturbance and annually thereafter, a botanical survey shall be conducted during the blooming season when special-status plants known to occur in the region would be identifiable. Survey reports shall be provided to Lassen County. If special-status plants are present, a suitable buffer zone(s) shall be determined by a qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW) and exclusionary fencing shall be placed prior to commencement of earth-disturbing activities. If avoidance is not possible, CDFW shall be contacted to determine a satisfactory method of mitigation. Mitigation shall be undertaken concurrently with or in advance of the earth-disturbing activities.
17. MM 4.5-6: All construction personnel participating in earth-disturbing activities and their supervisors shall receive training by a qualified biologist regarding protective measures for special-status plant and animal species and sensitive habitats that could exist in the study area. When new personnel are hired, proof that newly hired personnel have received mandatory training shall be provided to Lassen County before starting work. At a minimum, the training shall include the following:
 - a. A review of the special-status species that could occur in the project site, the locations where the species could occur, the laws and regulations that protect

these species, and the consequences of noncompliance with those laws and regulations.

- b. Procedures to be implemented in the event that these species are encountered during construction.
 - c. A review of sensitive habitats that occur in the study area and the location of the sensitive habitats.
 - d. A review of applicable mitigation measures, standard construction measures, best management practices, and resource-agency permit conditions that apply to the protection of special-status species and sensitive habitats.
18. MM 4.5-7: To minimize impacts from the loss of wildlife habitat, site disturbance in the expansion area shall not exceed two 5-acre increments while concurrently reclaiming the first 5-acre increment. After the initial excavation of two 5-acre increments, disturbance shall not exceed 5-acres at any given time. Reclamation in the expansion area shall be completed concurrently with mining operations in accordance with the adopted Reclamation Plan Amendment. Reclamation, including seeding, must commence within two years following completion of mining in each five-acre area in order to minimize the total area disturbed at any given time and to allow for restoration of the vegetative cover.
19. MM 4.5-8: To ensure no additional foraging habitat loss, all remaining areas of the mine parcels shall remain undisturbed for the duration of mining. This includes the remaining portions of Lassen County Assessor's Parcel Number (APN) 109-100-059 and APN 109-100-060 (i.e., all portions of the parcels outside of the reclamation boundary for the current mine operation (as of 2021) and the proposed 2021 mine expansion boundary).
20. MM4.5-9: *Limits on Operation*. The operator shall continue limits on operations from January 1st to March 31st. Impacts can be lessened through continuing seasonal operating restrictions included in the Condition of Approval for Use Permit No. 96056: *Except in a state of emergency, as declared by the local Emergency Services Director and/or the Board of Supervisors and/or the City of Susanville, no grading, excavating, or blasting on the site shall be allowed between January 1st and March 31st annually.*
21. MM 4.5-10: *Operating Conditions of Use Permit No. 2018-003*. The operator shall continue the Conditions of Approval for Use Permit Amendment No. 2018-003. Impacts can be lessened with the seasonal operating restrictions and light and noise reductions included in the Conditions of Approval for Use Permit Amendment No. 2018-003.
22. MM 4.6-1: Prior to ground disturbing activities with the expansion area, a non-disturbance area for WARD-PRE-01 shall be defined and marked by a qualified archaeologist. Once the non-disturbance area is delineated, one the following options shall be implemented by the project proponent:

- *Resource Avoidance.* The project shall be redesigned to avoid all ground disturbances within the established non-disturbance area and long-term access restrictions shall be established (fencing or deed restrictions) to preclude disturbance to the resource.
- *Evaluation and Data Recovery.* WARD-PRE-01 shall be evaluated for eligibility for inclusion in the CRHR by a qualified archaeologist. The results of the evaluation shall be submitted to Lassen County. If the evaluation is negative (i.e., not historically significant), no further mitigation is required. If the property is found to be an historical resource and data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. The study shall be deposited with the California Historical Resources' Regional Information Center.

23. MM 4.6-2: *Inadvertent Discovery of Cultural Resources.* If subsurface deposits believed to be cultural or human in origin are discovered during construction, then all work must halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. If the professional archaeologist determines that the find does not represent a cultural resource, then work may resume immediately, and no agency notifications are required. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, then he or she shall immediately notify the County, which shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be eligible for inclusion in the NRHP or CRHR. Work cannot resume within the no-work radius until the County, through consultation as appropriate, determines that the site either: 1) is not eligible for the NRHP or CRHR; or 2) that the treatment measures have been completed to its satisfaction.

24. MM 4.6-3: *Unanticipated Discovery of Human Remains.* In the event of the discovery of human remains, or remains that are potentially human, the contractor shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the Lassen County Coroner (as per §7050.5 of the Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted

to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, then the NAHC can mediate (§5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

25. MM 4.8-1: *Avoid and Minimize Impacts to Paleontological Resources*. Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be suspended, and the County shall be immediately notified. At that time, the County will coordinate any necessary investigation of the discovery with a qualified paleontologist. The mine operator shall be required to implement mitigation necessary for the protection of paleontological resources. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.
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27. MM 4.13-2: *Material Haul Truck Counts*. Prior to commencement of mining activities within the quarry expansion area, the mine operator shall install pneumatic road tubes or other similar methods to quantify daily truck trips in an effort to ensure that annual truck counts do not exceed limitations imposed by Condition of Approval #8 of Use Permit Amendment No. 2018-003. Results of the counts shall be provided to the County on an annual basis (January 1st of each year) throughout the duration of mining activities.
28. MM 4.13-3: *Plant and Expansion Area Operations*. The following measures shall be implemented:
 - Restrict crushing operations to the daytime hours of 7:00 a.m. to 10:00 p.m.
 - The operator shall continue to limit winter operation (no grading, excavating, or blasting per Resolution No. 97-067, Condition #21).
 - The operator shall limit 24-hour operations to April 1st to December 31st annually.
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County of Lassen

Department of Planning and Building Services

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

May 25, 2022

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

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

DRAFT

FROM: Maurice L. Anderson, Director

Zoning & Building
Inspection Requests
Phone: 530 257-5263

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

Environmental Health
Messages: 530 251-8528
email: EHE@co.lassen.ca.us

Project Description

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

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

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

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

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

15. Lassen County prepared a Draft Subsequent Environmental Impact Report which was circulated for agency and public review from March 29, 2022 until May 12, 2022 at 4:00 p.m.
16. The California Department of Conservation, Division of Mine Reclamation (DMR), was sent notice on April 28, 2022, March 30, 2022, and May 12, 2022, of the Use Permit and Reclamation Plan Amendment being processed by Lassen County, acting as lead agency.
17. Lassen County Code, Chapter 18.112.020 establishes the process for the approval of amendments to existing Use Permits and Reclamation Plans.
18. The Department of Planning and Building Services reviewed the proposed amendment and has found that it meets all provisions of the Surface Mining and Reclamation Act (SMARA) and Lassen County Code, Chapter 9.60.
19. The County's Technical Advisory Committee (TAC) is charged with the review of Use Permits and Reclamation Plans pursuant to Lassen County Code Chapter 9.60.060(c).
20. The Planning Commission is the primary decision-making body for Use Permits, Reclamation Plans and amendments thereto; however, because certification of the EIR requires Board of Supervisors approval, the Planning Commission will make a recommendation as to whether or not this project is consistent with the Lassen County General Plan, 2000; the Lassen County Land Use Element, Lassen County Natural Resource Element; and any other pertinent policies. See Attachment A for relevant plan goals and policies, as identified by Planning and Building Department staff.
21. Lassen County Code, Section 18.112.100 requires that the decision-making body make the following findings for the approval or denial of a Use Permit application:
 - a. That the project will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvement in the neighborhood or to the general welfare.
 - b. The project is or is not consistent with the Lassen County General Plan, or any applicable area plan or resource plan adopted as part of the general plan.

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

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use as described in this project description and application and as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission.

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

Pre-Operational Conditions

(Must be satisfied before issuance of the Authorization to Operate)

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

Operational Conditions

(Must be satisfied during operation of the Use Permit)

8. The applicant shall meet any existing and future Lassen County noise ordinances. All aspects of the mine operations/reclamation shall adhere to noise element standards. If Lassen County expects noise levels are being exceeded, an annual noise report shall be conducted at the expense of the operator and submitted to the Lassen County Planning and Building Services Department.
9. TLT Enterprises LLC shall be responsible for reimbursing the County for costs incurred to install safety precautions, removal of materials, or detours relating to cleanup of any spillage of materials originating from the permitted site onto County Road A-27.
10. The applicant shall mark all vegetation test plots when installed. The vegetation test plot shall match the prescription proposed in the reclamation plan and shall be implemented within the first year of mining.
11. If dust becomes an issue, it is at the County's discretion to require that spray bars be installed on water trucks or if other methods of dust suppression shall be utilized at the operator's expense.

Conditions of Approval-Mitigation Measures

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

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

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

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

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

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

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

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

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

19. MM 4.5-8: To ensure no additional foraging habitat loss, all remaining areas of the mine parcels shall remain undisturbed for the duration of mining. This includes the remaining portions of Lassen County Assessor's Parcel Number (APN) 109-100-059 and APN 109-100-060 (i.e., all portions of the parcels outside of the reclamation boundary for the current mine operation (as of 2021) and the proposed 2021 mine expansion boundary).
20. MM4.5-9: *Limits on Operation*. The operator shall continue limits on operations from January 1st to March 31st. Impacts can be lessened through continuing seasonal operating restrictions included in the Condition of Approval for Use Permit No. 96056: *Except in a state of emergency, as declared by the local Emergency Services Director and/or the Board of Supervisors and/or the City of Susanville, no grading, excavating, or blasting on the site shall be allowed between January 1st and March 31st annually.*
21. MM 4.5-10: *Operating Conditions of Use Permit No. 2018-003*. The operator shall continue the Conditions of Approval for Use Permit Amendment No. 2018-003. Impacts can be lessened with the seasonal operating restrictions and light and noise reductions included in the Conditions of Approval for Use Permit Amendment No. 2018-003.
22. MM 4.6-1: Prior to ground disturbing activities with the expansion area, a non-disturbance area for WARD-PRE-01 shall be defined and marked by a qualified archaeologist. Once the non-disturbance area is delineated, one the following options shall be implemented by the project proponent:
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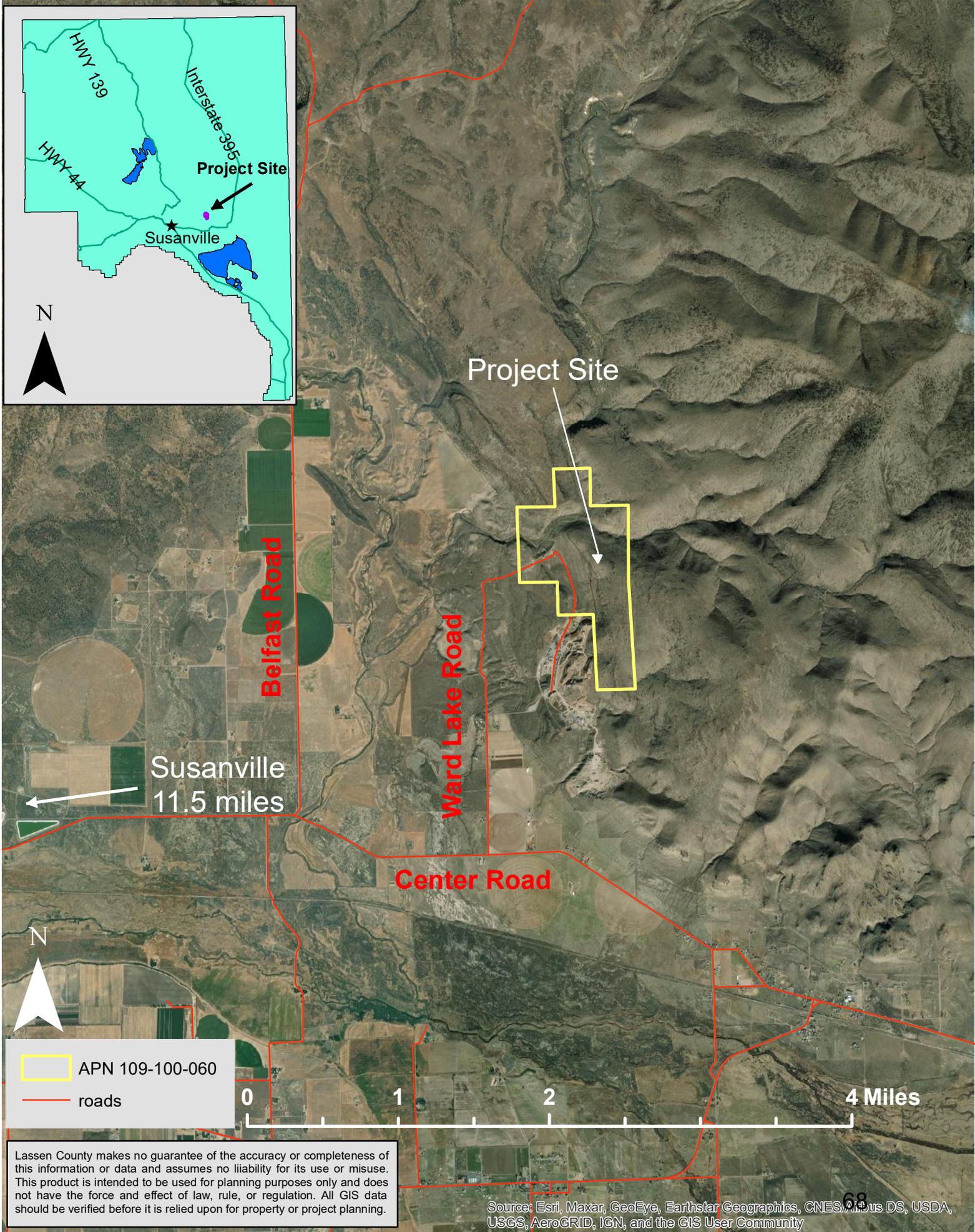
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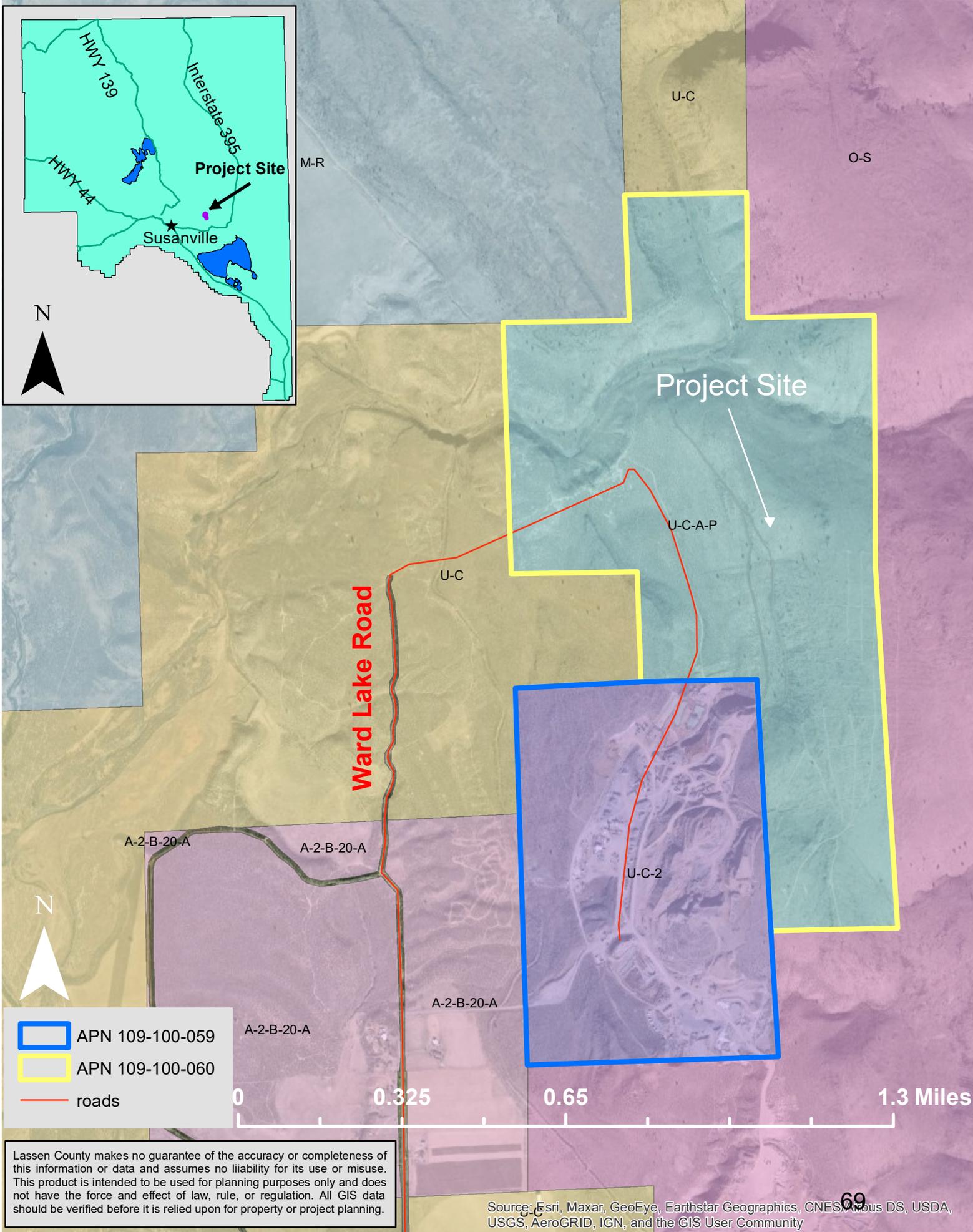
The Use Permit and Reclamation Plan applications and attachments can be found here:
<http://www.lassencounty.org/dept/planning-and-building-services/environmental-documents-noticing-and-attachments>

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



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



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ATTACHMENT A

STANDISH-LITCHFIELD AREA PLAN 1986

GOALS AND OBJECTIVES OF THE PLAN

2. ENVIRONMENT/NATURAL RESOURCES

F. Issue: Wildlife/Fishery Resources

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

F. Issue: Rare and Endangered Plants and Animals

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

G. Issue: Natural Vegetation Resources

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

ENVIRONMENTAL SAFETY

FLOODING

Policy

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

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

NATURAL/CULTURAL RESOURCES

WATER QUALITY

Policy

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

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

Implementation

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

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

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

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

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

FISH AND WILDLIFE

Policy

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

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

Implementation

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

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

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

COMMUNITY DEVELOPMENT

INDUSTRIAL LAND USE

Policy: Industrial

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

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

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

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

CIRCULATION

Policy

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

Implementation

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

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

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

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

LASSEN COUNTY GENERAL PLAN 2000

LAND USE ELEMENT

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

LAND USE ISSUE POLICIES

5. ISSUE: Transportation

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

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

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

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

7. ISSUE: Industrial Land Uses

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

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

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

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

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

15. ISSUE: Wildlife Habitat

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

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

NATURAL RESOURCE LAND USES

Extensive Agriculture

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

NATURAL RESOURCES ELEMENT

7. Mineral Resources

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MINERAL RESOURCES BACKGROUND

Mining Administration

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

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

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

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

CIRCULATION ELEMENT

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

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

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

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

Implementation Measure:

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

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

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

Implementation Measure:

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

WILDLIFE ELEMENT

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

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

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

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

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

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

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

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

Lassen County Noise Element 2021

Stationary Source Noise

Noise from industrial businesses and large stationary sources varies, but can contribute significant impacts on adjacent uses depending on the nature of industrial operations. Industrial operations often involve the use of mechanical equipment, generators, and vehicles that contribute to noise levels at industrial sites, particularly if operations occur outdoors. Historically, many communities in Lassen County have been in proximity to industrial uses, such as those associated with the production and storage of lumber products or aggregate materials. Diamond Mountain Speedway and local prisons are also stationary noise sources in Lassen County. **Table 6** provides a summary of the distance from each identified stationary source to the boundary of the 65 dBA CNEL boundary. Major stationary sources identified in the 1989 Noise Element were analyzed in 2019 and compared with the 1989 noise data. More recent stationary noise sources were addressed with sound-level measurements. The Noise Element Background Technical Report (<http://www.lassencounty.org/dept/planning-and-building-services/noise-element-and-data>) provides a description of the methodology used and supporting data.

Table 6. Stationary Noise Levels in Lassen County

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

Standard N-1. CNEL Standards by Land Use Category

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

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

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

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

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

Lassen County Noise Ordinance No. 2021-004

9.65.040 General Sound Level Limits

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

TABLE 1

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

SOUND LEVEL LIMITS IN DECIBELS (dBA)

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

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

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



USE PERMIT APPLICATION

RECEIVED

FILING FEE: CLASS 1 \$742; CLASS 2 \$1,350; CLASS 3 \$1,350
and ENVIRONMENTAL HEALTH FEE: \$85

DEPARTMENT OF PLANNING AND BUILDING SERVICES
707 Nevada Street, Suite 5 · Susanville, CA 96130-3912

FEB 26 2021

(530) 251-8269 · (530) 251-8373 (fax) www.co.lassen.ca.us

LASSEN COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES

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

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

FILE NO. _____

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

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

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

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

Project Description: Hat Creek Construction proposes to amend the Use Permits Mining and Reclamation Plan to make an expansion of approximately ~~51~~^{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 and increase of maximum volume per year from 100,000 to 200,000 tons per year.

SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.	*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided).
Date: 1/25/21	Date: 1/25/21
Date:	Date:

See associated process form for required attachments and instructions.



USE PERMIT PROJECT DETAIL SUPPLEMENT

DEPARTMENT OF PLANNING AND BUILDING SERVICES

707 Nevada Street, Suite 5 · Susanville, CA 96130-3912

(530) 251-8269 · (530) 251-8373 (fax)

www.co.lassen.ca.us

RECEIVED

OCT 04 2021

LASSEN COUNTY DEPARTMENT OF
FILE NO. PLANNING AND BUILDING SERVICES

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

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

2. Existing use of property: Vacant

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

North: Vacant BLM land

South: Vacant BLM land

East: Vacant BLM land

West: Vacant BLM land

4. Hours of proposed operation: Seasonal Daylight Hours to _____ Days of operation: Typically 5 days/week, 7 in Peak Summer seasons possible

5. Number of shifts: Typically 1 shift Number of employees: 2-5 typically, with up to 5 additional during contract mining operations

6. Number of deliveries or pick-ups: Avg 35; Peak 55 per day Avg 190; Peak 380 per week

7. Number of visitors/customers: 0 per day negligible per week

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

If yes, anticipated noise levels in decibels at:

50 feet 85

100 feet 79

Property Line 85

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

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

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

12. Describe any existing structures to be removed: None

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

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

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

16. Will the project include or result in grading, including anticipated grading at project buildout?

Yes No If yes, approximate total surface area to be disturbed by site grading: _____ sq. ft. or ⁸³ _____ acres

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

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

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

Number of proposed parking spaces: 10 employee 0 customer

Describe surfacing of parking area: unpaved

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

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

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

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

Electricity: None Underground Overhead

Telephone: Cellular only Underground Overhead

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

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

Sewage Disposal: Individual Septic System Community Sewer Shared Septic System

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

Solid Waste Disposal: Operator removal

LP/Natural Gas: None

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

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

High School: Herlong High

Elementary School: Sierra Primary

Fire Protection: _____

Community Services District: _____

Water: _____

Sewer: _____

Other: _____

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

BLM - Plan of Operations;

Lassen County - Conditional Use Permit;

SWRCB - Storm Water General Permit



SURFACE MINE RECLAMATION PLAN APPLICATION

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

RECEIVED

FEB 25 2021

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.
 This application consists of one page; only attach additional sheets if necessary.

FILE NO. _____

LASSEN COUNTY DEPARTMENT OF
 PLANNING AND BUILDING SERVICES

1) Property Owner/s Name: TLT Enterprises LLC. Mailing Address: 24339 Highway 89 North City, ST, Zip: Burney, California 96013 Telephone: 530-335-5501 Fax: Email:	Property Owner/s Name: Mailing Address: City, ST, Zip: Telephone: Fax: Email:
SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.	
Date: 1/25/21	
2) Owner of Mineral Rights (if different than property owner, The record owner of mineral rights must sign below) Same as Property Owner: <input type="checkbox"/> Name: Bureau of Land Management Mailing Address: 2950 Riverside Drive City, ST, Zip: Susanville, California 96130 Telephone: 530-257-0456 Fax: Email:	3) Mine Operator Same as Applicant: <input type="checkbox"/> Correspondence also sent to: <input type="checkbox"/> Name: Hat Creek Construction and Materials Inc. Mailing Address: 24339 Highway 89 North City, ST, Zip: Burney, California 96013 Telephone: 530-335-5501 Fax: Email: perry@hatcreekconstruction.com
SIGNATURE OF MINERAL RIGHTS OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.	
EMILY RYAN Digitally signed by EMILY RYAN Date: 2021.04.22 14:44:41 -07'00' Date: 1/25/21	
4) Applicant/Authorized Representative* Same as Property Owner: <input type="checkbox"/> Name: Mailing Address: City, ST, Zip: Telephone: Fax: Email:	Agent (Land Surveyor/Engineer/Consultant) None: <input type="checkbox"/> Correspondence also sent to: <input checked="" type="checkbox"/> Name: VESTRA Resources Mailing Address: 5300 Aviation Drive City, ST, Zip: Redding, California 96002 Telephone: 530-223-2585 Fax: Email: wjohnston@vestra.com License #:
*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided). I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.	
Date:	
This application consists of 9 pages. Both the Applicant and Property Owner (unless the same) shall initial at the bottom of pages 2 through 7 where indicated.	

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

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

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

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

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

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

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

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

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

MINE OPERATION INFORMATION

10) Proposed name of mine: Ward Lake Quarry

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

12) Proposed termination date: 2050

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

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

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

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

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

See Appendix C of the Reclamation Plan for the Geotech Report

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

Annually _____ cu. yds. Project Total _____ cu. yds.

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

None

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

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

Annually _____ cu. yds. Project Total _____ cu. yds.

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

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

____ NO

YES. Please describe the type and quantity of material(s) to be imported: Topsoil may be imported to the site to assist in future restoration and reclamation activities.

19) Explain the mining methods proposed (for example "open pit excavation resulting in a subgrade pit"; or "excavation of a hillside resulting in side and back highwalls with an open floor"; stream dredge, etc.): Current operations involve excavation and processing of rock, sand and gravel. Processing of mined materials includes sorting, crushing and washing of aggregate. Open pit methods are used for the mining of materials, expansion area will be similar.

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

Depth of Pit (or height of walls) 50 feet Benchmark 12 feet Max Slope 1:1 (horizontal / vertical)

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

See Appendix C Geotech Report and Figure 12 & 13.

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

Excavation Blasting Loading

Crushing Screening Washing

Concrete Production Asphalt Production

On-site Fuel Storage Stockpiling

____ On-site Equipment Maintenance, Storage and/or Fueling

____ Other (explain): _____

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

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

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

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

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

Total project area to be used: Currently 138 acres Total 189 acres
This project is proposing a 51 acre expansion. 78.6
216.6

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

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

26) Describe the mining time schedule and how it provides for completion of mining on each segment so that reclamation can be concurrent or phased: With the expansion, the request for extension of life would be from 2030 to 2050. See reclamation plan

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

189 10 acres

28) How will any potential public health and safety concerns that may arise due to exposure of the public to the site be addressed? Signs will be posted to keep the public out and site has a locked gate.

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

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

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

Plant Type (common name OK)	Density (% cover for grasses)	Location / Aspect
Sage Brush		proposed expansion area
Rabbit Brush		proposed expansion area
Bitter Brush		proposed expansion area
Bluebunch Wheatgrass	6%	proposed expansion area

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

c) **Known rare, endangered and threatened species of plants and animals occurring on or near the site** (contact the Department of Fish and Wildlife, Redding Office at (530) 225-2360, or Wendel Office at (530) 254-6808) (show location on site map): There are none listed on or near the site. see reclamation plan + Bio Assessment

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

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

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

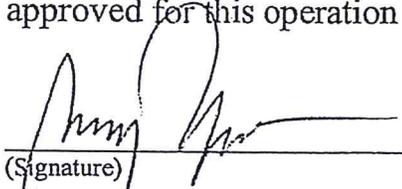
32) **Describe the proposed use of the mine site after mining has ended and reclamation is complete:** _____
The proposed end use of the site will be wildlife habitat.

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

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

STATEMENT OF RESPONSIBILITY

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


(Signature)

2/03/21
(Date)

Position/Relationship to Operation: _____

FINANCIAL ASSURANCES

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

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

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



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 20, 2022

RECEIVED

Cortney Flather, Natural Resources Technician
County of Lassen
Department of Planning and Building Services
707 Nevada Street, Suite 5
Susanville, CA 96130
CFlather@co.lassen.ca.us

MAY 20 2022

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

SUBJECT: REVIEW OF DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT EIR #2021-001 WARD LAKE QUARRY EXPANSION, USE PERMIT AMENDMENT (# 2021-003) AND RECLAMATION PLAN AMENDMENT (# 2021-001), STATE CLEARINGHOUSE NUMBER 2018022056, ASSESSOR'S PARCEL NUMBERS 109-100-059 AND 109-100-060, NEAR COMMUNITY OF LITCHFIELD, LASSEN COUNTY

Dear Cortney Flather:

The California Department of Fish and Wildlife (Department) has reviewed the Draft Subsequent Environmental Impact Report (DSEIR) dated March 2022, for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code §21000 et seq.

Project Description

The Project as described is an amendment to Use Permit #2021-003 and Reclamation Plan #2021-001 and includes "expansion of approximately 78.6 acres with an associated additional volume of 5,000,000 tons of material, extension of the life of the mine from 2030 to 2050 and increase in the maximum volume extracted per year from 100,000 tons to 200,000 tons. These amendments will allow the facility to continue to provide local construction materials in Lassen County."

Cortney Flather, Natural Resources Technician
County of Lassen
May 20, 2022
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The DSEIR further states, "*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 Project is located approximately three miles northwest of the Community of Litchfield on Assessor's Parcel Numbers 109-100-059 and 109-100-060.

Comments and Recommendations

The Department has consulted and commented on this Project since 2018.

The Department has the following comments and recommendations as they pertain to biological resources:

Mitigation Measures

All mitigation measures stating, "Upon completion, all survey results shall be submitted to Lassen County" should be changed to include the Department. The sentence should read, "Upon completion, all survey results shall be submitted to Lassen County and the California Department of Fish and Wildlife."

Mitigation measure 4.5-1(a) states in the event nesting burrowing owls are found, a mitigation and monitoring plan shall be prepared to identify methods to offset the loss of nesting habitat at a minimum 1:1 ratio. The Department recommends this ratio be changed to a minimum of 2:1 to offset indirect impacts from disturbance and account for differences in habitat quality; a 1:1 ratio may unintentionally create a loss of habitat for the species.

Mitigation measure 4.5-4 states, "*Prior to new ground disturbance, a qualified biologist shall conduct a survey in areas that contain rock outcrops or other potentially suitable roosting habitat for pallid bats.*" The Department recommends this sentence say, "Prior to new ground disturbance, a qualified **bat** biologist **familiar with pallid bats (*Antrozous pallidus*)**, shall conduct a survey in areas that contain rock outcrops or other potentially suitable roosting habitat." Within this mitigation measure, the Department recommends using qualified **bat** biologist, not qualified biologist. Further, if a maternity roost, hibernacula, or other type of roost is found, additional mitigation may be necessary as roost sites are a limiting factor for this species.

Mitigation measure 4.5-7 is written with no success criteria although the Reclamation Plan, dated February 2021 and revised March 2022, is referenced. The Department recommends the measures from the Reclamation Plan be included in this mitigation measure to make it clear restoration success criteria are

Cortney Flather, Natural Resources Technician
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included. Further, this measure, along with 4.5-8, is intended to help minimize impacts to mule deer (*Odocoileus hemionus*) and pronghorn (*Antilocapra americana*), presumably by restoring the area after it has been mined. The Department recommends the County and/or the Project applicant place a conservation easement or some other permanent protection over the area proposed not to be mined. Restoring sagebrush scrub is difficult and takes decades. Protecting intact habitat, in perpetuity, is the best type of mitigation for large migrating mammals.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist, at (530) 598-7194, or by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:

B5D12ECE94324AF...

For Tina Bartlett, Regional Manager
Northern Region

ec: State Clearinghouse
State.Clearinghouse@opr.ca.gov

Amy Henderson
California Department of Fish and Wildlife

Habitat Conservation Planning Branch